ARLINGTON COUNTY CODE

Chapter 19

PROPERTY SEIZED BY POLICE

§ 19-1. Immediate ~~d~~Delivery of ~~s~~Seized ~~p~~Property to ~~c~~Chief of ~~p~~Police; ~~e~~Exception.
§ 19-2. Disposition ~~p~~Proceedings--Generally.
§ 19-3. Same--Posting of ~~n~~Notice of ~~s~~Sale.
§ 19-4. Same--Sale ~~p~~Proceeds.

§ 19-1. Immediate ~~d~~Delivery of ~~s~~Seized ~~p~~Property to ~~c~~Chief of ~~p~~Police; ~~e~~Exception.

It shall be the duty of all officers and members of the ~~p~~Police ~~d~~Division into whose possession any property seized, taken or found shall come, to deliver the same at once to the ~~c~~Chief of ~~p~~Police, or a person designated by him, unless it is wanted for immediate use as evidence in any case, and in that event a report and inventory of the same shall be forwarded at once to the ~~c~~Chief of ~~p~~Police.
(11-7-52)

§ 19-2. Disposition ~~p~~Proceedings--Generally.

~~(a)~~A. It shall be the duty of the ~~c~~Chief of ~~p~~Police to keep or cause to be kept a record of all property which may be seized or otherwise taken possession of by the ~~p~~Police ~~d~~Department of the ~~c~~County; and if such property, so seized or taken possession of shall not be claimed by the rightful owner thereof and possession surrendered to such owner within sixty (60) days from the date of the final disposition of the court proceedings in connection with which such property was seized or otherwise taken possession of, or in case there are no court proceedings, then if such property so seized or taken possession of shall not be claimed by the rightful owner thereof and possession surrendered to such owner within sixty (60) days from the date of such seizure or taking by the police, the ~~c~~Chief of ~~p~~Police shall publish, or cause to be published, in a newspaper of the ~~c~~County, a description of such property, with the date of seizure, or the taking possession thereof, and shall give notice that if such property is not claimed by the rightful owner within ten (10) days from the date of such publishing, such property will be sold at public auction at such place and time as the ~~c~~Chief of ~~p~~Police may direct and in such a manner as to expose to the inspection of bidders all property so offered for sale; provided, that all such unclaimed property, if deemed by the ~~c~~Chief of ~~p~~Police to be of use to the ~~p~~Police ~~d~~Department, may be retained for the use of the ~~d~~Department and a record of same shall be filed with the property officer.

~~(b)~~B. If any property seized or taken possession of by the ~~p~~Police ~~f~~Force shall be of a perishable nature, or so bulky or of such nature as to make it dangerous or inadvisable to retain possession thereof for the length of time specified in the preceding paragraph, upon a certificate of such fact by the ~~c~~Chief of ~~p~~Police, setting forth his reasons why such property should not be retained for the period fixed in the preceding paragraph before selling the same, the ~~c~~Chief of ~~p~~Police shall cause such property to be sold at public auction at any time deemed advisable by the ~~c~~Chief of ~~p~~Police.

~~(c)~~C. Nothing in this chapter shall be held to require the ~~c~~Chief of ~~p~~Police to take possession of, or to make disposition of, any lost or stolen property, the disposition or possession of which is otherwise provided for by law, and none of the provisions of this chapter shall apply to pistols, revolvers, derringers, bowie knives, dirks, slingshots, metallic knuckles or other deadly weapons of like character, but all such weapons shall be disposed of as required by ~~Section~~ § ~~15.1-133.01:1~~15.2-1721 of the Code of Virginia, 1950, as amended.
(11-7-52; Ord. No. 90-18, 7-1-90)

§ 19-3. Same--Posting of ~~n~~Notice of ~~s~~Sale.

In addition to the publication of notice provided for in the preceding section, the ~~c~~Chief of ~~p~~Police shall

post or cause to be posted in at least three (3) public places in the ~~c~~County where public notices are commonly or usually posted, a copy of such notice published in the newspaper, and shall make a record of the date when such publication and the posting of notices are made, and if, within ten (10) days from the date of such publication and posting, no claim for such property described in such notices shall have been made by the rightful owner thereof, the ~~c~~Chief of ~~p~~Police shall proceed to sell such property at public auction, or put it to use by the ~~p~~Police ~~d~~Department as described in the preceding section.
(11-7-52; Ord. No. 90-18, 7-1-90)

§ 19-4. Same--Sale ~~p~~Proceeds.

The proceeds of any sale made as provided in ~~section~~ § 19-2 of this Code, after deducting the cost of storage, advertising, selling and other expenses, incident to the handling or selling of such property, shall be paid by the ~~c~~Chief of ~~p~~Police into the treasury of the ~~c~~County ~~p~~Police and ~~f~~Firemen's ~~p~~Pension ~~f~~Fund.
(11-7-52)

ARLINGTON COUNTY CODE

Chapter 20

REAL ESTATE ASSESSMENT

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ARTICLE I.

IN GENERAL

§ 20-1. Department of ~~r~~Real ~~e~~Estate ~~a~~Assessments ~~e~~Established.

A Department of Real Estate Assessments is hereby established as part of the government of the County. (1-1-58)

§ 20-2. Board of ~~e~~Equalization of ~~r~~Real ~~e~~Estate ~~a~~Assessments ~~e~~Established; ~~p~~Powers; ~~c~~Compensation.

All duties imposed and all powers conferred by law in the review for equalization of assessments of real estate in the county shall be exercised by a board of equalization, herein called the "~~b~~Board of ~~e~~Equalization of ~~r~~Real ~~e~~Estate ~~a~~Assessments," which shall also have the power to review all assessments and changes of assessments previously made by the ~~d~~Director of ~~r~~Real ~~e~~Estate ~~a~~Assessment, the ~~g~~General ~~r~~Reassessment ~~b~~Board or any other assessing officer, board, or authority in the ~~c~~County in accordance with applicable law. Such ~~b~~Board of ~~e~~Equalization of ~~r~~Real ~~e~~Estate ~~a~~Assessments shall consist of five (5) members who shall be freeholders in the ~~c~~County and appointed to such ~~b~~Board annually by the ~~c~~County ~~b~~Board. The ~~b~~Board of ~~e~~Equalization of ~~r~~Real ~~e~~Estate ~~a~~Assessments shall have authority, on its own motion or upon protest as herein provided, to change any assessment of real estate in the ~~c~~County, to add to the tax rolls any real estate erroneously omitted, to remove properties from tax rolls when acquired by owners not subject to taxation, and to correct errors in tax assessment records, in accordance with the policies and procedures prescribed in this chapter. Effective June 1, 2009, the members of the ~~b~~Board of ~~e~~Equalization of ~~r~~Real ~~e~~Estate ~~a~~Assessments shall each receive as compensation the sum two hundred dollars ($200.00) per meeting or recessed meeting attended.
(12-18-76; Ord. No. 83-4, 1-10-83; Ord. No. 92-56, 1-1-93; Ord. No. 09-18, 07-14-09, effective 06-1-09)

§ 20-3. Real ~~e~~Estate ~~a~~Assessments ~~d~~Director--Appointment and ~~p~~Powers; ~~t~~Transfer of ~~p~~Powers to ~~g~~General ~~r~~Reassessments ~~b~~Board.

All duties imposed and all powers conferred by law in the assessment of real estate in the County shall be transferred to, vested in and exercised by an assessor appointed by the County Manager, and the assessor shall be known as the Director of Real Estate Assessments and shall be the head of the Department of Real Estate Assessments established in ~~Section~~ § 20-1 of this Code; provided, however, that the assessor shall not assess any real estate assessable under the law by the State Corporation Commission; provided further, that in the event and

upon the appointment of any person or officer designated by the Circuit Court of the County, or judge thereof in vacation, to make a general reassessment of real estate in the County, which person or officer so designated is hereinafter called the "General Reassessment Board"; thereupon, in addition to any other powers conferred upon such Board by law shall be conferred on the Board for the remainder of that year the powers otherwise exercised by the Director of Real Estate Assessments with respect to the assessment and reassessment of real estate in the County; and during any such year during which the Board shall exercise such powers the Director of Real Estate Assessments shall continue to perform the other functions of his office and shall act as clerk for or administrative assistant to the General Reassessment Board; but in the event no General Reassessment Board is appointed for any such year, the Director of Real Estate Assessments shall continue to exercise the powers herein conferred during such year. In the event such Board is appointed, the Director of Real Estate Assessments shall resume and again exercise the assessment powers herein conferred after the end of every such year or the end of the extension of time granted pursuant to the Virginia Code, 1950, ~~Section~~ § ~~58-79~~58.1-3257.
(5-25-57)

§ 20-4. Same--Duties.

The duties of the Director of Real Estate Assessments shall include the following:

~~(a)~~A. To operate the Department of Real Estate Assessments under the general supervision of the County Manager.

~~(b)~~B. To prepare and keep current pamphlets describing the principles of real estate assessments, and the methods employed by the Department of Real Estate Assessments. The pamphlet shall also explain the procedures for appealing the assessments to the Department of Assessments, the Board of Equalization, the courts and any other properly authorized reviewing authority.

~~(c)~~C. To assess all real estate at its fair market value as of January 1 of each year, to correct errors in tax assessment records, to add to the assessment rolls any real properties erroneously omitted, and to remove properties from tax rolls when acquired by owners not subject to taxation.

~~(d)~~D. To maintain appraisal records on a uniform and comparable basis with comprehensive descriptive matter for each and every separate parcel of taxable real estate in the County.

~~(e)~~E. To prepare and maintain appraisal record indices, tax assessment maps, plat book indices and other devices to provide for ready and convenient use of records and data in the Department of Real Estate Assessments or from other departments possessing information pertinent to assessment of real properties.

~~(f)~~F. To accumulate and maintain current records of changes in real estate values, including such information as may be available from building permits, zoning records, documents dealing with real estate transactions, and other sources.

~~(g)~~G. To support and justify all assessments and changes in assessments before the Board of Equalization of Real Estate Assessments.

~~(h)~~H. To attend all hearings of the Board of Equalization of Real Estate Assessments and the General Reassessment Board, and to act as clerk for, or administrative assistant to, the boards, and to furnish the boards with information and data pertaining to assessments of real property in the County, and to provide the boards with necessary office services and facilities in the Department of Real Estate Assessments.

~~(i)~~I. To cooperate with other departments and officials of the County in the furnishing and use of information and the keeping of records.

~~(j)~~J. To cooperate with the Department of Taxation of the state and to make full use of its available facilities, and to make use of other public facilities and aids, in the re-examination and improvement of assessment and mapping procedures and practices in the County.

~~(k)~~K. To provide employees of the Department of Real Estate Assessments with opportunity for training to improve their capabilities for service and employment in the Department.
(5-25-57)

§ 20-5. Procedures Governing Director of Real Estate Assessments, General Reassessment Board and Board of Equalization of Real Estate Assessments

The Director of Real Estate Assessments, the General Reassessment Board and the Board of Equalization of Real Estate Assessments shall be governed by the following general procedures in the assessment and changes of assessment of real estate in the County:

~~(a)~~A. The Director of Real Estate Assessments shall assemble and; compile records showing the facts and data upon which assessments and changes in assessment are made, separately for each piece or parcel of real estate in the County, filing with such records any letter, statement or documentary evidence submitted by the owner or affected taxpayer of such real estate, or by any person on his behalf, concerning the valuation or assessment of such real estate.

~~(b)~~B. The Department of Real Estate Assessments shall notify each affected taxpayer in writing for any year in which a new or change assessment for each property is made or proposed by the Director of Real Estate Assessments within such reasonable time after the first day of January as practically possible. Such notice shall state the final date set by the Director of the Department of Real Estate Assessments to hear objections to the assessments, provided such date shall not be earlier than thirty (30) days following the date of the notice of assessment. Such notice shall be given by mail addressed to the last known address furnished to County tax officials by the affected taxpayer. If the address of such affected taxpayer is unknown, then notice shall be made by publication of such on or before March 15 in a newspaper having general circulation in the County.

~~(c)~~C. Any owner of real property or affected taxpayer, any person with a substantial legal or equitable interest in the property involved, or any authorized representative of the County Board may file protest against any assessment affecting such property within thirty (30) days after the final date set by the Director of Real Estate Assessments to hear objections to assessments, or by April 15 of the calendar year for which the Board was appointed, whichever is later, or within sixty (60) days from the date of assessment when an amendment has been made after the final date set by the Director of Real Estate Assessments for hearing objections to assessments for any year. Such protest shall be filed with the Department of Real Estate Assessments. The protest shall be transmitted forthwith to the Board of Equalization of Real Estate Assessments, which shall grant appeal of the assessment or change of assessment as necessary to equalize any assessment, and shall accord the protestant an opportunity for hearing in person, with witnesses, by counsel or by submission of memoranda verified under oath. The Board of Equalization of Real Estate Assessments may, in its discretion, grant an appeal and opportunity for hearing for just cause shown and on any protest filed after such date, but no later than July 1 of any year.

~~(d)~~D. Hearings shall be scheduled by the Board of Equalization of ~~r~~Real ~~e~~Estate ~~a~~Assessments with due regard for the convenience of the protestant and with due regard for the time required by the Director of Real Estate Assessments to investigate the protest and to prepare justification of the protested assessment. The Board of Equalization of Real Estate Assessments shall publish notice in a newspaper having general circulation in the ~~c~~County, giving the regular time and place of its hearings. A quorum for meetings of the Board of Equalization shall be three (3) members. The Board of Equalization of Real Estate Assessments shall determine and rule upon all protested assessments and all proposed reduced assessments within ninety (90) days of the date of the hearing. All actions of such ~~b~~Board affecting assessments of real estate in such ~~c~~County shall require an affirmative vote of at least three (3) members and shall be certified by such ~~b~~Board to the Director of Real Estate Assessments on forms prepared by and prescribed by the Director. The authority of such ~~b~~Board shall cease as of October 31 of each year. However, for tax year 2009, the authority of the ~~b~~Board of ~~e~~Equalization shall be extended to November 14. Notice of the decision of the Board of Equalization of Real Estate Assessments shall be prepared in triplicate, and a copy thereof shall be given to the protestant and affected taxpayer by the Department of Real Estate Assessments through mails promptly after the decision is so certified.
(5-25-57; 9-21-74; 1-1-79; Ord. No. 84-26, 9-8-84; Ord. No. 84-31, 10-13-84; Ord. No. 85-32, 8-17-85; Ord. No. 92-27, 1-1-93; Ord. No. 92-56, 1-1-93; Ord. No. 09-20, 10-24-09)

§ 20-6. Law ~~c~~Controlling ~~a~~Assessments and ~~r~~Reassessments.

~~(a)~~A. In making the assessments or changes of assessments, the Director of Real Estate Assessments, the General Reassessment Board, and the Board of Equalization of Real Estate Assessments shall be governed by the Constitution of Virginia, the provisions of ~~Section~~ § ~~15.1-686~~15.2-716, Code of Virginia, 1950, the applicable provisions of other laws, and the provisions of this ~~C~~chapter.

~~(b)~~B. Assessments and equalization of assessments of real estate in the County shall be made annually.

~~(c)~~C. Classification and taxation of certain commercial and industrial real property.

~~(1)~~1. Beginning January 1, 2008, all commercial and industrial real property in Arlington County declared by the General Assembly to be a separate class of real property for local taxation pursuant to Virginia Code § 58.1-3221.3 shall be assessed accordingly. Such separate class shall not include any property excluded from such class by law.

~~(2)~~2. In addition to all other taxes and fees permitted by law, the classified real property may be subject to an amount of real property tax, in addition to such amount(s) otherwise authorized by law, at a rate imposed annually by ordinance of the Arlington County Board; such rate shall not exceed the amount authorized by the Code of Virginia.

~~(3)~~3. Upon appropriation by the Arlington County Board, all revenues generated from the additional real property tax imposed in accordance with this ~~Section~~ § 20-6.C ~~(c)~~ shall be used exclusively for transportation purposes that benefit Arlington County.

~~(4)~~4. The additional real property tax imposed under this ~~S~~section 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, for the levy, administration, enforcement, and collection of local taxes. In addition, the ~~d~~Director of the ~~d~~Department of ~~r~~Real ~~e~~Estate ~~a~~Assessments shall separately assess and set forth upon Arlington County's land book the fair market value of that portion of property that is defined as a separate class of real property for local taxation in accordance with the provisions of this section.

~~(5)~~5. The tax described in this section shall be levied at a rate of twelve and a half cents ($0.125) per one hundred dollars ($100.00) of assessed valuation of taxable real property.

~~(6)~~6. Any person assessed who fails to pay the tax installments on or before the respective payment date shall incur a penalty thereon of ten percent (10%) ~~percent~~ or ten dollars ($10.00), whichever shall be greater, but not to exceed the amount of the tax, which shall be added to the amount of taxes due from such person assessed.

~~(7)~~7. Interest shall accrue on any amount past due at the same rate as real property taxes under ~~section~~ § 27-3.1.

(12-21-74; Ord. No. 07-16, 11-27-07, effective 1-1-08; Ord. No. 08-10, 4-19-08, effective 7-1-08)

§ 20-7. Finality of ~~a~~Assessments, ~~r~~Reassessments, ~~e~~Etc.

All assessments and changes of assessments made by the Director of Real Estate Assessments, and all assessments and changes of assessments made by the General Reassessment Board shall be final unless subsequently changed or revised by the Board of Equalization of Real Estate Assessments. Changes of assessments by the Board of Equalization of Real Estate Assessments shall become final when certified by such Board to the Department of Real Estate Assessments, subject only to such judicial review, if any, as may be provided by law. (5-25-57)

§ 20-8. Installment Payments.

Taxes on the assessed valuation of all taxable real estate located in Arlington County for each tax year shall be paid in the following installments: of the total levy, one-half (1/2) shall be paid on or before June 15 and one- half (1/2) shall be paid on or before October 5. Any person assessed who fails to pay the tax installments on or before the respective payment date shall incur a penalty thereon of ten percent (10%) ~~percent~~ or ten dollars ($10.00), whichever shall be greater, but not to exceed the amount of the tax, which shall be added to the amount of taxes due from such person assessed. Interest shall accrue at the rate prescribed in ~~section~~ § 27-3.
(12-21-74; 6-25-77; 5-23-78; 6-24-78; 5-31-80; Ord. No. 84-21, 7-7-84; Ord. No. 85-26, 7-13-85; Ord. No. 92-12, 4-25-92; Ord. No. 95-21, 12-12-95; Ord. No. 99-16, 7-10-99; Ord. No. 99-19, 8-14-99; Ord. No. 99-16, 7-10-99; Ord. No. 99-19, 8-14-99; Ord. No. 02-27, enacted 3-9-02; Ord. No. 09-22, 10-24-09)

§ 20-9. Solar ~~e~~Energy ~~e~~Equipment ~~e~~Exemption.

~~(a)~~A. *Definitions*. The following words and ~~phrases~~ terms, when used in this ~~S~~section, shall have the following meanings ~~respectively ascribed to them as follows~~ unless the context clearly indicates otherwise:

"Certified solar energy equipment, facilities or devices" ~~:~~ means ~~A~~any property, including real or personal property, equipment, facilities or devices, certified by the ~~s~~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.

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~~(b)~~B. *Exemption generally*. Certified solar energy equipment, facilities and devices shall be exempt from taxation as real estate in accordance with the provisions of this ~~S~~section.

~~(c)~~C. *Application for exemption*. Any person who owns real estate in the County who desires to have solar energy equipment, facilities, or devices certified as exempt from taxation shall file an application for exemption with the County Building Section ("local building department" as that phrase is used in ~~Section~~ § ~~58-16.4~~58.1-3661, Code of Virginia) on forms provided by said Section from the State Office of Housing.

A detailed set of plans and specifications of the equipment, facilities or devices for which the exemption is claimed shall be submitted with the application.

~~(d)~~D. *Approval of application*. The Building Section shall approve such application if, after examination of such equipment, facilities or devices it determines that the unit primarily performs any of the functions set forth in ~~S~~subsection A~~(a)~~ and conforms to the requirements set by regulations of the State Office of Housing.

~~(e)~~E. *Transmittal of application to ~~s~~State ~~o~~Office of ~~h~~Housing*. The Building Section shall notify the applicant of its determination and shall forthwith transmit all applications to the State Office of Housing for certification by said office to the County's Director of Real Estate Assessments of those applications which it approves as meeting all requirements for exemption from taxation.

~~(f)~~F. *Appeal*. Any person aggrieved by a decision of the Building Section may appeal such decision to the State Building Code Technical Review Board.

~~(g)~~G. *Amount of exemption*. Upon receipt of the certification of exemption from the State Office of Housing, the County Director of Real Estate Assessments shall proceed to determine the value of such qualifying solar energy equipment, facilities or devices. The exemption provided by this ~~S~~section shall be determined by applying the local tax rate to the value of such equipment, facilities or devices and subtracting such amount from the total real property tax due on the real property to which such equipment, facilities or devices are attached.

~~(h)~~H. *Effective date of exemption*. This exemption shall be effective beginning the next succeeding tax year after the State Office of Housing certifies the exemption and shall be permitted for a period of five (5) years.
(11-17-79)

§ 20-10. Partial ~~e~~Exemption for ~~c~~Certain ~~r~~Rehabilitated ~~r~~Residential ~~r~~Real ~~e~~Estate.

~~(a)~~A. Any owner of real estate in the County which contains a structure which is used as multifamily residential rental property consisting of five (5) or more units and which is not less than twenty-five (25) years of age who rehabilitates the structure to the extent that the rehabilitation results in the assessed value of the structure being increased by twenty percent (20%) ~~percent~~ or more without increasing the total square footage by more than thirty percentum (30%) ~~percentum~~ shall be entitled to a tax exemption in the amount equal to the tax otherwise due on the increase in the assessed value resulting from the rehabilitation of the structure. The exemption shall commence on January 1 of the year following completion of the rehabilitation and shall run with the real estate in the same amount for a period of ten (10) years, and for a period of five (5) additional years during which the partial exemption shall be reduced at a rate of twenty percent (20%) ~~percent~~ per year from the original basis, provided the structure continues to be used as multifamily residential rental property, in which the units are leased to persons other than those who own stock or have the owner interest in proportion to each unit leased. The exemption shall terminate on December 31 of the year in which the property ceases to qualify as a residential rental property.

~~(b)~~B. An owner who desires a partial exemption from real estate taxes as provided herein shall file an application for exemption with the ~~d~~Director of ~~r~~Real ~~e~~Estate ~~a~~Assessments prior to the commencement of the rehabilitation. A processing fee of two hundred fifty dollars ($250.00) shall be paid by the owner to the ~~c~~County with each application. Upon receipt of an application, the ~~d~~Director of ~~r~~Real ~~e~~Estate ~~a~~Assessments shall determine the assessed value of the structure to be rehabilitated. Such assessment shall serve as the basis for the subsequent calculation as to the percentage of increase in assessed value resulting from the rehabilitation of the structure. The owner shall notify the ~~d~~Director of ~~r~~Real ~~e~~Estate ~~a~~Assessments within thirty (30) days after completion of the rehabilitation whereupon the ~~d~~Director shall determine the assessed value of the structure as of the date of completion of the rehabilitation and calculate the percentage in value resulting from its rehabilitation but not including any normal appreciation or depreciation to this structure.

~~(c)~~C. If the rehabilitation increases the assessed value by twenty percent (20%) ~~percent~~ or more, the Director shall notify the owner and the Treasurer or Arlington County of the amount of exempt value.
(11-14-81; Ord. No. 01-4, 3-17-01; Ord. No. 02-11, § 1, 4-20-02)

§ 20-11. Partial ~~a~~Assessments of ~~n~~New ~~b~~Buildings.

~~(a)~~A. All new buildings substantially completed or fit for use and occupancy prior to November 1 of the year of completion shall be assessed when so completed or fit for use and occupancy, and the Director of the Department of Real Estate Assessments shall enter in the books the fair market value of such building. No partial assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the Office of the Treasurer and made available for public inspection. The total tax on any such new building for that year shall be the sum of:

~~(1)~~1. 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

~~(2)~~2. 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.

With respect to any assessment made under this ~~S~~section after September 1 of any year, the penalty for nonpayment by December 5 shall be extended to February 5 of the succeeding year.

~~(b)~~B. Levies on buildings which are razed, or destroyed or damaged by a fortuitous happening beyond the control of the owner, shall be abated. No such abatement, however, shall be allowed if the destruction or damage to such building shall decrease the value thereof by less than five hundred dollars ($500.00). Also, no such abatement shall be allowed if such destruction or damage shall be repaired during the same calendar year in which it occurred. The tax on such razed, destroyed or damaged building is computed according to the ratio which the portion of the year the building was fit for use, occupancy and enjoyment bears to the entire year. Application for such abatement shall be made by or on behalf of the owner of the building within six (6) months of the date on which the building was razed, destroyed or damaged.

(Ord. No. 85-18, 5-22-85)

§§ 20-12--20-19. Reserved.

ARTICLE II.

PARTIAL REAL ESTATE TAX EXEMPTION FOR CERTAIN SUBSTANTIALLY REHABILITATED, RENOVATED OR REPLACED COMMERCIAL AND MIXED USE STRUCTURES

§ 20-20. Definitions.

~~For the purposes of this article, t~~The following words and ~~phrases~~ terms, when used in this article, shall have the following meanings ~~respectively ascribed to them by this section~~ unless the context clearly indicates otherwise:

"Base value"~~:~~ means ~~T~~the assessed value of the structure as of January 1 of the year in which the rehabilitation, renovation or replacement of the structure begins.

"Commercial use"~~:~~ means ~~T~~the selling or providing of goods or services to individuals, firms or corporations. When referring to a structure or structures, such use includes mixed use structures (used for both residential and commercial purposes) where the square footage of that portion of the structure used for commercial purposes exceeds fifty percent (50%) of the total square footage of the structure.

"Commercial property"~~:~~ means ~~R~~real property located in zoning districts permitting commercial uses, by right or by special exception, according to the Zoning Ordinance of the County of Arlington, Virginia.

"Director"~~:~~ means the Director~~,~~ of the Department of Real Estate Assessments for Arlington County.

"Exemption"~~:~~ means ~~T~~the real estate taxes resulting from the increase, if any, in the assessed value of a commercial use structure, which increase is determined by the ~~d~~Director to be directly attributable to the substantial rehabilitation, renovation or replacement of the structure.

"Exemption districts"~~:~~ means:

(a) The Columbia Pike Commercial District, consisting of each parcel of real property located, in whole or in part, in a zoning district permitting commercial uses, by right or by special exception, and which zoning district adjoins the right-of-way of Columbia Pike between South~~.~~ Wayne Street and South~~.~~ Oakland Street and parcels of real estate at the intersection of Columbia Pike and South~~.~~ George Mason Drive presently designated as RPC numbers 23033001, 23033074, 23033075, 23034017, 23034018, 27001002, 27001004 and 27001005.

(b) The Lee Highway Commercial District, consisting of each parcel of real property located, in whole or in part, in a zoning district permitting commercial uses, by right or by special exception, and which zoning district adjoins the right-of-way of Lee Highway between Spout Run Parkway and North~~.~~ McKinley Street.

(c) The Crystal City Rehabilitation District consists of that parcel of real property identified by Arlington County Real Property Code number 34026036 as of January 1, 2005, known as Parcel X-2A-1 on that certain plat entitled "Plat Showing The Resubdivision of Parcel X-2A South Washington Industrial Subdivision recorded in Deed Book 1902, Page 770, Arlington County, Virginia."

"Owner"~~:~~ means ~~A~~all persons or entities holding title to the real estate, commercial use structure or structures thereon for which an exemption is requested.

"Substantially rehabilitated, renovated or replaced commercial structure" means:

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(a~~.~~) An existing commercial use structure, no less than twenty (20) years of age in the Columbia Pike Commercial District and the Lee Highway Commercial District and no less than thirty (30) years of age in the Crystal City Rehabilitation District, located in an exemption district, which structure has been substantially rehabilitated or renovated so as to increase the assessed value thereof by not less than twenty percent (20%)~~ percent~~ of base value in the Columbia Pike Commercial District and the Lee Highway Commercial District and by not less than ten (10) percent of base value in the Crystal City Rehabilitation District, which increase shall exceed one hundred thousand dollars ($100,000.00), because of the rehabilitation or renovation; or

(b~~.~~) A replacement commercial use structure located in an exemption district, which replacement structure replaces an existing structure of no less than twenty (20) years of age in the Columbia Pike Commercial District and the Lee Highway Commercial District and no less than thirty (30) years of age in the Crystal City Rehabilitation District, provided that the difference between the assessed value of the replaced commercial use structure and the assessed value of the replacement commercial use structure is an increase in assessed value of not less than twenty percent (20%)~~ percent~~ of base value in the Columbia Pike Commercial District and the Lee Highway Commercial District and not less than ten percent (10%)~~ percent~~ of base value in the Crystal City Rehabilitation District, which increase shall exceed one hundred thousand dollars ($100,000.00), because of the replacement.
(Ord. No. 00-4, 2-1-00; Ord. No. 03-03, 2-25-03; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-21. Partial ~~t~~Tax ~~e~~Exemption for ~~c~~Certain ~~s~~Substantially ~~r~~Rehabilitated, ~~r~~Renovated or ~~r~~Replaced ~~c~~Commercial ~~s~~Structures; ~~p~~Policy and ~~i~~Intent.

It is the purpose of this article to implement the provisions of Article 3, Chapter 32 of Title 58.1 the Code of Virginia to permit the ~~c~~County to allow a partial tax exemption for certain substantially rehabilitated, renovated or replaced commercial use or mixed use structures. The exemption will provide an economic incentive for improvement of such real estate and will prevent the deterioration and vacation thereof which is harmful to the health and welfare of the ~~c~~County and its residents. This article provides a procedure for owners within certain designated areas in Arlington County to obtain partial real estate tax exemptions for certain substantially rehabilitated, renovated or replaced commercial use and mixed use structures.
(Ord. No. 00-4, 2-1-00; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-22. Eligibility.

~~(a)~~A. Any owner of commercial property upon which there exists a commercial use structure of no less than twenty (20) years of age in the Columbia Pike Commercial District and the Lee Highway Commercial District and no less than thirty (30) years of age in the Crystal City Rehabilitation District, proposed to be substantially rehabilitated, renovated or replaced for commercial use and which commercial property is located, in whole or in part, within the boundaries of an exemption district, shall be eligible to apply for an exemption. No commercial use structure upon commercial property, which structure has been substantially rehabilitated, renovated or replaced, may exceed by more than one hundred percent (100%) the total square footage of the commercial use structure prior to such rehabilitation, renovation or replacement.

~~(b)~~B. A commercial use structure shall be eligible for an exemption only if the increase in the assessed value of the structure from the base value attributable to the rehabilitation, renovation or replacement of the structure is not less than twenty percent (20%)~~ percent~~ of base value increase shall exceed one hundred thousand dollars ($100,000.00) as determined by the ~~d~~Director.

~~(c)~~C. No commercial use structure shall be eligible for an exemption where prohibited by applicable law.

~~(d)~~D. To qualify for an exemption, the proposed rehabilitation, renovation or replacement shall be consistent with, and in compliance with, all applicable laws.

~~(e)~~E. In the Crystal City Rehabilitation District, a substantially rehabilitated, renovated or replaced commercial structure shall be eligible for an exemption only if the exemption is applied for on or before December 31, 2010.
(Ord. No. 00-4, 2-1-00; Ord. No. 03-03, 2-25-03; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-23. Application ~~p~~Procedure and ~~p~~Processing ~~f~~Fee.

~~(a)~~A. The owner shall file applications for exemptions with the ~~d~~Director on forms provided for such purpose. A separate application shall be submitted for each commercial use structure for which an exemption is requested.

~~(b)~~B. All building or demolition permits shall be acquired prior to the filing of the application and the beginning of the rehabilitation, renovation or replacement.

~~(c)~~C. The ~~d~~Director may require the applicant to submit all documentation deemed necessary to establish eligibility for an exemption. All such requested documentation shall be furnished to the ~~d~~Director before an application will be considered complete and will be processed.

~~(d)~~D. A processing fee of two hundred and fifty dollars ($250.00) shall be paid by the owner to the ~~e~~County with each application.

~~(e)~~E. The exemption shall not automatically attach to any commercial use structure. Exemptions shall be granted only after the requirements of this article have been satisfied as determined by the ~~d~~Director.
(Ord. No. 00-4, 2-1-00; Ord. No. 02-11, § 2, 4-20-02; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-24. Inspections; ~~n~~Notification to ~~d~~Director.

~~(a)~~A. Upon receipt of a completed application for an exemption and prior to commencement of the proposed rehabilitation, renovation or replacement, the ~~d~~Director or his designee shall physically inspect the structure for which an exemption is requested.

~~(b)~~B. An owner shall notify the director in writing within thirty (30) days after the rehabilitation, renovation or replacement of the structure is complete.

~~(c)~~C. During the period of time between the receipt of a completed application and completion of the rehabilitation, renovation or replacement, the structure shall be subject to taxation upon the full-assessed value thereof.

~~(d)~~D. No structure shall be eligible for an exemption if the ~~d~~Director or his designee have been denied access to any portion thereof, either before, during or after the rehabilitation, renovation or replacement for which an exemption is requested, provided that the access is for the purposes of assessing the structure and determining whether the requirements of this article have been met.
(Ord. No. 00-4, 2-1-00; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-25. Commencement of ~~e~~Exemption; ~~l~~Land ~~b~~Books.

~~(a)~~A. The exemption shall commence on January 1 of the year following completion of the rehabilitation, renovation or replacement of the structure, inspection thereof by the ~~d~~Director or his designee, verification by the ~~d~~Director or his designee that the rehabilitation, renovation or replacement described in the application has been fully completed, and a determination by the ~~d~~Director that the requirements of this article have been met.

~~(b)~~B. Nothing in this article shall be construed to permit the ~~d~~Director to list upon the land books any reduced assessed value due to the exemption created by this article.

(Ord. No. 00-4, 2-1-00; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-26. Amount of ~~e~~Exemption; ~~d~~Duration.

~~(a)~~A. In no event shall an exemption be granted for that portion of any increase in assessed value, attributable to the rehabilitation, renovation or replacement, exceeding one million dollars ($1,000,000.00) in the Columbia Pike Commercial District and the Lee Highway Commercial District and more than one hundred percent (100%) ~~percent~~ of the base value in the Crystal City Rehabilitation District.

~~(b)~~B. Unless otherwise provided in this article, the exemption shall run with the real estate, in a fixed amount, for a period of ten (10) years.

~~(c)~~C. The increase in assessed value of the commercial use structure, which increase is attributable to the rehabilitation, renovation or replacement, shall be applicable only to any subsequent assessment or reassessment of the structure after completion of the rehabilitation, renovation or replacement. An increase in an assessment occurring after the first year of the exemption shall not result in an increase in the exemption.

~~(e)~~D. In no event shall an exemption be permitted for any given year if the assessed value of the commercial use structure falls below the base value for such year.
(Ord. No. 00-4, 2-1-00; Ord. No. 03-03, 2-25-03; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-15, effective 1-1-06)

§ 20-27. Commercial ~~u~~Use of ~~s~~Structure ~~r~~Required.

The exemption shall be available to an owner and shall continue only so long as the substantially rehabilitated, renovated or replaced structure meets the definition of commercial use.
(Ord. No. 00-4, 2-1-00; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-28. Vacant ~~l~~Land.

No improvements made upon vacant land shall be eligible for an exemption under this article.
(Ord. No. 00-4, 2-1-00; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-29. Rules and ~~r~~Regulations.

The ~~d~~Director may prescribe rules and regulations, consistent with this article, deemed necessary for the effective administration hereof. A copy of any such rules and regulations shall be available upon request in the ~~o~~Office of the ~~d~~Director.
(Ord. No. 00-4, 2-1-00; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-30. Other ~~l~~Laws and ~~o~~Ordinances.

Nothing in this article shall be construed to relieve an owner or any other person or entity from complying with all other applicable laws and ordinances related to the development, use, rehabilitation or taxation of real estate.
(Ord. No. 00-4, 2-1-00; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

§ 20-31. Applicability to ~~r~~Rehabilitation, ~~r~~Renovation or ~~r~~Replacement ~~c~~Commencing ~~b~~Before ~~e~~Enactment of ~~a~~Article.

An owner may apply for an exemption if a building permit for the proposed rehabilitation, renovation or replacement of the commercial use structure is issued on or after the date of enactment of this article.
(Ord. No. 00-4, 2-1-00; Ord. No. 04-24, 12-11-04, effective 11-16-04; Ord. No. 05-14, 12-10-05, effective 1-1-06)

ARTICLE III.

PARTIAL REAL ESTATE TAX EXEMPTION FOR CERTAIN

SUBSTANTIALLY REHABILITATED COMMERCIAL OFFICE BUILDINGS INCORPORATING CERTAIN TECHNOLOGY IMPROVEMENTS

§ 20-40. Definitions.

~~For the purposes of this article, t~~The following words and ~~phrases~~ terms, when used in this article, shall have the following meanings ~~respectively ascribed to them by this section~~ unless the context clearly indicates otherwise:

"Base value"~~:~~ means ~~T~~the assessed value of the structure as of January 1 of the year in which the rehabilitation begins.

"Director"~~:~~ means the Director~~,~~ of the Department of Real Estate Assessments for Arlington County.

"Exemption"~~:~~ means ~~T~~the real estate taxes resulting from the increase, if any, in the assessed value of an office building, which increase is determined by the ~~d~~Director to be directly attributable to the substantial rehabilitation of the office building, incorporating technology improvements. In no case shall an exemption be permitted unless the assessed value of the commercial office building increases by at least twenty percent (20%) ~~percent~~ of base value, which twenty percent (20%) ~~percent~~ shall exceed one hundred thousand dollars ($100,000.00), and such increase is directly attributable to the rehabilitation of the office building.

"Office building"~~:~~ means ~~A~~a commercial building in which individuals, firms or corporations provide services to other individuals, firms, or corporations. When referring to a mixed use building (used for both residential and commercial purposes), the square footage of that portion of the building used as an office building must exceed fifty percent (50%) ~~percent~~ of the total square footage of the structure.

"Owner"~~:~~ means ~~A~~all persons or entities holding title to the real estate, commercial office building, structure or structures thereon for which an exemption is requested.

"Substantially rehabilitated office building"~~:~~ means ~~A~~an office building, no less than twenty (20) years of age, which has been substantially rehabilitated so as to increase the assessed value thereof by at least twenty percent (20%) ~~percent~~ of base value, which twenty percent (20%) ~~percent~~ shall exceed one hundred thousand dollars ($100,000.00).

"Technology ~~I~~improvements"~~:~~ means ~~E~~electronic infrastructure systems and building systems for communications, which systems are determined by the ~~d~~Director to be real estate, appurtenances thereto, or fixtures and not personal property. Such real estate, appurtenances and fixtures which may constitute technology improvements include, but may not be limited to: i) voice and/or data networking fixtures, which may include modems, routers, and network switches; ii) connectivity infrastructure, which may include data communication and audio and video communication cabling systems, service entrances, satellite or other wireless fixtures and related monitoring systems; and iii) that portion of building improvements consisting of an enhancement to structural capacity, enhancement to electrical systems, enhancement to mechanical systems, enhancement to cabling systems, enhancement to environmental systems, and enhancement to plumbing, fire or life safety systems, provided that such improvements and enhancements are necessary for, directly related to, and indispensable to the installation or operation of the technology improvements. Property taxable as personal property shall not be considered technology improvements. In order to qualify as technology improvements, such property must be treated by the owner thereof as real estate for federal tax purposes.
(Ord. No. 00-05, enacted 2-1-00)

§ 20-41. Partial ~~t~~Tax ~~e~~Exemption for ~~c~~Certain ~~s~~Substantially ~~r~~Rehabilitated ~~o~~Office ~~b~~Buildings; ~~p~~Policy and ~~i~~Intent.

It is the purpose of this article to implement the provisions of Article 3, Chapter 32 of Title 58.1 the Code of Virginia to permit the ~~c~~County to allow a partial tax exemption for certain substantially rehabilitated commercial office buildings throughout Arlington County. The exemption will provide an economic incentive for improvement

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of such real estate and the buildings thereon. The exemption further will prevent the deterioration and vacation thereof which is harmful to the health and welfare of the ~~c~~County and its residents and will further economic development in the ~~c~~County. This article provides a procedure for owners of certain commercial office buildings in Arlington County to obtain partial real estate tax exemptions for substantially rehabilitated commercial office buildings incorporating certain technology improvements.
(Ord. No. 00-05, enacted 2-1-00)

§ 20 - 42. Eligibility.

~~(a)~~A. Any owner of real estate upon which there exists a commercial office building of no less than twenty (20) years of age, proposed to be substantially rehabilitated for office use when ten percent (10%) ~~percent~~ or more of the rehabilitation expenses for such office use are determined by the director to be technology improvements, shall be eligible to apply for an exemption. No commercial office building that has been substantially rehabilitated may exceed, by more than one hundred percent (100%) ~~percent~~, the total square footage of the commercial office building prior to such rehabilitation.

~~(b)~~B. A commercial office building shall be eligible for an exemption only if the increase in the assessed value of the commercial office building, from the base value of the commercial office building directly attributable to the rehabilitation exceeds the base value by at least twenty percent (20%) ~~percent~~, which twenty percent (20%) ~~percent~~ shall exceed one hundred thousand dollars ($100,000.00).

~~(c)~~C. No commercial office building shall be eligible for an exemption where prohibited by applicable law.

~~(d)~~D. To qualify for an exemption, the proposed rehabilitation shall be consistent with, and comply with, all applicable laws.
(Ord. No. 00-05, enacted 2-1-00)

§ 20-43. Application ~~p~~Procedure and ~~p~~Processing ~~f~~Fee.

~~(a)~~A. The owner shall file applications for exemptions with the ~~d~~Director on forms provided for such purpose. A separate application shall be submitted for each commercial office building for which an exemption is requested.

~~(b)~~B. All building permits shall be acquired prior to the filing of the application and the beginning of the rehabilitation.

~~(c)~~C. The application shall include a statement, certified under oath by the owner, containing a list of the proposed technology improvements and an estimate of the rehabilitation costs in sufficient detail, as required by the ~~d~~Director, permitting the ~~d~~Director to identify separately each proposed technology improvement and the estimated cost directly attributable thereto.

~~(d)~~D. For each application, the Director of the Department of Economic Development shall certify to the ~~d~~Director which of the proposed improvements, if any, meet the definition of technology improvements so as to qualify for an exemption.

~~(e)~~E. The ~~d~~Director may require the applicant to submit all documentation and information deemed necessary to establish eligibility for an exemption. All such requested documentation and information shall be furnished to the appropriate official, as determined by the ~~d~~Director, and at appropriate times, before an application will be considered complete, an application will be processed, and an exemption will be granted.

~~(f)~~F. A processing fee of two hundred fifty dollars ($250.00) shall be paid by the owner to the ~~c~~County with each application.

~~(g)~~G. The exemption shall not automatically attach to any office building. Exemptions shall be granted only after the requirements of this article have been satisfied as determined by the ~~d~~Director.

(Ord. No. 00-05, enacted 2-1-00; Ord. No. 02-11, enacted 4-20-02)

§ 20–44. Inspections; ~~n~~Notification to ~~d~~Director.

~~(a)~~A. Upon receipt of a completed application for an exemption and prior to commencement of the proposed rehabilitation, the ~~d~~Director or his designee shall physically inspect the structure for which an exemption is requested.

~~(b)~~B. An owner shall notify the ~~d~~Director in writing within thirty (30) days after the rehabilitation of the structure is complete.

~~(c)~~C. An owner must demonstrate to the satisfaction of the ~~d~~Director that ten percent (10%) ~~percent~~ or more of the proposed rehabilitation expenses are directly attributable to technology improvements.

~~(d)~~D. During the period between the receipt of a completed application and completion of the rehabilitation, the structure shall be subject to taxation upon the full assessed value thereof.

~~(e)~~E. No structure shall be eligible for an exemption if the ~~d~~Director has been denied access to any portion thereof, either before, during or after the rehabilitation for which an exemption is requested, provided that the access is for the purposes of assessing the structure and determining whether the requirements of this article have been met.
(Ord. No. 00-05, enacted 2-1-00)

§ 20-45. Commencement of ~~e~~Exemption; ~~l~~Land and ~~b~~Books.

~~(a)~~A. The exemption shall commence on January 1 of the year following completion of the rehabilitation, inspection thereof by the ~~d~~Director or his designee, verification by the ~~d~~Director or his designee that the rehabilitation described in the application has been fully completed, and a determination by the ~~d~~Director that the requirements of this article have been met.

~~(b)~~B. Nothing in this article shall be construed to permit the ~~d~~Director to list upon the land books any reduced assessed value due to the exemption created by this article.
(Ord. No. 00-05, enacted 2-1-00)

§ 20-46. Amount of ~~e~~Exemption; ~~d~~Duration.

~~(a)~~A. The increase in assessed value of the commercial office building directly attributable to the rehabilitation shall be applicable only to any subsequent assessment or reassessment after completion of the rehabilitation.

~~(b)~~B. The exemption shall run with the real estate for a period of one (1) year at one hundred percent (100%) ~~percent~~ of the exemption.
(Ord. No. 00-05, enacted 2-1-00)

§ 20-47. Office ~~u~~Use of ~~s~~Structure ~~r~~Required.

The exemption shall be available to an owner only so long as the substantially rehabilitated structure is used as a commercial office building.
(Ord. No. 00-05, enacted 2-1-00)

§ 20-48. Vacant ~~l~~Land.

No improvements made upon vacant land shall be eligible for an exemption under this article.
(Ord. No. 00-05, enacted 2-1-00)

§ 20-49. Rules and ~~r~~Regulations.

The ~~d~~Director may prescribe rules and regulations, consistent with this article, deemed necessary for the effective administration hereof. A copy of any such rules and regulations shall be available upon request in the ~~o~~Office of the ~~d~~Director.
(Ord. No. 00-05, enacted 2-1-00)

§ 20-50. Other ~~l~~Laws and ~~o~~Ordinances.

Nothing in this article shall be construed to relieve an owner or any other person or entity from complying with all other applicable laws and ordinances related to the development, use, rehabilitation or taxation of real estate.
(Ord. No. 00-05, enacted 2-1-00)

§ 20-51. Applicability to ~~r~~Rehabilitation ~~c~~Commencing ~~b~~Before ~~e~~Enactment of ~~a~~Article.

An owner may apply for an exemption if a building permit for the proposed rehabilitation of the commercial office building is issued on or after the date of enactment of this article.
(Ord. No. 00-05, enacted 2-1-00)

ARTICLE IV.

PARTIAL REAL ESTATE TAX EXEMPTION FOR CERTAIN SUBSTANTIALLY REHABILITATED, RENOVATED OR REPLACED RESIDENTIAL, COMMERCIAL AND MIXED USE STRUCTURES OR IMPROVEMENTS IN THE NAUCK VILLAGE CENTER SPECIAL REVITALIZATION DISTRICT.

§ 20–60. Definitions:

~~For the purposes of this article, t~~The following words and ~~phrases~~ term, when used in this article, shall have the following meanings ~~respectively ascribed to them by this section~~ unless the context clearly indicates otherwise:

"Affordable dwelling unit (ADU)~~"~~: means ~~D~~dwelling units meeting the ~~c~~County's standard definitions and criteria for affordability, as such have been defined by adopted Board policies for non—Metrorail corridors, outstanding at the time of the application, and as certified by the County Manager or his designee.

"Base value~~"~~: means ~~T~~the assessed value of the real property as of January 1 of the year in which the rehabilitation, renovation or replacement of the structure begins.

"Commercial use~~"~~: means ~~T~~the selling or providing of goods or services to individuals, firms or corporations.

"Commercial or residential property~~"~~: means ~~R~~real property located in zoning districts permitting commercial or residential use, by right or by special exception, according to the Zoning Ordinance of the County of Arlington, Virginia.

"Director~~"~~: means the Director~~,~~ of the Department of Real Estate Assessments for Arlington County.

"Exemption~~"~~: means ~~T~~the real estate taxes resulting from the increase, if any, in the assessed value of real property, which increase is determined by the ~~d~~Director to be directly attributable to the substantial rehabilitation, renovation or replacement of the structure or improvements on such real property.

"Nauck Village Center Special Revitalization District~~"~~: means ~~T~~the Nauck Village Center Special Revitalization District, as such district was established and defined by Arlington County Board action on July 10, 2004 and as set forth in the General Land Use Plan as Note # 21.

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"Owner"~~:~~ means ~~A~~all persons or entities holding title to the real estate, commercial, residential or mixed use structure or structures thereon for which an exemption is requested.

"Substantially rehabilitated, renovated or replaced structure" means:

(a~~.~~) An existing commercial, residential or mixed use structure, no less than twenty (20) years of age, located in the Nauck Village Center Special Revitalization District, which structure has been substantially rehabilitated or renovated so as to increase the assessed value thereof by not less than twenty percent (20%) ~~percent~~ of the base value, which increase shall exceed one hundred thousand dollars ($100,000.00), because of the rehabilitation or renovation; or

(b~~.~~) A replacement commercial, residential or mixed use structure located in the Nauck Village Center Special Revitalization ~~d~~District, which replacement structure replaces an existing structure of no less than twenty (20) years of age, provided that the difference between the assessed value of the replaced commercial or residential use structure is an increase in assessed value of not less than twenty percent (20%) ~~percent~~ of the base value, which increase shall exceed one hundred thousand dollars ($100,000.00), because of the replacement.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-61. Partial ~~t~~Tax ~~e~~Exemption for ~~c~~Certain ~~s~~Substantially ~~r~~Rehabilitated, ~~r~~Renovated or ~~r~~Replaced ~~s~~Structures; ~~p~~Policy and ~~i~~Intent:

It is the purpose of this article to implement the provisions of Article 3, Chapter 32 of Title 58.1 the Code of Virginia to permit the ~~c~~County to allow a partial tax exemption for certain substantially rehabilitated, renovated or replaced residential, commercial or mixed use structures within the Nauck Village Center Special Revitalization District. The exemption will provide an economic incentive for improvement of such real estate and will prevent the deterioration and vacation thereof which is harmful to the health and welfare of the ~~c~~County and its residents. This article provides a procedure for owners within the Nauck Village Center Special Revitalization District to obtain partial real estate tax exemptions for certain substantially rehabilitated, renovated or replaced residential, commercial and mixed use structures.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-62. Eligibility.~~:~~

~~(a)~~A. Any owner of real property, located in whole or in part, within the boundaries of the Nauck Village Center Special Revitalization District upon which there exists a structure or improvement, or the vestige of a former structure or improvement, of no less than twenty (20) years of age, proposed to be substantially rehabilitated, renovated or replaced for residential, commercial or mixed use development shall be eligible to apply for an exemption. For the purposes of this section, the term structure or improvement shall be given the broadest possible meaning.

~~(b)~~B. A property shall be eligible for an exemption only if the increase in the assessed value of the structure from the base value attributable to the rehabilitation, renovation or replacement of the structure is twenty percent (20%) ~~percent~~ or more of the base value, and which increase shall exceed one hundred thousand dollars ($100,000.00) as determined by the Director.

~~(c)~~C. No residential, commercial or mixed-use project or structure shall be eligible for an exemption where prohibited by applicable law.

~~(d)~~D. To qualify for an exemption, the proposed rehabilitation, renovation or replacement shall be consistent with, and in compliance with, all applicable laws. In the Nauck Village Center Special Revitalization District, the exemption shall only apply to properties rehabilitated, renovated or replaced via special exception or site plan process (not "by-right").
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-63. Application ~~p~~Procedure and ~~p~~Processing ~~f~~Fee:

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~~(a)~~A. The owner shall file applications for exemptions with the ~~d~~Director on forms provided for such purpose. A separate application shall be submitted for each structure or property for which an exemption is requested.

~~(b)~~B. All building or demolition permits shall be acquired prior to the filing of the application and the beginning of the rehabilitation, renovation or replacement.

~~(c)~~C. The ~~d~~Director may require the applicant to submit all documentation deemed necessary to establish eligibility for an exemption. All such requested documentation shall be furnished to the ~~d~~Director before an application will be considered complete and will be processed.

~~(d)~~D. A processing fee of two hundred fifty dollars ($250.00) shall be paid by the owner to the ~~c~~County with each application.

~~(e)~~E. The exemption shall not automatically attach to any structure or property. Exemptions shall be granted only after the requirements of this article have been satisfied as determined by the ~~d~~Director.

~~(f)~~F. For the duration, as specified in ~~section~~ § 20-66 below, of any granted exemption, the exemption and rights thereto may be transferred to any successor in interest to the original applicant owner of property, and may be subdivided and allocated amongst multiple properties, if the property is subdivided or resubdivided.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-64. Inspections; ~~n~~Notification to ~~d~~Director.~~:~~

~~(a)~~A. Upon receipt of a completed application for an exemption and prior to commencement of the proposed rehabilitation, renovation or replacement, the ~~d~~Director or his designee shall physically inspect the structure for which an exemption is requested.

~~(b)~~B. An owner shall notify the ~~d~~Director in writing within thirty (30) days after the rehabilitation, renovation or replacement of the structure is complete.

~~(c)~~C. During the period of time between the receipt of a completed application and completion of the rehabilitation, renovation or replacement, the structure shall be subject to taxation upon the full-assessed value thereof.

~~(d)~~D. No structure shall be eligible for an exemption if the ~~d~~Director or his designee have been denied access to any portion thereof, either before, during or after the rehabilitation, renovation or replacement for which an exemption is requested, provided that the access is for the purposes of assessing the structure and determining whether the requirements of this article have been met.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-65. Commencement of ~~e~~Exemption; ~~l~~Land and ~~b~~Books.

~~(a)~~A. The exemption shall commence on January 1 of the year following completion of the rehabilitation, renovation or replacement of the structure, inspection thereof by the ~~d~~Director or his designee, verification by the ~~d~~Director or his designee that the rehabilitation, renovation or replacement described in the application has been fully completed, and a determination by the ~~d~~Director that the requirements of this article have been met.

~~(b)~~B. Nothing in this article shall be construed to permit the ~~d~~Director to list upon the land books any reduced assessed value due to the exemption created by this article.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-66. Amount of ~~e~~Exemption; ~~d~~Duration.

~~(a)~~A. The exemption shall be equal to the real property taxes otherwise attributable to the increase in the assessed value of the real property, subsequent to the base value, which is attributable to the rehabilitation, renovation, or replacement activity on the site.

~~(b)~~B. Unless otherwise provided in this article, the exemption shall run with the real estate, in a fixed amount, until December 31, 2012.

~~(c)~~C. Residential or mixed use properties which provide at least twenty percent (20%) ~~percent~~ of the total housing units as affordable rental housing units will be granted an exemption commencing January 1 of the year following the rehabilitation or replacement, which shall run with the real estate in the same amount for ten (10) years, and for a period of five (5) additional years during which the partial exemption shall be reduced at a rate of twenty percent (20%) ~~percent~~ a year from the original basis, provided the structure continues to provide the affordable housing units (pursuant to County guidelines for the periods set forth in said guidelines applicable at the time of the exemption application). To qualify for the exemption, at least sixty percent (60%) ~~percent~~ of the total marketable floor area of the property shall be residential. In the event any property granted such exemption is subdivided, a proportionate partial exemption (pursuant to the methodology of ~~Section~~ § 20-66.E ~~(e)~~ below) shall continue for the duration described herein for those properties that meet the conditions of this ~~Section~~ § 20-66.C ~~(c)~~. Any partial exemption of a property that ceases to meet the conditions of this ~~Section~~ § 20-66.C ~~(c)~~ shall be discontinued as of the later of (i) December 31 of the year of such cessation occurs, or ~~-~~(ii) December 31, 2012. (The later case shall apply only in the event the property is otherwise entitled to exemption under the basic eligibility rules as set forth in ~~Section~~ § 20-62 above).

~~(d)~~D. In no event shall an exemption be permitted for any given year if the assessed value of the structure falls below the base value.

~~(e)~~E. In the event, property for which an exemption has been granted pursuant to this article is subdivided or resubdivided, including declaration of condominiums, the base value and the exemption shall be allocated by the ~~d~~Director to the parcels created by the subdivision or resubdivision. The ~~d~~Director shall allocate the base value and the exemption based on the ratio of the building areas of the created parcels to the building area of the property for which the exemption was granted.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-67. Commercial, ~~r~~Residential or ~~m~~Mixed ~~u~~Use of ~~s~~Structure ~~r~~Required.

The exemption shall be available to an owner and shall continue only so long as the substantially rehabilitated, renovated or replaced structure meets the definition of commercial, residential or mixed use.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-68. Vacant Land.~~:~~

No improvements made upon vacant land shall be eligible for an exemption under this article.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-69. Rules and ~~r~~Regulations.~~:~~

The ~~d~~Director may prescribe rules and regulations, consistent with this article, deemed necessary for the effective administration hereof. A copy of any such rules and regulations shall be available upon request in the ~~o~~Office of the ~~d~~Director.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-~~6~~70. ~~o~~Other ~~l~~Laws and ~~o~~Ordinances.~~:~~

Nothing in this article shall be construed to relieve an owner or any other person or entity from complying with all other applicable laws and ordinances related to the development, use, rehabilitation or taxation of real estate.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

§ 20-71. Applicability to ~~r~~Rehabilitation, ~~r~~Renovation or ~~r~~Replacement ~~c~~Commencing ~~b~~Before ~~e~~Enactment of ~~a~~Article:

An owner may apply for an exemption if a building permit for the proposed rehabilitation, renovation or replacement of the commercial use structure is issued on or after the date of enactment of this article.
(Ord. No. 04-27, 12-11-04, effective 11-16-04)

ARLINGTON COUNTY CODE

Chapter 21

RETIREMENT SYSTEMS

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ARTICLE I.

IN GENERAL

§ 21-1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Accumulated contributions" means the sum of all amounts deducted or picked up from the compensation of a member and credited to his individual account in the member's contribution account, and any other amounts he shall have contributed, or transferred thereto, including interest credited as provided in ~~section~~ § 21-38.C~~(c)~~.

"Average final compensation" means average annual creditable compensation of a member during the three

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(3) years of creditable service in which such compensation was at its greater amount, or during the entire period of his creditable service if less than three (3) years.

"Beneficiary" means any person entitled to receive benefits as provided by the ~~s~~System.

"Board" means the ~~b~~Board of ~~t~~Trustees of the ~~s~~System.

"County Manager" means the County Manager or his designee.

"Creditable compensation" means the full compensation, including pickup contributions and any elective employer contributions under the flexible benefits plan, payable to an employee. In cases where the compensation includes maintenance and other perquisites, the ~~b~~Board shall fix the value of that part of the compensation not paid in money. Other provisions not withstanding, except in the case of an employee who first became a member before July 1, 1996, annual creditable compensation shall not exceed the amount established pursuant to Internal Revenue Code § 401(a)(17) as indexed annually.

"Creditable service" means membership service plus prior service credit.

"Deferred Retirement Option Program (DROP)" means the Program described in § 46-64.

"Employee" means any person regularly employed prior to February 8, 1981 in rendering service to the ~~c~~County whose compensation is fully or partially paid directly or indirectly by the ~~c~~County, except any person on a part-time, seasonal, or temporary employment status, and except those persons working less than thirty (30) hours per week; however, a member whose hours are reduced below the minimum (thirty (30) hours) by the employer may continue to earn pro rata membership credit.

"Employer" means the ~~c~~County ~~b~~Board, the ~~c~~County ~~s~~School ~~b~~Board, and any authority in the ~~c~~County having the power to appoint an employee to office or employment paid directly or indirectly by the ~~c~~County, and the ~~b~~Board of ~~t~~Trustees of the ~~s~~System.

"Fiscal year" means each twelve~~-~~ (12) month period ending June 30.

"Medical advisor" means the physician provided for by ~~section~~ § 21-22.

"Medical examining board" means the physician or physicians provided for by ~~section~~ § 21-22 who may act individually or collectively.

"Member" means any person included in the membership of the ~~s~~System as provided in ~~section~~ § 21-28 who has not ceased to be a member as provided in ~~section~~ § 21-29.

"Membership service" means service as a member for which credit is allowable as provided in ~~section~~ § 21-33.

"Normal retirement date" means the first day of the month following the sixtieth (60th) birthday of a member who is not a police officer, firefighter, or deputy sheriff, and the first day of the month following the fiftieth (50th) birthday of a member who is a police officer, firefighter, or deputy sheriff.

"Part-time employee" means any person working less than forty (40) hours per week, having permanent status or in a probationary period for such status, who is:

~~(1)~~A. Rendering service to the ~~c~~County ~~b~~Board in a budgeted position;

~~(2)~~B. An employee of a constitutional officer in a budgeted position; or

~~(3)~~C. A trades and maintenance employee of the ~~s~~School ~~b~~Board paid from a regular position controlled account.

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"Pickup contributions" means regular member's contributions which are assumed and paid by the employer in lieu of employee contributions through a salary reduction from active members for services rendered on or after December 23, 1984.

"Prior service credit" means credit for service prior to the effective date of this chapter as originally adopted November 20, 1953, as amended, and as provided therein.

"Repealed system" means the ordinances approved July 27, 1946, and as amended, establishing the police and firemen's and general employees' pensions and benefits plans.

"Retiree" means any prior member or beneficiary who is receiving a retirement payment, or has elected to receive a deferred vested retirement allowance.

"Retirement allowance" means the retirement payments to which a member is entitled.

"Service" means service as an employee for which compensation is paid by the employer.

"System" means the Arlington County Employees' Supplemental Retirement System.
(7-1-70; 1-1-72; 4-14-73; 6-23-79; 2-8-81; Ord. No. 84-38, 12-23-84; Ord. No. 87-24, 9-26-87; Ord. No. 90-36, 1-1-91; Ord. No. 96-13, 6-29-96; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, Effective 12-12-04; Ord. No. 05-10, 7-12-05)

§ 21-2. Arlington County Employees' Supplemental Retirement System I ~~e~~Established.

Under authority of an act of the General Assembly of Virginia (Acts of 1942, Chapter III entitled an "Act to authorize the boards of supervisors of other governing bodies of certain counties to establish and operate retirement systems for certain employees, etc.") there is hereby established a retirement system for employees, to be known as the Arlington County Employees' Supplemental Retirement System I.

The ~~s~~System may transact business as the Arlington County Employees Retirement System.
(6-23-79; 2-8-81; Ord. No. 02-15, 6-22-02)

§ 21-3. Duties of ~~e~~Employers.

Employers shall keep such records and furnish such information as the ~~b~~Board or County Manager may require in the discharge of their duties. Upon employment of a member, the employer shall inform the member of his duties and obligations in connection with the ~~s~~System as a condition of employment.
(Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-4. Effect of ~~a~~Acceptance of ~~e~~Employment.

Upon acceptance of employment every member shall be deemed to consent and agree to any deductions or employer pickup of amounts from his compensation required by this chapter, and to all other provisions thereof.
(Ord. No. 84-38, 12-23-84)

§ 21-5. Fraud and ~~d~~Deceit.

Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record of the ~~s~~System, in any attempt to defraud the ~~s~~System shall be guilty of a misdemeanor, and shall be punished accordingly.

§ 21-6. Assignments.

The right of any member to a retirement allowance, to the return of accumulated contributions, or any other right or moneys accrued or accruing to any person under the provisions of this chapter shall not be subject to

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execution, garnishment, attachment, the operation of bankruptcy or insolvency law or any other process of law whatsoever, and shall be unassignable except that a member may, upon leaving employment and withdrawal of accumulated contributions, assign and make payable his accumulated contributions, or any portion thereof, to the ~~e~~County, or its units and organizations operated for the benefit of the employees.
(Ord. No. 84-38, 12-23-84)

§ 21-7. Correction of ~~e~~Errors in ~~p~~Payments.

Should any member or beneficiary receiving benefits from the ~~s~~System receive more or less than he would have been entitled to receive, the County Manager shall correct such error and shall, as far as practicable, adjust the payments including future payments in such a manner that the benefit to which the member or beneficiary was correctly entitled shall be paid. When any member or beneficiary receives less than he or she was entitled to receive, the County Manager may authorize the payment of interest on the unpaid balance owed to the member or beneficiary at a rate to be determined by the County Manager provided that the error in payment was discovered after January 1, 2001.
(Ord. No. 00-33, 12-18-00; Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-8. Rights of ~~p~~Participating ~~m~~Members.

Membership in the ~~s~~System does not convey the right to be retained in the service, nor any right or claim to any assets of the ~~s~~System unless such right has specifically accrued under the provisions of this ~~s~~System.

§ 21-9. Amendments.

The ~~e~~County ~~b~~Board shall have the continuing right and power to amend or supplement this chapter at any time. No amendment shall be made unless the actuary has filed with the ~~e~~County ~~b~~Board a report as to its effect upon the ~~s~~System, and no amendment shall be adopted which will reduce the then-accrued benefits of employees or beneficiaries below the extent they are then covered by accumulated reserves, which reserves shall constitute a trust fund for the payment of such benefits.

§ 21-9.1. Continuation of ~~b~~Benefits for ~~c~~Circuit ~~c~~Court ~~j~~Judges, ~~g~~General ~~d~~District ~~c~~Court ~~j~~Judges and ~~j~~Juvenile and ~~d~~Domestic ~~r~~Relations ~~d~~District ~~c~~Court ~~j~~Judges.

Notwithstanding any other provisions of this chapter or any other provision of law to the contrary, circuit court judges shall continue to be members of the retirement system provided for by this chapter on the same basis on which they participated on March 1, 1976; and general district court judges and juvenile and domestic relations district court judges who were in office on July 1, 1973, on the same basis on which they then participated, if they elect in writing to be so considered. The ~~e~~County shall continue to pay an employer's contribution on behalf of such judges based upon the annual local supplement paid to each circuit court judge as of March 1, 1976, and each district court judge as of July 1, 1973; and each judge shall make contributions or have his contributions picked up by the employer at periodic intervals of not less than once a calendar month which shall represent the employee's contribution, including pick up contributions. The amounts of the employer's contribution and employee's contribution, including pickup contributions, shall be on the same proportionate basis which applied to all members except police officers, firefighters and deputy sheriffs at the time of payment by the employer and employee. For all purposes of this chapter, such circuit court judges, general district court judges and juvenile and domestic relations district court judges shall be considered members, and all provisions hereof shall apply to them as apply to all members other than police officers, firefighters and deputy sheriffs.
(8-14-76; 6-23-79; Ord. No. 84-38, 12-23-84)

ARTICLE II.

ADMINISTRATION

§ 21-10. Board of ~~t~~Trustees and County Board--Powers and ~~d~~Duties.

The responsibilities regarding sound management and investment of the System's funds are hereby vested in the ~~b~~Board of ~~t~~Trustees of the ~~s~~System. The responsibility for setting the size and type of benefits rests with the Arlington County Board, which shall be responsible for paying the costs of any actuarial studies relating to the size and type of benefits.
(Ord. No. 04-26 11-16-04, Effective 12-12-04)

§ 21-11. Same--Accountability.

The ~~b~~Board of ~~t~~Trustees shall be accountable to the ~~c~~County ~~b~~Board.

§ 21-12. Same--Composition; ~~o~~Organization and ~~t~~Terms of ~~o~~Office.

~~(a)~~A. The ~~b~~Board shall consist of eight (8) trustees as follows: The ~~c~~County ~~t~~Treasurer, who shall be ~~t~~Treasurer of the ~~b~~Board; two (2) trustees appointed by the ~~c~~County ~~m~~Manager; two (2) trustees appointed by the ~~c~~County ~~b~~Board; one (1) trustee elected by the police officers, firefighters and deputy sheriffs; and two (2) trustees elected by the other ~~c~~County employees who are members of the ~~s~~System. The election of the three (3) trustees by the police officers, firefighters and deputy sheriffs and the other ~~c~~County employees shall be conducted under procedural rules approved by the ~~c~~County ~~b~~Board. When such ~~b~~Board shall be created and constituted, it shall at its first meeting, and annually thereafter, elect one (1) of its members president, one (1) as vice-president and one (1) as secretary. The ~~t~~Treasurer shall hold office for his term as ~~c~~County ~~t~~Treasurer. The terms of office of employee-elected trustees shall be four (4) years. The terms of office of ~~c~~County ~~b~~Board and ~~c~~County ~~m~~Manager appointees shall be four (4) years, except that with the first vacancy of each after April 1, 1970, one (1) appointee shall have a term expiring December 31, 1971. Their successors shall be selected thirty (30) days before the expiration of the term of office.

~~(b)~~B. There shall be one (1) substitute trustee elected for each trustee that is elected by the police officers, firefighters, deputy sheriffs and other ~~c~~County employees; and a ~~d~~Deputy ~~t~~Treasurer appointed by the ~~t~~Treasurer shall serve as substitute trustee for the ~~c~~County ~~t~~Treasurer. Each substitute trustee shall serve in the absence of the trustee and shall be authorized to act on all matters in which the trustee may act.

~~(c)~~C. The election of the three (3) substitute trustees by the police officers, firefighters, deputy sheriffs and other ~~c~~County employees shall be conducted under procedural rules approved by the ~~c~~County ~~b~~Board. Each substitute trustee shall serve commencing on September 1, 1979, and hold office under December 31, 1981; and their successors shall be selected thirty (30) days before the expiration of the term of office. Thereafter, at each election for trustee provided herein, the police officers, firefighters, deputy sheriffs and ~~c~~County employees shall elect a substitute trustee and the term of office of each substitute trustee shall be four (4) years. Successors to substitute trustees shall be selected thirty (30) days before the expiration of the term of office. Provided, that when the ~~b~~Board established pursuant to ~~section~~ § 46-12 has been created and constituted, it shall be the ~~b~~Board of ~~t~~Trustees for this ~~s~~System.
(7-1-70; 4-29-78; 6-23-79; 2-8-81)

§ 21-13. Same--Vacancies.

If a vacancy occurs in the office of a ~~t~~Trustee of the ~~b~~Board or a substitute trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.
(6-23-79)

§ 21-14. Same--Compensation.

The ~~t~~Trustees of the ~~b~~Board shall serve as such without compensation.

§ 21-15. Same--Rules and ~~r~~Regulations.

Subject to the limitations of this chapter, the ~~b~~Board shall establish such rules and regulations for the transaction of its business, copies of which shall be made available to interested parties.
(Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-16. Same--Employment of aAssistants.

The bBoard may employ assistants and pay out of the sSystem fund for all services its shall be required.

§ 21-17. Same--Data.

The bBoard and the County Manager shall keep in convenient form such data as shall be necessary for actuarial valuation of the sSystem and for checking the experience of the sSystem.
(Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-18. Same--Proceedings; fFinancial cCondition of sSystem.

The bBoard shall keep minutes of all its proceedings, which shall be open to public inspection. It shall submit to the cCounty bBoard annually an independent audit showing the fiscal transactions of the sSystems for the preceding fiscal year, the amount of accumulated cash and securities of the sSystem, and the last balance sheet indicating the financial condition of the sSystem.

§ 21-19. Same--Actuarial iInvestigation and vValuations.

At least once in each five- (5) year period, the bBoard shall cause an actuarial study to be made of all the experience of the sSystem. At least once in each two- (2) year period, the bBoard shall cause an actuarial valuation to be made. Pursuant to such valuations, the cCounty bBoard may revise the rates of employee contributions, including pickup contributions and/or employer contributions.
(Ord. No. 84-38, 12-23-84; Ord. No. 87-29, 12-12-87)

§ 21-20. Same--Responsibilities under pPrior oOrdinances.

The County Manager shall assume the responsibility of providing for the payment of vested rights and the return of accumulated contributions under all prior ordinances.
(Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-21. Same--Legal aAdvisor.

The cCounty aAttorney shall be the legal advisor of the bBoard.

§ 21-22. Medical aAdvisor.

The County Manager shall designate a physician who shall be known as the "medical advisor." The physician shall conduct medical examinations required under the provisions of this Chapter and shall investigate all medically relevant statements and certificates by or on behalf of a member in connection with application for disability retirement. The physician shall report in writing to the County Manager his or her conclusions and recommendations upon all matters referred to the physician. The physician may have other physicians conduct any medical examinations under this chapter or consult with any other physician he or she deems appropriate. It shall be the responsibility of each applicant to provide the medical advisor with all records and releases the advisor deems appropriate to carry out the advisor's responsibilities under this chapter.

In the event of an application for any disability retirement, the applicant must provide all relevant medical records for submission to the medical advisor.
(6-23-79; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, Effective 12-12-04)

ARTICLE III.

MANAGEMENT OF FUNDS

§ 21-23. Investment and rReinvestment of aAssets.

The members of the ~~b~~Board shall be the trustees of all assets of the ~~s~~System. The ~~b~~Board shall have full power and authority to invest and reinvest such assets, and to change such investments and reinvestments. The ~~b~~Board shall invest the assets of the ~~s~~System with care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The ~~b~~Board, in its discretion, may take the necessary steps to establish a trust for the administration of the assets of the ~~s~~System. The ~~b~~Board may employ an investment advisor or advisors to invest and reinvest assets of the ~~s~~System in accordance with the provisions of this chapter and regulations established by the ~~b~~Board.
(1-5-80; Ord. No. 00-34, 11-1-00; Ord. No. 05-10, 7-12-05)

§ 21-24. Types of ~~i~~Investments.

The ~~b~~Board shall have full power in its sole discretion to invest and reinvest all funds and property of the ~~s~~System in accordance with § 21-23 and shall diversify such investments so as to minimize the risk of large losses unless under the circumstances it is clearly not prudent to do so.
(4-14-73; 9-13-80; Ord. No. 05-10, 7-12-05)

§ 21-25. Reserved.

§ 21-26. Powers and ~~d~~Duties of ~~t~~Treasurer of ~~b~~Board; ~~b~~Bond; ~~w~~Warrants.

~~(a)~~A. Except as provided in ~~paragraph~~ subsection B~~(b)~~ below, the ~~t~~Treasurer of the ~~b~~Board shall be the custodian of all of its funds and securities. He shall give bond, payable to the ~~b~~Board, in such amounts and with such surety as the ~~b~~Board requires, conditioned upon the faithful performance of his duties and the proper accounting of all funds and securities coming into his hands, the cost of the bond to be paid out of funds of the ~~s~~System. He shall deposit all moneys in the name of the ~~b~~Board and disburse the same only on warrants signed by such person as is designated for the purpose by the ~~b~~Board or County Manager, as appropriate. No warrant shall be signed unless it has previously been authorized by the ~~b~~Board, on either blanket approval by class of expenditure or approval by specific item, which authorization shall be recorded on the records of the ~~b~~Board.

~~(b)~~B. The ~~b~~Board may designate one (1) or more banks or trust companies to act as custodian of its funds and securities. In such event, registered securities in the custody of such custodian may be registered in the name of the nominee of such custodian, or a nominee of Depository Trust Company in the case of securities eligible for such registration.
(9-13-80; Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-27. Personal ~~i~~Interest of ~~b~~Board ~~m~~Members and ~~e~~Employees.

No ~~b~~Board member or ~~b~~Board employee shall have any direct or indirect personal interest in the gains or profits of any investments made by the ~~b~~Board other than as a member of the ~~s~~System. No member or employee of the ~~b~~Board shall, directly or indirectly, for himself or as an agent in any manner use the funds of the ~~s~~System, except to make disbursements as are authorized by the ~~b~~Board, or the payment of benefits.
(Ord. No. 04-26, 11-16-04, Effective 12-12-04)

ARTICLE IV.

MEMBERSHIP IN THE SYSTEM

§ 21-28. Eligibility ~~r~~Requirements.

~~(a)~~A. Employees who had not reached normal retirement age as of the first day of employment and who have passed a medical examination based on adopted medical standards.

~~(b)~~B. Subsection A~~(a)~~ includes all officials elected by the people or by the ~~g~~General ~~a~~Assembly of Virginia who are paid directly or indirectly by the ~~c~~County, provided they elect to become members within sixty

(60) days after assuming office.

~~(c)~~C. A member shall elect to establish his membership service credit within ninety (90) days of the effective date of this amendment and shall purchase his credit within one (1) year of the date of this amendment or his retirement date whichever is the earlier date.
(4-14-73)

§ 21-29. Cessation of ~~m~~Membership.

The membership of any person in the ~~s~~System shall cease:

~~(a)~~A. If he ceases to be an employee for a period of five (5) years, unless he has elected to receive a deferred vested retirement allowance as provided in ~~section~~ § 21-48.B~~(b)~~.

~~(b)~~B. Upon separation and withdrawal of his accumulated contributions.

~~(c)~~C. Upon retirement.

~~(d)~~D. Upon death.

ARTICLE V.

CREDITABLE SERVICES

§ 21-30. Creditable ~~s~~Service.

Creditable service at retirement on which the retirement allowance is based shall consist of:

~~(a)~~A. Membership service credit.

~~(b)~~B. Prior service credit.

§ 21-31. Reserved.

§ 21-32. Year of ~~s~~Service.

The County Manager shall determine, by appropriate rules and regulations, what periods of service in any year qualify as periods of creditable service, but in no case shall it allow credit for more than one (1) year of service rendered in any period of twelve (12) consecutive months.
(Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-33. Membership ~~s~~Service ~~c~~Credit.

~~(a)~~A. Each member shall receive membership service credit for all service rendered while a member of the ~~s~~System after he becomes a member, or after he last became a member in the event of a break in his membership, and for the period he is on service connected disability retirement. Each member shall receive membership service credit for military leave, provided that he returns to work in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) under conditions other than dishonorable discharge. This membership service credit will be applicable to any active duty military absences and will not exceed a cumulative total of five (5) years. Notwithstanding any other provision in this chapter to the contrary, contributions, benefits and creditable service with respect to qualified military service will be provided in accordance with the Internal Revenue Code § 414(u), effective October 13, 1996 or any other applicable law.

~~(b)~~B. An employee who becomes a member after re-employment and after having withdrawn the accumulated contributions contributed during his prior membership may re-establish his membership service credit for the period of his prior membership by repayment to the system of the amount of his withdrawn accumulated

contributions, with interest at the rate of six percent (6%) ~~percent~~ per annum from date of withdrawal, which shall be a lump sum payment.

~~(c)~~C. A member may elect to convert prior service credit to membership service credit as follows:

~~(1)~~1. For prior service credit prior to April 1, 1958, by contributing to the ~~s~~System five percent (5%) ~~percent~~ of his compensation for calendar year 1957 multiplied by the number of years, or portion thereof, or prior service he has received.

~~(2)~~2. A member may establish membership service credit for his service after April 1, 1958 by paying the applicable employee contribution for the credit period sought.

~~(3)~~3. Contributions as provided in ~~section~~ § 21-33.C.1~~(c)(1)~~ and 2~~(2)~~ shall be paid to the ~~s~~System prior to the date of retirement.

~~(4)~~4. The County Manager shall determine payment procedures and schedules.

~~(d)~~D. A member who is a former state employee transferred at the convenience of the employer and who is not eligible to vest benefits in the Virginia Retirement System may convert VRS retirement credits earned in Arlington County to membership service credit as provided in ~~section~~ § 21-33.C~~(c)~~.

~~(e)~~E. Any member of the Arlington County School Board Employees' Supplemental Retirement System (ACSBESRS) who has been transferred at the convenience of the employer may convert Virginia Retirement System (VRS) and ACSBESRS service credit earned as an employee to membership service credit provided the member pays to the ~~s~~System all contributions to VRS and any interest earned from such contributions.

~~(f)~~F. At the time of retirement, an employee may elect to convert an unlimited amount of unused sick leave to service credit, in lieu of any cash payment provided by the County for accumulated sick leave. This conversion is not available when retirement is deferred pursuant to § 21-48.B~~(b)~~.
(4-14-73; 2-22-75; 8-22-81; Ord. No. 84-38, 12-23-84; Ord. No. 00-34, 11-1-00; Ord. No. 04-16, 6-26-04, Effective 7-1-04; Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-34. Reserved.

ARTICLE VI.

CONTRIBUTIONS

§ 21-35. Member ~~c~~Contributions.

~~(a)~~A. Each member, during the first thirty (30) years of service, shall contribute for each pay period for which he receives compensation a percentage of his creditable compensation as set by the ~~c~~County ~~b~~Board pursuant to ~~section~~ § 21-19. Subsequent to December 23, 1984 employers who have elected to participate in the employer pickup program shall pick up all employee contributions required herein.

~~(b)~~B. There shall be deducted or picked up from the salary of each member for each payroll period, the contribution payable by each member as provided in this section. Such deduction or pickup shall be transmitted to the ~~s~~System each month.

~~(c)~~C. The County Manager shall certify creditable compensation of a member as of the first day of a payroll period. All changes in creditable compensation shall be effective as of the date such change is made by the employer.

~~(d)~~D. Notwithstanding any other provision of this section, no deduction or pickup shall be made from any member's compensation if the employer's contribution required hereunder is in default.

~~(e)~~E. The employer may assume a share of the contribution of a member or classification of members provided in ~~section~~ § 21-35.A~~(a)~~, as a part of a compensation plan.

~~(f)~~F. The contributions required to be made under the provisions of ~~section~~ § 21-35.A~~(a)~~ and ~~section~~ § 21-35.B~~(b)~~ with respect to services rendered by an active member on or after December 23, 1984, shall be picked up by the employer, in lieu of contributions by the employee, provided the employer has elected to participate in the employer pickup program. The employee shall not have the option of choosing to receive pickup contribution amounts directly instead of having them paid by the employer to the ~~s~~System. Pickup contributions shall be treated as the employer's contribution in determining tax treatment under the United States Internal Revenue Code for federal tax purposes, pursuant to 26 U.S.C. 5414(h)(2). For all other purposes, under this chapter and otherwise, such pickup contributions shall be treated in the same manner and to the same extent as contributions made by a member prior to December 23, 1984.
(7-1-72; 7-8-72; 5-18-74; Ord. No. 84-18, 6-2-84; Ord. No. 84-38, 12-23-84; Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-36. Employer ~~e~~Contributions.

~~(a)~~A. Each employer shall contribute a percentage of the creditable compensation of the members. If an employer does not pay its contribution for a current year, its employees may be removed from the ~~s~~System in order to keep the plan solvent.

~~(b)~~B. Employer contributions shall be determined by the ~~c~~County ~~b~~Board in accordance with § 46-33.

~~(c)~~C. Notwithstanding anything in this chapter to the contrary, the amount of annual additions of a member for any limitation year for purposes of Internal Revenue Code § 415 shall not exceed the maximum permissible amount determined pursuant to the provisions of such section applicable to governmental plans, as defined for purposes of such section. If the member's annual additions for any limitation year (as defined for purposed of such section) would exceed such maximum permissible amount, the amount contributed or allocated shall be reduced so that the annual additions for such limitation year will equal such maximum permissible amount.

~~(d)~~D. The aggregate present value of future employer contributions payable into the retirement allowance account shall be sufficient when combined with the amount then held in the account together with the present value of future employee contributions and pickup contributions to provide the estimated prospective benefits payable.

~~(e)~~E. Notwithstanding anything in this ~~C~~chapter to the contrary, the amount of annual additions of a member for any limitation year for purposes of Internal Revenue Code § 415 shall not exceed the maximum permissible amount determined pursuant to the provisions of such section applicable to governmental plans, as defined for purposes of such section. If the member's annual additions for any limitation year (as defined for purposed of such section) would exceed such maximum permissible amount, the amount contributed or allocated shall be reduced so that the annual additions for such limitation year will equal such maximum permissible amount.
(7-1-75; Ord. No. 84-38, 12-23-84; Ord. No. 86-33, 1-1-87; Ord. No. 00-34, 11-1-00; Ord. No. 05-10, 7-12-05)

ARTICLE VII.

ASSETS OF SYSTEM

§ 21-37. Assets to be ~~c~~Credited to ~~o~~One of ~~t~~Two ~~a~~Accounts.

All assets of the ~~s~~System shall be credited, according to the purpose for which they are held, to one (1) of two (2) accounts, namely, "the members' contribution account," and "the retirement allowance account."

§ 21-38. Members' ~~c~~Contribution ~~a~~Account.

~~(a)~~A. The members' contribution account shall be the account to which all members' contributions, pickup contributions, and interest allowances shall be credited. From this account shall be paid the accumulated

contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

~~(b)~~B. Each member's contributions and pickup contributions provided for in ~~section~~ § 21-35 shall be credited to the individual account of that member.

~~(c)~~C. Each individual account of the members' contribution account shall be credited with interest at a rate set annually by the ~~b~~Board of ~~t~~Trustees based upon the interest earned by the ~~s~~System's assets during the preceding year, provided that such interest shall not exceed six percent (6%) ~~percent~~; and provided further that interest shall accrue on any such amounts beginning at the end of the calendar year in which each such amount was contributed or picked up; and further provided that interest shall not be accredited or accumulated to the individual accounts of persons who have ceased to be members as defined in ~~section~~ § 21-29.

~~(d)~~D. Reserved.

~~(e)~~E. Upon the retirement of a member, his accumulated contributions shall be transferred from the member's contribution account to the retirement allowance account. A member retiring under provisions of ~~section~~ § 21-45.A~~(a)~~ whose contributions have been transferred to the retirement allowance account and who subsequently becomes an employee of the ~~c~~County shall resume contributing or having contributions picked up. Such contributions of pickup contributions shall be deposited in such member's contribution account on the same basis as any other member, as provided in ~~section~~ § 21-51.A~~(a)~~.
(Ord. No. 84-18, 6-24-84; Ord. No. 84-38, 12-23-84)

§ 21-39. Retirement ~~a~~Allowance ~~a~~Account.

~~(a)~~A. The retirement allowance account shall be the account in which all employer contributions shall be accumulated, amounts transferred from the member's contribution account, and to which all income from the invested assets of the ~~s~~System shall be credited. This account shall pay retirement allowances, other benefits payable after a member's retirement, and necessary expenses of the ~~s~~System.

~~(b)~~B. The amount of interest allowances provided for in ~~section~~ § 21-38.C~~(c)~~ shall be transferred each year from the retirement allowance account to the members' contribution account.

§ 21-40. Cash ~~d~~Deposits.

For the purpose of meeting disbursements for retirement allowances and other payments there may be kept available cash, not exceeding ten percent (10%) ~~percent~~ of the total amount in the accounts of the ~~s~~System, on deposit in one (1) or more banks or trust companies that are approved as depositories for ~~c~~County funds.

ARTICLE VIII.

TYPES OF RETIREMENT, OTHER BENEFITS AND CONDITIONS THEREOF

§ 21-41. Service ~~r~~Retirement.

~~(a)~~A. *Normal retirement.* Any member of the ~~s~~System at his normal retirement date or any member who has completed thirty (30) years of creditable service may retire or elect to participate in the DROP at any time then or thereafter upon written notification to the County Manager, made by such member or his appointing authority, setting forth at what time the retirement or DROP election is to become effective, provided that such effective date shall be after his last day of service but shall not be more than ninety (90) days subsequent to the filing of such notice.

~~(b)~~B. *Early retirement.* Any member of the ~~s~~System may retire at any time within the ten- (10) year period immediately preceding his normal retirement date upon written application to the County Manager made by such member setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service but shall not be more than ninety (90) days subsequent to the filing of such notice.

~~(c)~~C. *Service Retirement – Special Conditions.* The County Manager may, once every fiscal year for period of time not to exceed sixty (60) days, offer to: 1) general employees whose age plus service equals or exceeds seventy-eight (78), and 2) public safety employees who are fifty (50) or more years old and have completed five (5) years of service or have completed twenty-three (23) years of service, regardless of age, service credit for an additional one (1) year of service and/or an additional one (1) year of age, provided the employee submits an application for retirement within the timeframe prescribed by the County Manager.

The County Manager may do so only after the Manager determines that there is a business necessity to reduce the workforce for budgetary reasons.
(4-29-79; Ord. No. 01-20, 11-17-01; Ord. No. 04-16, 6-26-04, effective 7-1-04; Ord. No. 04-26, 11-16-04, effective 12-12-04; Ord. No. 09-25, 11-17-09)

§ 21-42. Service ~~r~~Retirement ~~a~~Allowance.

~~(a)~~A. Upon service retirement a member shall receive an annual retirement allowance, payable monthly to him for life, which shall consist of two and one-half percent (2.5%) ~~(2 1/2) percent~~ of his average final compensation, multiplied by the first twenty (20) years of creditable service, and at two percent (2%) ~~percent~~ of his average final compensation, multiplied by his number of years of creditable service in excess of twenty (20) years, total benefits subject to a maximum total in seventy percent (70%) ~~percent~~ of average final compensation, but in no event less than the benefit earned by July 1, 1972.

~~(b)~~B. *Early retirement.* Upon the service retirement of a member prior to his normal retirement date as provided in subsection B~~(b)~~ of ~~section~~ § 21-41, he shall receive an annual retirement allowance, payable monthly to him for life, determined as provided in subsection A~~(a)~~ of this ~~section~~ § 21-42 based on his average final compensation and his credited service as of his early retirement date, and shall be payable, at the option of the member:

~~(1)~~1. Commencing on his early retirement date but reduced by one-half of one percent (0.5%) ~~(1/2 of 1) percent~~ for each full month that his early retirement date precedes his normal retirement date; or

~~(2)~~2. Commencing at his normal retirement date without such reduction; or

~~(3)~~3. Commencing at his early retirement date but without the one-half of~~r~~ one percent (0.5%) ~~(1/2 of 1) percent~~ per month reduction if the member has ~~.~~ completed twenty-five (25) years of service and is a uniformed services employee or if the member has attained age fifty-seven (57) and completed twenty (20) years of service or any time where age, when added to service equals at least eighty (80)~~.~~; or

~~(4)~~4. Commencing on his early retirement date but reduced by one-half of one percent (0.5%) ~~(1/2 of 1) percent~~ for each full month that his early retirement date precedes:

a. His fifty-fifth (55th) birthday, if the member has at least twenty-five (25) years of credited service;

b. His fifty-seventh (57th) birthday, if the member has at least twenty (20) years but less than twenty-five (25) years of credited service;

c. The day on which the member would have completed twenty-five (25) years of credited service, if the member has attained age fifty-five (55) but has not yet reached age fifty-seven (57); or

d. The day on which the member would have completed twenty (20) years of credited service, if the member has attained age fifty-seven (57).

For purposes of this ~~section~~ § 21-42 B.4~~(b)(4)~~, if a member satisfies more than one (1) of these

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conditions, whichever produces the smallest reduction shall apply.

~~(c)~~C. All persons on service retirement on the effective date of this chapter shall receive allowances in accordance with subsection A~~(a)~~.

~~(d)~~D. The retirement allowance for service retirement under the provisions of ~~section~~ § 21-42 shall be reduced by any compensation awarded to the member or retiree under the Virginia Workers' Compensation Act ("the Act"), whether such award is paid to the member or retiree in a lump sum or otherwise. Such reduction shall be made only for compensation awarded to cover any period of time for which the member or retiree is or will be receiving benefits under ~~section~~ § 21-42. No such reduction shall be made for compensation awarded for permanent partial or permanent total loss or disfigurement, where payments are made from the schedule of payments provided for such under the Act. For purposes of this section, compensation awarded does not include reimbursement for medical expenses.

Nothing herein shall be construed to require any person to pay back into the ~~s~~System any money received before the effective date of this section. No person who has begun to receive an allowance under ~~section~~ § 21-42 before June 23, 1990, shall be subject to this reduction.
(7-1-72; 4-29-78; 6-23-79; Ord. No. 82-33, 8-7-82; Ord. No. 84-38, 12-23-84; Ord. No. 90-12, 7-1-90; Ord. No. 93-17, 7-27-93; Ord. No. 02-15, 6-22-02)

Editors Note: The provisions adopted in Ord. No. 93-17, adopted July 27, 1993, are effective retroactive to Jan. 1, 1989.

§ 21-43. Ordinary ~~d~~Disability ~~r~~Retirement.

Any member in service or on authorized leave without pay who has five (5) or more years of service may, at any time before his normal retirement date, retire on account of disability as herein defined upon written application to the County Manager, made by the member or his appointing authority, setting forth the date the retirement is to become effective. Such effective date shall be after the last day of service, but shall not be more than ninety (90) days prior to the execution and filing of such application; provided, that the medical advisor, after a medical examination of such member, shall certify that such member is, and has been continuously since such effective date if prior to the filing of such application, mentally or physically incapacitated for the further performance of duty in any position for which the member qualifies with any employer, and that such incapacity is likely to be permanent and that such member should be retired. This incapacity is the definition of disability. "Employer," as used in this section shall have the meaning ascribed to it in ~~section~~ § 21-1.
(9-13-80; Ord. No. 83-6, 2-26-83; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-43.1. Application of ~~s~~State ~~l~~Law.

The rules and regulations required by Chapter 272 of the 1975 Acts of Assembly and the applicable sections of the Code of Virginia relating to respiratory disease, hypertension or heart disease of firefighters and the hypertension or heart disease of police officers and deputy sheriffs are incorporated herein by reference; provided, however, such incorporation by reference shall continue only so long as the enabling legislation requires such rules and regulations.
(1-1-77; Ord. No. 00-34, 11-1-00)

§ 21-44. Ordinary ~~d~~Disability ~~r~~Retirement ~~a~~Allowance.

Upon retirement as provided in ~~section~~ § 21-43, a member shall receive an annual retirement allowance payable monthly during his lifetime and continued disability which shall consist of two and one-half percent (2.5%) ~~(2 1/2) percent~~ of his average final compensation, multiplied by the first twenty (20) years of creditable service, and two percent (2%) ~~percent~~ of his average final compensation, multiplied by his number of years of creditable service in excess of twenty (20) years; subject, however, to a maximum retirement not to exceed seventy percent (70%) ~~percent~~ of his average final compensation.
(8-9-75)

§ 21-45. Service ~~c~~Connected ~~d~~Disability ~~r~~Retirement.

~~(a)~~A. *Permanent disability.* Any member in service or on authorized leave without pay may at any time retire on account of service connected disability that is not due to the employee's willful misconduct if he is permanently disabled for duty, upon written application to the County Manager made by the member or his appointing authority, setting forth the date the retirement is to become effective. Such effective date shall be after the last day of service.

No allowance for retirement may be awarded until after the medical advisor has examined the applicant and has certified that:

~~(1)~~1. The member has suffered a permanent disability resulting from an injury or occupational disease;

~~(2)~~2. The disability has rendered the member mentally or physically incapacitated for the further performance of the significant duties of the classification which he held at the time of his disability; and

~~(3)~~3. Such disability is the natural and proximate result of an accident or injury which occurred at some definite time or place, or such disability was the natural and proximate result of an occupational disease that was contracted as a result of exposure occasioned by employment.

The medical advisor shall consider all medical information provided by the Worker's Compensation office of the ~~c~~County and the Worker's Compensation treating physician and will consult the treating physician as necessary before rendering an opinion.

No ordinary disease of life to which the general public is exposed outside of employment shall be the basis for retirement unless such disease is found to be compensable under Workers' Compensation and the County Manager finds beyond a reasonable doubt that the ordinary disease of life (1) did not result from any cause outside of employment and (2) either:

a. Followed as an incident of an occupational disease; or

b. Resulted solely, naturally, and unavoidably from an injury which occurred while in the actual performance of the member's occupational duties at some definite time and place.

No allowance shall be awarded unless the County Manager finds that the accident or injury upon which the medical advisor based its medical certification occurred, in fact, while the applicant was in the actual performance of duty at some definite time or place or the County Manager finds that the exposure upon which the medical advisor based its medical certification was occasioned, in fact, by employment.

If the medical advisor's opinion disagrees with the Worker's Compensation treating physician, the County Manager may appoint a second medical advisor for an independent opinion on the case if desired.

The phrase "permanent disability" shall not be construed to include a medical condition which may be corrected if the member follows a reasonable medical treatment plan or reasonable medical advice.

~~(b)~~B. *Temporary disability.* If, after conducting the examination, the medical advisor certifies that the requirements for permanent disability are met, except that it has not been determined if the disability is permanent, or if in the opinion of the physician the disability may be alleviated or eliminated if the applicant follows a reasonable medical treatment plan or reasonable medical advice, the physician shall notify the County Manager in writing of his findings, stating his reasons and recommendations. The County Manager shall direct the member to follow such a plan or advice unless it determines that the risk to the member of the plan or advice is too high or the probability of success too low, given all the facts and circumstances, and the member shall be temporarily retired.

The case of each member retired pursuant to this subsection B~~(b)~~ shall be reviewed by the County Manager at such time as is determined by the County Manager; and if no specific time for review is determined, the member's case shall be reviewed by the County within twelve (12) months from the date the temporary retirement was granted.

Any person whose disability application is denied, or whose temporary disability benefit is terminated, may appeal to the board pursuant to § 21-57.
(9-29-79; Ord. No. 83-6, 2-26-83; Ord. No. 94-14, 5-7-94; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 21-46. Service ~~c~~Connected ~~d~~Disability ~~r~~Retirement ~~a~~Allowance.

~~(a)~~A. Upon retirement as provided in ~~section~~ § 21-45, a disability retiree shall receive an annual retirement allowance equal to sixty-six and two-thirds percent (66.67%) ~~(66 2/3) percent~~ of his average final compensation.

~~(b)~~B. The retirement allowance determined under the provisions of this ~~section~~ § 21-46 shall be reduced by any compensation awarded to the retiree under the Virginia Workers' Compensation Act ("the Act"). Such reduction shall be made only for compensation awarded to cover any period of time for which the member or retiree is or will be receiving benefits under ~~section~~ § 21-45. No such reduction shall be made for compensation awarded for permanent partial or permanent total loss or disfigurement, where payments are made from the schedule of payments provided for such under the Act. When the time for which payments of compensation under the Act has elapsed, such retiree shall thereafter receive the full amount of such allowance payable monthly during his lifetime and continued disability. For purposes of this section, compensation awarded does not include reimbursement for medical expenses.
(7-1-70; 9-29-79; Ord. No. 93-17, 7-27-93)
Editors Note: The provisions adopted in Ord. No. 93-17, adopted July 27, 1993, are effective retroactive to Jan. 1, 1989.

§ 21-47. Service ~~c~~Connected ~~a~~Accidental ~~d~~Death ~~b~~Benefit.

If death results from an accident which occurred before retirement and incurred in the performance of his duties as an employee, there shall be paid to his designated beneficiary or, in the absence of a designated beneficiary, to his estate, in addition to any other benefits of this chapter or other legislation, except to the extent that a retirement allowance is payable to a member's spouse pursuant to ~~section~~ § 21-54, the following:

~~(a)~~A. For a member before retirement:

~~(1)~~1. The total amount of his contribution account, unless a spouse retirement allowance is to be paid.

~~(2)~~2. The sum of ten thousand dollars ($10,000.00).

~~(b)~~B. For a person on retirement:

~~(1)~~1. The total amount of his contribution account, reduced by the amount of any retirement allowance previously received by him as provided under ~~section~~ § 21-48.D~~(d)~~.

~~(2)~~2. The sum of ten thousand dollars ($10,000.00).
(1-1-72; 4-14-73)

§ 21-47.1. Line of ~~d~~Duty ~~d~~Death ~~b~~Benefit.

~~(a)~~A. *Definitions.*~~:~~ The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

"Base salary" ~~shall~~ means an employee's base rate of pay according to the ~~c~~County ~~b~~Board adopted pay plan, including any market adjustments under the pay plan.

"Beneficiary" means, for purposes of ~~section~~ § 21-47.1, that person or persons designated by the member to receive life insurance proceeds from the life insurance policy provided or made available by the employer.

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"Direct and proximate result" means that result which is the natural and probable consequence of the antecedent events.

"Line of duty" means on the job in the service of the member's employers. Line of duty does not mean going to or from work (including between any parking lot or transportation terminal and the employee's work place), going to or from meals or breaks, or time spent while "on call" or on stand-by status unless the employee is involved in a specific work-related duty during such period.

"Personal injury" means any traumatic injury as well as diseases which are caused by or result from such an injury, excluding occupational diseases and diseases of ordinary life. The term personal injury excludes any personal injury caused or contributed to by the intentional misconduct or negligence of the member or beneficiary as well as suicide. The term personal injury also excludes any injury caused or contributed to by the member's consumption of alcohol or illegal drugs.

"Traumatic injury" means a wound or other condition of the body caused by external force, including injuries inflicted by bullets, explosives, smoke inhalation, sharp or blunt instruments or objects, physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, and bacteria, but excluding stress and strain. Death from heart attacks, strokes and similar diseases resulting from chronic, congenital or progressive cardiac and/or pulmonary conditions are not compensable unless a traumatic injury was a substantial factor in the death. Heart attacks and stroke shall be presumed to be caused by a traumatic injury where such heart attacks and stroke were substantially caused by arduous and strenuous physical work-related activity.

~~(b)~~B. The beneficiary of any member who dies in the line of duty shall receive a payment of two (2) times the member's base salary at the time of death, up to a maximum of one hundred fifty thousand dollars ($150,000.00). Such payment may be received by the beneficiary only after the payment is approved by the County Manager as set forth below. Following approval by the County Manager, the beneficiary may elect to receive the payment either in one (1) lump sum or in four (4) equal installments; the first installment to be made after approval of the application for payment by the County Manager and the remaining three (3) installments annually thereafter. In the event that there is more than one (1) beneficiary no election by beneficiaries is allowed and payment shall be of the full payment only, divided between or among the beneficiaries in the same manner which the member has designated for the life insurance policy provided by or made available by the employer.

In addition, the member's beneficiary shall receive a benefit equal to the service retirement benefit payable under § 21-42 to the member as if the member had worked thirty (30) years and then retired from the County. This benefit is payable to the member's beneficiary until the member would have reached normal retirement age. Upon reaching normal retirement age, the benefit will be equal to the benefit that would be paid to the survivor had the participant worked until normal retirement age, retired and elected a one hundred percent (100%)~~ percent~~ joint and survivor benefit and died immediately.

Additionally, any surviving children, or their legal guardian, shall receive undergraduate tuition assistance equal to in-state tuition, room and board at the University of Virginia until the child reaches age twenty-three (23), plus thirty-three percent (33%)~~ percent~~. This benefit is payable in an exact amount as determined by the County Manager on a semester by semester basis by submitting the appropriate documentation as determined by the County Manager.

The beneficiary(ies) may apply for payment within one hundred eighty (180) days of the member's death by making application to the County Manager. The County Manager may adopt procedures for making and evaluating applications for this benefit. The County Manager shall approve payment under this section only after finding that the member has died as the direct and proximate result of a personal injury sustained in the line of duty.

Before approving any application, the County Manager must receive a written certification from the medical advisor that the member has died as the direct and proximate result of a personal injury identified by the medical advisor and the ~~c~~County's legal advisor certifies that all the requirements of this section have been met.

The one hundred fifty thousand dollar ($150,000.00) maximum established under this section shall be increased by the same amount as the annual cost of living adjustment made by the Arlington County Board for the

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Arlington County Employees' Pay Plan, beginning with the adjustment made effective July 1, 2004.

The lump sum benefit payable under this section shall be reduced by any amount awarded for an accidental death occurring in the line of duty by the V.R.S., whether by an insurance policy or otherwise.

Notwithstanding any of the foregoing, where the County Manager finds that an employee's death, as the direct and proximate result of a personal injury, was intentionally caused by a third party because the third party was motivated to cause the employee's death because the employee performed a particular duty within the employee's scope of employment, such death shall be considered to have occurred in the line of duty whether or not it occurred on the job.
(Ord. No. 90-12, 7-1-90; Ord. No. 90-36, 1-1-91; Ord. No. 00-34, 11-1-00; Ord. No. 02-26, 12-7-02; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 21-48. Benefits upon ~~w~~Withdrawals from ~~e~~Employment or ~~d~~Death.

~~(a)~~A. If a member has ceased to be an employee, otherwise than by death or by retirement under the provisions of this chapter prior to the completion of five (5) years of service, or if he has completed five (5) or more years of service and has not made the election provided in subsection B~~(b)~~, he shall be paid, on demand or as soon as practicable, the total amount of his contribution account.

~~(b)~~B. If a member has ceased to be an employee, other than by death or by retirement, after completion of five (5) or more years of service and has not elected in writing as prescribed by the County Manager to withdraw the total amount of his contribution account, he will be eligible to receive a deferred vested retirement allowance commencing on his normal retirement date. The allowance will be the amount determined as provided in ~~Section~~ § 21-42 based upon the member's years of creditable service and average final compensation taken as of the date of his withdrawal from employment. The allowances provided for under this ~~Section~~ § 21-48.B~~(b)~~ shall be payable for life commencing on the first day of the month coincident with or next following the later of:

~~(1)~~1. The date on which such member attains his normal retirement date; or

~~(2)~~2. The date on which the County Manager receives written application from such former member. This written application should be filed with the County Manager not earlier than sixty (60) days prior to the former member's normal retirement date and it must be filed not later than his seventieth (70th) birthday, or the retirement allowance shall not be payable at any time.

If a former member is re-employed by the employer and becomes a member of the supplemental retirement system after having qualified for a deferred vested retirement allowance under this ~~section~~ § 21-48.B~~(b)~~, such former member shall have reinstated his service and compensation records in effect when his service was broken.

~~(c)~~C. Should a member die whose spouse, if any, is not eligible for a retirement allowance pursuant to ~~section~~ § 21-54, the amount of his accumulated contributions shall be paid in a lump sum to a designated beneficiary or, in the absence of a designated beneficiary, to his estate.

~~(d)~~D. Should a person on retirement die, the amount of his accumulated contributions, reduced by the amount of any retirement allowance previously received by him under any of the provisions of this chapter, shall be payable in a lump sum to a designated beneficiary or, in the absence of a designated beneficiary, to his estate.

~~(e)~~E. Any designated beneficiary may be changed from time to time by written notice by the member, or person, signed and filed with the County Manager.

~~(f)~~F. Should a beneficiary of a disability retirement allowance cease to receive these benefits any time prior to his normal retirement date, he will be eligible to receive a deferred vested retirement allowance commencing on his normal retirement date, as provided in ~~section~~ § 21-48.B~~(b)~~.

~~(g)~~G. This section applies to distributions other than the line of duty death benefit in ~~section~~ § 21-47 herein made on or after January 1, 1993.

~~(1)~~1. Notwithstanding any provision of this chapter to the contrary that would otherwise limit a distributee's election under this part, a distributee may elect, at the time and in the manner prescribed by the County Manager, to have any portion of an eligible rollover distribution that is equal to at least five hundred dollars ($500.00) paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

~~(2)~~2. *Definitions*. The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

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"Eligible rollover distribution" means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Internal Revenue Code § 401(a)(9); and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any other distribution(s) that is reasonably expected to total less than two hundred dollars ($200.00) during a year.

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"Eligible retirement plan" means an individual retirement account described in Internal Revenue Code § 408(a), an individual retirement annuity described in Internal Revenue Code § 408(b), an annuity plan described in Internal Revenue Code § 403(a), or a qualified plan described in Internal Revenue Code § 401(a), that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

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"Distributee" includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse who is the alternate payee under a qualified domestic relations order, as defined in Internal Revenue Code § 414(p), are distributees with regard to the interest of the spouse or former spouse.

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"Direct rollover" means a direct rollover or payment by this chapter to the eligible retirement plan specified by the distributee.

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(6-13-64; 1-1-72; Ord. No. 84-38, 12-23-84; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, Effective 12-12-04; Ord. No. 10-22, 12-11-10)

§ 21-49. Medical ~~e~~Examination of ~~b~~Beneficiary of ~~d~~Disability ~~r~~Retirement ~~a~~Allowance.

The County Manager shall require a permanent disability retiree, prior to his normal retirement date for an ordinary disability retiree, and both prior to and after his normal retirement date for a service connected disability retiree, to undergo a medical examination by the medical advisor, or the County Manager's medical appointee in the case of any such retiree residing outside the area serviced by the medical advisor, once each year during the first three (3) years following retirement and once in every three (3) years thereafter; provided, that when it appears in a particular case that the nature of the disability warrants the conclusion that it will continue substantially beyond the time of the next regular examination, the County Manager may waive the requirement that the retiree undergo the next regular examination. The County Manager shall have the authority to order for stated reasons a disability retiree to undergo a physical examination at any time.
(6-23-79; 9-29-79; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-50. Reduction of ~~d~~Disability ~~a~~Allowance.

~~(a)~~A. Whenever the County Manager ascertains that any retiree who has retired on ordinary disability pursuant to ~~section~~ § 21-43 is, prior to his normal retirement date, engaged in a gainful occupation or work paying more than the difference between his disability allowance and his average final compensation, the County Manager

shall reduce such retirement allowance to an amount which, together with the amount earned by him, equals the amount of his average final compensation.

~~(b)~~B. Should the medical advisor report and certify to the County Manager that any retiree who has retired on ordinary disability pursuant to ~~section~~ § 21-43 is able to engage in a gainful occupation or work paying more than the difference between his retirement allowance and his average final compensation at retirement, and should the County Manager find that such retiree shall have refused any employment considered by the County Manager suitable to his capacity, he shall not be entitled to any such allowance during the continuance of such refusal unless, in the opinion of the County Manager, such refusal was justified.

~~(c)~~C. On or before May 1 of any year which follows a year in which ordinary disability benefits were paid and prior to the retiree's normal retirement date, every ordinary disability retiree shall report, in such detail including any and all income tax returns as may be required by the County Manager, all income from wages or self-employment or both earned in the preceding year.

~~(d)~~D. Whenever the County Manager determines that an ordinary disability retiree's disability retirement allowance should be reduced, the amount of reduction shall be prorated over a period of twelve (12) consecutive months. Such reduction shall commence with the allowance payment for July of the year following the year in which the earnings were made.

~~(e)~~E. Should the medical advisor report and certify to the County Manager that any retiree who has retired on service connected disability pursuant to ~~section~~ § 21-45 is able to perform the significant duties of the classification held at the time of his disability, the County Manager shall terminate the disability allowance.

~~(f)~~F. Should a disability retiree fail or refuse to undergo the medical examination required by ~~section~~ § 21-49 or refuse to submit the reports required by ~~section~~ § 21-50.C~~(c)~~ or fail to follow the directive of the County Manager made pursuant to ~~section~~ § 21-45.B~~(b)~~, the retiree's retirement allowance shall be discontinued until withdrawal of such refusal. Should an ordinary disability retiree willfully file a report required by ~~section~~ § 21-50.C~~(c)~~ which contains false information which is substantial, the County Manager shall discontinue the retiree's retirement allowance for one (1) year.
(9-29-79; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, effective 12-12-04; Ord. No. 05-10, 7-12-05; Ord. No. 06-08, 6-10-06, effective 7-1-06)

Note: The calendar month provision is effective July 1, 2000.

§ 21-51. Effect on ~~d~~Disability ~~r~~Retirement ~~a~~Allowance of ~~r~~Returning to ~~w~~Work.

~~(a)~~A. Should a beneficiary retired pursuant to ~~section~~ § 21-42.A~~(a)~~ or B~~(b)~~ return to service, he shall become a member of the ~~s~~System and shall thereafter contribute. Any service on the basis of which his retirement allowance was computed shall thereafter be counted as creditable service. Upon return to service, such member's retirement allowance shall cease.

~~(b)~~B. Should a beneficiary of a disability retirement allowance return to service at any time prior to his normal retirement date, he shall become a member of the ~~s~~System and shall thereafter contribute. Any service on the basis of which his disability retirement allowance was computed shall thereafter be counted as creditable service and, in addition, the period of disability retirement shall be counted as creditable service for those on service connected disability retirement. Except for a member who retired under provisions of ~~section~~ § 21-45.A~~(a)~~ prior to September 29, 1979, his disability allowance shall cease upon return to service.

~~(c)~~C. Any excess accumulated contribution of such beneficiary over the retirement allowances received by him shall be transferred from the retirement allowance account to the member's contribution account.

~~(d)~~D. If the amount of retirement allowances received by him exceeds his accumulated contributions, the excess allowances over accumulated contributions shall not be transferred to the contribution account.
(Ord. No. 82-33, 8-7-82; Ord. No. 84-38, 12-23-84)

§ 21-52. Joint and ~~s~~Survivorship ~~o~~Options.

A member may nominate a beneficiary and may elect, by written application filed with the County Manager any time prior to his normal, early, ordinary or service-connected disability retirement, a joint life and survivorship pension of actuarial value equivalent to that of the annual retirement allowance, including expected post-retirement supplements which may be payable pursuant to ~~section~~ § 46-49, to which he could otherwise be entitled, as determined by the actuary. If a married member elects a beneficiary other than the member's spouse, than this election must have the consent, in a notarized writing, of the member's spouse at the time of application. Such joint life and survivorship benefits shall be on the basis of a lifetime annual retirement allowance to the retired member with either a like amount of pension, two-thirds (2/3) or one-half (1/2) thereof being continued to his beneficiary if said beneficiary survives him. The annual retirement allowance payable monthly shall be determined on a basis of equivalent actuarial values according to the ages, at the member's actual retirement date, of the member and his beneficiary, and shall be payable as long as either lives. Not withstanding the foregoing, a non-spouse beneficiary will be subject to the appropriate benefit adjustments as outlined by regulation 6T of the IRS or any applicable successor regulation.

Upon the death of any police officer, firefighter or deputy sheriff who has retired pursuant to ~~section~~ § 21-41.A~~(a)~~ or 21-42.B.3~~(b)(3).~~, and who has not named a beneficiary other than their spouse, one-half (1/2) of that member's retirement allowance shall continue to be payable to his or her spouse for the life of the latter, provided that such person was the member's lawful spouse at the time of the member's retirement. This specific spousal benefit is provided with no actuarial reduction to the member's benefit.

If so elected, the allowance shall be paid as long as:

~~(a)~~A. The retired member lives, with either a like amount of pension, two-thirds (2/3) or one-half (1/2) thereof continued for as long as the beneficiary lives after the death of the retired member. The election shall become payable in accordance with the above provisions if the member dies subsequent to his normal retirement date even though prior to his actual retirement date.

~~(b)~~B. The beneficiary lives, but upon the death of the beneficiary prior to the death of the member, the option will be canceled and the amount of the unreduced pension will become payable. No retirement allowance shall be paid to a member unless the member has stated whether or not he elects the joint and survivorship option.

~~(c)~~C. Notwithstanding any other provision to the contrary, any retired member who elects the joint and survivorship pension option may, with the consent of the person nominated to receive the option, cancel such option. Such option may also be canceled pursuant to court order in a case in which the person nominated is a party. In the event of either cancellation, the retirement allowance paid to the member in the period after the effective date of the cancellation will be the same as if the member had not elected a joint life and survivorship pension option.
(1-1-68; 4-14-73; 1-1-77; 6-23-79; Ord. No. 84-18, 6-2-84; Ord. No. 90-12, 7-1-90; Ord. No. 00-34, 11-1-00; Ord. No. 02-26, 12-7-02; Ord. No. 03-23, 10-18-03; Ord. No. 04-26, 11-16-04, Effective 12-12-04)

§ 21-53. Post-~~r~~Retirement ~~s~~Supplements.

~~(a)~~A. In addition to the allowances payable under ~~sections~~ §§ 21-42, 21-44, 21-46, 21-48.B~~(b)~~ and 21-52, post retirement supplements shall be payable in accordance with the provisions of this section to the recipients of such allowances, with respect to allowance payments falling due on and after July 1, 1970. Such supplements shall be subject to the same conditions of payment as are the basic allowances being supplements hereby. Such supplements shall be treated as retirement allowances for the purposes of ~~sections~~ §§ 21-47.B~~(b)~~, 21-48.D~~(d)~~, and 21-51.B~~(b)~~.

~~(b)~~B. The amount of any post-retirement supplement payable under the provisions of this section shall be determined as a percentage of the basic allowance being supplemented. The percentage applicable for any month with respect to any retired member or with respect to any beneficiary receiving payments under ~~section~~ § 21-52 shall be computed so that the sum of the basic allowance plus the supplement shall equal the product resulting when the basic allowance is multiplied by $(1.015)^n$, where n is the number of completed years in the period between the last day of employment of the member on whose account the basic allowance is payable and the first day of the month for which the computation is being made.

~~(c)~~C. The amount of any post-retirement supplement shall be adjusted, after its initial determination, only in July each year next following the anniversary of the last day of employment of the member, except as necessary to reflect changes in the amount of the basic allowance being supplemented, to the end that any post-retirement supplement shall remain a constant percentage of the basic allowance until the next following anniversary date.
(7-1-70; Ord. No. 84-18, 6-2-84; Ord. No. 02-26, 12-7-02)

§ 21-54. Spouse ~~r~~Retirement ~~a~~Allowance.

Should a police officer, a firefighter or a deputy sheriff who has completed five (5) years of creditable service die in service or any other member die in service who has attained the age of forty (40), and who has completed ten (10) or more years of service, a retirement allowance shall be payable to his spouse so long as unremarried, except that in a case of accidental on-the-job death, the age and service qualifications shall be waived. The retirement allowance shall be fifty percent (50%) ~~percent~~ of the amount determined as provided in ~~section~~ § 21-42.A~~(a)~~ based upon the member's years of creditable service and average final compensation taken as of the date of this death. The allowance shall be payable monthly to the spouse for life or until the principal remarries. If death is due to a service-connected accident, as defined in ~~section~~ § 21-47; upon the spouse's subsequent death or remarriage a benefit equal to that determined under ~~section~~ § 21-47 reduced by the amount of any retirement allowances previously paid under the provisions of this section shall be paid to the spouse, the spouse's designated beneficiary or, in the absence of a designated beneficiary, to his estate. A spouse who is entitled to retirement allowances under provisions of this section as a result of the death of a member shall be entitled to waive his rights to such allowances by written notification to the board within ninety (90) days after the death or such member in order to make available the amount under the provisions of ~~section~~ § 21-47. If death is not due to a service-connected accident, upon the spouse's subsequent death or remarriage a benefit equal to that determined under ~~section~~ § 21-48.C~~(c)~~ reduced by the amount of any retirement allowances previously paid under the provisions of this section shall be paid to the spouse, the spouse's designated beneficiary or, in the absence of a designated beneficiary, to his estate.
(1-1-72; 4-14-73; 1-1-77; 6-23-79; Ord. No. 84-18, 6-2-84)

§ 21-55. Vesting on ~~t~~Termination of ~~s~~System; ~~n~~Nonreversion of ~~f~~Funds.

Upon termination of the system or upon complete discontinuance of contributions to the ~~s~~System, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, are nonforfeitable. No portion of the assets of the ~~s~~System shall be used for, or diverted to; purposes other than for the exclusive benefit of the members and their beneficiaries prior to satisfaction of all liabilities with respect to members and their beneficiaries.
(1-1-72; Ord. No. 00-34, 11-1-00)

§ 21-56. Legal ~~c~~Construction of Chapter 21.

The law of the State of Virginia shall govern the interpretation of Chapter 21 and the legal significance of all transactions of the ~~b~~Board.
(1-1-77)

§ 21-57. Hearing ~~r~~Requirement-Benefit ~~r~~Reductions, ~~d~~Discontinuances and ~~d~~Disability ~~d~~Denial ~~a~~Appeals.

Whenever any provision of this chapter permits or requires the County Manager to reduce or discontinue a retiree's retirement allowance or a member appeals the denial of their application for disability benefits, the ~~b~~Board shall hold a hearing on the appeal. The retiree or applicant, or his representative, shall have the right to be present and heard at such hearing. When hearing an appeal for denied disability benefits, the ~~b~~Board may obtain an independent medical opinion. In the event that the ~~b~~Board's independent medical opinion disagrees with the medical advisor's opinion, the medical opinion of the Board's physician will prevail.
(9-29-79; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 21-58. Reduction or ~~d~~Discontinuance of ~~a~~Allowance.

~~(a)~~A. If, after conducting the hearing required by ~~section~~ § 21-57, the ~~b~~Board determines that a retiree's retirement allowance should have been reduced prior to the date of such hearing, the County Manager shall reduce the retiree's future retirement allowance in an amount equal to the difference between the amount the retiree received and the amount the retiree should have received had the allowance been reduced prior to the date of the hearing until such time as the additional amount paid to the retiree has been repaid.

~~(b)~~B. If, after conducting the hearing required by ~~section~~ § 21-57, the ~~b~~Board determines that a retiree's retirement allowance should have been discontinued prior to the date of such hearing, the County Manager shall discontinue the retiree's retirement allowance and shall seek repayment from the retiree or an amount equal to the amount that was paid to the retiree from the date his allowance should have been discontinued until the date his allowance has discontinued.

~~(c)~~C. The County Manager is authorized to enter into agreements with retirees whose retirement allowance has been reduced or discontinued pursuant to this section whereby the County Manager agrees to installment payments if, in the opinion of the County Manager, the facts and circumstances of the retiree's case justify such an agreement. In determining whether the facts and circumstances of a retiree's case justify such an arrangement, the County Manager shall consider the amount owed, the retiree's age, ability to earn and assets and prior conduct in meeting the requirements of this chapter.

Whenever the County Manager agrees to enter into such an agreement, the County Manager shall collect six percent (6%) ~~percent~~ interest per annum on the unpaid balance owed by the retiree.
(9-29-79; Ord. No. 04-26, 11-16-04, effective 12-12-04)

Note: These amendments shall not affect any member retired on temporary service connected disability prior to their effective date unless such employee is granted permanent disability benefits.

§ 21-59. Minimum ~~r~~Retirement ~~a~~Allowance.

~~(a)~~A. Except as provided in subparagraph B~~(b)~~, any beneficiary who receives benefits pursuant to this chapter shall, after February 8, 1981, receive a retirement allowance which shall be the greater amount of:

~~(1)~~1. The allowance determined in accordance with the provisions of this chapter; or

~~(2)~~2. The allowance such member would have received had he been a member of the Arlington County Supplemental Retirement System II (Chapter 46);

~~p~~Provided, that the retirement allowance adjustment determined pursuant to ~~section~~ § 46-49.B~~(b)~~ shall be five percent (5%) ~~percent~~ for each year prior to 1974 for which an adjustment is required.

~~(b)~~B. A beneficiary who receives benefits pursuant to ~~section~~ § 21-42.B~~(b)~~ shall, after February 8, 1981, receive a retirement allowance which shall be the greater amount of:

~~(1)~~1. The allowance determined in accordance with the provisions of ~~section~~ § 21-42.B~~(b)~~; or

~~(2)~~2. The allowance determined in accordance with the provisions of ~~sections~~ § 46-38.B~~(b)~~ and 46-49.B~~(b)~~;

~~p~~Provided that in determining the reduction to be used in ~~section~~ § 46-38.B~~(b)~~, the reduction shall be one-half of one percent (0.5%) ~~(1/2 of 1) percent~~ for each full month by which his actual retirement date preceded his normal retirement date.
(2-8-81; Ord. No. 84-8, 6-2-84)

§ 21-60. Continuation of ~~m~~Membership for ~~s~~Special ~~m~~Magistrates.

Any special magistrate who is a member of the ~~s~~System on June 30, 1982, and who does not elect to participate in the Virginia Supplemental Retirement System pursuant to ~~Section~~ § 51-111.10:3, Code of Virginia, 1950, as amended, shall continue to participate in the ~~s~~System in accordance with the provisions of this chapter.

(Ord. No. 82-25, 6-28-82)

§ 21-61. Part-~~t~~Time ~~e~~Employees.

Employees who are members and subsequently convert to part-time shall participate in the ~~s~~System on the same basis as other employees except for the following:

~~(1)~~A. Credited service shall be determined by dividing the total hours credited to an employee by two thousand and eighty (2,080).

~~(2)~~B. Creditable compensation for a given year shall be determined by multiplying the full compensation payable annually to an employee by a fraction, not less than one (1), the numerator of which is two thousand and eighty (2,080) and the denominator of which is the number of hours credited during such year.

~~(3)~~C. Upon retirement as provided in ~~section~~ § 21-45, a member shall receive an annual amount equal to fifty percent (50%) ~~percent~~ of the member's average final compensation multiplied by the member's average annual credited service.

~~(4)~~D. Membership service credit for military leave shall be prorated based on the member's average annual credited service prior to entry into the military.

(Ord. No. 90-36, 1-1-91)

§ 21-62. Maximum ~~p~~Permissible ~~b~~Benefit.

Notwithstanding anything in this chapter to the contrary, the annual benefit otherwise payable at any time to a member under this chapter shall not exceed the maximum permissible amount determined pursuant to the provisions of Internal Revenue Code § 415 applicable to governmental plans, as defined for purposes of such section. If the benefit the member would otherwise accrue in a limitation year (as defined for purposes of such section) would produce an annual benefit in excess of such maximum permissible amount, the rate of accrual shall be reduced so that the annual benefit will equal such maximum permissible amount.

(Ord. No. 00-34, 11-1-00)

ARLINGTON COUNTY CODE

Chapter 22

STREET DEVELOPMENT AND CONSTRUCTION

§ 22-1. Approved ~~p~~Plans for ~~w~~Work and ~~p~~Permit ~~r~~Required; ~~c~~Compliance with ~~p~~Plans, ~~e~~Etc.; ~~w~~Waiver of ~~f~~Formal ~~p~~Plans.
§ 22-2. Application for ~~p~~Permit.
§ 22-3. Specifications.
§ 22-4. Inspection.
§ 22-5. Construction.
§ 22-6. Acceptance of ~~c~~County ~~s~~Streets.
§ 22-7. Charges.
§ 22-7.1. Public ~~r~~Rights-of-~~w~~Way ~~u~~Use ~~f~~Fee for ~~p~~Providers of ~~t~~Telecommunications ~~s~~Services.
§ 22-8. Withholding ~~b~~Building ~~p~~Permits under ~~c~~Certain ~~c~~Conditions.
§ 22-8.1. Permits Issued Before October 1, 2010 by the Commonwealth of Virginia, Department of Transportation, for Activity, Work and Installation of Facilities in the Columbia Pike (State Route 244) Right of Way.
§ 22-9. Penalty.
§ 22-10. Repeal of ~~p~~Previous ~~o~~Ordinance.

§ 22-1. Approved ~~p~~Plans for ~~w~~Work and ~~p~~Permit ~~r~~Required; ~~c~~Compliance with ~~p~~Plans, ~~e~~Etc.; ~~w~~Waiver of ~~f~~Formal ~~p~~Plans.

~~(a)~~A. It shall be unlawful for any person, firm or corporation to do any work of any kind in any street, highway, public right-of-way, easement or other area dedicated to the public use within the County of Arlington, Virginia, without having first made application to the County Manager or his ~~authorized representative~~ designee and having received from him approved plans covering the work and a permit to do the work as shown on such plans. In this chapter the term "County Manager" shall mean and include the term "or his ~~authorized representative~~ designee."

~~(b)~~B. All construction, repair work, or planting of any nature performed by any individual, firm or corporation shall be performed according to the plans, specifications, regulations and written instructions of the County Manager. The County Manager, however, is hereby invested with authority to waive the requirement of formal plans where the work to be done is of a routine nature and is so limited in scope as not to require detailed plans and specifications for its proper execution.

~~(c)~~C. Plans that have been approved by the ~~c~~County after the effective date of this chapter shall become null and void if no work has been started within one (1) year after the date of approval, or if after starting the work there in a period of one (1) year in which there has been no work performed in accordance with the approved plans, unless a reasonable additional delay in completion of street construction has been approved by the County Manager.
(5-23-61)

§ 22-2. Application for ~~p~~Permit.

Application for such permit shall be made upon a form provided for that purpose by the County Manager. Said application shall be accompanied by plans covering in detail the proposed work to be carried out under the permit.
(5-23-61)

§ 22-3. Specifications.

Specifications covering the type of work that is proposed to be done according to the plans are available from Arlington County. These specifications with plans will cover excavation, drainage, curb and gutter, sidewalks, road surface from curb to curb, storm sewers, planting and street trees and all other incidental construction such as utility facilities and street lighting as shown on plans or as given in written instructions. Standards, specifications, regulations and special provisions of the ~~d~~Department of Environmental Services shall be followed unless otherwise specified.
(5-23-61; 2-7-70; Ord. No. 88-7, 7-1-88; Ord. No. 04-25, 10-2-04)

§ 22-4. Inspection.

~~(a)~~A. The plans and specifications will require complete and sufficient inspection by the County Manager to control the construction at all times and to ensure completed work in conformity with them.

~~(b)~~B. In order to make the proper check of the work done, the owner, contractor or agent will notify the ~~d~~Department of Environmental Services upon the completion of each portion or type of work done under the permit so that proper inspection may be made to determine its correctness, such as the inspection of grade or rough excavation, drainage structures and utility lines before backfilling, storm sewers before backfilling, curb and gutter forms before placing concrete, subgrade before placing surface, and completion of the surface of street. Other periodic inspection may be designated by the ~~c~~County ~~m~~Manager from time to time.
(5-23-61; 2-7-70; Ord. No. 88-7, 7-1-88; Ord. No. 04-25, 10-2-04)

§ 22-5. Construction.

~~(a)~~A. *Excavation*. Excavation shall be made the full width of the dedicated right-of-way unless construction plans shall be approved otherwise.

~~(b)~~B. *Curb and gutter*. Curb and gutter shall be placed on each side of the street.

~~(c)~~C. *Sidewalks*. Sidewalks of uniform width of at least four (4) feet shall be placed on each side of the street unless, because of some unusual condition, this requirement shall be modified by the County Manager.

~~(d)~~D. *Drainage*. No lot or area where natural drainage is affected shall be built upon or developed without first having constructed an adequate storm sewer system approved by the County Manager. The storm sewer system shall be designed in accordance with the Stormwater Detention Ordinance, Chapter 60 of the Code of Arlington County, Virginia. All drainage structures, including storm sewers and stormwater detention facilities through new developments, shall be constructed according to approved plans and specifications.

~~(e)~~E. *Pavement*. The pavement shall be constructed by the developer according to approved standards of the ~~d~~Department of Environmental Services.

~~(f)~~F. *Street construction plans*. All plans for street construction which have been approved for a period of more than a year and under which no work has been started or, in the event work has been started and there has been a delay of more than one (1) year in the completion of the work, will become null and void and will have to be resubmitted for approval under the terms of this chapter, unless a reasonable additional delay in completion of street construction has been approved by the County Manager. All construction started after the effective date of this chapter shall be in accordance with the specifications in effect at the time of the commencing of the construction.

~~(g)~~G. *Conditional acceptance of streets*. If, in the judgment of the County Manager, circumstances in any case warrant conditional acceptance of any street under this chapter, the County Manager may conditionally accept such street setting forth in writing the terms and conditions of such acceptance, including provision for security in an appropriate amount to be held in escrow to assure completion of such street in accordance with the requirements of this chapter.

~~(h)~~H. *Maintenance of traffic*. All construction or repair work being done by any person, firm, or corporation in any street, highway, public right-of-way, easement, or other dedicated area within the ~~c~~County shall be sufficiently and adequately protected by barricades at all times. Traffic controls for street construction,

maintenance, and utility operations shall conform to the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration. Such warning devices shall be maintained at all times by the person, firm, or corporation to whom the permit is issued or where the permit has been issued to an owner and the work is being done by an independent contractor they shall be maintained by the contractor. Both pedestrian and vehicular traffic shall be maintained at all times except as approved in accordance with ~~section~~ § 22-1.

~~(i)~~I. *Suspensions or delays*. All work which has been commenced under the provisions of this chapter shall be prosecuted as promptly as sound construction practice will permit and shall not be suspended or delayed, except for unusual conditions, in which case such suspension or delay shall be approved by the County Manager.

~~(j)~~J. *Times*. On streets specified by the ~~d~~Department of Environmental Services, work is not to be carried out from 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. unless it does not interfere with traffic and special permission is granted by the ~~d~~Department of Environmental Services or ~~p~~Police ~~d~~Department in an emergency.

~~(k)~~K. *Approval of work*. After final completion and final inspection of the work under the permit, it shall be the duty of the County Manager to approve the work performed and to notify the owner that the work has been satisfactorily completed according to plans, specifications and written instructions.
(5-23-61; 2-7-70; 9-11-76; Ord. No. 88-7, 7-1-88; Ord. No. 91-37, 10-12-91; Ord. No. 04-25, 10-2-04)

§ 22-6. Acceptance of ~~c~~County ~~s~~Streets.

No dedicated street, highway, public right-of-way or any part thereof hereafter will be accepted unconditionally as a ~~c~~County street or highway, unless and until the same shall have been constructed according to plans, specifications and written instructions of and approved by the County Manager. No street or highway shall hereafter be accepted unless it is at least one (1) block long, unless it intersects the boundary of the subdivision of which it is a part or on account of unusual conditions, upon the approval of the County Manager. But this provision shall not be construed as to defeat or deny any right which the ~~c~~County, or the public at large, may have acquired or may hereafter acquire, in any easement or way, under the general provisions of the law.

Interlocking concrete and brick pavers and trees and shrubbery as required by the approved plans and specification shall be warranted as follows for a period of one (1) year beyond the date of the approval of work as established in ~~section~~ § 22-5, subsection K~~(k)~~:

Interlocking concrete and brick pavers against settlement which creates an unsafe or hazardous condition for pedestrians and is attributable to foundation failures or poor construction practices. Trees and shrubs shall be planted in conformity with standards set forth in the American National Standards Institutes (ANSI) publication, Z-60.1-1990, except for those failures resulting from extreme weather conditions or abuse or destruction by others beyond the control of the permittee.
(5-23-61; 2-7-70; Ord. No. 88-7, 7-1-88; Ord. No. 96-7, 5-11-96)

§ 22-7. Charges.

The cost of the engineering services rendered by the Department of Environmental Services including studies, review and approval of plans, supervision and inspection of construction, shall be borne by the owner or developer at the charges set out below.

An application or request for plan review and approval, pursuant to subsection A~~(a)~~ below, shall be accompanied by a non-refundable payment of the total base plan review fee calculated and charged for engineering review and inspection services set forth in subsections A~~(a)~~ - D~~(d)~~ below.

~~(a)~~A. Engineering review and inspection service on new street construction or improvements to existing streets that were required by redevelopment of the land adjacent to the street:

Plan submittal charge of one hundred sixty dollars ($160.00) filing fee per project, plus plan review and approval, charge of one thousand fifty dollars ($1,050.00) per project with the following additional charge added to the plan review charge, per linear frontage foot 9.75

The above fee charges are collectively referred to in this section as "base plan review fee."

~~(b)~~B. Additional plan review fees per submission of type of plan listed below:

As-built Plan 250.00

Maintenance of Traffic Plan (for Special Exception Projects) 475.00

Maintenance of Traffic Plan (for By-right Projects) 250.00

Pedestrian and Vehicular Circulation Plan 80.00

Signage and Marking Plan 80.00

Off-site Utility Plan 600.00

Project Phasing Plan 80.00

Plan Sheet Substitution or Replacement (per sheet) 25.00

Construction Trailer Placement Review 80.00

Re-approval of Civil Design Plan . . . . . 50% of recalculated base plan review fee in effect at the time of request

~~(c)~~C. Plan revision fee per submission:

Civil Design Plan 600.00

Maintenance of Traffic Plan 160.00

~~(d)~~D. Temporary pole instillation plan associated with Utility Undergrounding . . . . . 2,500.00 per plan submittal

~~(e)~~E. Re-approval of Civil Design Plan . . . . . 50% of base plan review fee based on fee in effect at the time of request

~~(b) (f)~~F. Engineering review and inspection service for storm sewers, water mains, sanitary sewers and other utility support facilities such as electric, telephone and traffic signal and street light bases and conduits, per linear foot in addition to the basic plan review fee 6.00

When application for a permit is made, payment shall be made in advance to the ~~c~~County ~~t~~Treasurer to defray the cost of all permits and inspection fees in accordance with the charges set out above.

~~(g)~~G. Chesapeake Bay Preservation Ordinance review fees for review required by Chapter 61 of the Arlington County Code, which fees and in additions to, and not in lieu of, any Watershed Management Fund contributions:

Minor water quality impact assessment review	$525.00
Major water quality impact assessment review	1,575.00
Landscape Conservation Plan review	305.00
Exception request	395.00
Modification or waiver of performance review	1,050.00
Storm water quality management plan review when no Watershed Management Fund contribution is submitted	525.00

Watershed Management Fund participation review based on the proposed impervious site area:	
- Up to 5,000 square feet	315.00
- 5,001 to 30,000 square feet	630.00
- Over 30,000 square feet	1,050.00
Erosion and Sediment Control Plan for demolition only – per submission	350.00

~~(h)~~H. Other engineering reviews and services:

Storm water detention plan review	$262.00
Storm water detention waiver requests, each	209.00
Floodplain plan review	1,575.00
Drainage study plan review	755.00
Soils Report	250.00

~~(i)~~I. For the construction of public utility lines, the inspection charges and guarantees shall be as follows, except as provided in paragraph~~-~~(s) below:

Work performed for Arlington County project	No fee
Basic permit fee	130.00
Work performed in county right-of-way without an approved permit and engineering plans	260.00
Emergency base permit fee	260.00
Extension of an existing public right-of-way permit	
Additional permit fee charges are:	130.00
Pipelines, underground conduits, etc:	
House connection	195.00
Up to 100 feet	325.00
Plus, any additional portion of 100 feet	162.50
Poles—Overhead lines, etc:	
Poles with or without guy wires	195.00
Guys	195.00
Wires along street:	
Up to 100 feet	260.00
Plus, any additional portion of 100 feet	130.00

~~(j)~~J. Driveways, sidewalks, and landscaping:

Basic permit fee	130.00
Each additional entrance	195.00
Sidewalk: For every 50 feet and/or portion of	195.00
Street trees: Basic permit fee (not related to a site plan development)	19.50

~~(k)~~K. Environmental services fee for reviewing potential utility conflicts and marking public utilities including storm sewers, water supply infrastructure, and sanitary sewer infrastructure. This fee shall be collected at the same time of construction permit application for work where ground is expected to be disturbed as follows:

New commercial or apartment structure permit 382.00

New town house construction permit (per structure of ten (10) or more units) 382.00

New town house construction permit (per structure of less than ten (10) units) 195.00

New residential single-family structure permit 195.00

Demolition permit 195.00

Exterior alterations related to building, plumbing, electrical or mechanical permit 50.00

(l)L. Expedited engineering permit review for construction within streets right-of-way provided by a professional engineering contract service. This fee shall be collected prior to the issuance of right-of-way permit 15,500.00

(m)M. Moving houses or oversized vehicles or equipment:

The fee for moving houses or other structures per 100 feet or portion thereof in excess of 100 feet of distance to be moved 11.00

Minimum fee, per permit 27.00

The fee for moving oversized vehicles or equipment (over 10,000 pounds gross weight) on eCounty streets is as follows:

One (1) round trip move 29.00

One (1) month 124.00

Three (3) months 315.00

Six (6) months 601.00

Twelve (12) months 1,173.00

For vehicles or equipment whose gross weight exceeds ninety thousand (90,000) pounds, special approval from the County Manager or his designee is required.

(n)N. Parking construction equipment on eCounty streets:

The fee for parking construction equipment, trailers, dumpsters, construction worker buses or loading equipment on eCounty streets or within eCounty rights-of-way, where no parking meters exist, is as follows:

One (1) day . . . 34.00

Two (2) days . . . 37.00

Three (3) days . . . 40.00

Four (4) days . . . 43.00

One (1) week . . . 46.00

Two (2) weeks . . . 53.00

Three (3) weeks . . . 75.00

One (1) month . . . 129.00

Two (2) months . . . 224.00

Three (3) months . . . 320.00

Four (4) months . . . 415.00

Five (5) months . . . 511.00

Six (6) months . . . 606.00

Seven (7) months . . . 701.00

Eight (8) months . . . 797.00

Nine (9) months . . . 892.00

One (1) year . . . 1,178.00

Where parking meters exist, per permit, irrespective of duration of proposed use . . . 34.00

Additional fee for loss of parking meter revenue:
$15.00 per day, or any portion thereof, for each parking meter with a time limit of four (4) hours or less.
$11.00 per day, or any portion thereof, for each parking meter with a time limit of more than four (4) hours.

Additional fee for County removal of parking meters:
$45.00 per parking meter

Additional fee for use of right-of-way, other than metered parking:
For major or minor arterial streets right-of-way:
$0.50 per linear foot per lane per day or portion thereof
For non-arterial streets within or adjacent to the following General Land Use Plan land use categories: Residential Medium, Residential High-Medium, Residential High, Service Commercial, General Commercial, Service Industry, Government and Community Facilities, all Office-Apartment-Hotel categories and all Mixed Use categories:
$0.30 per linear foot per lane per day or portion thereof
For all other streets right-of-way:
$0.10 per linear foot per lane per day or portion thereof

Additional fee for the County providing traffic control devices (barricades/cones):
$5.00 per device per day or portion thereof

Additional fee for the County providing variable message signs (VMS):
$90.00 per VMS per day or portion thereof

Additional fee for temporary signs:
$25.00 for two (2) temporary signs
$1.25 for each additional temporary sign in excess of two (2)

Additional fee for restricting parking where parking is prohibited before the issuance of the permit or will be restricted arising out of the issuance of the permit:
$34.00 per day or portion thereof.

In no event shall the duration of a permit restrict parking under this provision exceeding a period of two (2) days.

~~(o)~~O. Use of County streets and rights-of-way for block parties, races, parades, festivals, special events, etc. . . . 34.00

~~(p)~~P. All other permits as required under ~~Section~~ § 22-1:

Minimum fee 50.00

Work performed by other government agencies . . . . . No fee

~~(q)~~Q. Construction as authorized by a contract with Arlington County . . . . . No fee

~~(r)~~R. Permit surcharge:

No permit shall be issued which would allow an excavation or opening in any paved or improved street or alley which has been improved within a five (5) year period preceding the date of permit issuance unless a surcharge, which shall be in addition to the usual permit fee, is paid to the Treasurer of Arlington County. Excavation for emergency repairs shall be exempt from this surcharge.

The surcharge shall be equal to fifty percent (50%) ~~percent~~ of the restoration fees as itemized in Table 1.

Table 1. Restoration Fees

Restoration fees are for each square yard or fraction thereof of street or alley pavement.

		Cost Per Square Yard
1.	*Street Pavements:*	
	Concrete	$ 31.00
	Concrete base with bituminous top	36.00
	Bituminous base with bituminous top	26.00
	Bituminous base without bituminous top	no fee
	Gravel base with bituminous top	26.00
2.	*Alley Pavements:*	
	Concrete	31.00
	Bituminous	26.00
	Gravel	no fee

~~(s)~~S. For the initial continuous installation of a new County-wide utility plant project, which does not exceed a three (3) year completion period, the maximum fee is fifteen dollars ($15.00) per mile. After completion of the initial utility plant project, any additions to the plant will have fees determined in accordance with ~~Paragraph~~ subsection D~~(d)~~ above.

Note: Applications for permits should be accompanied by check unless a public department or agency, operating without profit, is responsible. Companies doing continuous construction work in the County can put up a bond or certified check for two hundred dollars ($200.00) and secure various permits by stating on the permit that guarantee is covered by such bond or check. The amount of surety is to be established by the County Manager.

~~(t)~~T. Refunds: In cases where a permit has been issued and the project is abandoned or withdrawn

before any work has begun under the permit, the applicant may return the permit to the Department of Environmental Services with a written request for cancellation of the permit and partial refund. In such cases the applicant may receive a refund of fifty percent (50%)~~ percent~~ of the portion of the permit fee which is in excess of the base permit fee; provided, however, that the request is received at least thirty (30) calendar days before the expiration date of the permit. No refund shall be given for an abandonment or withdrawal request if any work has begun under the permit or if fewer than thirty (30) calendar days remain between the time the request is received and the expiration date of the permit.
(5-23-61; 11-8-75; 2-21-76; 2-24-79; Ord. No. 84-14, 6-2-84; Ord. No. 88-7, 7-1-88; Ord. No. 90-5, 7-1-90; Ord. No. 91-11, 4-27-91; Ord. No. 92-21, 7-1-92; Ord. No. 93-9, 7-1-93; Ord. No. 98-8, 7-1-98; Ord. No. 99-10, § 1, 4-14-99; Ord. No. 02-08, § 1, 4-20-02; Ord. No. 04-11, § 1, 4-24-04; Ord. No. 04-25, 10-2-04; Ord. No. 05-05, 4-16-05, effective 7-1-05; Ord. No. 07-01, 4-21-07, effective 7-1-07; Ord. No. 07-05, 4-21-07, effective 7-1-07; Ord. No. 07-07, 4-21-07, effective 7-1-07; Ord. No. 09-14, 4-28-09, effective 7-1-09; Ord. No. 10-09, 4-24-10, effective 7-1-10)

§ 22-7.1. Public ~~r~~Rights-of-~~w~~Way ~~u~~Use ~~f~~Fee for ~~p~~Providers of ~~t~~Telecommunications ~~s~~Services.

~~(a)~~A. ~~For purposes of this section:~~ *Definitions.* The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

"Certificated provider of telecommunications services", means a public service corporation holding a certificate issued by the State Corporation Commission to provide local exchange or interexchange telephone service.

"Public rights-of-way use fee", means a fee charged and billed monthly to the ultimate end user of each access line of a certificated provider of local exchange telephone service, the rate of which fee shall be established annually by the Virginia Department of Transportation in the manner specified in Virginia Code § 56-468.1.

~~(b)~~B. The public rights-of-way use fee is hereby imposed on the ultimate end user of each access line, as defined in Virginia Code § 56-468.1(A), and shall be collected by each certificated provider of local exchange telephone service operating in Arlington County, but not providers of commercial mobile radio services. Within two (2) months after the end of each calendar quarter, each such certificated provider shall remit to the ~~c~~County ~~t~~Treasurer the amount of public rights-of-way use fees it has billed to end users of the provider's services during such preceding quarter. Fees so collected by certificated providers shall be deemed to be held in trust until remitted to the ~~c~~County ~~t~~Treasurer. Until the ultimate end user pays the public rights-of-way use fee to the local exchange provider, such fee shall constitute a debt of the ultimate end user to the ~~c~~County until paid to such provider. If any ultimate end user refuses to pay the public rights-of-way use fee, the local exchange service provider shall provide the name and address of each such ultimate end user on a quarterly basis along with the remittance of fees.

~~(c)~~C. The public rights-of-way use fee shall be in lieu of, and not in addition to, the permit inspection and other fees of general application imposed by this chapter on certificated providers of telecommunications services. No certificated provider of telecommunications services shall be required to pay such permit or inspection fees or any other ~~c~~County fees charges (except for zoning, subdivision, site plan and comprehensive plan fees of general application) as a condition of, or as compensation for, its use of the public rights-of-way.

~~(d)~~D. Nothing in this section, however, shall relieve any certificated provider of telecommunications services from submitting plans, applying for permits, and adhering to applicable standards for construction, installation of facilities, and street or roadway repairs in the manner required by this chapter and other applicable statutes, ordinances or regulations, provided such requirements are no greater than those imposed on all providers of telecommunications or nonpublic providers of cable television, electric, natural gas, water or sanitary sewer services. Any application by a certificated provider of telecommunications services to use ~~c~~County rights-of-way shall be granted or denied within forty-five (45) days after receipt, and, if denied, shall be accompanied by a written explanation of the reasons for denial and the actions required to cure the denial.

~~(e)~~E. Nothing in this section shall affect the type or amount of fees payable by providers of cable television services pursuant to any existing or future franchise, license or permit granted by the ~~c~~County.

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~~(f)~~F. Nothing in this section shall affect any amount payable by any provider of telecommunications services for the right to locate towers or other facilities on property of the ~~c~~County other than within the public rights-of-way, nor shall anything prohibit the ~~c~~County from entering into voluntary pole attachment, conduit occupancy or conduit construction agreements with any certificated provider of telecommunications service.

~~(g)~~G. The county shall annually expend at least ten percent (10%)~~ percent~~ of the amount of public rights-of-way use fees it receives under this section for transportation construction or maintenance purposes.
(Ord. No. 98-19, 10-1-98)

§ 22-8. Withholding ~~b~~Building ~~p~~Permits under ~~c~~Certain ~~c~~Conditions.

Whenever, in the opinion of the County Manager, any person is guilty of any violation of this chapter, and for such length of time as there is a continuing violation, thereof, the County Manager is hereby authorized to withhold a permit to such owner, or to any person acting for him, to construct any building or other improvement for the construction of which a permit is required by any ordinance or resolution effective in the County of Arlington within the subdivision of land where a violation of the chapter has occurred and continues. He may, in his discretion, withhold such permit until the condition which constitutes a violation of the chapter has been eliminated.
(5-23-61)

§ 22-8.1 Permits Issued Before October 1, 2010 by the Commonwealth of Virginia, Department of Transportation, for Activity, Work and Installation of Facilities in the Columbia Pike (State Route 244) Right of Way

(a) All facilities, as hereinafter defined, existing on October 1, 2010 in the Columbia Pike right of way as defined in a certain Quitclaim Deed from the Commonwealth of Virginia to the County Board of Arlington County, Virginia pursuant to a permit, agreement, or other written permission duly issued by the Commonwealth of Virginia, Department of Transportation, are permitted to remain in the Columbia Pike right of way after the effective date of the transfer of such right of way from the Commonwealth to the County Board without the necessity of the owner of such facilities obtaining a permit pursuant to this chapter, provided that:

(1) The permission for such facilities to remain in the right of way shall not be construed as conveying any property right to the owner of the facilities. The permission shall be a mere license, revocable at will by the ~~c~~County ~~m~~Manager.

(2) Unless otherwise specifically provided by statute or by a fully executed written agreement between the County Board and the owner of the facilities:

(i) Such owner shall relocate and/or adjust all such facilities located, in whole or in part, within the Columbia Pike right of way when relocation and/or adjustment is necessary to facilitate any street, highway and/or transportation improvements;

(ii) The relocation and/or adjustment of the facilities shall be performed by the owner of the facilities at such owner's sole cost and expense, without delay, and without liability to, or obligation of, the ~~c~~County to such owner or to others;~~.~~

(iii) The permission for such facilities to remain in the right of way shall not relieve the owner thereof, or any other person or entity, of the requirement to obtain permits for work in the right of way as otherwise required by this chapter.

(b) All permits issued before October 1, 2010, by the Commonwealth of Virginia, Department of Transportation, permitting activity or work to be performed, or facilities to be installed, in the Columbia Pike right of way, and which activity, work, or installation is not completed as of October 1, 2010, shall be recognized by the ~~c~~County as fulfilling, until December 31, 2010, the requirements of this chapter, but only for the activities at the location(s) specified in such permit, provided that:

(1) In order to continue any activity, work, or installation in the Columbia Pike right of way after December 31, 2010, the person or entity required by this chapter shall obtain a permit from the ~~c~~County, in accordance with this chapter;

(2) Such permit shall be obtained not later than January 1, 2011; and,

(3) The failure of any person, firm or corporation to timely obtain a permit in accordance with subsections B.1~~(b)(1)~~ and B.2~~(b)(2)~~ above shall constitute a violation of this ~~Section~~ § 22-8.1 and, upon conviction thereof, shall be punishable as provided in ~~Section~~ § 22-9.

(c) For the purposes of this ~~Section~~ § 22-8.1, the word "facilities" shall refer to and mean any item that is built, constructed, installed, or established to perform a particular function or to serve or facilitate a particular end, including without limitation, structures, equipment, fixtures, apparatus, tunnels, pipes, box culverts, conduits, wires, cables, fiber optic cable lines, utilities, foundations, poles, towers, antennae, telecommunications systems, traffic signals, cabinets, benches, retaining walls, landscaping, and appurtenances thereto.

(d) Enforcement of this ~~Section~~ § 22-8.1 shall not preclude the ~~c~~County from enforcing any other provision of the Code or of ~~s~~State law concerning the unauthorized use or occupation of the public right of way.
(Ord. No. 10-16, 6-12-10; effective 7-1-10; Ord. No. 10-18, 9-25-10, effective 10-1-10)

§ 22-9. Penalty.

Any person, firm or corporation, who shall violate any provision of this chapter shall be guilty of a Class 4 misdemeanor, and, upon conviction thereof, shall be punished by a fine as provided by law for Class 4 misdemeanors. Where there is a continuing violation of this chapter from day to day each violation shall constitute a separate offense.
(5-23-61; Ord. No. 08-07, 4-19-08, effective 7-1-08)

§ 22-10. Repeal of ~~p~~Previous ~~o~~Ordinance.

The ordinance of the same name adopted by the County Board on October 13, 1952, is hereby repealed on the effective date of this chapter.
(5-23-61)

ARLINGTON COUNTY CODE

Chapter 23

SUBDIVISIONS

§ 23-1. Definition of "~~s~~Subdivision"; ~~e~~Certain ~~s~~Subdivisions ~~e~~Exempted from ~~c~~Chapter.
§ 23-2. Ordinance ~~p~~Purpose.
§ 23-3. Plat ~~p~~Prerequisite to ~~s~~Subdivision of ~~l~~Land, ~~r~~Recordation of ~~p~~Plat; ~~p~~Plat to ~~m~~Meet ~~r~~Requirements of ~~c~~Chapter.
§ 23-4. Approval of ~~p~~Plat by County Manager.
§ 23-5. General ~~r~~Requirements.
§ 23-6. Streets ~~g~~Generally.
§ 23-7. Acreage ~~s~~Subdivisions.
§ 23-8. Preliminary ~~p~~Plats.
§ 23-9. Final ~~p~~Plats.
§ 23-10. Platting of ~~c~~Condominiums and ~~c~~Cooperatives.
§ 23-11. Plat ~~r~~Review and ~~b~~Bond ~~a~~Administration ~~f~~Fees.
§ 23-12. Compliance with ~~c~~Chapter ~~p~~Prerequisite to ~~i~~Issuance of ~~p~~Permit for ~~c~~Construction of ~~b~~Building or ~~o~~Other ~~i~~Improvement.
§ 23-13. Penalty for ~~v~~Violation of ~~c~~Chapter.
§ 23-14. Separability.
§ 23-15. Enforcement.

§ 23-1. Definition of "~~s~~Subdivision"; ~~e~~Certain ~~s~~Subdivisions ~~e~~Exempted from ~~c~~Chapter.

The word "subdivision," as used in this chapter, is hereby defined as the division or redivision of a tract, lot or parcel of land into two (2) or more tracts, lots, outlots or parcels; the consolidation of two (2) or more lots, outlots or parcels; or the horizontal division or redivision of airspace. Parcels of airspace shall constitute land within the meaning of this chapter, provided that the horizontal division or redivision of airspace shall be limited to three (3) or fewer divisions or redivisions, and shall be limited to land restricted to commercial, industrial or other nonresidential use.

As used in this chapter, "subdivision" shall also mean the conversion to condominiums of all land, buildings and structures as provided for in the "Condominium Act." Land, buildings and structures shall be considered to have been converted when all condominium instruments required by the "Condominium Act" have been recorded.

This chapter shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has heretofore been lawfully recorded among the land records of the County of Arlington, Virginia, prior to the effective date of this chapter.

This chapter shall not apply to a division of land which creates only one area of land to be conveyed for public street or public utilities purposes, or both, in addition to the remainder of the area of which it is a part, so long as the area of which it is a part is shown on an approved subdivision plat.

This chapter shall not apply to a division of land made solely for the conveyance of land for public purposes to or by the County Board of Arlington County, Virginia.

As of July 1, 1990, the subdivision of a lot or parcel for the purpose of sale or gift of such lot or parcel to a member of the immediate family of the owner shall be subject to all the requirements of this chapter.
(4-1-59; Ord. No. 84-22, 8-18-84; Ord. No. 85-30, 8-17-85; Ord. No. 89-2, 11-20-88; Ord. No. 90-13, 6-28-90)

§ 23-2. Ordinance ~~p~~Purpose.

The purpose of this chapter is to provide for:

~~(~~A.~~)~~ The orderly subdivision of land for the purpose of sale, exchange or conveyance between property owners.

~~(~~B.~~)~~ The establishment of procedures, fees and standards which are required in order to subdivide land in Arlington County.

~~(~~C.~~)~~ The coordination of streets within subdivisions, and with existing and planned streets, and conformance of streets with master and other ~~c~~County transportation plans.

~~(~~D.~~)~~ Adequate, properly designed and constructed public streets, sidewalks, bicycle trails, water mains, storm drainage facilities, sanitary sewers, and street lighting facilities to serve newly-subdivided properties.

~~(~~E.~~)~~ The approval and recordation of public easements over existing or proposed underground public and private utilities.

~~(~~F.~~)~~ The survey and recordation of defined property boundaries, and placement of monuments at property corners.

~~(~~G.~~)~~ Minimizing the creation of parcels or outlots which lack access or adequate public facilities, or which are for other reasons unbuildable.

~~(~~H.~~)~~ Protection of outstanding natural, scenic or cultural features and historic sites or structures.

~~(~~I.~~)~~ The provision of proper erosion and sedimentation control, drainage, stormwater management and flood control.

~~(~~J.~~)~~ Such other and further matters as are warranted by the provisions of this chapter.
(Ord. No. 90-13, 6-28-90)

§ 23-3. Plat ~~p~~Prerequisite to ~~s~~Subdivision of ~~l~~Land, ~~r~~Recordation of ~~p~~Plat; ~~p~~Plat to ~~m~~Meet ~~r~~Requirements of ~~c~~Chapter.

~~(~~A.~~)~~ No person shall subdivide any tract of land which is located wholly or in part in Arlington County, Virginia, nor shall any person sell, exchange or purchase or offer to purchase any lot, outlot or parcel of land which is part of a subdivision of a larger tract of land, nor shall any person offer for recordation any deed conveying such a lot, outlot or parcel of land, or any interest therein, unless he or she shall first have made, or caused to have made, a plat thereof. The plat shall be recorded before or at the time such sale, exchange or purchase is effected and shall be in accordance with all of the requirements of this chapter.

~~(~~B.~~)~~ All land, buildings and structures which are converted to or created as condominiums shall comply with the Arlington Subdivisions Ordinance as it exists at the time of conversion or creation. There shall be no vested rights established upon conversion to or creation of condominiums or the use thereof if either the condominiums or the uses thereof do not conform to this chapter, any provision of law to the contrary notwithstanding. A plat which divides land and airspace horizontally shall describe upper and lower horizontal boundaries of the airspace with reference to established datum.

~~(~~C.~~)~~ The ~~c~~Clerk of the ~~c~~Circuit ~~c~~Court shall not file or record any such plat or any copy thereof required by this chapter to be recorded until a copy of such plat shall have been approved, and such approval evidenced thereon in accordance with the provisions of this chapter.

~~(~~D.~~)~~ The person offering such an approved plat for recordation shall notify, in writing, the ~~d~~Department of ~~r~~Real ~~e~~Estate ~~a~~Assessments within thirty (30) days of recordation.

(4-1-59; 12-21-74; Ord. No. 90-13, 6-28-90)

§ 23-4. Approval of ~~p~~Plat by County Manager.

No such plat referred to in ~~section~~ § 23-3 of this Code shall be recorded or offered for record until the plat has been approved, in writing, by the County Manager of Arlington County, Virginia, or ~~designated agent~~ his designee, who shall ascertain, before approving it, that the plat has satisfied all the requirements of this chapter, as well as those of any other ~~c~~County ordinance.

The following lots and lot lines are validated and legal under the subdivisions ordinance, provided that this validation in no way relieves lots and lot lines from requirements imposed by the ~~z~~Zoning ~~o~~Ordinance:

~~(~~A.~~)~~ Lots shown on preliminary or final subdivision plats which have been submitted prior to the effective date of this ordinance [chapter], provided that they are approved no more than six (6) months after the effective date, and are subsequently recorded.

~~(~~B.~~)~~ Lots shown on preliminary or final subdivision plats which have received ~~c~~County approval prior to the effective date of the ordinance [chapter], and have been recorded within six (6) months.

~~(~~C.~~)~~ Any property line which was created by a final subdivision plat shall qualify as a valid lot line for adjacent lots subsequently created.
(4-1-59; Ord. No. 90-13, 6-28-90)

§ 23-5. General ~~r~~Requirements.

~~(~~A.~~)~~ *Definitions.*~~:~~ All terms defined under various sections of the Arlington County, Virginia, Building Code and the Arlington County, Virginia, Zoning Ordinance, where occurring in these regulations, shall have the meanings specified in said Code and Ordinance, except where otherwise defined in these regulations.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Alley"~~:~~ means ~~A~~a right-of-way, other than a street, which provides service access for vehicles to the side or rear of abutting properties.

"Block face"~~:~~ means ~~A~~a segment of street bounded by connecting cross streets, or bounded by a cul-de-sac or dead-end and a successive cross street, or between two (2) successive cul-de-sacs or dead-ends.

"Corner lot"~~:~~ means ~~A~~a lot having frontage on both of two (2) intersecting streets at the point of intersection.

"County ~~m~~Manager"~~:~~ means ~~T~~the County Manager of Arlington County, Virginia.

"Cul-de-sac"~~:~~ means ~~A~~a minor street with only one (1) outlet and having a terminal for reversal of traffic movement that meets the minimum requirements of this chapter.

"Dead-end street"~~:~~ means ~~A~~a street having only one (1) outlet and lacking turnaround facilities which meet the requirements of this chapter.

"Double frontage lot"~~:~~ means ~~A~~a lot, other than a corner lot, having frontage on two (2) streets.

"Easement"~~:~~ means ~~A~~a right of use over the property of another, including easements in gross.

"Effective date"~~:~~ means ~~T~~the date on which this chapter is officially adopted by the County Board of Arlington County, Virginia.

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“Frontage”~~,~~ means ~~T~~the length of the property line of any lot, lots or tract of land measured along a public street on which the lot, lots or tract of land abuts.

“Lot”~~,~~ means ~~A~~a unit of land usable as a building site, which conforms to the ~~z~~Zoning ~~o~~Ordinance and has the minimum frontage on a public street required by this chapter, the ~~z~~Zoning ~~o~~Ordinance or both. Also, a unit of land for attached dwellings with no more than one (1) unattached dwelling, where shared common areas provide adequate access to public street frontage through common areas which connect a public street or streets and any lot or lots for any such attached dwelling unit including no more than one (1) detached dwelling unit which has any less than the minimum frontage required on a public street. Lot shall also mean a horizontal division of property which conforms to the ~~z~~Zoning ~~o~~Ordinance and which has for its enjoyment subadjacent support and access on the surface land which meets the requirements for minimum frontage on a public street and the standards for adequacy of access of this chapter.

“Master transportation plan”~~,~~ means ~~A~~a comprehensive plan of transportation goals, objectives, principles and facilities that has been adopted pursuant to ~~s~~State law as an element of the Arlington County Comprehensive Plan.

“Offset intersection”~~,~~ means ~~A~~an intersection in which exists a centerline offset.

“Outlot”~~,~~ means ~~A~~a unit of land not usable as a building site and substandard to the ~~z~~Zoning ~~o~~Ordinance.

“Parcel”~~,~~ means ~~A~~a unit of land of such size and dimensions that it may be divided into two (2) or more tracts, buildable lots or outlots.

“Performance agreement”~~,~~ means ~~A~~an agreement between a subdivider and the ~~c~~County which requires the subdivider to construct public improvements required by the ~~s~~Subdivisions ~~o~~Ordinance within a specified period of time.

“Public improvement”~~,~~ means ~~C~~construction of a public street, sidewalk, street light, street landscaping, bicycle trail, water main, sanitary or storm sewer, or any part or section thereof, to the ~~c~~County standards and specifications required along the frontage of, or within any lot, of any property being subdivided.

“Service drive”~~,~~ means ~~A~~a public street generally parallel and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

“Street”~~,~~ means ~~T~~the right-of-way space or area of a way thirty (30) feet or more in width abutting the front or side property lines of lots and providing a public thoroughfare for vehicles and pedestrians, and adequately paved, drained, lighted, marked and maintained to do so, or bonded for provision of such improvements.

“Zoning ~~o~~Ordinance”~~,~~ means ~~T~~the Arlington County, Virginia, Zoning Ordinance, as amended.

~~Definitions of terms in the building code and zoning ordinance. All terms defined under various sections of the Arlington County, Virginia, Building Code and the Arlington County, Virginia, Zoning Ordinance, where occurring in these regulations, shall have the meanings specified in said Code and Ordinance, except where otherwise defined in these regulations.~~

~~(~~B.~~)~~ *Minimum requirements.* The following shall be considered minimum requirements and shall be varied only in specific cases:

~~(~~1.~~)~~ All streets and connections of new public rights-of-way to existing streets shall conform to the master transportation plan for the ~~c~~County, both as to location and width. Any subdivider proposing a new street or connection which is not shown on or is significantly different in location or width from that shown on the master transportation plan shall petition the ~~p~~Planning ~~c~~Commission and County Board and receive the County Board's approval for an amendment to the master transportation plan to include the proposed street before receiving final subdivision plat

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approval. The County Manager or his designee shall have the authority to approve new cul-de-sac streets which are not shown on the master transportation plan if the County Manager or his designee determines that no more than fifty (50) new lots zoned for one-family, two-family, or town house dwellings will front on any new length of cul-de-sac street.

(2.) The minimum width for minor streets shall be fifty (50) feet except that in cases where topography or special conditions make a street of less width more practical, the eCounty mManager or his or her designee may modify the above requirements. Provided, however, that the minimum width for culs-de-sacs shall in no event be less than forty (40) feet, and further provided that the minimum width for streets in residential cluster developments or in unified residential developments as provided for in the Arlington County, Virginia, Zoning Ordinance, shall in no event be less than forty (40) feet, as approved by the County Board pursuant to the Zoning Ordinance. A partial width street may be dedicated when adjoining undeveloped property. The width of a partial street shall be thirty (30) feet or as determined by the eCounty mManager or his designee.

(3.) Subdivisions shall not create public alleys. Private alleys shall be built to a minimum width of twenty (20) feet, and shall meet the requirements of Arlington County in effect for street construction. The minimum radius of any alley intersection shall be twenty-five (25) feet.

(4.) Easements of not less than ten (10) feet in width shall be provided for public poles, wires, conduits, stormwater, sanitary sewers, gas and water lines. Easements of greater width may be required where necessary for surface overflow, large subsurface structures, or for the extension of main sewers or similar utilities.

(5.) Blocks shall have sufficient width to provide for two (2) tiers of lots of an appropriate depth, except where this requirement would result in a subdivision being able to create fewer than seventy-five percent (75%) percent of the potential lots that would otherwise be permitted.

(6.) A public walkway easement at least ten (10) feet wide shall be required for pedestrian traffic between streets where the distance from the front of any lot created to the nearest intersecting street or walkway on that blockface is four hundred (400) feet or more.

(7.) Newly created block faces may not exceed twelve hundred (1,200) feet in length.

(8.) For the first twenty-five (25) feet back from the front lot line, side lot lines shall not vary from a perpendicular or radial to the street by more than five (5) degrees. Beyond twenty-five (25) feet back from the front lot line, a side lot line is permitted to change its bearing up to three (3) times.

(a.) Side lot lines for subdivisions entirely within commercial or industrial zoning districts must be straight within the first twenty-five (25) feet back from the front lot line. They are not required to be within five (5) degrees of perpendicular or radial to the street for that distance.

(b.) A parcel's existing recorded property lines may serve as side lot lines.

(c.) Side lot lines which front on public streets are exempted from the requirements.

(d.) Portions of lots used to meet the requirement for adequate access which are narrower than the minimum average width requirement of the zZoning oOrdinance must maintain a minimum width of forty (40) feet, except for those lots meeting the conditions specified in section § 23-5.B.9.d(B)(9)(d).

(e.) Where a subdivision of land is subject to a site plan approved under section 36.H of the zZoning oOrdinance, side lot lines in it, when authorized by the site plan, need not conform to the foregoing requirements.

(f.) Plats, lots and lot side lines approved before the effective date of this ordinance [chapter], and valid when approved, or validated on June 24, 1989, shall continue to be valid unless changed by resubdivision.

(9.) All lots shall conform to the requirements set forth in the Arlington County, Virginia, Zoning Ordinance.

(a.) Every lot shall have a minimum of forty (40) feet of frontage abutting on a public street adequate for the entry of motor vehicles to the lot except as provided in the following subsections (b), (c), (d) and (e).

(b.) To the extent that lot frontages of less than forty (40) feet are approved by the County Board pursuant to the Zoning Ordinance, lots in residential cluster developments, lots in unified residential developments, or a lot for the one (1) detached unit permitted in a subdivision of attached units, shall have a minimum of twenty (20) feet of frontage on a public street.

(c.) Lots for attached dwelling units shall have a minimum frontage of sixteen (16) feet on a public street or shall have adequate access as defined in section § 23-5.B.18(B)(18), except for lots for attached dwelling units in an "RA" zoning district which shall have a minimum frontage of fourteen (14) feet on a public street and adequate access as defined in section § 23-5.B.18(B)(18), provided that motor vehicle access to these lots not be through their public street frontage.

(d.) Where a lot fronts on a cul-de-sac or the dead-end portion of a street, or its frontage runs along an intersecting angle or curve along the street right-of-way that has similar frontage development characteristics to a cul-de-sac, the street frontage may be reduced to no less than twenty-five (25) feet if the distance between side lot lines increases continuously from the front property line, until the lot dimensions reach the average width required and the lot conforms to the minimum requirements of the zZoning oOrdinance.

(e.) A lot which does not have frontage on a public street need not comply with paragraph subsection A(a) when such lot is in a commercial zoning district, is subject to a site plan approved under Section 36.H. of the zZoning oOrdinance and has access to a public street through at least one (1) easement or common way reasonably adequate for utilities, pedestrians and movable property, fire and other emergency access.

(10.) Property lines at corners of all intersecting street rights-of-way shall be rounded by an arc having a radius of not less than sixteen and one-half (16 1/2) feet.

(11.) Street names will be provided by the County Manager, or his or her designee, to conform with the uniform plan for street names heretofore adopted by the eCounty. Numbered streets shall be designated by suffix north or south. Named streets shall be designated by prefix north or south.

(12.) Monuments of iron pipe, stone, concrete or other permanent nature at least twenty-four (24) inches long shall be set at all corner and angle points in the outer lines of the subdivision, all corner and angle points of property lines, all tangent points of street intersections, and at all points of angle and curvature in the right-of-way lines of all streets. Monuments shall be set by certified land surveyors or eCounty employees designated by the County Manager. There shall be at least three (3) monuments of stone or concrete in each block. The top of all monuments shall not be less than one (1) inch or more than six (6) inches above the finished grade of the ground surface at their respective locations. Streets will not be accepted into the eCounty street system unless and until these monuments are placed as required. No monument shall be removed or tampered with in any way whatsoever without the permission of the County Manager.

(13.) In the event the subdivision is traversed by any watercourse or channel, stream or creek, either live

or dry, the subdivider shall dedicate an easement or a right-of-way for storm drainage purposes conforming substantially with the lines of the floodplain as approved by the Arlington County Manager, or his designee, of such natural watercourse or channel, stream or creek, or provide and dedicate to the ~~c~~County where required above, an adequate storm drainage system and stormwater detention system for the handling of storm flow from and through the property. The storm sewer system implemented to handle the flow shall be designed in accordance with the ~~s~~Stormwater ~~d~~Detention ~~o~~Ordinance, Chapter 60 of the Code of Arlington County, Virginia.

~~(~~14.~~)~~ Indiscriminate use of easements for public street purposes will not be allowed. The necessity for such easements shall be determined by the County Manager.

~~(~~15.~~)~~ Any variance or special exception required before approval of a subdivision or resubdivision plat shall be acquired before final approval and recorded on the final plat.

~~(~~16.~~)~~ A subdivision may be vacated with the consent of the owner(s) and the approval of the County Manager. The plat and deed of vacation shall be properly recorded among the land records of Arlington County, Virginia.

~~(~~17.~~)~~ The recorded subdivision name of any part of a subdivision can be changed to a new name indicated on a final subdivision plat submitted for approval by vacating and rededicating the existing recorded subdivision name.

~~(~~18.~~)~~ Standards for adequacy of access to attached dwelling units:

~~(~~a.~~)~~ Wherever lots for attached dwelling units, including lots for no more than one (1) detached dwelling unit in a subdivision of attached units, do not have a minimum sixteen (16) feet of access on a public street, or are located in an "RA" zoning district with less than sixteen (16) feet of access on a public street, then such attached dwelling units shall have sixteen (16) feet, or at least fourteen (14) feet for such attached dwelling units in an "RA" zoning district, of access reasonably adequate for utilities, pedestrians and movable property through at least one (1) easement or common way which shall provide this access between each common lot for a unit and a public street, which easement or common way shall have a minimum of twenty (20) feet of width free of structures and uses not permitted in front yard setbacks. No more than one (1) detached dwelling may be permitted in front yard setbacks. No more than one (1) detached dwelling may be permitted to have access to a public street through a common easement shared with attached units, provided that the lot for such detached dwellings shall have a minimum of forty (40) feet of frontage on the common easement. Such lots shall also have access for fire and other emergencies through any additional easement or common way necessary to provide such access and to permit compliance of any structure placed on the lots with fire prevention and building codes and to be situated and constructed consistently with prevailing standards for fire prevention and suppression as determined by the ~~f~~Fire ~~m~~Marshal.

~~(~~b.~~)~~ Easements or common ways for vehicles shall be paved to a minimum of twenty-three (23) feet wide and be built to the requirements of the street and storm sewer construction specifications of Arlington County as from time to time in effect for the construction of ~~c~~County streets. Access to common parking areas and the aisles of parking areas shall also be constructed with the minimum width and construction specifications required for access by motor vehicles, provided that the width required for aisles shall be no less than the minimum set by the ~~z~~Zoning ~~o~~Ordinance. Pedestrian access from individual lots to a parking area or a public street through a common way shall be provided with a minimum of one (1) four (4) foot wide walkway in areas designated on the general land use plan for one (1) to fifteen (15) units per acre and six (6) feet wide in other areas. Any subdivision in an "RA" zoning district containing lots less than sixteen (16) feet wide shall have a common parking area reasonably adequate to serve all units in the subdivision.

(19.) In any horizontal division or redivision of land, a document providing for easements for access, parking, emergency, governmental and proprietary functions, utilities, encroachment and support shall be submitted to and approved by the County Manager or designated agent his designee for compliance with cCounty ordinances and regulations. No horizontal division or redivision of land shall be used for the evasion of the "Condominium Act."

(C.) *Public physical improvements:*

(1.) Public street facilities, walkways, storm sewer management facilities, lighting, trails, utilities and other public facilities required by section § 23-5.B(B) of this chapter shall be constructed by the subdivider in conformance with the Arlington County Code.

(2.) Before final plat approval, after all other required approvals are obtained, all physical public improvements dedicated for public use and maintained by the cCounty, cCommonwealth or other public agency shall be installed and completed at the expense of the subdivider. The subdivider shall provide a certificate to the County Manager, or his or her designee, that the construction costs have been paid to the person constructing such improvements. In lieu of actual completion, the subdivider may obtain final plat approval by furnishing to the County Manager, or his or her designee, a certified check, surety bond or a bank or savings and loan association's letter of credit, sufficient to cover the costs of all improvements required by the cCounty. The amount of such certified check, surety bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities.

Partial releases may be made of such certified check, bond or letter of credit in a cumulative amount of no more than eighty percent (80%) percent of the original amount for which the certified check, bond or letter of credit was taken, based upon the percentage of the facilities completed and approved by the County Manager, or his or her designee. Periodic partial releases may not occur before the completion of at least thirty percent (30%) percent of the facilities covered by any bond, letter of credit, or other performance guarantee, or after completion of more than eighty percent (80%) percent of said facilities. The County Manager, or his or her designee, shall not be required to execute more than three (3) partial releases, in any twelve (12) month period. Upon final completion, in accordance with the required specifications, and acceptance of said facilities, the County Manager, or his or her designee, shall release any remaining bond, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release the term "acceptance" is deemed to mean: when said public facility is accepted by and taken over for operation and maintenance by the sState agency or cCounty department which is responsible for maintaining and operating such facility upon acceptance.

Whenever a preliminary plat or final plat includes a proposed dedication of land for public use and the County Manager, or his or her designee, finds that such land is not required or not suitable for public use, the County Manager, or his or her designee, may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.

(3.) The subdivider shall pay or provide for the payment of his or her pro rata share of the cost of providing reasonable and necessary sewer, water and drainage facilities located outside the property limits of the land owned or controlled by him or her but necessitated or required by the construction or improvement of his or her subdivision or development when the cCounty has established a general sewer, water and drainage improvement program for an area having related and common sewer, water and drainage conditions, and when the land owned or controlled by the subdivider is located within that area. The program shall have reasonable standards to determine the proportionate share of the total estimated cost of ultimate sewer, water and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the comprehensive plan, that shall be borne by each subdivider within the area. Each

subdivider's share shall be limited to the proportion of such total estimated cost which the increased sewage flow, water flow and increased volume and velocity of storm water runoff to be actually caused by his or her subdivision bears to the total estimated volume and velocity of such sewage, water and runoff from such area in its fully developed state. Each such payment received shall be expended only for the construction of those facilities for which the payment was required and until so extended shall be held in an interest-bearing account for the benefit of the subdivider; however, in lieu of such payment, the County Manager may accept the posting of a bond with surety satisfactory to it conditioned on payment at commencement of such construction.

(4-1-59; 2-7-70; 9-11-76; 6-9-79; 10-20-81; Ord. No. 83-7, 3-5-83; Ord. No. 84-22, 8-18-84; Ord. No. 85-31, 8-17-85; Ord. No. 89-19, 6-24-89; Ord. No. 90-3, 4-7-90; Ord. No. 90-13, 6-28-90; Ord. No. 92-48, 9-26-92; Ord. No. 99-6, 4-10-99)

§ 23-6. Streets ~~g~~Generally.

~~(~~A.~~)~~ Arrangement of streets and alleys with reference to adjoining street system:

~~(~~1.~~)~~ The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining subdivisions, or their proper projections when adjoining property is not subdivided.

~~(~~2.~~)~~ In general, such streets shall be at least as wide as existing streets, except that in no case shall the width be less than fifty (50) feet or as specified in the master plan unless the street is a cul-de-sac dedicated with a subdivision, or a street dedicated as part of a residential cluster or unified residential development as provided for in the Arlington County, Virginia, Zoning Ordinance, or a partial width street dedicated pursuant to ~~section~~ § 23-5.B.2~~(b)(2)~~.

~~(b)~~B. Cul-de-sac streets shall have a turnaround at the end with a minimum radius of forty-five (45) feet, as measured from the street centerline to the back of sidewalk, or a hammerhead turnaround with a rectangular area measuring at least eighty (80) feet in total width and at least forty (40) feet in each direction from the street centerline when measured at the end of the street on which the turnaround is located and perpendicular to the centerline. Such turnaround shall have its minimum 80-foot length for at least twenty (20) feet, as measured from the end of the street towards the throat of the cul-de-sac, and be connected to the street with reverse curves having radii of twenty-five (25) feet to the right-of-way at the back of the sidewalk along the throat of the cul-de-sac. Dead-end streets lacking turnarounds shall not be permitted.

~~(~~C.~~)~~ Minimum widths:

~~(~~1.~~)~~ The minimum width of minor streets shall be fifty (50) feet, or as designated by the master thoroughfare plan.

~~(~~2.~~)~~ The minimum width of collector streets shall be sixty (60) feet, or as designated by the major thoroughfare plan.

~~(~~3.~~)~~ The minimum width of major thoroughfares shall be eighty (80) feet, or as designated by the major thoroughfare plan.

~~(~~4.~~)~~ The minimum width for service drives shall be thirty (30) feet.

~~(~~D.~~)~~ Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. Offset intersections shall be avoided. If such an intersection is unavoidable, there shall be a distance of at least one hundred fifty (150) feet between centerlines.

~~(~~E.~~)~~ No subdivisions showing reserve strips controlling access to public ways will be approved except when the control and disposal of land comprising such strips are definitely placed within the ~~c~~County's jurisdiction under conditions meeting the approval of the County Manager.

(4-1-59; Ord. No. 90-3, 4-7-90; Ord. No. 90-13, 6-28-90; Ord. No. 99-6, 4-10-99)

§ 23-7. Acreage ~~s~~Subdivisions.

~~(~~A.~~)~~ When a parcel is subdivided into larger tracts than for normal building lots, such parcel shall be divided so as to provide for the opening and extension of streets.

~~(~~B.~~)~~ If a developer owns more than twenty-five (25) acres in one (1) tract, and intends to develop a portion of it, he or she need submit a plat of twenty-five (25) acres only. If the tract is twenty-five (25) acres or less, he or she must present a plat of the entire tract.

~~(~~C.~~)~~ When a subdivision is created from part of a larger tract last arranged as a single tract, the remaining area of the tract not being subdivided shall be stated clearly on the plat.

~~(~~D.~~)~~ Where deemed necessary, temporary vehicular turnarounds shall be provided.
(4-1-59; Ord. No. 90-13, 6-28-90)

§ 23-8. Preliminary ~~p~~Plats.

~~(~~A.~~)~~ *Submission.* In seeking to subdivide land into building lots and/or to dedicate street rights-of-way, alleys or other lands for public use, the owner or owners shall submit six (6) copies of a preliminary plat, so marked, to the County Manager or his ~~or her~~ designee for approval before submitting the final plat.

~~(~~B.~~)~~ *Scale; contents.* The preliminary plat shall be drawn to scale not smaller than one (1) inch to fifty (50) feet, and shall show:

~~(~~1.~~)~~ Existing property lines, streets and alleys with their names, street centerlines, public easements, buildings, watercourses, limits of clearing, and other existing features.

~~(~~2.~~)~~ The title under which the proposed subdivision is to be recorded, where possible, and the name of the proprietor or subdivider.

~~(~~3.~~)~~ The location of existing public sewer and water lines.

~~(~~4.~~)~~ Date, north arrow, scale, and name of the surveyor.

~~(~~5.~~)~~ All plats shall be referenced to the nearest cross street.

~~(~~6.~~)~~ The names of all adjoining subdivisions showing lines and numbers of abutting lots and the locations, names and width of existing streets and alleys and similar facts regarding property which is immediately adjacent, including adjoining properties not subdivided.

~~(~~7.~~)~~ *Contour map*. The preliminary plat shall depict the topography of the area, the limits for clearing and grading, and other proposed alterations of the area.

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~~(~~8.~~)~~ Current real property assessment identification numbers must be shown for all properties involved in subdivisions, as well as for all other lots shown on the plat.

~~(~~9.~~)~~ A blank space, three (3) inches in width and six (6) inches in length, in which the preliminary stamp may be placed.

~~(~~10.~~)~~ All dimensions, both linear and angular, for locating boundaries of subdivisions, lots, streets, public easements and private easements. The linear dimensions shall be expressed by bearings and distances.

~~(~~C.~~)~~ *Checking*. Preliminary plats will be checked for:

(1.) Conformity to the master transportation plan of the eCounty.

(2.) Conformity to the existing and probable development of adjacent properties.

(3.) Conformity to the existing street improvements construction specifications for Arlington County.

(4.) Lot size, arrangement and access to a public street.

(5.) Necessary drainage, sanitary sewer and public utility easements.

(6.) Conformity to all other sState statutes and eCounty ordinances including the zZoning oOrdinance.

(D.) *Street names.* Names of all proposed streets will be supplied by the County Manager of Arlington County, Virginia, or his or her designee.

(E.) *Filing; term of validity of approval.* One (1) copy of the approved preliminary plat will be kept on file for public examination and one (1) will be returned to the submitter. Such approval of the preliminary plat shall be valid for a period of six (6) months.

(F.) *Notification.* The subdivider shall notify all persons owning property abutting or immediately across the street from the parcel to be subdivided, and the local eCivic aAssociation pPresident and nNeighborhood eConservation aAdvisory eCommittee representatives that are on file with the County Board oOffice of the subdivision plan. If a eCounty designated historic district or landmark is situated on, abuts or is immediately across the street from the parcel to be subdivided, then the subdivider shall also notify the hHistorical aAffairs and lLandmark rReview bBoard eChairman. The notice shall be sent by mail certified return receipt to the owners of record, as indicated by the eCounty tax records, for each of the properties. The notices must use the form prescribed by the eCounty.

Preliminary plat applications will not be approved until the subdivider submits proof that notices have been sent to all the specified persons.
(4-1-59; 6-26-76; Ord. No. 90-13, 6-28-90)

§ 23-9. Final pPlats.

(A.) *Prints; approval by County Manager.* Within six (6) months of the date of approval of the preliminary plat, two (2) blackline prints of the final plat, together with the inked tracing, shall be submitted to the County Manager for approval. One (1) print, after approval by the County Manager, will be returned to the submitter for recordation. Such approval shall be void unless the plat is offered for recordation within three (3) months of the date of approval.

(B.) *Voidance of approval.* Any additions, subtractions or alterations of any kind to a final plat, following approval, shall cancel and void such approval.

(C.) *Scale and dimensions.* The plat shall be made to a scale large enough to show details clearly; said scale shall never be smaller than fifty (50) feet to the inch. The minimum working area shall be eleven (11) inches by eight (8) inches, with a one-half (1/2) inch border, on any plat, these dimensions being the size of one (1) match section. Larger plats may have as many as four (4) match sections. In no case should the plat be drawn on a sheet of paper larger than eighteen (18) by twenty-four (24) inches.

(D.) *Conformity with approved preliminary plat; contents.* The final plat shall be checked for conformity with the approved preliminary plat and shall show:

(1.) The boundaries of the property, and names and widths of all proposed streets and easements.

(2.) The exact length and bearing of the centerlines of all streets between intersecting streets and between intersecting streets and the exterior boundary of the plat.

(3.) Widths, names and centerlines of all abutting streets, and widths of abutting alleys.

(4.) All lot areas and symbols for all lots and blocks.

(5.) All dimensions, both linear and angular, for locating boundaries of subdivisions, lots, streets, public easements and private easements. The linear dimensions shall be expressed by bearings and distances. All curves shall be circular arcs and shall be defined by the radius, central angle, tangent, arc chord bearing, and chord distance. All plats shall show a curve table in which all curve data is set forth in an orderly fashion.

(6.) The description and the location of all monuments shall be shown. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of one (1) in ten thousand (10,000). No plat showing minus or plus distance will be approved. The County Manager may make such office and field checks as may be necessary to assure the correctness of the plat and may require the owner of the subdivision to pay for such checking.

(7.) The title which shall not duplicate the name of any existing subdivision under which the subdivision is to be recorded, with the name of the surveyor platting the tract. The surveyor shall in every case have a certificate from the Virginia State Board for the Examination and Certification of Professional Engineers, Architects and Surveyors.

(8.) The title block, the surveyor's certificate and the curve data table shall never be broken by a match line. Each shall be contained wholly within one (1) match section.

(9.) Date, north arrows within each match section in which drawing is shown, points, match lines, and scale.

(10.) A blank space, three (3) inches in width and six (6) inches in length, in which the final stamp may be placed.

(11.) Certification by the professional surveyor that the final plat was made by him or her and that all supporting data is correct, all locations shown are accurate and all monuments indicated are existing, or will be placed at the time the plat is recorded or prior to the time the streets are accepted.

(12.) All new subdivisions shall show an area tabulation chart in which the areas of all lots, streets, parcels and total area are given in both square feet and acres.

(13.) Real property assessment identification numbers, obtained from the Arlington County Real Estate Assessments Department, must be indicated for all lots newly created on the final plat, as well as those lots which previously had identification numbers.

(14.) The location of the control measures and facilities as required by the Arlington County Erosion Control and Sediment Control Ordinance.

(E.) *Plans and profiles:*

(1.) Plans and profiles to a scale of twenty-five (25) feet horizontal and five (5) feet vertical to the inch will be required of streets and shall be shown on a sheet twenty-four (24) inches in length and thirty-six (36) inches in width.

(2.) All physical public improvements required by this chapter shall have been installed and approved for conformance with the plans and specifications of the County of Arlington, such plans having been submitted and approved prior to the commencement of construction; except, in lieu of actual

installation of such physical public improvements, the subdivider may submit with the final plat an agreement to construct such physical public improvements in form and substance as approved by the ~~c~~County, together with bond or other equally secure guarantee acceptable to the ~~c~~County in the amount of the ~~c~~County approved estimated cost of the physical public improvements. Such agreement and bond shall provide for completion of all work within a specified time as determined by the County Manager. In no instance shall the agreement extend more than two (2) years. Upon written application by the subdivider, the County Manager may extend the agreement period with adequate surety. In any case where the County Manager rejects such agreement or extension of agreement, bond or surety, the subdivider shall have the right to have such determination made by the County Board of Arlington County.

~~(~~F.~~)~~ *Stormwater detention.* When a subdivision is in an area where stormwater detention is required by ~~c~~County ordinance, an engineering design plan for stormwater detention on the lots or a ~~c~~County granted waiver must be presented prior to the final plat. The plan must meet the requirements specified in the Arlington County Stormwater Detention Ordinance.

~~(~~G.~~)~~ *Other plats.* Final plat requirements for plats submitted to the County Manager showing public easements, property surveys, dedications and vacations, etc., will be treated in the same manner as subdivision plats. Two (2) blackline prints will be required as final copies.
(4-1-59; 7-5-60; 7-13-64; Ord. No. 90-13, 6-28-90)

§ 23-10. Platting of ~~c~~Condominiums and ~~c~~Cooperatives.

~~(~~A.~~)~~ Plats and plans of condominiums and cooperatives must conform to ~~Section~~ § 55-79.58 of the Code of Virginia, as amended.

~~(~~B.~~)~~ Plats for condominiums and cooperatives must meet all other requirements for preliminary and final plats that have previously been specified in this chapter, to the extent consistent with Title 55 of the Code of Virginia, as amended.
(Ord. No. 90-13, 6-28-90)

§ 23-11. Plat ~~r~~Review and ~~b~~Bond ~~a~~Administration ~~f~~Fees.

~~(a)~~A. The cost of plat review services rendered by the Department of Environmental Services, including review, approval and administration of bonds, shall be borne by the subdivider or developer at the charges set out below.

~~(~~1.~~)~~ *Subdivision plats:*

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Plat review fees:

Base fee $1,500.00

Plus, per lot/division of land 200.00

Plat revisions:

Filing fee--As percentage of initially submitted plat review fee (base fee plus per lot fee) 25%

Preliminary plat reapproval 500.00

Final plat reapproval 225.00

~~(~~2.~~)~~ *Condominium plats*:

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Plat review fee 1,200.00

Plat revisions. 300.00

Final condominium plat reapproval 225.00

(3.) *Public easement, vacation and abandonment plats*:

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Plat review fee 300.00

Final plat reapproval 50.00

(4.) *Bond and agreement processing fees for subdivisions, site plans, or use permits*:

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Bond estimate review fee of $10,000 or less, each 100.00

Bond estimate review fee over $10,000, each 400.00

Bonds of $10,000 or less, each 400.00

Bonds over $10,000, each 1,500.00

Agreement extensions, each 600.00

Bond reductions, each 1,050.00

Bond exchanges or replacements, each 500.00

Combined bond reduction and agreement extension, each 1,500.00

(b)B. Plat review fees shall be paid at the time the plat is submitted. Plat revision fees shall be paid at the time the revised plat is submitted. Bond and agreement processing fees shall be paid at the time that bonds and agreements are submitted. Bond agreement extension, bond reduction, and combined bond reduction and agreement extension fees shall be paid at the time each request is submitted.
(Ord. No. 90-5, 7-1-90; Ord. No. 90-13, 6-28-90; Ord. No. 98-14, 7-1-98; Ord. No. 02-08, § 2, 4-20-02; Ord. No. 04-11, § 2, 4-24-04; Ord. No. 04-25, 10-2-04; Ord. No. 09-17, 6-16-09, effective 7-1-09)

§ 23-12. Compliance with eChapter pPrerequisite to iIssuance of pPermit for eConstruction of bBuilding or oOther iImprovement.

No permit will be issued by any administrative officer of the County of Arlington, Virginia, for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required by this chapter unless and until the requirements of this chapter have been complied with.
(4-1-59; Ord. No. 90-13, 6-28-90)

§ 23-13. Penalty for vViolation of eChapter.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not less than twenty dollars ($20.00) and not more than five hundred dollars ($500.00). Each day of continuing nonconformance shall constitute a separate violation.
(4-1-59; Ord. No. 90-5, 7-1-90; Ord. No. 90-13, 6-28-90)

§ 23-14. Separability.

If any clause, sentence, paragraph, or part of this chapter should for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this

chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part directly involved in its controversy in which the judgment shall have been rendered.
(4-1-59; Ord. No. 90-5, 7-1-90; Ord. No. 90-13, 6-28-90)

§ 23-15. Enforcement.

This chapter shall be enforced by the County Manager of Arlington County, Virginia, or his~~ or her agent~~ designee.
(4-1-59; Ord. No. 90-5, 7-1-90; Ord. No. 90-13, 6-28-90)

ARLINGTON COUNTY CODE

Chapter 24

RESERVED*

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* **Editors Note:** Ord. No. 05-15, adopted April 16, 2005, repealed former Ch. 24, relative to swimming pools and spas, in its entirety, and enacted Ch. 24.1 of this Code relative to water recreation facilities.

ARLINGTON COUNTY CODE

Chapter 24.1

WATER RECREATION FACILITIES ORDINANCE

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* **Editors Note:** Ord. No. 05-15, adopted April 16, 2005, repealed former Ch. 24, relative to swimming pools and spas, in its entirety, and enacted Ch. 24.1 of this Code retitled to water recreation facilities to read as herein set out.

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ARTICLE ~~1~~I.

GENERAL PROVISIONS

§ 24.1-~~1~~-1. Title.

This Ordinance shall be known and may be cited as the "Arlington County Water Recreation Facilities Ordinance."
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~ 2. Purpose.

The purpose of this ~~Ordinance~~ chapter is to:

A. Ensure that all public pool 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 license for construction, ownership and operation of a water recreation facility.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~ 3. Administration and ~~e~~Enforcement.

The County Manager or his~~/her designated agent~~ designee shall administer and enforce this ~~Ordinance~~ chapter.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~ 4. Scope.

This ~~Ordinance~~ chapter shall apply to all water recreation facilities, as indicated and herein defined. This ~~Ordinance~~ chapter applies only to public pools and does not apply to residential pools serving a single family residence. Swimming pool facilities, spa pool facilities, and waterpark facilities for which building permits are issued subsequent to the effective date of this ~~Ordinance~~ chapter shall be constructed in accordance with the provisions of the VUSBC, the National Electrical Code, OSHA, the Arlington County electrical, fire prevention, plumbing, and zoning ordinances, and this ~~Ordinance~~ chapter. Whenever any provision of any state code, other County Code, manufacturer's specification or recommendation, or industry standard imposes a greater requirement or a higher standard than is required under this ~~ordinance~~ chapter, compliance with the provision of such state code, other County Code, manufacturer's specification or recommendation, or industry standards shall be required. Nothing in this ~~Ordinance~~ chapter shall be held to preclude compliance with the applicable provisions of these codes, standards, specifications and recommendations.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~ 5. Definitions.

~~For the purposes of this Ordinance, t~~The following words and terms, when used in this chapter, shall have the following meanings~~,~~ 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.

"Aid for climbing" means an object connected to or adjacent to the barrier that creates a handhold or a foothold.

"ANSI" means American National Standards Institute.

"ASME" means the American Society of Mechanical Engineers.

"ASTM" means the American Society for Testing and Materials.

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"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 a water recreation facility prior to entering the pool(s), which contain the dressing rooms, showers, toilets, lavatories, saunas, steamrooms, and mopsinks.

"Biomechanics" means the study of the human body as a system operating under the laws of Newtonian mechanics and the biological laws of life.

"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 total chlorine residual ten (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.

"Children's activity pool" means an activity pool, designed primarily for the use of children, having a maximum depth of twenty-four (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).

"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.

"County Manager" means the County Manager of Arlington County or ~~to whomever he/she has delegated the responsibility for enforcement of this Chapter~~ his designee.

"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.

"Deck" means the smooth, impervious, non-slip walking surface located within the perimeter enclosure and around the pool(s).

"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 recreational or competitive 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.

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"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.

"Elevated pool" means any pool constructed above ground level within or upon an architectural structure.

"Ergonomics" means a multidisciplinary activity dealing with the traditional environmental elements of atmosphere, heat, light, and sound as well as objects with which the user comes in contact.

"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 quarters (1 ¾) inches as measured horizontally that expose horizontal surfaces whose top planes are separated by a vertical distance that is less than forty-five (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 connection to the main telephone system.

"Hydrojet" 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 the pool shell.

"Industry standards" means the American National Standard Institute (ANSI), National Spa Pool Institute (NSPI), etc., or similar standards.

"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 all regulated facilities.

"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" means a structure designed to allow for recreational activities with re-circulated, filtered, and treated water, but having minimal standing water. Water from the interactive fountain type features is collected by gravity below grade in a collector tank or sump. The water is filtered, disinfected, and then pumped to the feature spray discharge heads.

"Internal communication system" means any combination of devices permitting the immediate passage or exchange of messages between the personnel within the water recreation facility.

"Lifeguard" means an individual, fifteen (15) years of age or older, who is trained and certified in lifeguarding, first aid, and cardio-pulmonary resuscitation.

"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 six and one-half (6.5) or greater and a Munsell Chroma (C) notation of seven (7.0) or less.

"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 ~~T~~the maximum number of patrons permitted in any water recreation facility at any one time. The maximum facility load is limited by the sum total of the maximum pool loads, bathhouse plumbing fixture restrictions, or other restrictions imposed by the County Manager.

"Maximum pool load" means the maximum number of patrons permitted within an individual pool at any one time.

"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 a water recreation facility and in whose name the owner's annual or seasonal license is issued. The person in charge of the water recreation facility shall be deemed to be the designee of the owner.

"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.

"Person in Charge" means the individual present at a pool facility that is responsible for the operation at the time of inspection. The person in charge may be a lifeguard, manager, certified pool operator, or other attendant in charge of the pool facility.

"Perimeter fence" means a closed type vertical barrier which completely encloses and secures the pool area and prevents unauthorized entry.

"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, outdoor, or both, containing a body of water with sufficient depth for complete or partial immersion of the body. Residential pools serving a single family dwelling are not included in this definition.

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"Pool area" means a pool-(s) 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 a water recreation facility.

"Pool operator" means a person, sixteen (16) years of age or older, certified to conduct the operation of a water recreation facility.

"Pool operator's certificate" means the credential to a person who has successfully passed a nationally recognized pool operator's exam.

"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, which is intended to be used collectively by a number of persons for swimming, recreation, competition, fitness, relaxation or therapeutic purposes.

"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 bottom step terminating at the pool wall and bottom.

"Remodel" means to change, rearrange, or modify a swimming pool or spa pool 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.

"Slow 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.

"Spa pool" means any pool intended to be used for recreational and 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 hydrojet 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

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a medical facility; spa pools located in the athletic department of schools, colleges and universities; and spa pools owned and used by professional athletic teams.

"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 swimming and/or diving.

"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 Underwriter's 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 not exceed eighteen (18) inches in water depth.

"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 recreation facility" means a pool facility including but not limited to a swimming pool facility, spa pool facility, waterpark facility, or any related facility.

"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. 05-15, 4-16-05)

§ 24.1-~~1~~ 6. Permits for ~~c~~Construction and ~~r~~Remodeling.

A. Building and other applicable permits shall be obtained before any water recreation facility regulated under this ~~Ordinance~~ chapter may be constructed. A building permit or other applicable permits may be required from the building official(s) before the remodeling of a water recreation facility regulated under this Ordinance. Plans and specifications shall have been approved by the County Manager or his~~/her designated agent~~ designee prior to the issuance of such permits.

B. If a building permit is not required, plans and specifications for the remodeling of a water recreation facility regulated under this ~~Ordinance~~ chapter shall be submitted to the County Manager or his~~/her designated agent~~ designee for review and approval. Duplicate copies of the plans and specifications shall be submitted to the County Manager or his/her designated agent unless additional sets are required.

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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 are as established in § 24.1-1-24.

E. The requirements of this ~~Ordinance~~ ordinance 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.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~7. Owner's ~~l~~License ~~r~~Required; ~~f~~Fee for ~~s~~Same.

A. No owner shall allow a water recreation facility to be operated unless the owner has secured an annual or seasonal license from the County Manager or his~~/her designated agent~~ designee. The license shall be posted in a location conspicuous to the public on the premises of the facility. Prior to issuing the license, the County Manager or his~~/her designated agent~~ designee shall determine that the water recreation facility is in compliance with the requirements of this ~~Ordinance~~ chapter, that all required fees in § 24.1-~~1~~-24 have been paid, and that the water recreation facility has been approved by the electrical official. The license 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. In the event the owner is operating a facility without the required annual or seasonal license, the County Manager or his~~/her designated agent~~ designee shall order the immediate closure of the facility. An order of closure shall be effective upon service of a written notice to the owner of the facility and shall remain in effect until such time as the owner secures the annual or seasonal license.

B. The fees for the license required by § 24.1-~~1~~-7.A are as established in § 24.1-~~1~~-24 of this ~~Ordinance~~ chapter.

C. The owner and the pool management company, if applicable, of any water recreation facility is responsible for the facility being operated, maintained, and managed in accordance with the requirements of this ~~Ordinance~~ chapter.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~8. Facility ~~c~~Closure and ~~s~~Suspension of the ~~o~~Owner's ~~l~~License.

A. The County Manager or his~~/her designated agent~~ designee shall order the immediate closure and license suspension of any water recreation facility upon finding that a substantial hazard exists to the health or safety of those who utilize the facility. No person shall operate any water recreation facility subject to an order of facility closure and license suspension.

B. An order of facility closure and license suspension shall be effective upon service of a written notice to the license holder or his~~/her~~ designee. The order shall remain in effect until such time as the County Manager or his~~/her designated agent~~ designee determines that the hazard no longer exists.

C. The holder of a license for a facility subject to an order of facility closure and license suspension may request a hearing as described in § 24.1-~~1~~-15.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~9. Revocation of an ~~o~~Owner's ~~l~~License.

The County Manager or his~~/her designated agent~~ designee may revoke an owner's license upon the finding of serious, repeated, or flagrant violations of any of the requirements of this ~~Ordinance~~ chapter or interference with the performance of the County Manager or his~~/her designated agent~~ designee's duties. No person shall operate any water recreation facility subject to an order of license revocation. An owner's license may not be revoked unless the license holder has been served with written notice of the County Manager or his~~/her designated agent~~ designee's

intent to revoke the license, stating the reason the license is subject to revocation and informing the license holder of the opportunity for a hearing before the County Manager or his~~/her designated agent~~ designee. The holder of an owner's license subject to an order of license revocation may request a hearing as described in § 24.1-~~1~~-15.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~-10. Person in ~~e~~Charge.

The person in charge shall maintain the water recreation facility in a safe and sanitary manner. When in use, each pool facility or spa facility shall have a person in charge on the premises. The person in charge shall have basic knowledge of the water treatment process in bathing places, shall know proper technique for monitoring water quality on a regular basis and maintain the cleanliness, water quality, and chemical balance of each pool facility. The person in charge shall be able to demonstrate his/her skills in the operation and maintenance of the pool facility as well as have a clear understanding of the regulations governing those functions.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~-11. Reserved.

§ 24.1-~~1~~-12. Reserved.

§ 24.1-~~1~~-13. Reserved.

§ 24.1-~~1~~-14. Service of ~~n~~Notices.

A notice of owner's license suspension or revocation required by this ~~Ordinance~~ chapter is properly served when it is delivered to the owner or the person in charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner's license. A copy of the notice shall be filed with the records of the Health Department.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~-15. Hearings.

Any owner who has been denied an owner's license, or any holder of an owner's license who has received an order of suspension or revocation, may request a hearing by filing a written request in the office of the County Manager or his~~/her designated agent~~ designee, within ten (10) business days of the service of the order of license denial, suspension or revocation. The County Manager or his~~/her designated agent~~ designee shall conduct a hearing within ten (10) business days of receipt of a hearing request. If a written request for a hearing is not filed within the time licensed, the order is sustained.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~-16. Variances.

The County Manager or his~~/her designated agent~~ designee may grant a variance to the requirements of this ~~Ordinance~~ chapter.

A. *Request for a variance*. Any owner who seeks a variance shall apply in writing to the County Manager or his~~/her designated agent~~ designee. The application shall include:

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1. A citation of the ~~Ordinance~~ chapter section or to which the variance is requested;

2. A statement as to why the owner is unable to comply with the ~~Ordinance~~ chapter section to which the variance is requested;

3. The nature and duration of the variance requested; and,

4. A statement of reasons why the public health or safety would not be jeopardized if the variance was granted.

B. *Evaluation of a variance application*. The County Manager or his~~/her designated agent~~ designee shall act upon any variance request within sixty (60) calendar days from the receipt of the written application. In evaluating the variance application, the County Manager or his~~/her designated agent~~ designee shall consider the following factors:

1. Unusual circumstances unique to the applicant's facility;

2. The hardship to the applicant that would result if the variance were denied;

3. The effects that such a variance would have on the health and safety of the public at the water recreation facility; and,

4. Other health or safety factors as determined by the County Manager or his~~/her designated agent~~ designee.

C. *Disposition of a variance request*.

1. If the County Manager or his~~/her designated agent~~ designee approves a variance request, the applicant shall be notified in writing of the decision. Such notice shall identify the water recreation 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 upon receipt by the applicant or other designated date acceptable to the applicant and the County Manager or his~~/her designated agent~~ designee.

2. The County Manager or his~~/her designated agent~~ designee may reject any application for a variance by sending a written rejection notice to the applicant. The applicant may petition the County Manager for a hearing within thirty (30) calendar days, from receipt of the rejection notice, to challenge the rejection.

3. No license holder or applicant may challenge the terms or conditions set forth in the variance after thirty (30) calendar days have elapsed from the date of issuance.

D. Each variance shall be posted in a conspicuous place for the public to view. Each variance is revoked when the license attached to it is revoked. A variance is not transferable unless otherwise provided in writing at the time the variance is granted.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~17. Condition of ~~e~~Equipment and ~~p~~Premises.

All equipment shall be maintained in satisfactory condition during the operation of any water recreation facility. In addition, the premises, including the pool(s) and deck(s), of any water recreation facility shall be maintained in a clean and sanitary condition and shall be kept in good repair.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~18. Animals.

No animal shall be permitted within any water recreation facility; 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.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~19. Water ~~s~~Supply.

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A public water supply shall be used at all water recreation facilities unless other sources of water are approved by the County Manager or his~~/her designated agent~~ designee.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~ 20. Sewage ~~d~~Disposal.

All sewage generated from the plumbing fixtures within a water recreation facility shall be discharged into an approved sewage treatment works, or in the absence thereof, into an approved individual sewage disposal system.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~ 21. Inspections.

Upon presentation of the appropriate credentials, the County Manager or his~~/her designated agent~~ 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 ~~Ordinance~~ chapter.
(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~ 22. Emergency ~~o~~Order.

If an emergency exists, the County Manager or his~~/her designated agent~~ designee may issue an emergency order necessary for the preservation of public health and safety or for the protection of patrons and personnel using any water recreation facility. The emergency order shall state the reasons and precise factual basis upon which it is issued, the actions which an owner or pool operator is required to take, and the time period for which it is effective. A copy of the emergency order shall be served to the owner of the facility or his/her designee and may be publicized in any manner deemed appropriate by the County Manager or his~~/her designated agent~~ designee.
(Ord. No. 05-15, 4-16-05)

~~Section~~ § 24.1-~~1~~ 23. Grandfather ~~c~~Clause.

A. Except as provided in this section, the design and construction requirements of this ~~Ordinance~~ chapter shall not apply to any water recreation facility that was constructed prior to the effective date of this ~~Ordinance~~ chapter in accordance with the design and construction 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 ~~Ordinance~~ chapter shall apply to the remodeling of an existing facility unless the County Manager or his~~/her designated agent~~ designee 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. The County Manager or his~~/her designated agent~~ designee shall order reasonable 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. 05-15, 4-16-05)

§ 24.1-~~1~~ 24. Fee ~~s~~Schedule.

The following fees shall be paid to the County Manager or his~~/her designated agent~~ designee (i) annually by December 31st for facilities operating twelve (12) months a year, or (ii) prior to the issuance of the owner's license for facilities operating on a seasonal schedule:

A. Swimming pools, Spas, and Waterpark facilities:

1. Base Fee:

Pool Category	Fee

Seasonal Pool, Spa, or Interactive Water Feature	$200
Year-Round Pool, Spa, or Interactive Water Feature	$400
Waterpark	$600

2. The following fees shall apply in addition to the base fee:

a. Each additional pool, spa, or interactive water feature in a multi-pool facility…….……..……....$100

~~B.~~b. Plan review, each submission.....$160

(Ord. No. 05-15, 4-16-05)

§ 24.1-~~1~~25. Penalties.

Any person or owner who fails to comply with any applicable provision shall be in violation of this ~~Ordinance~~chapter. Each violation of this ~~Ordinance~~ chapter is punishable as a Class 1 misdemeanor in accordance with Virginia law. Each day a violation of this ~~Ordinance~~ chapter shall continue shall constitute a separate offense. The criminal penalty provided in this ~~S~~section shall be in addition to the administrative remedies set forth elsewhere in this ~~Ordinance~~chapter.

(Ord. No. 05-15, 4-16-05)

ARTICLE ~~2~~II.

SWIMMING POOLS; DESIGN AND CONSTRUCTION.

§ 24.1-26~~-1~~. 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. 05-15, 4-16-05)

§ 24.1-27~~-2~~. 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 § 24.1-49~~2-24~~. Emergency access lanes shall be kept clear and unobstructed.

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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.

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C. Pumps, filters and other mechanical and electrical equipment for swimming pools shall be enclosed in such a manner that they are accessible only to authorized persons.

(Ord. No. 05-15, 4-16-05)

§ 24.1-28~~-3~~. Construction ~~m~~Materials and ~~c~~Components.

Swimming pools shall be constructed of materials which are rigid, inert, impervious and non-toxic 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. Materials other than those described in this section may be approved by the County Manager or his~~/her designated agent~~ designee.
(Ord. No. 05-15, 4-16-05)

§ 24.1-29~~-4~~. 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. 05-15, 4-16-05)

§ 24.1-30~~2-5~~. Hydrostatic ~~p~~Pressure ~~r~~Relief ~~v~~Valve.

In all in-ground swimming pools with water depths exceeding eighteen (18) inches, one (1) or more hydrostatic pressure relief valve(s), or other hydrostatic relief system as approved by the County Manager or his~~/her designated agent~~ designee, shall be installed.
(Ord. No. 05-15, 4-16-05)

§ 24.1-31~~2-6~~. Slope of ~~b~~Bottom.

In water depths of less than five (5) feet, the maximum slope of any swimming pool, other than a wading pool, shall not exceed one to twelve (1:12). In depths greater than five (5) feet, the slope shall not exceed one to three (1:3).
(Ord. No. 05-15, 4-16-05)

§ 24.1-32~~-7~~. Vertical ~~w~~Walls and ~~c~~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 eleven (11) degrees from plumb.
(Ord. No. 05-15, 4-16-05)

§ 24.1-33~~2-8~~. Diving ~~a~~Area, ~~d~~Diving ~~b~~Boards, and ~~d~~Diving ~~p~~Platforms; ~~m~~Minimum ~~r~~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 County Manager or his~~/her designated agent~~ designee for diving boards one (1) meter in height or greater.

C. At least sixteen feet and five inches (16'5") of free and unobstructed head room shall be provided above every diving board and diving platform.

D. When a 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 is installed in a diving area, the minimum dimensions and water depths in the diving area shall meet the most current FINA standards.

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 most current 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 meters	10’	10’
0.62 to 0.77 meters	11’	11’
0.78 to 1.00 meters	11’	11’
1.01 to2.0 meters	12’	12’
2.01 to 3.0 meters	12’	12’
> 3.0 meters	*	*

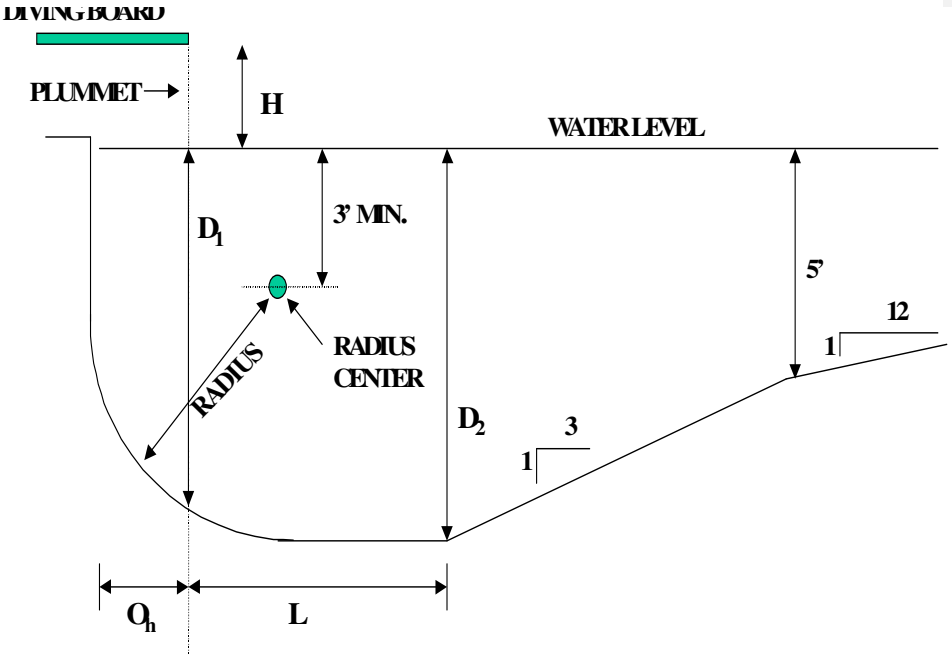
* As required by the County Manager or his~~/her designated agent~~ designee.

TABLE II. Minimum Dimensions and Depths Relative to Board Height.

Height of Diving Board Above the Water Line	Minimum Depth of Water 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 0.5 meters	8.5’	11’	8.5’	3’
0.51 to 0.75 meters	9’	11.5’	8’10”	4’
0.76 to 0.99 meters	11’	12’	10’9”	5’
1-2 meters	12’	16’5”	11’10”	6’1”
2.01 to3.00 meters	12’6”	19’9”	12’2”	6’1”
>3.00 meters	*	*	*	*

* As required by the most current FINA Standards.

Figure 1. Cross-Sectional Diagram of Swimming Pool Illustrating Distances Referenced in Table II.



(Ord. No. 05-15, 4-16-05)

§ 24.1-342 9. Handholds.

Swimming pools shall be provided with suitable handholds around their perimeter. 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 twelve (12) inches above the water level;

(2) ladders, steps or hand rails; and/or,

(3) other methods approved by the County Manager or his/her designated agent designee.

(Ord. No. 05-15, 4-16-05)

§ 24.1-352 10. Stairs, sSteps, lLadders, and bBench sSeats.

A. *Egress.* A minimum of two (2) means of egress shall be provided for swimming pools with a perimeter of one hundred (100) feet or less. One (1) additional means of egress shall be provided for each additional two-hundred (200) feet of pool perimeter, or fraction thereof. Additional means of egress may be required as determined by the County Manager or his/her designated agent designee. 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.

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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 leading edge of all stair treads and bench seats shall be marked by a permanent, nonslip band of contrasting color that is a minimum of one (1) inch in width and is located within two (2) inches 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 (6) inches, a minimum tread length of twelve (12) inches, a minimum height of five (5) 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 (6) inches nor less than three (3) inches between any ladder tread edge, measured from the pool wall side of the tread, and the pool wall.

(Ord. No. 05-15, 4-16-05)

§ 24.1-36~~2-11~~. Recirculation ~~s~~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 (2) hours;

2. Any other swimming pool, six (6) hours.

C. Adequate provisions shall be made for backwashing and/or cleaning of all filters.

(Ord. No. 05-15, 4-16-05)

§ 24.1-37~~2-12~~. Filter ~~r~~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 forty-eight (1:48) and a maximum floor slope of one to twenty-four (1:24) 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(s) shall be provided with mechanical cross-ventilation.

D. Illumination of at least thirty (30) foot-candles, measured twenty-four (24) inches above the floor, shall be provided above equipment and working areas. A minimum of two (2) light fixtures shall be installed, and all light fixtures shall be shielded.
(Ord. No. 05-15, 4-16-05)

§ 24.1-38~~2-13~~. Filters and ~~g~~Gauges.

A. The recirculation system shall be equipped with a filtration system that is NSF International listed, or the equivalent, and will filter the entire water volume of the swimming pool within the required turnover time specified in § 24.1-36.B~~2-11(b)~~. Filtration equipment shall be operated continuously, twenty-four (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 (5 GPM/ft^2), nor greater than twenty gallons per minute per square foot of filter surface area (20 GPM/ft^2). 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 (2 GPM/ft^2).

   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 (3 GPM/ft^2).

   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. Alternative methods for diatomaceous earth collection may be approved by the County Manager or his~~/her designated agent~~ designee. 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 precoat cycle that recirculates 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 (3 GPM/ft^2). The backwash rate of flow shall be four (4) 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 County Manager or his~~/her designated agent~~ designee.

B. *Gauges and flow meters*. The filter system shall be provided with a minimum of one (1) influent pressure gauge for each filter and one (1) 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

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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.

~~5.~~C. *Cartridge filters*. A cartridge filter through which the rate of flow does not exceed the design rate or a maximum of three hundred seventy-five thousandths gallon per minute per square foot of filter surface area (.375 GPM/ft²). Cleaning of cartridge filters must be in accordance with the manufacturer's recommendations. One complete extra set of cartridges shall be available at all times to facilitate cleaning.
(Ord. No. 05-15, 4-16-05)

§ 24.1-392 ~~14~~. Pumps and ~~s~~Strainers.

A. *Pump*. A removable and re-installable pump(s) shall be installed with adequate capacity for the required turnover time specified in § 24.1-2-11(b). Whenever possible, 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. *Hair and lint strainer*. All pressure filter systems shall have a hair and lint strainer. The hair and lint strainer baskets shall be corrosion resistant with openings not exceeding one-eighth (1/8) inch in size, which provide a free flow area of at least four (4) 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. 05-15, 4-16-05)

§ 24.1-402 ~~15~~. Piping ~~s~~System.

A. The piping system for swimming pools shall be composed of NSF International listed materials or their equivalent designed for the following operations:

1. filling the swimming pool;
2. recirculating 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 International 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 (2) inches beyond the edge of the pool. Other means of filling the pool shall comply with the VUSBC and be approved by the County Manager or his~~/her designated agent~~ designee. Cross-connections shall be prevented by providing an air gap between the highest possible flood level of the pool and the pool fill spout. The air

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gap shall not be less than two (2) fill spout pipe diameters or less than six (6) inches. An approved backflow preventer 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 County Manager or his~~/her designated agent~~ designee. 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. A minimum air gap of two (2) discharge pipe diameters or six (6) inches to prevent a cross-connection between waste discharge piping and recirculation piping.

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 one hundred and ten percent (110%) 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 visible piping system shall be securely anchored, supported or braced, unless inherently self-supporting, and marked with permanent tags, labels or markings to clearly identify the direction of flow and shall be color coded as follows:

- Freshwater.....blue (to check valve)
- Backwash.....black
- Influent.....yellow
- Effluent.....white
- Suction cleaner....orange (to control valve)
- 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)
- Heater piping.....red (to nearest isolation valves)

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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 (8) feet per second for copper discharge piping, and ten (10) feet per second for discharge piping other than copper. Suction velocity for all piping shall not exceed six (6) 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 County Manager or his~~/her designated agent~~ designee prior to covering. All piping shall be tested at the time of inspection to at least twenty-five (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. 05-15, 4-16-05)

§ 24.1-41~~2 16~~. Main ~~d~~Drain ~~o~~Outlets.

A. All swimming pools shall have a minimum of two (2) 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 (3) feet and no more than twenty (20) feet from another main drain outlet, and no more than fifteen (15) feet from a pool side wall.

B. A main drain outlet opening 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/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. The total water velocity through main drain outlets shall not exceed one and one-half (1.5) feet per second for water depths eight (8) feet and greater or one (1) foot per second for depths less than eight (8) feet, and shall not exceed the maximum flow rate specified by the manufacturer of the main drain cover.

C. Other methods that prevent suction outlet body entrapment and injury may be approved by the County Manager or his~~/her designated agent~~ designee.
(Ord. No. 05-15, 4-16-05)

§ 24.1-4~~2 17~~. Inlets.

All inlets located in pool walls shall be spaced not more than twenty (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 insure 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 twenty (20). All wall inlets, except makeup water inlets and wading pool inlets, shall be at least fifteen (15) inches below the operating water level of the pool, except for prefabricated gutters with forty-five (45) degree angle inlets in the bottom. Each inlet shall be provided with a means of adjusting flow, through a range of at least fifty percent (50%)~~ percent~~ of its design capacity. Inlet flow controls shall be readily accessible.
(Ord. No. 05-15, 4-16-05)

§ 24.1-43~~2 18~~. Pool ~~s~~Suction ~~c~~Cleaner.

A suction cleaner shall be provided. Where a suction cleaner is operated by the recirculating 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 thirty (30) psi or greater and the water service line is provided with an approved backflow preventer.
(Ord. No. 05-15, 4-16-05)

§ 24.1-44~~2 19~~. Overflow ~~g~~Gutters and ~~s~~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 eighty percent (80%)~~ percent~~ or more of the recirculated 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 (1) 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 (1) gallon per square foot of water surface area. Overflow gutters having a surge capacity of one (1) 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 (4) inches and the interior width of the gutter shall not be less than three (3) 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 two and one-half (2½) inches thick for the top two (2) inches. The overflow outlets shall be provided with outlet pipes at least two (2) inches in diameter. The outlet fittings shall have a clear opening in the grating at least equal to one and one-half (1½) times the cross-sectional area of the outlet pipe.

B. Where skimmers are used they shall be provided at the rate of one (1) skimmer per forty (40) feet of pool perimeter or fraction thereof, or one (1) per four hundred (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 ten (10) inch weirs.

2. Skimmer weirs shall be automatically adjustable to variations in water level over a minimum range of four (4) 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 twenty (20) gallons per minute, nor greater than thirty-five (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. 05-15, 4-16-05)

§ 24.1-45~~2-20~~. Decks.

A. All swimming pools shall have a continuous deck at least five (5) feet wide, including the width of the coping, extending around the entire perimeter of the pool. In addition, there shall be at least three (3) feet of clear, unobstructed deck behind any diving stand, guard stand, or other deck mounted equipment. All decks shall be constructed of 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 forty-eight (1:48) or more than one to twenty-four (1:24) 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. 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 County Manager or his~~/her designated agent~~ designee.

B. Deck risers and steps shall comply with the VUSBC.

(Ord. No. 05-15, 4-16-05)

§ 24.1-46~~2-21~~. 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 ten (10) foot candles for the pool surface area and thirty (30)

foot candles for the pool deck area measured six (6) 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 (3) feet horizontally of the pool rim except as permitted by the National Electrical Code. All light fixtures shall be shielded.

B. Underwater pool lighting, when installed, shall provide at least one (1) watt per square foot of water surface area, or the equivalent, and shall be equipped with GFCI(s) as required by the National Electrical Code.
(Ord. No. 05-15, 4-16-05)

§ 24.1-47~~2 22~~. Safety ~~r~~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.

B. A separate room 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.

C. A telephone capable of dialing the emergency number 9-1-1 shall be provided by the owner and located 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. The depth of water in swimming pools shall be marked at every one (1) foot increment of depth and at least every twenty (20) 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. All numbers and letters shall be at least five (5) inches in height and be of contrasting color with the pool walls and deck. 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 eighteen (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 (1) lifeguard stand provided for every two thousand (2000) square feet of water surface area within the pool enclosure. Additional lifeguard stands may be required where, due to the configuration of the pool, full visibility is not provided from the installed lifeguard stand.

G. A transition line on the bottom of the pool and a floating life line shall be provided at the five (5) foot water depth between the shallow and deep portions of the swimming pool. The transition line shall be constructed of tile that is of dark and high contrasting color. The life line and transition line shall be located within six (6) inches on either side of the break in slope to water greater than five (5) feet in depth. The life line shall have clearly visible floats set at not greater than five (5) foot intervals. The transition line shall be a minimum of two (2) 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.

H. There shall be no protrusions, extensions, means of entanglement, or obstructions which can cause entrapment or injury.
(Ord. No. 05-15, 4-16-05)

§ 24.1-482 23. Disinfection eEquipment.

A. All swimming pools shall be provided with approved mechanically operated, positive displacement disinfectant feeding equipment, or other disinfection equipment approved by the County Manager or his/her designated agent designee, which:

1. shall be capable of providing a continuous and effective residual of disinfectant within the swimming pool water twenty-four (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 (1.0) ppm free chlorine throughout the swimming pool at all times of operation

B. The use of chlorine gas as a disinfectant shall not adversely affect the safety and health of patrons, pool personnel, or the public; shall comply with OSHA and Arlington County fire department requirements; and shall comply with the following:

1. Chlorine gas feeding equipment and chlorine gas cylinders shall be installed in a room separate from the filter room(s) and electrical panels and shall be equipped with a lockable door. Gas chlorinator rooms shall be equipped with a forced draft fan exhausting to the outside from the floor level. The exhaust fan shall provide a minimum of sixty (60) air changes per hour. A fresh air inlet shall be provided near the ceiling. The gas chlorinator room shall be located above ground level and below the deck level of all pools. The chlorine gas tanks shall be protected from direct sunlight and securely fastened in place during storage and use, and shall be mounted on a scale when in use. A self-contained gas mask for chlorine or a gas mask with a supply of oxygen under positive pressure or compressed air shall be provided at facilities where chlorine gas is utilized. The chlorine gas mask shall be approved by the Bureau of Mines and the Arlington County fire department. The gas mask shall be located accessible to, but outside of, the gas chlorinator room. The chlorinator shall be provided with an emergency cut-off device to prevent gas discharge or injection of gas during electrical outage. A gas chlorine detection device with an alarm shall be provided.

2. The use of gas chlorine as a disinfectant shall require a chemical feeder for the feeding of sodium carbonate into the recirculation system.

3. The use of gas chlorine as a disinfectant shall require that a supply of ammonia hydroxide be present for the checking of leaks in the chlorination system.

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 one and a half (1.5) ppm bromine residual shall be maintained throughout the pool water at all times. A maximum of six (6.0) ppm bromine residual shall be permitted in any swimming pool during use.

3. Solid stick or tablet type bromine shall be used with feed equipment.

(Ord. No. 05-15, 4-16-05)

§ 24.1-492~~-24~~. Fencing and ~~b~~Barriers.

All outdoor pool areas shall be completely enclosed with a perimeter fence, or equivalent barrier, at least six (6) feet in height, measured from the highest ground elevation within three (3) 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 forty-five (45) inches and shall prohibit the passage of a sphere larger than one and three-quarter (1 ¾) inches in diameter through any opening of the enclosure. 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 (6) foot arc from the top of the perimeter fence or barrier and no closer than three (3) feet to any part of the fence or barrier. The material used to construct the fence or barrier shall be approved by the County Manager or his~~ designated agent~~ designee. 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 (4) 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 forty-eight (48) inches above the deck or ground surface. Emergency gate(s) having a minimum horizontal opening of eight (8) feet shall be provided for outdoor pools. Where grassed areas are provided for patrons within the pool enclosure, they shall be separated from the pool deck by a three (3) foot high control fence or equivalent barrier equipped with a waist high shower at each entrance to the pool deck.
(Ord. No. 05-15, 4-16-05)

§ 24.1-502~~-25~~. Spectator ~~a~~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 (5) feet of any portion of the pool water surface.
(Ord. No. 05-15, 4-16-05)

§ 24.1-512~~-26~~. Drinking ~~f~~Fountains.

Each swimming facility shall have at least one (1) drinking fountain readily accessible to all patrons within the pool area.
(Ord. No. 05-15, 4-16-05)

§ 24.1-52~~-27~~. Wading ~~p~~Pools.

Wading pools shall meet all applicable requirements of this ~~Ordinance~~chapter, and the following additional requirements:

A. The slope of the bottom of any wading pool shall be no greater than one to fifteen (1:15) nor less than one to forty (1:40).

B. Wading pools shall be separated from any other swimming pool or spa pool by a fence approved by the County Manager or his~~/her designated agent~~ designee. The fence shall be at least three (3) feet in height with a latching, self-closing, three (3) foot gate.

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 (6) inches or less.

F. The total water velocity through the wading pool main drain outlets shall not exceed one (1) foot per second.
(Ord. No. 05-15, 4-16-05)

§ 24.1-532~~-28~~. Slides, ~~s~~Sprinklers, ~~f~~Fountains, ~~a~~Activity ~~p~~Pools, ~~i~~Interactive ~~w~~Water ~~f~~Features and ~~o~~Other

~~p~~Pool ~~e~~Equipment.

A. Slides, sprinklers, fountains, activity pools, interactive water features and other pool equipment for which design standards are not contained in this Article shall meet the design standards in Article 6 of this ~~Ordinance~~ chapter or shall meet design standards approved by the County Manager or his~~/her designated agent~~ designee.

B. Interactive water features shall be completely enclosed by a perimeter fence or equivalent barrier at least three (3) feet in height. Waist high foot showers shall be provided at all entrance to the deck.

C. The construction of filter room shall meet the requirements of § 24.1-37~~2-12~~. The collector tank or reservoir shall be installed in accordance to manufacturer's specifications.

D. The disinfectant residual, pH, total alkalinity, calcium hardness, and total dissolved solids shall be continuously maintained within the minimum and maximum ranges specified in the table below:

Parameter	Minimum	Ideal	Maximum
IWF Free Chlorine (ppm)	3.0	4.0	9.0
Combined Chlorine (ppm)	-	-	2.0
Bromine Residual (ppm)	2.0	4.0-6.0	9.0
pH	7.2	7.4-7.6	7.8
Total Alkalinity (ppm)	80	100	160
Calcium Hardness (ppm)	200	200-400	800

E. The operations of IWF facility shall be under the immediate control of the person in charge.
(Ord. No. 05-15, 4-16-05)

ARTICLE ~~3~~III.

SWIMMING POOLS; OPERATION AND MAINTENANCE.

§ 24.1-54~~3-1~~. Security.

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.
(Ord. No. 05-15, 4-16-05)

§ 24.1-55~~3-2~~. Water ~~o~~Operating ~~l~~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. 05-15, 4-16-05)

§ 24.1-56~~3-3~~. Monitoring, ~~r~~Reporting, and ~~r~~Record ~~k~~Keeping.

The following information shall be recorded and maintained by the owner for a minimum of one (1) 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 (2) hours while the pool is in use. ORP readings, if applicable, shall also be recorded every two (2)

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 (2) hours and be recorded at least two (2) 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 County Manager or his~~/her designated agent~~ designee 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 County Manager or his~~/her designated agent~~ designee within seven (7) days of an incident. The following information must be included in the report:

- a. Person in Charge at time of incident
- b. Date, time and exact location of incident.
- c. Name, age and certifications of persons involved in incident
- d. Number of lifeguards on duty at time of incident
- e. Exact locations of all lifeguards on duty
- f. Pool and/or spa water clarity
- g. Number of bathers in the pool
- h. Number of patrons in the facility
- i. Police Case number
- j. Injury description
- k. Names of witnesses
- l. Detailed description of accident

2. Owners shall have available at the water recreation facility proof of the credentials, training, and/or certifications required for personnel as detailed in § 24.1-~~1~~10 and § 24.1-613~~-8~~.

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.

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(Ord. No. 05-15, 4-16-05)

§ 24.1-57~~3-4~~. Placards.

A. The water test results specified in § 24.1-56.A.1~~3-3(1)A~~ 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 daily 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 § 24.1-66~~3-13~~ Table III, shall be included on the placard. Water temperature shall also be posted for heated pools.

B. 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.

C. 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.

D. 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.
3. water surface area in square feet.
4. minimum turnover time in hours.
5. minimum rate of flow in gallons per minute to provide the required turnover time.
6. maximum facility load, and maximum pool load(s).

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E. Separate 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.

2. instructions on proper backwashing or cleaning procedures and valve line ups for backwashing.

F. 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 (2) inches in height.
(Ord. No. 05-15, 4-16-05)

§ 24.1-58~~3-5~~. Precautions ~~r~~Relative to ~~c~~Communicable ~~d~~Disease.

Any person having an obvious skin disease, nasal or ear discharge, inflamed eye, or any communicable disease shall be excluded from the facility.
(Ord. No. 05-15, 4-16-05)

§ 24.1-59~~3-6~~. Food ~~s~~Service.

Any person in the process of eating or drinking shall remain in an area designated for the consumption of food and drink. This area shall be at least ten (10) feet from the swimming pool edge and shall be enclosed by a fence or suitable barrier. Glass containers are not permitted in the pool area.
(Ord. No. 05-15, 4-16-05)

§ 24.1-603-7. Boisterous and rRough pPlay.

Boisterous and/or rough play and running is prohibited at any swimming pool facility.
(Ord. No. 05-15, 4-16-05)

§ 24.1-613-8. Lifeguards.

A. There shall be at least one (1) lifeguard at all pool facilities. A minimum of one lifeguard shall be required for every fifty (50) patrons or fraction thereof in the pool area. Additional lifeguards may be required by the County Manager or his designated agent when deemed necessary for complete visual coverage of the pool or when conditions exist that may compromise the health or safety of pool patrons.

B. Lifeguards shall be at least fifteen (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 certified in cardio-pulmonary 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. Lifeguards shall have their original document of certification and valid photo identification at the pool facility during operation of the pool facility.

C. Lifeguards shall wear distinguishing emblems on their clothing clearly identifying them as lifeguards while on-duty. Lifeguards shall not be subject to 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.
(Ord. No. 05-15, 4-16-05)

§ 24.1-623-9. Safety and rRescue eEquipment; oOther sSafety fFeatures.

A. Every swimming pool facility shall be equipped with the following readily accessible safety and rescue aids:

1. A minimum of one (1) rescue tube shall be provided immediately adjacent to each lifeguard stationed poolside. The rescue tube shall measure at least forty-five (45) inches in length and shall provide adequate buoyancy to keep two (2) persons afloat in the water.

2. An approved first aid kit, which meets OSHA First Aid 29 CFR 1910.151 standards, shall be readily available. The kit shall meet the minimum requirements of generic first aid kits according to the American National Standards Institute (ANSI) Z308.1-1978.

3. A full-length backboard with straps shall be provided. The backboard shall be buoyant, and capable of supporting a minimum of three hundred fifty (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 (3) backboard straps.

4. Provide one (1) or more light, but strong poles with blunted ends not less than twelve (12) feet in length including a body hook.

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 double vatted and covered with proper lids.

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 ~~Ordinance~~ chapter shall be maintained in good condition and repair.

7. Pool water temperature shall not exceed one hundred four degrees Fahrenheit (104°F).

8. Safety signs shall be painted on the deck to warn against diving into water depths less than five (5) feet of water. The letterings of the safety signs on the deck must be a minimum of 4" inches.

(Ord. No. 05-15, 4-16-05)

§ 24.1-63~~-10~~. 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. 05-15, 4-16-05)

§ 24.1-643~~-11~~. Water ~~c~~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 incontinent persons 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 contamination:

a. Clear the pool.

b. Remove as much of the contaminating material as possible using a net or scoop. Vacuuming is not recommended unless it discharges directly to waste.

c. Raise pool disinfectant level to a minimum of three (3) ppm and adjust pH to a level of seven and a half (7.5) or less.

d. Prohibit patrons from entering the pool for a minimum of one (1) hour.

2. In the event of diarrhea or vomitus contamination

a. Clear the pool.

b. Remove as much contaminating material as possible from the water using a net or scoop. Vacuuming is not recommended unless it discharges directly to waste.

c. Raise pool disinfectant level to a minimum of three (3) ppm and adjust pH to a level of 7.5 or less.

d. Prohibit patrons from entering the pool for a minimum of two (2) hours.

3. In the event of a fecal or vomitus contamination from a patron with Cryptosporiodosis:

a. Clear the pool.

b. Immediately notify the County Manager or his~~/her designated agent~~ designee of the occurrence.

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c. Remove as much of the contaminating material as possible from the pool water. Vacuuming is not recommended unless it discharges to waste.

d. Raise pool disinfectant level to a minimum of twenty (20) ppm and adjust pH to a level of seven and a half (7.5) or less for a minimum of nine (9) hours.

e. Patrons are prohibited from entering the pool during this time period.

f. Achieve acceptable disinfectant residuals and chemical balance as specified in § 24.1-663~~-13~~ Table III prior to allowing patrons to enter the pool.

(Ord. No. 05-15, 4-16-05)

§ 24.1-653~~-12~~. Water ~~c~~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. 05-15, 4-16-05)

§ 24.1-663~~-13~~. Water ~~t~~Treatment and ~~t~~Test ~~e~~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 County Manager or his~~/her designated agent~~ designee.

B. Aluminum sulfate and polyaluminum chloride shall not be fed continuously into a recirculation system using rapid sand filters. Formation of the flock 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 shall be as follows:

1. Except as noted below, disinfectant residual, pH, total alkalinity, calcium hardness, and total dissolved solids 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 10 ppm in such pools. The use of ORP sensing equipment does not eliminate the requirement for routine water testing specified in § 24.1-56~~3-3~~. 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
Free Chlorine Residual (ppm)	1	1 - 3	10
Combined Chlorine Residual (ppm)	0	0	0.2
Bromine Residual (ppm)	2	2 - 4	6
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

2. Except as noted in § 24.1-56.C and D~~3-13C1&D~~, disinfectant residuals shall be maintained within the ranges specified in Table III, twenty-four (24) hours per day, through the use of automatic disinfection equipment specified in §24.1-48~~2-23~~. 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 free chlorine residual of at least two (2) ppm shall be maintained for Cyanuric acid levels from zero (0) to fifty (50) ppm.

2. The concentration of Cyanuric acid shall not exceed fifty (50) ppm.

3. The use of Cyanuric acid or other chlorine stabilizers is prohibited in indoor swimming 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 County Manager or his~~/her designated agent~~ designee, is required for determining free halogen residual. If another

disinfectant has been approved by the County Manager or his/her designated agent designee for use at a swimming pool, an appropriate test kit approved by the County Manager or his/her designated agent designee shall be provided and maintained. A test kit for measuring the concentration of Cyanuric acid, accurate within five (5) ppm, shall be provided at each swimming pool using Cyanuric acid or chlorinated cyanurates. Testing equipment for total dissolved solids shall also be provided.

F. Hand-feeding of chemicals shall not be permitted during hours of operation or within thirty (30) minutes prior to opening.
(Ord. No. 05-15, 4-16-05)

§ 24.1-673-14. Design lLoad.

An individual swimming pool load shall be determined by dividing the total water surface area in square feet of each pool within the swimming pool facility by twenty seven (27) square feet. The designated individual swimming pool loads and the maximum facility load shall not be exceeded. The pool operator shall be responsible for enforcing the individual swimming pool loads and the maximum facility load. The maximum facility load may be temporarily exceeded to allow for spectators of special events, such as 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. 05-15, 4-16-05)

§ 24.1-683-15. Spectators.

No person in street shoes shall be allowed on the deck of a swimming pool within five (5) 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 County Manager or his/her designated agent designee.
(Ord. No. 05-15, 4-16-05)

ARTICLE 4IV.

SPA POOLS; DESIGN AND CONSTRUCTION.

§ 24.1-694-1. 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. 05-15, 4-16-05)

§ 24.1-704-2. Access.

Direct and unobstructed access to any spa pool area shall be provided as specified in § 24.1-27.A2-2(a). Emergency access to indoor or elevated spa pools shall be provided as specified in § 24.1-27.B2-2(b).
(Ord. No. 05-15, 4-16-05)

§ 24.1-714-3. Construction mMaterials.

Spa pools shall be constructed of materials specified in § 24.1-282-3.
(Ord. No. 05-15, 4-16-05)

§ 24.1-724-4. 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:

(1) The maximum water depth shall be four (4) feet measured from the water line.

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(2) The maximum depth of any seat or sitting bench shall not be more than twenty-four (24) inches below the water line.

(3) All corners shall be coved as specified in § 24.1-32~~2-7~~.

(4) The slope of the floor shall not exceed a ratio of one to twelve (1:12).

(Ord. No. 05-15, 4-16-05)

§ 24.1-73~~4-5~~. Hydrostatic ~~p~~Pressure ~~r~~Relief ~~v~~Valve.

Hydrostatic pressure relief valves shall be installed as specified in § 24.1-30~~2-5~~ unless it can be demonstrated that the spa pool will not be displaced by hydrostatic pressure.

(Ord. No. 05-15, 4-16-05)

§ 24.1-74~~4-6~~. Handholds.

Spa pools shall be provided with suitable handholds as specified in § 24.1-34~~2-9~~.

(Ord. No. 05-15, 4-16-05)

§ 24.1-75~~4-7~~. Stairs and ~~b~~Bench ~~s~~Seats.

A. Spa pool stairs shall be provided where water depths are greater than twenty-four (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 ten (10) inches and a minimum continuous width of twenty-four (24) inches.

2. Riser heights shall not be less than seven (7) inches nor greater than twelve (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 (1) handrail to fully service all treads and risers.

4. The top leading edge of all stair treads shall be marked on the horizontal surface as specified in § 24.1-35.B.3~~2-10(b)(3)~~.

5. The step treads of all stairs shall be of non-slip construction.

6. A minimum of one (1) means of egress shall be provided for spa pools with a perimeter of fifty (50) feet or less. One (1) additional means of egress shall be provided for each additional fifty (50) feet of pool perimeter, or fraction thereof. Additional means of egress may be required as determined by the County Manager or his~~/her designated agent~~ designee. The location of the means of egress shall be determined by the design of the spa pool.

(Ord. No. 05-15, 4-16-05)

§ 24.1-76~~4-8~~. Decks.

All spa pools shall have a continuous deck, at least five (5) feet in width, extending around at least fifty (50) percent of the spa pool. Except as provided above, decks shall comply with the requirements specified in § 24.1-45~~2-20~~.

(Ord. No. 05-15, 4-16-05)

§ 24.1-77~~4-9~~. Lighting.

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Lighting shall be provided according to all applicable specifications of § 24.1-46~~2-21~~.
(Ord. No. 05-15, 4-16-05)

§ 24.1-78~~4-10~~. Safety ~~r~~Requirements.

A. Spa pool depth markings shall comply with the requirements specified in § 24.1-47.D~~2-22(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 fifteen (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 and shall be immediately accessible from the spa pool deck 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 (2) 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.

E. If the telephone specified in § 24.1-47.C~~2-22 (c)~~ is not provided, a working telephone shall be provided within one hundred (100) feet of the spa pool and shall be readily accessible at all times. The facilities name, address, and the emergency numbers, including the phone number for the pool operator, shall be posted by the telephone.
(Ord. No. 05-15, 4-16-05)

§ 24.1-79~~4-11~~. Fencing and ~~b~~Barriers.

Fencing and barriers shall be provided as specified in §24.1-49~~2-24~~. In addition, for indoor spa pool facilities, locked doors or an equivalent barrier acceptable to the County Manager or his~~/her designated agent~~ designee shall be provided to prevent the entry of unauthorized individuals.
(Ord. No. 05-15, 4-16-05)

§ 24.1-80~~4-12~~. Drinking ~~f~~Fountains.

Each spa pool facility shall have at least one (1) drinking fountain readily accessible to all patrons.
(Ord. No. 05-15, 4-16-05)

§ 24.1-81~~4-13~~. Inlets, ~~o~~Outlets, ~~p~~Piping, ~~d~~Drains, and ~~s~~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 § 24.1-40~~2-15~~, 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 (1) skimmer. Spa pool skimmers shall comply with the requirements specified in § 24.1-44.B~~2-19(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 (2) 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 ASME/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. If the suction outlets are main drain outlets, they shall have antivortex 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 (1) 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 County Manager or his~~/her designated agent~~ designee.

E. If fill spouts are used at spa pools, they shall be installed according to applicable requirements specified in § 24.1-40.B~~2-15(B)~~.
(Ord. No. 05-15, 4-16-05)

§ 24.1-82~~4-14~~. Recirculation ~~s~~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 a maximum turnover time of fifteen (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. 05-15, 4-16-05)

§ 24.1-83~~4-15~~. Filters and ~~g~~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 § 24.1-39.B~~4-14(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 County Manager or his~~/her designated agent~~ designee. Except as provided above, filters and associated piping and valves shall comply with the requirements specified in § 24.1-38.A~~2-13(A)~~.

C. Pressure gauges and flow meters shall be installed as specified in § 24.1-38.B~~2-13(B)~~.

D. When cartridge filters are used, an extra set of cartridge filters shall be on-site.
(Ord. No. 05-15, 4-16-05)

§ 24.1-84~~-16~~. Pumps and ~~s~~Strainers.

A pump(s) shall be provided with adequate capacity to recirculate the spa pool water at the rate specified § 24.1-82.B~~4-14(B)~~. Pump(s) and strainer(s) shall meet the requirements specified in § 24.1-39.A and B~~2-14(A)&(B)~~, except the turnover time specified in § 24.1-82.B~~4-14(B)~~ shall be achieved.
(Ord. No. 05-15, 4-16-05)

§ 24.1-85~~4-17~~. Filter ~~r~~Room.

A filter room(s) shall be provided which meets the requirements specified in § 24.1-37~~2-12~~, except that this room(s) shall not be required to be directly accessible from the spa pool area.
(Ord. No. 05-15, 4-16-05)

§ 24.1-86~~4-18~~. Air ~~i~~Induction ~~s~~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 one and one-half (1.5) times the intended working pressure during the time of installation to ensure airtight integrity.
(Ord. No. 05-15, 4-16-05)

§ 24.1-87~~4-19~~. Disinfection ~~e~~Equipment.

A. All spa pools shall be provided with disinfection equipment meeting the requirements specified in § 24.1-48.A and C~~2-23(A)&(C)~~.

B. Chlorine gas shall not be used as a disinfectant in spa pools.
(Ord. No. 05-15, 4-16-05)

ARTICLE ~~5~~V.

SPA POOLS; OPERATION AND MAINTENANCE.

§ 24.1-88~~5-1~~. Security.

Spa pool facilities shall be operated and maintained as specified in § 24.1-54~~3-1~~.
(Ord. No. 05-15, 4-16-05)

§ 24.1-89~~5-2~~. Water ~~o~~Operating ~~l~~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 the spa is open for use.
(Ord. No. 05-15, 4-16-05)

§ 24.1-90~~5-3~~. Monitoring, ~~r~~Reporting, and ~~r~~Record ~~k~~Keeping.

Spa pool water testing shall be performed as specified in § 24.1-56~~3-3~~. In addition, the dates and times the spa pool is drained and cleaned shall be recorded.
(Ord. No. 05-15, 4-16-05)

§ 24.1-91~~5-4~~. Placards.

Placards shall be provided as specified in § 24.1-57~~3-4~~.
(Ord. No. 05-15, 4-16-05)

§ 24.1-92~~5-5~~. Precautions ~~r~~Relative to ~~c~~Communicable ~~d~~Disease.

Precautions relative to communicable disease specified in § 24.1-58~~3-5~~ shall be enforced.
(Ord. No. 05-15, 4-16-05)

§ 24.1-93~~5-6~~. Food ~~s~~Service.

Food service shall be limited as specified is § 24.1-59~~3-6~~.
(Ord. No. 05-15, 4-16-05)

§ 24.1-94~~5-7~~. Boisterous and ~~r~~Rough ~~p~~Play.

Boisterous and/or rough play and running at any spa pool facility is prohibited.
(Ord. No. 05-15, 4-16-05)

§ 24.1-95~~-8~~. Temperature ~~r~~Requirements.

Spa pool water temperature shall not exceed one hundred four degrees Fahrenheit (104°F). A thermostat shall be provided for the control of the spa pool water temperature. An accurate, impact resistant spa pool thermometer shall be kept in each spa pool for measuring water temperature.
(Ord. No. 05-15, 4-16-05)

§ 24.1-96~~5-9~~. Safety and ~~r~~Rescue ~~e~~Equipment, ~~o~~Other ~~s~~Safety ~~f~~Features.

A. Every spa pool facility shall be equipped with the following readily accessible safety and rescue aids:

1. An approved first aid kit, which meets OSHA First Aid 29 CFR 1910.151 standards, shall be readily available. The kit shall meet the minimum requirements of generic first aid kits according to the American National Standards Institute (ANSI) Z308.1-1978.

2. A full-length backboard shall be provided as specified in § 24.1-62.A.3~~3.9(a)(3)~~.

3. A working clock shall be provided which is clearly visible from within the spa pool.

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 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°F.

e. Unsupervised use by children is prohibited.

f. Enter and exit slowly.

g. Limit your use of the spa pool to a maximum of fifteen (15) minutes at one time.

h. Cool down before revisit.

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~~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 § 24.1-62.B.2~~3-9(B2)~~.

3. Protective equipment shall be provided for handling hazardous chemicals as specified in § 24.1-62.B.4~~3-9(B4)~~.

4. Filter and chemical storage rooms shall be locked at all times when authorized personnel are not present.

(Ord. No. 05-15, 4-16-05)

§ 24.1-97~~5-10~~. 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. 05-15, 4-16-05)

§ 24.1-98~~5-11~~. Water ~~e~~Clarity.

When a spa pool is open for use, the water shall be considered sufficiently clear when the main drain grates are clearly visible.
(Ord. No. 05-15, 4-16-05)

§ 24.1-99~~5-12~~. Water ~~t~~Treatment and ~~t~~Test ~~e~~Equipment.

A. No chemicals other than those specified in § 24.1-66.A~~3-13(A)~~ shall be used to treat spa pool water without written authorization from the County Manager or his~~/her designated agent~~ designee.

B. Except as noted below, disinfectant residual, pH, total alkalinity, calcium hardness, and total dissolved solids 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 pools. The use of ORP sensing equipment does not eliminate the requirement for routine water testing specified in § 24.1-90~~5-3~~. 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	3 – 5	10
Combined Chlorine Residual (ppm)	0	0	0.2
Bromine Residual (ppm)	2	3 – 5	10
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

C. If cyanuric acid or chlorinated cyanurates is used in an outdoor spa pool, the cyanuric acid levels and disinfectant residuals shall be maintained within the following ranges:

1. A free chlorine residual of at least four (4) ppm shall be maintained for cyanuric acid levels from zero (0) to fifty (50) ppm. The concentration of cyanuric acid shall not exceed fifty (50) ppm. The use of cyanuric acid or other chlorine stabilizers is prohibited in indoor spa pools.

D. An approved water quality test kit shall be provided as specified in § 24.1-66.E~~3-13(e)~~.

E. Hand-feeding of chemicals shall not be permitted while the spa pool is open or accessible to patrons and within thirty (30) minutes of opening.
(Ord. No. 05-15, 4-16-05)

§ 24.1-100~~5-13~~. Water ~~c~~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:

(1) Remove contaminating material from the pool water.

(2) Backwash the filters.

(3) Drain the spa pool.

(4) Clean and disinfect the bottom and sidewalls of the spa pool and skimmers.

(5) Refill with potable water.

(Ord. No. 05-15, 4-16-05)

§ 24.1-101~~5-14~~. Posting of ~~w~~Water ~~q~~Quality ~~t~~Test ~~r~~Results and ~~w~~Water ~~q~~Quality ~~s~~Standards.

The water tests indicated in § 24.1-90~~5-3~~ shall be conducted and the results posted as specified in § 24.1-57.A~~3-4(A)~~.
(Ord. No. 05-15, 4-16-05)

§ 24.1-102~~5-15~~. Design ~~l~~Load.

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An individual spa pool load shall be determined by dividing the total water surface area in square feet of each spa within the spa pool facility by ten (10) square feet or by the County Manager or his~~/her designated agent~~ designee at the time of construction. The designated individual spa pool loads and the maximum facility load shall not be exceeded. The person in charge shall be responsible for enforcing the individual spa pool loads and the maximum facility load.
(Ord. No. 05-15, 4-16-05)

ARTICLE ~~6~~VI.

WATERPARK FACILITIES; DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE.

§ 24.1-1036~~-1~~. Scope.

This Article addresses the special design, construction, operation and maintenance considerations unique to waterpark facilities.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1046~~-2~~. 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 ~~Ordinance~~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 pool 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 ~~Ordinance~~chapter, shall be included with the original plans and specifications submitted to the County Manager or his~~/her designated agent~~ designee 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.

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6. Upon completion of the waterpark facility and prior to issuance of the owner's seasonal or annual license, an addendum to the report, prepared by a licensed engineer, shall be submitted to the County Manager or his~~/her designated agent~~ designee. The report addendum shall certify that each attraction has been tested under normal operating conditions and found to perform satisfactorily. The County Manager or his~~/her designated agent~~ designee may require that the testing procedure be witnessed by one or more designees of the County Manager or his~~/her designated agent~~ designee. The addendum shall also certify that the waterpark facility was constructed as detailed in the plans and specifications approved by the County Manager or his/her designated agent and consistent with accepted safety engineering practices, industry standards, manufacturer's specifications and recommendations, the report described in § 24.1-104.D~~6-2(D)~~, and this ~~Ordinance~~chapter.

E. 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 § 24.1-104.D.3.f~~6-2(D3f)~~. Additional attendant stations may be required by the County Manager or his~~/her designated agent~~ designee 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:

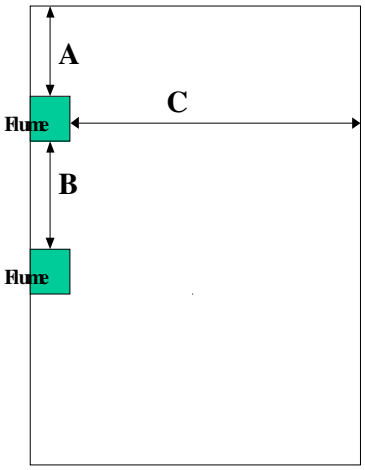
a. The flume or chute sliding surface of waterslides shall end at or below the pool operating water level.

b. The flume or chute shall be perpendicular to the wall of entry for a minimum of ten (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
B	6 feet	Minimum distance between edges of parallel flumes
C	20 feet	Minimum distance from where flume terminates to opposite side of pool



3. Children's activity pools shall comply with the specifications listed in § 24.1-52~~2-27~~ except as specified in this ~~A~~article, including compliance with the following specifications:

   a. A maximum depth of twenty-four (24) inches.

   b. Children's activity pools which are part of a larger pool shall be protected from areas with water depths greater than twenty-four (24) inches by providing:

      (1). A dark, nonslip tile transition line on the bottom of the pool along the entire two (2) foot water depth contour. The transition line shall be a minimum of two (2) inches wide. The transition line shall be of high contrasting color.

      (2). A transition zone with a maximum floor slope not exceeding one to twelve (1:12).

   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 (6) inch radius of curvature between the wall and pool bottom.

b. Decks shall have a minimum width of ten (10) feet along the shallow end.

c. A chainlink fence, or similar restrictive barrier acceptable to the County Manager or his~~/her designated agent~~ designee, shall be installed to direct patrons to access the wave pool from the shallow area. The fence shall be a minimum of thirty-six (36) inches in height and at least four (4) feet out from the edge of the coping or pool/deck juncture, and shall be provided adjacent to water depths twenty-four (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 (1) per fifty (50) feet of pool sidewall and shall be a minimum of four (4) 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 one (100) hundred 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 (4) 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 portions 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 (3) miles per hour.

6. For activity pools in which climb-on toys and attractions are provided in water depths less than thirty six (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 County Manager or his~~/her designated agent~~ designee.

(Ord. No. 05-15, 4-16-05)

§ 24.1-105~~6-3~~. 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 fifteen (15) feet from any structure, object, or land formation from which a patron could jump into a pool unless, at the discretion of the County Manager or his~~/her designated agent~~ designee, other measures have been taken that are sufficient to prevent patrons from jumping from the structure, object, or land formation. The County Manager or his/her designated agent has the discretion to determine that the minimum fifteen (15) foot distance requirement does not apply to certain segments of attractions or to barriers provided to prevent unauthorized access to pools. The County Manager or his~~/her designated agent~~ designee may impose additional access restrictions.
(Ord. No. 05-15, 4-16-05)

§ 24.1-106~~-4~~. Access.

Additional emergency access gates and lanes, in excess of those required by § 24.1-27~~2-2~~, may be required as determined by the County Manager or his~~her designated agent~~ designee to allow immediate access to all areas within the waterpark facility.
(Ord. No. 05-15, 4-16-05)

§ 24.1-107~~6-5~~. Slope of ~~b~~Bottom.

The slope of waterpark facility pools shall comply with the requirements specified in § 24.1-31~~2-6~~ with the exception of the waterpark facility pools listed below:

A. Receiving or exiting pools. The maximum slope shall not exceed one to seven (1:7) where total water depth is less than forty-eight (48) inches.

B. Activity pools. The maximum slope shall not exceed one to twelve (1:12) up to a water depth of five (5) feet in activity pools where users enter and participate in extended activities.

C. Wave Pools. The maximum slope shall not exceed one to twelve (1:12) where water depths range from zero (0) to three and one-half (3.5) feet and shall not exceed one to nine (1:9) where water depths exceed three and one-half (3.5) feet.
(Ord. No. 05-15, 4-16-05)

§ 24.1-108~~6-6~~. Handholds and ~~h~~Handrails.

All pools at waterpark facilities shall be provided with suitable handholds around their perimeter. One handrail for every seven (7) 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 twelve (12) inches above the water line.

2. Ladders, steps or handrails.

3. Other methods approved by the County Manager or his/~~her designated agent~~ designee.
(Ord. No. 05-15, 4-16-05)

§ 24.1-109~~6-7~~. Stairs, ~~s~~Steps and ~~l~~Ladders.

Stairs, steps, and ladders shall be constructed as detailed in § 24.1-35~~2-10~~ 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 three and one-half (3.5) feet, for emergency exit only, spaced at intervals of not greater than fifty (50) feet.

C. Stairs and steps shall be recessed into the pool wall or deck.

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D. Handrails shall extend over the coping or edge of the deck.

E. Ladders or stepholes shall be provided to allow patron exit from pools greater than four (4) 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 (1) exit shall be provided for every fifty (50) feet or fraction thereof of pool perimeter for pools whose water depth is greater than four (4) feet. At least two (2) 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. Slow 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 County Manager or his/her designated agent designee.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1106-8. Recirculation sSystems.

The recirculation system shall meet all of the requirements specified in § 24.1-362-11 except as specified below:

A. The recirculation system for all pools at a waterpark facility, other than those specified in § 24.1-36.B2-11(b), shall be designed to accommodate the following required maximum turnover time:

1. Children's Activity Pool, one (1) hour.

2. Wave pool, two (2) hours.

3. Receiving pool that is completely separate from the main body of the pool, has no more than two (2) attractions, and has a volume of twenty thousand (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 twenty thousand (20,000) gallons of pool volume up to a maximum of four (4) hours per turnover.

4. All other pools, maximum of four (4) hours.

(Ord. No. 05-15, 4-16-05)

§ 24.1-1116-9. Pumps.

Pumps shall meet the specifications outlined in § 24.1-39.A2-14(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 (3) 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 one half (1/2) foot per second.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1126-10. Overflow gGutters and sSkimmers.

Overflow gutters and skimmers shall be provided as specified in § 24.1-442-19 except as provided below:

A. 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 County Manager or his/her designated agent designee, shall be provided for such attractions.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1136-11. Fencing and bBarriers.

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. 05-15, 4-16-05)

§ 24.1-1146-12. Operation and mMaintenance.

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 Ordinancechapter.

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. The PIC shall comply with the requirements specified in § 24.1-1.10.

2. Lifeguards shall meet the requirements specified in § 24.1-613.8 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.

a. Attendants not certified as lifeguards shall not substitute for lifeguards at any pool.

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 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.

D. Design Load. Individual pool loads and the maximum facility load shall be determined by the County Manager or his/her designated agent designee, with consideration of § 24.1-104.D.46-2(D4). 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. The person in charge 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 § 24.1-104.D.56-2(D5), shall be maintained at the waterpark facility and be available for inspection at all times.

(Ord. No. 05-15, 4-16-05)

ARTICLE 7VII.

BATHHOUSE FACILITIES; DESIGN, CONSTRUCTION, AND MAINTENANCE.

§ 24.1-1157-1. Establishments rRequired to pProvide bBathhouse fFacilities.

All water recreation facilities and 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.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1167-2. Design and lLocation.

The bathhouse shall be designed so that the plumbing fixtures are located in the line of travel used by patrons prior to entering the pool or waterpark area. 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 (5) feet. Computations for plumbing fixtures shall be based on the premise that at the time of maximum load, one-half (1/2) of the patrons will be male and one-half (1/2) female.
(Ord. No. 05-15, 4-16-05)

§ 24.1-117-3. Floors.

Floors for all showers, toilets and lavatories in a bathhouse shall have a minimum slope of one to forty-eight (1:48) 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. 05-15, 4-16-05)

§ 24.1-1187-4. Dressing rRooms.

Separate dressing rooms shall be provided for each sex. Lockers, baskets, hooks or other sanitary means for storage of clothing and personal accessories shall be provided. Dressing rooms shall be maintained in a clean and sanitary condition. Clothing hooks shall not present a puncture hazard to patrons.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1197~~-5~~. Showers.

Showers shall be provided in the proportion of one (1) per each forty (40) 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 one hundred ten degrees Fahrenheit (110°F), and a minimum hot water temperature at the nozzle head of at least ninety degrees Fahrenheit (90°F). 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.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1207~~-6~~. Toilets, ~~u~~Urinals and ~~m~~Mop ~~s~~Sink.

Toilet facilities shall be provided in the proportion as required by the International Plumbing Code. An adequate supply of dispensed toilet paper shall be provided to each water closet. A separate custodial mop sink shall be provided exclusively for cleaning purposes and shall be located within one hundred (100) feet of the shower and toilet rooms. Toilets and urinals shall be maintained in a clean and sanitary condition.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1217~~-7~~. Lavatories.

Lavatories shall be provided in the proportion as required by the International Plumbing Code. 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. 05-15, 4-16-05)

§ 24.1-1227~~-8~~. Hose Bibs.

Hose bibs with vacuum breakers or approved backflow preventers shall be provided at convenient locations. A minimum of one (1) hose bib shall be provided in both the female and male sections of the bathhouse.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1237~~-9~~. Lighting.

All areas within the bathhouse facility shall be illuminated at a minimum of thirty (30) foot-candles measured twenty-four (24) inches above the floor. All light fixtures shall be shielded.
(Ord. No. 05-15, 4-16-05)

§ 24.1-1247~~-10~~. Saunas and ~~s~~Steam ~~r~~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 fifteen (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. 05-15, 4-16-05)

Chapter 25

RESERVED*

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* **Editors Note:** Ord. No. 09-16, adopted June 13, 2009, repealed former Ch. 25, relative to taxicabs, in its entirety, and enacted Ch. 25.1 of this Code.

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ARLINGTON COUNTY CODE

Chapter 25.1

TAXICABS

§ 25.1-1. Purpose and ~~p~~Persons ~~c~~Covered.
§ 25.1-2. Definitions.
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§ 25.1-19. Vehicles and ~~c~~Contents.
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§ 25.1-22. Obstruction and ~~h~~Hindering of ~~o~~Official ~~d~~Duties; ~~f~~False ~~s~~Statements.
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§ 25.1-24. Notification in ~~t~~Taxicabs of ~~p~~Proposed ~~a~~Amendments to this ~~c~~Chapter.
§ 25.1-25. Rules and ~~r~~Regulations.
§ 25.1-26. Compliance with this ~~c~~Chapter and ~~r~~Reciprocity ~~a~~Agreements.
§ 25.1-27. Enforcement.
§ 25.1-28. Penalties.
§ 25.1-29. Effect of ~~e~~Enactment of this ~~c~~Chapter.

§ 25.1-1. Purpose and ~~p~~Persons ~~c~~Covered.

~~(a)~~A. The purpose of this ~~C~~chapter is to regulate and control Taxicab Service in Arlington County, the operation of Taxicabs for hire, rates and charges for service, and the character and qualifications of operators through the issue of Certificates of public convenience and necessity, in order to preserve the health, safety, welfare and property of Arlington County citizens and the public at large, as well as assuring robust competition among providers that results in quality Taxicab Service throughout Arlington.

~~(b)~~B. *Persons covered.* Any Person who transports individuals for hire in a Taxicab, engages in the Taxicab business, or provides Taxicab Service in Arlington County shall be governed by the provisions of this ~~C~~chapter. Persons covered also include Certificate-holders, Drivers, Passengers and any other Person who is an Applicant for authority pursuant to this ~~C~~chapter.
(Ord. No. 09-16, 6-13-09)

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§ 25.1-2. Definitions.

~~Unless it clearly appears from the context that a different meaning is intended, t~~The following words and ~~phrases~~ terms, when used in this ~~C~~chapter, shall have the following meanings~~ ascribed to them by this section~~ unless the context clearly indicates otherwise:

"Applicant" means any individual, company, corporation, partnership or other such legal entity that seeks a Certificate, a Public Vehicle Driver's License, or an amendment, modification, or revision to such Certificate or Public Vehicle Driver's License.

"Certificate" means the certificate of public convenience and necessity issued to Persons in the Taxicab Business as provided in this ~~C~~chapter. A Certificate indicates the total number of Taxicabs which the Certificate-holder is authorized to operate in Arlington County.

"Certificate-holder" means any Person that has been granted a Certificate.

"County Board" or "Board" means the County Board of Arlington County, Virginia.

"County Manager" means the County Manager of Arlington County, Virginia.

"Day" means a calendar day, unless otherwise provided in this ~~C~~chapter. If the last day on which to satisfy an obligation set forth in this ~~C~~chapter is a Saturday, Sunday, federal holiday, or County holiday, then the obligation shall not be required to be satisfied until the next day which is not a Saturday, Sunday, federal holiday or County holiday.

"Driver" means the individual who operates, or is in actual physical control of, a Taxicab on a street, highway, or other place open to use by the public for the purpose of vehicular travel.

"Passenger" means a person carried or transported in a Taxicab in consideration of a fare.

"Person(s)" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, or any other legal or commercial entity, and any successor, representative, agent, agency, or instrumentality thereof.

"Person with Disability" means any individual person who has a physical or mental impairment which substantially limits one or more major life activities of that individual, an individual person who has a record of such impairment, or who is regarded as having such impairment. For the purposes of this ~~C~~chapter, the term "major life activities" means functions such as, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Prepaid Purchase" means the advance payment, for ten (10) or more Taxicab trips.

"Public Vehicle Driver's License" means the license issued to a Taxicab Driver by the County Manager, or his designee, authorizing the Taxicab Driver to operate a Taxicab pursuant to this ~~C~~chapter.

"Service Animal" means any animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Some, but not all, service animals wear special collars and harnesses. A pet is not necessarily a service animal.

"Taxicab" or "Other Motor Vehicle Performing Taxicab Service" means any motor vehicle having a seating capacity of not more than six (6) passengers, excluding the driver, not operating on a regular route or between fixed terminals, used in the transportation of passengers for hire or for compensation, and not a common carrier or restricted common carrier as defined in Chapter 20, Title 46.2 of the Code of Virginia.

"Taxicab Business" means the activity of transporting Passengers for compensation by a Taxicab or other vehicle performing a Taxicab Service.

"Taxicab Inspector" means the individual or individuals appointed by the Chief of Police and authorized to enforce specified provisions of this ~~C~~chapter.

"Taxicab Service" means the operation of any Taxicab upon any street, highway, or other place open to use by the public for the purpose of vehicular travel, on call or on demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported.

"Taxicab Stand" means a location which has been designated by signage for use by Taxicabs for passenger hire.

"Taximeter" means an instrument or device by which the charge for hire of a Taxicab is calculated by either distance traveled, or waiting time, or both, and upon which such charge shall be indicated by figures.

"Transfer" means any transaction in which an ownership interest, rights or obligations or other interest in a Certificate-holder or its Taxicab Business, or permission granted by a Certificate, is proposed to be sold, conveyed, assigned, exchanged, or transferred from one Person or group of Persons to another Person or group of Persons so that control of a Certificate-holder or its Taxicab Business, or permission granted by a Certificate, is proposed to be transferred. The term "control" means working control, in whatever manner exercised. By way of illustration, and not limitation, the addition, deletion, or other change of ~~–~~(i) any general partner of a Certificate-holder; or (ii), any Person who owns or controls a Certificate-holder; is a change of control.

"Transportation Commission" means the advisory group by that name created by the County Board.

"Vehicle Owner" means any Person having title to any Taxicab.

"Wheelchair-accessible Taxicab" means a Taxicab that has been constructed, modified, or specially equipped with the installation of lifts or other equipment necessary for the transport of persons who use wheelchairs or wheelchair conveyances.
(Ord. No. 09-16, 6-13-09)

§ 25.1-3. Certificate of ~~p~~Public ~~c~~Convenience and ~~n~~Necessity.

~~(a)~~A. *Certificate required*. Unless otherwise specifically provided in this ~~C~~chapter, it shall be unlawful for any Person to engage in the Taxicab Business within Arlington County without having first obtained a Certificate or any other authorization required by this ~~C~~chapter.

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~~(b)~~B. *Application for Certificate*.

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~~(~~1.~~)~~ Each application for a Certificate shall be made, under oath, by each prospective Certificate-holder by filing an application with the County Manager, or his designee, upon forms provided by the County for such purpose. Applications for Certificates shall be filed only between July 1 and September 1 of each even-numbered year. Any amendment, modification, or revision to an existing Certificate requires the filing of an application for a Certificate which shall be filed only during such time period in even-numbered years.

~~(~~2.~~)~~ Each Applicant for a Certificate, which Applicant is not, as of the day of the application, a current Certificate-holder, shall provide, with the application, the following information and supporting documents:

~~i~~a. The full name and the home and business address(es) of the Applicant. If the Applicant is not an individual, certified copies of documents indicating that the Applicant is a legally existing entity, in good standing, and further indicating the Person or Persons authorized to legally bind the Applicant.

~~ii~~b. The trade name (if any) and the telephone number under which the Applicant does, or proposes to do, business, and documents indicating that the Applicant is legally authorized to use such trade (or fictitious) name.

~~iii~~c. The financial status and the fiscal and operational fitness of the Applicant, including evidence that the Applicant has the ability to engage in the Taxicab Business, to acquire and to maintain the Taxicabs proposed to be operated pursuant to a Certificate.

~~iv~~d. The number and ownership of the Taxicabs proposed to be operated pursuant to a Certificate, and the make, model, year, seating capacity, and combined (city/highway) fuel-efficiency rating of each vehicle. The number and type (Wheelchair-accessible and hybrid or vehicles not primarily powered by gasoline or diesel fuel) of Taxicabs, if any, currently authorized to operate under a Certificate.

~~v~~e. A proposed color scheme, insignia, and cruising light design which shall be unique and readily distinguishable from previously approved color schemes, insignia and light design.

~~vi~~f. The address, condition, and all proposed uses of each Taxicab depot, terminal and garage to be involved in the Taxicab Business for which a Certificate is required.

~~vii~~g. A description of the proposed communications systems to be used between or among the dispatcher, the depots, terminals, garages and Taxicabs.

~~viii~~h. A description of the hours of operation proposed to be provided, including times of day and night, and limitations on days and types of Taxicab Service.

~~ix~~i. True copies of court records clearly indicating each conviction of or plea of guilty or *nolo contendere* by the Applicant for each violation of any criminal or traffic law, whether such violation or violations be of an ordinance, state law or federal law. If the Applicant is not an individual, then true copies of records of such convictions, pleas, and violations shall be submitted for each officer, director, partner, and member of such Applicant who is legally authorized to bind the Applicant.

~~x~~j. The specific experience of the Applicant in the transportation of passengers for hire and the Taxicab Business.

~~xi~~k. All facts or circumstances upon which the Applicant bases his or her belief that public convenience and necessity would be enhanced by the granting of the application.

~~xii~~l. A description of the type of Taxicab Service the Applicant intends to supply, including whether such Taxicab Service will be similar to, or different from, Taxicab Service provided by Certificate-holders.

~~xiii~~m. The Applicant's five (5) year business plan for providing Taxicab Service in Arlington County.

~~xiv~~n. All other information and documents requested or required by the County Manager, or his designee.

~~(~~3.~~)~~ Each Applicant for a Certificate, which Applicant is, as of the day of the Application, a current Certificate-holder, shall provide, with the application, the information and documents specified above in subsections 2.a~~(2)i~~, 2.b~~(2)ii~~, 2.c~~(2)iii~~, 2.d~~(2)iv~~, 2.f~~(2)vi~~, 2.g~~(2)vii~~, 2.h~~(2)viii~~, 2.i~~(2)ix~~, 2.k~~(2)xi~~, 2.l~~(2)xii~~ and 2.n~~(2)xiv~~ for the Taxicabs operating under an existing Certificate and for the Taxicabs for which authority is being requested. In addition, such Applicant shall provide

documents indicating the effect which additional vehicles will have on customers and generally accepted industry measures of Taxicab Service productivity in Arlington County.

(c)C. Upon receipt of an application for a Certificate, the County Manager, or his designee, shall notify each Certificate-holder in writing that an application has been filed. Certificate-holders will be provided an opportunity, at the appropriate time, to express to the Transportation Commission the Certificate-holder's views about such application.

(d)D. The County Manager, or his designee, will forward copies of the applications to the Transportation Commission no later than September 15 of each even-numbered year.

(e)E. In order to carry out the purposes of this Cchapter, the County Manager, or his designee, may request from the Applicant relevant information and documents in addition to that provided with the application.

(f)F. *False information on any application for a Certificate*. It shall be unlawful for any Person knowingly to make or cause to be made, either directly or indirectly, any materially false statement on any application for a Certificate, accompanying documents or reports submitted pursuant to this Cchapter. Any such application containing a materially false statement may be rejected by the County Manager, or his designee. Upon rejection of the application for a Certificate, the Applicant shall not be permitted to resubmit an application for a period of two (2) years after the date of the application containing the false statement(s).
(Ord. No. 09-16, 6-13-09)

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§ 25.1-4. Determination of nNumber of tTaxicabs; Issuance of eCertificates.

(a)A. The number of Taxicabs for which Certificates are proposed to be authorized shall be determined by the County Manager, on a biennial basis, not later than July 1 of each even-numbered year, or as may be directed by the County Board, after considering for the immediately preceding two (2) years:

(1.) the percentage change in residents, Taxicab and paratransit trips, and indicators of business activity, tourism, and public transportation use (jointly "Market Change") within Arlington County;

(2.) Taxicab industry and Certificate-holder performance indicators;

(3.) Competition, including consideration of the number of Taxicabs authorized to be operated by any Certificate-holder in relation to the total number of Taxicabs authorized to be operated under all Certificates, and the goal of preventing any disadvantageous effects on competition, the quality of Taxicab service, and the public health, safety, and welfare resulting from a concentration of the total authorized Certificates in any one Certificate-holder; and

(4.) Other factors having, in the reasonable opinion of the County Manager, specific relevance to the provision of Taxicab Service to the public.

(b)B. Upon making such determination, the County Manager shall issue a statement indicating the number of additional Taxicabs proposed to be authorized, the rationale for such number, and the general methodology expected to be used in arriving at a recommendation which the County Manager may make pursuant to Ssubsection D(d) below.

(c)C. If an Applicant applies for a Certificate, the issuance of which would authorize an increase in the number of Taxicabs for such Applicant or Certificate-holder, and which increase would exceed the number of Taxicabs determined by the County Manager pursuant to subsection A(a) above, then the application shall include relevant facts indicating the reasons that the Applicant contends that the Market Change, industry performance, Certificate-holder performance, competition, and other specified factors are other than those determined by the County Manager.

~~(d)~~D. The County Manager shall recommend to the Board, not later than October 15 of each even-numbered year, the number of additional Taxicabs (to be authorized by Certificates) allocated to each Applicant, including the number of Wheelchair-accessible Taxicabs and hybrid or vehicles not primarily powered by gasoline or diesel fuel.

~~(e)~~E. In making such recommendation, the County Manager shall consider the following factors, in no particular order, and such other relevant information as the County Manager deems appropriate, including the effect of the granting of the application(s) on Taxicab Service in Arlington County:

~~(~~1.~~)~~ whether the Applicant will offer hail and Taxi Stand service;

~~(~~2.~~)~~ whether the Applicant will offer telephone-reservation and dispatch service;

~~(~~3.~~)~~ how many of the additional Taxicabs will be Wheelchair-accessible vehicles;

~~(~~4.~~)~~ to what extent customers may pay using credit or debit cards;

~~(~~5.~~)~~ fuel efficiency of proposed additional Taxicabs including whether the additional Taxicabs will be hybrid or vehicles not primarily powered by gasoline or diesel fuel;

~~(~~6.~~)~~ the Applicant's recent vehicle productivity, if any, as evidenced by paid Taxicab trips per authorized Taxicab per day;

~~(~~7.~~)~~ the Applicant's recent vehicle efficiency, if any, as evidenced by percent of total miles travelled for which Passengers travel;

~~(~~8.~~)~~ the days and hours for which service will be available;

~~(~~9.~~)~~ the Applicant's recent customer-service record, if any, as evidenced by the scarcity of complaints per authorized taxicab;

~~(~~10.~~)~~ the Applicant's intended fleet sustainability, as evidenced by the current (if any) and proposed fleet fuel-efficiency ratings;

~~(~~11.~~)~~ competition within the industry including the number of Taxicabs that the Applicant(s) would be authorized, should the number applied for be granted, relative to the total number of Taxicabs authorized under all Certificates, and the effect thereof on the public convenience and welfare; and

~~(~~12.~~)~~ proposed innovation to Taxicab service in Arlington County.

The County Manager, or his designee, may transmit to the Applicants and to all Certificate-holders written notice of the County Manager's recommendations.

~~(f)~~F. *Decrease in number of Taxicabs authorized under a Certificate*:

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~~(~~1.~~)~~ At the time the County Manager issues recommendations to the County Board pursuant to subsection D~~(d)~~ above, the County Manager shall indicate the number of Taxicabs, authorized by a Certificate, that were not operated during any of the immediately preceding one hundred and eighty (180) calendar days. Thereafter, the County Manager shall give written notice to the Certificate-holder and afford the Certificate-holder an opportunity to be heard by the County Manager. If the County Manager determines that a decrease in the number of Taxicabs authorized by Certificates is warranted because Taxicabs were not operated during the above time period, then, upon receipt of notice of said determination, the Certificate-holder shall surrender the existing Certificate to the County Manager and the County Manager will issue a new Certificate authorizing the specified lesser number of Taxicabs to the Certificate-holder.

(2.) Subsection (1) above shall not apply, for a period of one (1) year, to new or additional Taxicabs authorized under a Certificate.

(g)G. The County Manager, or his designee, prior to the public hearing on the application(s) before the Board, will furnish to the Transportation Commission all appropriate documents concerning the application(s) under consideration, and will request a recommendation thereon from the Transportation Commission. Not later than November 15 of each even-numbered year, the Transportation Commission shall make its written recommendation to the Board. The recommendation shall state whether or not the Transportation Commission recommends that the Board grant any or all the application(s), in whole or in part. If the Transportation Commission does not forward a recommendation to the Board by November 15, then the Board may act without any such recommendation.

(h)H. After receipt by the Board of recommendations from the County Manager, and not sooner than November 15 of each even-numbered year, the Board, after a public hearing, after considering the factors contained in subsection E(e) above, and after determining whether the public health, safety and welfare will be protected or enhanced, may authorize the County Manager to issue Certificate(s) to any or all of the Applicants as the Board deems appropriate, concerning the application(s). The Board may determine that no Certificate(s) shall be issued, in which case all existing Certificate(s) shall remain in effect.

(i)I. If the Board authorizes the County Manager to issue any new Certificate(s) to any Applicant(s), then, upon the surrender to the County Manager of any existing Certificate(s), the County Manager, or his designee, shall issue a new Certificate(s) to the Certificate-holder(s). The issuance of a Certificate constitutes permission for the Certificate-holder to engage in the Taxicab Business in accordance with this Cchapter and all applicable laws, ordinances and regulations.
(Ord. No. 09-16, 6-13-09)

§ 25.1-5. Annual Certificate fFees and aApplication fFees.

(a)A. The following fees shall be paid, as applicable, to the Treasurer of Arlington County. All fees are non-refundable.

(b)B. For each Taxicab authorized under an existing Certificate, the annual fee is one hundred and fifty dollars ($150.00), which shall be paid not later than February 1 of each year.

(c)C. Application fees, which shall be paid upon submission of an application, are as follows:

(1.) For each application for a Certificate by a Person who is not a Certificate-holder, the fee is five hundred dollars ($500.00), plus an additional one hundred dollars ($100.00) for each Taxicab requested, in excess of five (5) Taxicabs.

(2.) For each application for a Certificate by a Person who is a Certificate-holder, the fee is one hundred dollars ($100.00) for each Taxicab requested in excess of number of Taxicabs authorized under the existing Certificate.
(Ord. No. 09-16, 6-13-09)

§ 25.1-6. Certificate fForm and tTerm.

(a)A. Each Certificate will state the following:

(1.) The name and address of the Certificate-holder.

(2.) The number of Taxicabs authorized by the Certificate. The Certificate may indicate the specific number of Wheelchair-accessible taxicabs authorized and hybrids or non-gasoline-fueled vehicles.

(3.) The date of issuance of the Certificate.

(4.) The fact that the Certificate is subject to the provisions of this Cchapter and all other laws and ordinances governing the operation of public vehicles, Taxicabs, for-hire vehicles in Arlington County, and the Taxicab Business.

(b)B. Every Certificate shall be valid from the date of issuance until surrendered, suspended, or revoked as specified under sections §§ 25.1-4.F(f) and 25.1-8.

(c)C. In cases of death, sickness or unusual circumstances, the County Manager may authorize in writing to the Certificate-holder the continued operation of an existing Certificate for a reasonable time specified in such authorization.
(Ord. No. 09-16, 6-13-09)

§ 25.1-7. Insurance rRequirements.

(a)A. Every Vehicle Owner, operating a Taxicab under a Certificate issued pursuant to this Cchapter, from any point within Arlington County, which for the purpose of this section includes Arlington National Cemetery, Ronald Reagan Washington National Airport and the Pentagon reservation, or any other federal or state enclave, reservation or area within the boundaries of Arlington County, to any other point within Arlington County, including Arlington National Cemetery, Ronald Reagan Washington National Airport and the Pentagon reservation, or any other federal or state enclave, reservation or area within the boundaries of Arlington County, shall keep in effect at all times, and file with the County Manager, or his designee, a certificate of insurance evidence of a policy of insurance with a reputable insurance company duly licensed or otherwise authorized to do business in the Commonwealth of Virginia, in the amount specified in this section covering damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation of such Taxicab in the amounts prescribed in this section, or provide a combination of self-insurance and policy of insurance in the total amount herein specified covering such damages. Such combination to be subject to the approval of the County Manager, or his designee; provided, however, this section shall not apply to Taxicabs operating in Arlington County which Taxicabs operate solely on federal or state enclaves.

(b)B. The required insurance coverage shall be as follows:

(1.) If a purchased insurance policy is furnished, the minimum amount of coverage will be:

For injury to one (1) person in any one (1) accident: –one hundred thousand dollars ($100,000.00)

For injury to two (2) or more persons in any one (1) accident: -three hundred thousand dollars ($300,000.00)

For property damage in any one (1) accident: fifty thousand dollars ($50,000.00)

(2.) If a combination of self-insurance and a policy of insurance is approved, such combination will provide the coverage specified in subsection B.1(b)(1) above.

(c)C. Each insurance policy offered as fulfillment of the requirements of this section shall contain a clause to the effect that the insurance carrier may not cancel the policy except upon thirty (30) day's written notice to the County Manager, or his designee, as well as other notices as may be required by law to be given to the policy holder.

(d)D. If an insurance policy or a state issued self-insurance certificate or permit offered as fulfillment of the requirement of this section is cancelled, then the Certificate-holder shall not permit any Taxicab to be operated that was covered by such policy, certificate or permit until other insurance is furnished as required by this section.

(e)E. If judgment is rendered against the Vehicle Owner or Driver, or both, in any court of competent jurisdiction by reason of any accident for which self-insurance or an insurance policy is provided in this section, then the Vehicle Owner shall, within twenty-four (24) hours after the rendition of such judgment, whether appealed from or not, maintain the total amount of insurance required by this section or any other provision of law, whichever

is greater, so that no reduction in insurance coverage results from such judgment.

~~(f)~~F. *Self-insurance*. Up to one hundred thousand dollars ($100,000.00) of the insurance required under section B~~(b)~~ above may be provided by self-insurance. A Vehicle Owner may self-insure only up to one hundred thousand dollars ($100,000.00) and only if such owner has obtained a certificate of self-insurance pursuant to ~~Section~~ § 46.2-368 of the Code of Virginia, and has fulfilled the requirements and obtained a certificate or permit as required by law, provided that the certificates or permits for self-insurance shall be in full force and effect at all times. Evidence of such certificates or permits shall be filed with the County Manager, or his designee, before the issuance of any Certificate and shall require notice by the Commonwealth of Virginia to the County Manager, or his designee, before termination of the self-insurance certificates or permits. The remaining insurance shall be provided as required by section B~~(b)~~ above, and the following requirements must be met:

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~~(~~1.~~)~~ Application for approval, partially to meet County insurance requirements through self-insurance up to one hundred thousand dollars ($100,000.00) shall be made by the Certificate-holder or his designated agent upon forms provided by the County Manager, or his designee, and upon such forms the Applicant shall supply the following information:

~~i~~a. Proof that all requirements for self-insurance established by the Virginia Department of Motor Vehicles and the Virginia State Corporation Transportation Commission have been met, including copies of the state certificate documents and all documents filed with the State in order to obtain certification as a self-insurer.

~~ii~~b. A written statement from the Virginia Department of Motor Vehicles and the Virginia State Corporation Transportation Commission that they will notify the County Manager, or his designee, prior to the termination of the state-issued self-insurance certificates or permits.

~~iii~~c. Claims history for the Applicant for the preceding four (4) year period.

~~iv~~d. The most current financial statement of the Applicant.

~~(~~2.~~)~~ The Certificate-holder has a continuing obligation to file with the County Manager, or his designee, copies of all documents, statement, filed with the Virginia Department of Motor Vehicles and the Virginia State Corporation Commission in order to obtain or maintain state self-insurance certification.

~~(~~3.~~)~~ The Certificate-holder must submit a report to the County Manager, or his designee, two (2) years to the day after receiving approval from the County Manager, or his designee, to self-insure, and every other year thereafter, concerning the Certificate-holder's claims history and claims procedures. The report will be ordered and undertaken at the Certificate-holder's expense.

~~(~~4.~~)~~ If at any time it should appear that the Certificate-holder no longer meets the criteria required for approval as a self-insurer as set forth herein or fails to file any required documents, then the Certificate-holder will be given written notice identifying the particular criteria or filing default. The written notice will stipulate a reasonable date and time by which the Certificate-holder must furnish evidence, satisfactory to the County Manager, or his designee, that the approval criteria are again met or the default cured. Failure to respond in a timely manner to the notice, failure to meet approval criteria or failure to cure a default will result in revocation of the right to self-insure.

~~(g)~~G. Taxicabs licensed by other jurisdictions and providing Taxicab Service in Arlington County pursuant to ~~section~~ § 25.1-26, shall maintain the insurance coverage required by the licensing jurisdiction.

~~(h)~~H. ~~Section~~ § 25.1-7 is not intended to release a Vehicle Owner from its independent obligation to comply with insurance requirements of the Commonwealth of Virginia.
(Ord. No. 09-16, 6-13-09)

§ 25.1-8. Suspension or ~~r~~Revocation of Certificates.

~~(a)~~A. Certificates may be suspended for a period of one (1) to thirty (30) calendar days, or revoked, by the County Manager for any of the following reasons:

~~(~~1.~~)~~ Failure to operate Taxicabs, provide Taxicab Service, or engage in Taxicab Business in strict accordance with this ~~C~~chapter,

~~(~~2.~~)~~ Failure to maintain Taxicabs in good order and repair,

~~(~~3.~~)~~ Failure to maintain insurance as required by this ~~C~~chapter,

~~(~~4.~~)~~ Repeated and persistent violations by the Certificate-holder or Drivers, of the Code of Arlington County, Virginia, or the motor vehicle laws of the Commonwealth of Virginia,

~~(~~5.~~)~~ Failure to report any accident as required by this ~~C~~chapter,

~~(~~6.~~)~~ Failure of the Certificate-holder to pay any fees required by this ~~C~~chapter, or

~~(~~7.~~)~~ Failure to submit information or documents required by any provision of this ~~C~~chapter.

~~(b)~~B. Process and effect.

~~(~~1.~~)~~ After considering the reasons in subsection A~~(a)~~ above, and related facts and documents, the County Manager shall notify the Certificate-holder, by certified mail or hand delivery, that the County Manager is considering a suspension or revocation of a Certificate. The notice shall state the reasons for which the County Manager is considering such action. The Certificate-holder shall have fourteen (14) calendar days after receipt of such written notice to remedy all failures and violation(s) giving rise to the proposed suspension or revocation. Upon the expiration of such fourteen (14) day period, if all such failure(s) and violation(s) are not fully remedied, then the County Manager shall notify the Certificate-holder, by certified mail or hand delivery, of the date, time and place for a hearing before the County Manager. During such hearing the Certificate-holder shall be given an opportunity to be heard, including the opportunity to present relevant evidence against any suspension or revocation. If, after the hearing and consideration of the facts, the County Manager determines that a suspension or revocation is warranted, then the Certificate-holder shall be so notified in writing and the Certificate shall be suspended or revoked as provided in such notice. Such action shall be effective upon receipt by the Certificate-holder of such written notice, by certified mail or hand delivery.

~~(~~2.~~)~~ Notwithstanding any provision of this ~~C~~chapter to the contrary, if the County Manager determines that the reasons for any proposed or impending suspension or revocation of a Certificate constitute an immediate hazard to the public health, safety or welfare, then the County Manager may suspend or revoke a Certificate immediately upon delivery of a written notice thereof, by certified mail or hand delivery, to the Certificate-holder, without the necessity of the fourteen (14) day notice set forth in subsection B.1~~(b)(1)~~ above. Thereafter, the Certificate-holder shall be given notice, by certified mail or hand delivery, and an opportunity to be heard by the County Manager. If, after such hearing, the County Manager determines that the certificate should not have been immediately suspended or revoked, then the County Manager may either suspend or revoke the Certificate in accordance with the procedure specified in subsection B.1~~(b)(1)~~ above, or reissue the Certificate without the necessity of a reapplication by the Certificate-holder as otherwise required under subsection C~~(c)~~ below.

~~(c)~~C. Application after revocation of Certificate. If the County Manager revokes a Certificate, then the prior holder of the revoked certificate shall not engage in the Taxicab Business in Arlington County, unless and until the prior Certificate-holder reapplies for a Certificate in accordance with the application process of this ~~C~~chapter and is issued a Certificate. The prior Certificate-holder shall be entitled to reapply for a Certificate only at the times

provided in ~~section~~ § 25.1-3.B.1 ~~(b)(1)~~ but, in any event, not sooner than three hundred and sixty-five (365) calendar days after the effective date of the revocation.

~~(d)~~D. In the case of a Certificate suspension, the Certificate-holder shall not be required to reapply for a Certificate at the end of the suspension periods. Permissions to engage in the Taxicab Business shall recommence as provided in the notice of suspension.
(Ord. No. 09-16, 6-13-09)

§ 25.1-9. Public ~~v~~Vehicle ~~d~~Driver's ~~l~~Licenses.

~~(a)~~A. License required, limitations on the transporting of Passengers.

~~(~~1.~~)~~ It shall be unlawful for any person to drive a Taxicab for hire from an origin within Arlington County to a destination within or outside of Arlington County except as provided in ~~section~~ § 25.1-26 of this ~~C~~chapter, unless the Driver has first obtained, and has in his possession, a valid Public Vehicle Driver's License.

~~(~~2.~~)~~ Upon the request of the Taxicab Inspector, his designee, or any law-enforcement officer, a Driver shall produce to the Taxicab Inspector, his designee, or law-enforcement officer, the Public Vehicle Driver's License, a current motor vehicle operator's license and any other requested identification.

~~(~~3.~~)~~ The Public Vehicle Driver's License is valid only during such time as the Driver is operating a Taxicab authorized by a Certificate. The Public Vehicle Driver's License is not valid during such time as the Driver is operating a Taxicab authorized, licensed, or having a certificate issued from any other jurisdiction.

~~(~~4.~~)~~ Each Public Vehicle Driver's License is the property of the County. Each Driver to which a license has been issued shall immediately surrender such License to the County Manager, or his designee, when such License is suspended or revoked.

~~(~~5.~~)~~ This ~~C~~chapter does not prohibit a Driver from transporting passengers into Arlington County if the trip originated in a jurisdiction where the Driver and Taxicab are authorized to operate.

~~(~~6.~~)~~ Except to the extent expressly permitted by federal or state law, unless a person has a valid Public Vehicle Driver's License issued pursuant to this ~~C~~chapter, such person shall not solicit business or pick up and transport a Passenger in Arlington County, provided that a Passenger may hire a Taxicab to transport such Passenger into Arlington County, wait for that Passenger, and then transport such Passenger to another location.

~~(b)~~B. Application for a Public Vehicle Driver's License.

~~(~~1.~~)~~ Application for a Public Vehicle Driver's License shall be made in person, under oath, to the County Manager, or his designee.

~~(~~2.~~)~~ The Applicant shall provide the following information and supporting documents with the application:

~~i~~a. Required personal data.

~~ii~~b. Physical condition of Applicant.

~~iii~~c. Traffic record (excluding parking citations) for ten (10) years immediately prior to the date of the application.

~~iv~~d. Criminal record including, but not limited to, an FBI record check.

~~v~~e. Prior driving experience.

~~vi~~f. Four (4) copies of a recent photograph of the Applicant, of size and manner prescribed by the County Manager, or his designee.

~~(c)~~C. The Applicant shall permit the County to make a record of his or her fingerprints.

~~(d)~~D. The Applicant shall successfully complete a written examination concerning the laws, rules and regulations governing the operation of Taxicabs, the County street system, and the location of prominent buildings and landmarks in Arlington County.

~~(e)~~E. *Investigation of Applicant*. The County Manager, or his designee, will cause to have an investigation made of the facts stated in an application for a Public Vehicle Driver's License and of other relevant matters. Unless otherwise prohibited by law, documents containing such investigation will be available to the Applicant, for inspection, upon written request.

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~~(f)~~F. *Issuance of Public Vehicle Driver's License*.

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~~(~~1.~~)~~ If the County Manager, or his designee, determines that the Applicant satisfies the requirements of this ~~C~~chapter, then the County Manager will issue a Public Vehicle Driver's License to the Applicant.

~~(~~2.~~)~~ The County Manager, or his designee, may refuse to issue a Public Vehicle Driver's License to an Applicant for, among other things, any of the following reasons:

~~i~~a. Repeated and persistent violations of motor vehicle laws of any jurisdiction.

~~ii~~b. Conviction, plea of guilty, or plea of *nolo contendere* to the violation of any law involving: the commission of a felony; any sex offense; solicitation of prostitution; alcohol; marijuana; any drugs classified as controlled substances under federal or state laws; gambling; larceny; theft; assault; battery; burglary; disorderly conduct; drunk in public or related charge; impaired driving; driving while intoxicated or under the influence; reckless driving; or a crime involving moral turpitude.

~~iii~~c. Applicant is on parole or probation for a criminal or traffic offense.

~~iv~~d. Applicant is younger than twenty-one (21) years of age.

~~(g)~~G. A Public Vehicle Driver's License shall not be issued to any person who has less than six (6) months' experience as a licensed driver of a motor vehicle anywhere in the United States or any of its possessions.

~~(h)~~H. Form of license, term, non-transferable, surrender, renewal.

~~(~~1.~~)~~ The form of the Public Vehicle Driver's License shall be prescribed by the County Manager, or his designee. The Public Vehicle Driver's License shall bear a recent photograph of the Public Vehicle Driver's License holder.

~~(~~2.~~)~~ The Public Vehicle Driver's License shall be valid for one (1) year from the date of issuance. A Public Vehicle Driver's License may be renewed for a two (2) year period, provided that the investigation by the County Manager, or his designee, of the Driver's traffic and criminal record reveals no criminal or traffic violations during the period of the expiring Public Vehicle Driver's License, and further provided that the applicant meets all other relevant requirements of this ~~C~~chapter. If the investigation reveals such violations, and if the Public Vehicle Driver's License is permitted to be renewed, it may be renewed for a one (1) year period. Temporary Public Vehicle

Driver's Licenses may be issued by the Taxicab Inspector, or his designee, and shall not be valid for more than sixty (60) calendar days.

(3.) The Public Vehicle Driver's License is the property of the County and is not transferable.

(4.) Such License immediately shall be surrendered by the Driver to the County Manager, or his designee, upon such Driver's ceasing to drive a Taxicab in Arlington County and upon other instances required by this Cchapter.

(5.) *Renewal of Public Vehicle Driver's License*. An application for a renewal of a Public Vehicle Driver's License shall conform to the procedures set forth in subsections A(a) through G(g) above.

(i)I. *Public Vehicle Driver's License fees*:

(1.) For each original application for a Public Vehicle Driver's License the fee shall be: sixty-five dollars ($65.00)

(2.) For each renewal application for a Public Vehicle Driver's License the fee shall be: forty dollars ($40.00)

(3.) For each retest application for a Public Vehicle Driver's License the fee shall be: thirty dollars ($30.00)

(4.) For each replacement Public Vehicle Driver's License the fee shall be: twenty dollars ($20.00)

(j)J. It shall be unlawful to operate a Taxicab without the Driver's Public Vehicle Driver's License being conspicuously displayed so as to be clearly visible at all times to Passengers.

(k)K. Suspension, revocation and surrender of a Public Vehicle Driver's License

(1.) The County Manager, or his designee, may suspend, for a period of one (1) to sixty (60) calendar days, or revoke, the Public Vehicle Driver's License of any Driver licensed under this Cchapter for any of the following reasons:

ia. Repeated violations of motor vehicle laws of any jurisdiction;

iib. Conviction of the crime of reckless driving;

iiic. Failure to report, to the Taxicab Inspector, any accident, however slight, involving a Taxicab and the License holder;

ivd. Driving of any Taxicab not in good order or repair;

ve. A violation of this Cchapter, regulations adopted hereunder, or any other applicable federal, state or County laws or ordinances;

vif. A consistent pattern of reasonably verified complaints against the License holder or Driver within any twelve (12) month period, or a reasonably verified complaint involving a threat to health, safety or welfare related to the provision of Taxicab Service;

viig. Conviction, plea of guilty, or plea of *nolo contendere* to the violation of any law involving: the commission of a felony; any sex offense; solicitation of prostitution; alcohol; marijuana; any drugs classified as controlled substances under federal or state laws; gambling; larceny; theft; assault; battery; burglary; disorderly conduct; drunk in public or related charge; impaired driving; driving while intoxicated or under the influence; or a crime involving moral turpitude;

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~~viii~~h. Creating or maintaining an incomplete, inaccurate, or false manifest; or

~~ix~~i. Failure to comply with the requirements of any applicable taxicab reciprocity agreement approved by the Board.

~~(~~2.~~)~~ Notice of such revocation or suspension shall be given by the County Manager, or his designee, in person, or in writing to the Public Vehicle Driver's License holder and shall be effective on the date indicated on such written notice or the date of the in-person delivery.

~~(~~3.~~)~~ If any Public Vehicle Driver's License has been expired for a period of six (6) months or less, then the Driver may thereafter obtain authorization to operate a Taxicab in Arlington County by completing a renewal application. If any Public Vehicle Driver's License has been expired for a period of greater than six (6) months, then the Driver may thereafter obtain authorization to operate a taxicab in Arlington County by completing the application process in subsection B~~(b)~~ above.

~~(l)~~L. The Public Vehicle Driver's License of any Driver shall automatically become void and shall be immediately surrendered by the Driver to the County Manager, or his designee, whenever the Driver's applicable permit or license to drive issued by the Commonwealth of Virginia or any other licensing jurisdiction has been revoked, suspended, or interrupted for any reason. Thereafter, a Public Vehicle Driver's License may only be obtained by such person upon making application therefore and satisfying the applicable requirements of this ~~C~~chapter.

~~(m)~~M. *Revocation of a Public Vehicle Driver's License*. The Public Vehicle Driver's License of any Driver shall automatically be revoked, without the necessity of any action by the County, and such License immediately shall be surrendered to the Taxicab Inspector, or his designee, by the Driver upon such Driver's conviction of, or a plea of, guilty or *nolo contendere*, to the violation of any law involving any:

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~~(~~1.~~)~~ Commission of a felony;

~~(~~2.~~)~~ Sex offense;

~~(~~3.~~)~~ Prostitution or solicitation thereof;

~~(~~4.~~)~~ Narcotics; or

~~(~~5.~~)~~ Revocation of driving permits issued by the Commonwealth of Virginia.

~~(n)~~N. When an application for a Public Vehicle Driver's License has been denied or a License revoked, the Applicant or licensee may not reapply for a new License for a period of two (2) years after the date of application denial or license revocation.
(Ord. No. 09-16, 6-13-09)

§ 25.1-10. Appeal from ~~s~~Suspension, ~~r~~Revocation, or ~~d~~Denial of a Certificate or Public Vehicle Driver's License.

~~(a)~~A. Appeal procedure for Certificate-holders or Applicants.

~~(~~1.~~)~~ The appeal of a decision of the County Manager, or his designee, concerning the suspension, revocation, or denial of a Certificate shall be by notice of appeal, made in writing, signed by the Certificate-holder, stating an address at which the Certificate-holder will receive subsequent notifications. The notice of appeal shall be filed with and received by the Clerk of the County Board no later than fourteen (14) calendar days after the date a notice of the decision of the County Manager, or his designee, has been hand delivered or mailed by certified mail. The notice of appeal shall clearly and specifically state: the decision appealed from, all reasons why the

decision is claimed to not be in accordance with this ~~C~~chapter, and the requested relief. Any such notice which is not timely filed or fails to provide such required information shall be denied.

~~(~~2.~~)~~ The Clerk of the County Board will notify the County Manager, or his designee, of the filing of a notice of appeal.

~~(~~3.~~)~~ After the receipt by the Clerk of the notice of appeal, the Certificate-holder will be entitled to a hearing by the Board which shall be held no sooner than ten (10) calendar days after the filing of the notice of appeal.

~~(~~4.~~)~~ The Certificate-holder will have the right to present his or her case in person or by counsel licensed to practice law in the Commonwealth of Virginia.

~~(~~5.~~)~~ The Board will consider information and documents offered by the Certificate-holder and County staff. The hearing need not be conducted according to technical rules relating to evidence and witnesses, provided, however, that the Board only need consider relevant information and documents. The Board may affirm, reverse, or modify the decision of the County Manager, or his designee.

~~(~~6.~~)~~ If the Board reverses the County Manager's decision, so as to restore a Certificate, then the Board will direct the County Manager, or his designee, to restore the Certificate in accordance with the order of the Board.

~~(~~7.~~)~~ During the pendency of an appeal, the decision of the County Manager, or his designee, shall remain in full force and effect.

~~(b)~~B. Appeal procedure for Public Vehicle Driver's License holders or Applicants.

~~(~~1.~~)~~ The appeal of a decision of the County Manager, or his designee, concerning the suspension, revocation or denial of a Public Vehicle Driver's License or application shall be by notice of appeal, made in writing, signed by the License holder or Applicant, stating an address at which the License holder or Applicant will receive notices. The notice shall be filed with the Clerk of the County Board not later than fourteen (14) calendar days after the date a notice of such decision has been hand delivered or mailed by certified mail. The notice of appeal shall clearly and specifically state: the decision appealed from, all reasons why the decision is claimed to not be in accordance with this ~~C~~chapter, and the requested relief. Any such notice which is not timely filed or fails to provide such required information shall be denied.

~~(~~2.~~)~~ The Clerk of the County Board will notify the County Manager, or his designee, of the filing of a notice of appeal.

~~(~~3.~~)~~ After the filing a notice of appeal, the License holder or Applicant will be entitled to a hearing before a hearing examiner, who will be a lawyer admitted to practice in the Commonwealth of Virginia, and employed by the County for the purpose of conducting such hearings. The time and place of the hearing will be scheduled by the Clerk of the County Board. The Clerk shall give notice of the hearing to the hearing examiner and shall give notice, by certified mail, of the date, time and location of the hearing to the license holder or Applicant.

~~(~~4.~~)~~ The License holder or Applicant will have the right to present his case in person or by counsel licensed to practice law in the Commonwealth of Virginia.

~~(~~5.~~)~~ The hearing examiner will consider documentary evidence as well as statements offered by the License holder or Applicant, and County staff. The hearing need not be conducted according to technical rules relating to evidence and witnesses, provided, however, that the hearing examiner only need consider relevant documents and statements. The hearing examiner may confirm,

modify, or reverse the County Manager's decision from which the License holder or Applicant is appealing.

(6.) If, in a case of suspension, revocation or denial of a License by the County Manager, the hearing examiner's decision is to reverse such suspension, revocation or denial, then the hearing examiner will advise the County Manager, or his designee, to issue or restore the Public Vehicle Driver's License in accordance with the order of the hearing examiner.

(7.) If the hearing examiner's decision has the effect of neither issuing, reinstating, nor restoring a Public Vehicle Driver's License, then the appealing License holder or Applicant shall not file a new application within two (2) years after the date of the final decision by of the hearing examiner on the appeal.

(8.) During the pendency of an appeal, the decision of the County Manager, or his designee, shall remain in full force and effect.

(Ord. No. 09-16, 6-13-09)

§ 25.1-11. Records and rReports.

(a)A. Information which shall be kept on file by Certificate-holders with the County. Thirty (30) days after the effective date of the enactment of this Cchapter, every Certificate-holder shall file with the County Manager, or his designee, the Certificate-holder's name, all business street addresses, depot, terminal and garage addresses, all business telephone numbers listed in the Certificate-holder's name, the names of all Drivers, such Driver's Public Vehicle Driver's License numbers and street addresses, the names and addresses of all Vehicle Owners, and the make and meter number of the Taximeter in each Taxicab Vehicle. Not later than forty-eight (48) hours after a request for information concerning any change in any of the above-required information, the Certificate-holder shall provide to the County Manager, or his designee, in writing, such changed information.

(b)B. *Driver's daily manifest*.

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(1.) Each Driver shall maintain a daily manifest upon which shall be recorded accurately and legibly by the Driver, at the end of each trip, the following: the time the Taxicab began and ceased operation on the street; the Taxicab number and Driver's name; all trips made each day, showing time and address of origin and address of destination of each trip; the number of Passengers of each trip; and the corresponding amount of fare. In addition, the Driver shall record on the manifest: the meter register readings at the beginning and end of each tour of duty for total miles during such tour; paid miles; trips; units; extra Passengers; the speedometer readings; and all additional information required by any reciprocity agreement.

(2.) Drivers of Wheelchair-accessible Vehicles shall designate on the manifest the trips made by persons in wheelchairs.

(3.) All completed manifests shall be delivered by the Driver to the Certificate-holder at the conclusion of the Driver's tour of duty. If the Driver changes Taxicabs during a tour of duty, then such Driver shall maintain a separate manifest for that portion of the tour of duty in which another vehicle is used.

(4.) The forms for such records will be furnished to the Driver by the Certificate-holder and shall be subject to the approval of the County Manager, or his designee.

(c)C. It shall be unlawful for any Driver to create or maintain an incomplete, inaccurate or false manifest.

(d)D. Every Certificate-holder shall retain and preserve all Drivers' manifests in a safe place for one (1) year after the end of the tour of duty.

~~(e)~~E. Driver's manifests shall be made available immediately upon demand for inspection by the Taxicab Inspector, or his designee, or any law-enforcement officer.

~~(f)~~F. *Accident reports*. Every accident in which any Taxicab is involved shall be reported in writing by the Certificate-holder, Vehicle Owner, or by the Driver to the Taxicab Inspector, or his designee, within five (5) calendar days of such accident, even if no report is required by other authorities to be filed.

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~~(g)~~G. *Financial information*. The County Manager, or his designee, periodically may require every Certificate-holder and/or Vehicle Owner to provide written information, with supporting documentation, accurately indicating the revenues, expenses, and property owned by such person or entity, and all other financial and statistical information required by the County Manager, or his designee regarding the Taxicab Business. Such information shall be provided in a format required by the County Manager or his designee. Upon such a request by the County Manager, or his designee, each Certificate-holder and/or Vehicle Owner shall supply the complete and accurate information and supporting documents within thirty (30) calendar days after the date of the request.

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~~(h)~~H. *Financial agreements*. The County Manager, or his designee, may at any time require that all Certificate-holders deliver to the County Manager, or his designee, true copies of all current agreements between the Certificate-holder and Owners, and agreements among Certificate-holder or Vehicle Owners and third parties, which agreements address the payment for any or all of the following: use of Taxicab, rental payment for use of colors, rental payment for use of radio equipment, payment for dispatching service, obligation of drivers to perform unpaid services for Certificate-holders or Owners, and arrangements between Certificate-holders and Drivers concerning credit card fees, and any other agreements which the County Manager, or his designee, determines necessary to implement the provisions of this ~~C~~chapter. The County Manager, or his designee, may require that Certificate-holders and/or Vehicle Owners at designed times deliver updated true copies of such agreements. All such agreements shall be delivered to the County Manager, or his designee, within the time period specified in the request. The term "agreements" as used in this subsection shall include accurate written summaries of verbal agreements, if any.

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~~(i)~~I. Other information and documents concerning a Certificate-holder's Taxicab Business. The County Manager, or his designee, periodically may require a Certificate-holder to provide to the County with documents and information regarding Certificate-holder's Taxicab Business, which documents shall be accurate and complete.

~~(j)~~J. It shall be unlawful for any Certificate-holder to create or maintain false records and documents. (Ord. No. 09-16, 6-13-09)

§ 25.1-12. Rate ~~s~~Schedule, ~~t~~Tolls, ~~p~~Payment.

The rate schedule for fares and service charges is as follows:

~~(a)~~A. For the first one-fifth (1/5) mile (initial drop charge): two dollars and seventy-five cents ($2.75)

~~(b)~~B. For each succeeding one-fifth (1/5) mile or fraction thereof (mileage charge): forty cents ($0.40)

~~(c)~~C. For each sixty-four (64) seconds of wait time: forty cents ($0.40)

Waiting time begins five (5) minutes after the appointed pickup time, once the Taxicab arrives at the pickup location specified by the potential Passenger. The Driver shall not charge a Passenger for early response to any call for Taxicab Service. Waiting time will also be charged while the Taxicab is stopped, or slowed for traffic to a speed of less than ten (10) miles per hour. While such stopping or slow traffic time is charged, there shall be no charge for mileage. Waiting time includes time consumed because of stopovers en route at the direction of a Passenger, but waiting time shall not include time lost due to the inefficiency of a Taxicab or Driver.

~~(d)~~D. For each additional Passenger over six (6) years of age when more than one (1) Passenger is transported: one dollar ($1.00)

Should more than one (1) Passenger enter a Taxicab, bound for different destinations, the fare shall be as follows: whenever a Passenger exits the Taxicab and pays the fare, the Driver shall reset the meter upon the Passenger's departure. Whenever a Passenger exits the Taxicab and does not pay the fare, the Driver shall not reset the meter.

~~(e)~~E. For each suitcase (in excess of two (2)), if handled by the Driver: fifty cents ($0.50)

~~(f)~~F. For each footlocker or similar-size case handled by the Driver: two dollars ($2.00)

~~(g)~~G. Tolls paid by the Driver between the point of Passenger pickup and the Passenger destination will be added to the Passenger's fare, provided that the Passenger is first informed by the Driver of the existence of a toll, and further provided that the Driver first gives the Passenger the option of the Taxicab taking an alternative route, which route would not require the payment of a toll. The Passenger shall be provided a receipt for such toll if the Passenger so requests.

~~(h)~~H. Provided that the Passenger is first informed by the Driver of the existence of an airport surcharge, where the Driver pays such surcharge, the surcharge will be added to the total fare. The Passenger shall be provided a receipt for such airport surcharge if the Passenger so requests.

~~(i)~~I. *Fare receipt*. When so requested by a Passenger, the Driver shall give to the Passenger a written receipt signed by the Driver indicating the Public Vehicle Driver's License number, the Taxicab number, the origin and destination of the trip, items for which charge is made, the amount paid, time and date.

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~~(j)~~J. Certificate-holders may offer discounts to senior citizens and Persons with Disabilities in an amount not to exceed twenty-five percent (25%) ~~percent~~.

~~(k)~~K. Payment for Taxicab Service which is prepaid may be made by coupons or vouchers purchased before the time of the Taxicab trip. Alternatively, a pre-payer may open an account with the Taxicab Company, pay for Taxicab Service in advance, and then draw down the prepaid account.
(Ord. No. 09-16, 6-13-09)

§ 25.1-13. Rate ~~d~~Display ~~c~~Cards.

~~(a)~~A. The County Manager, or his designee, will issue, to each Certificate-holder, two (2) County-approved rate display cards for each Taxicab authorized to operate under a Certificate. Such display cards shall be issued upon payment to the County of the actual cost of printing and shipping such cards. Such display cards shall indicate the rates of fare as provided by, or authorized in, this ~~C~~chapter. Such display cards shall further include a telephone number provided by the County Manager, or his designee, for inquiries about taxi regulation. Each display card shall be attached by the Certificate-holder or Driver to the Taxicab's right and left rear windows, in such a fashion as to be clearly visible, at all times, from the inside and outside of the Taxicab. The rate display cards shall neither be transferred nor resold to any Person, and shall not be transferred or resold to any Person other than the Vehicle Owner. If such rate display cards are sold to any Vehicle Owner, then the price to the Vehicle Owner shall be the price paid by the Certificate-holder to the County.

~~(b)~~B. *Violations of this section*. A willful violation of this section by a Certificate-holder shall be cause for revocation or suspension of the Certificate. A willful violation of this section by a Driver shall be cause for suspension or revocation of the Driver's Public Vehicle Driver's License.
(Ord. No. 09-16, 6-13-09)

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§ 25.1-14. Duty of Driver and Certificate-~~h~~Holder to ~~c~~Charge ~~a~~Authorized ~~f~~Fare or ~~c~~Charge.

It shall be unlawful for any Driver or Certificate-holder to charge, cause to be charged, or knowingly allow to be charged, any fare or service charge other than provided by, or authorized in, this ~~C~~chapter.
(Ord. No. 09-16, 6-13-09)

§ 25.1-15. Duty of Passenger to ~~p~~Pay ~~f~~Fare or ~~c~~Charge.

It shall be unlawful for any person who receives Taxicab Service in Arlington County, Virginia, to fail or refuse to pay any lawful fare or charge due to a Taxicab Driver.
(Ord. No. 09-16, 6-13-09)

§ 25.1-16. Adjustments in ~~r~~Rates of ~~f~~Fare.

~~(a)~~A. *Rate adjustment process.* The County Board may, from time to time, after public notice, and after a public hearing, prescribe just and reasonable rates of fare, changes in rates, and other charges or surcharges. The rates so prescribed may be maximum rates or rates certain. Members of the public seeking a change in rates of fare and other charges or surcharges may request the County Board to consider approving such changes and other charges and surcharges.

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~~(b)~~B. Upon petition by any Certificate-holder to the County Manager, received not later than June 30 in odd-numbered years, or the County Manager, on his own accord, may consider recommending to the County Board ordinance amendments regarding changes in rates of fares, charges or surcharges. The County Manager also may make such other recommendations as the Manager deems necessary and appropriate.

~~(c)~~C. Any petition described in subsection B~~(b)~~ above shall be filed by the Certificate-holder simultaneously with the County Manager and the Clerk of the County Board. A copy of such petition will be sent by the County Manager, or his designee, to all Certificate-holders within seven (7) Days of receipt of such petition by the County Manager.

~~(d)~~D. Each petition shall contain the following:

1. The existing rates of fare, charges, and surcharges which are requested to be changed;

2. The proposed new rates of fares, charges, and surcharges; and

3. A sample billing analysis which shall indicate the cost to a typical Passenger, in terms of first drop and mileage charge only, for each of twenty (20) trips, ranging from one (1) mile to twenty (20) miles, in one (1) mile increments, using existing rates and proposed new rates of fare, including for each increment the percent change. Trip lengths analyzed will be precise to the one-hundredth (1/100) of a mile, with the decimal portion (i.e., 0.00 through 0.99) selected at random.

~~(e)~~E. Rate change petitions will be analyzed by the County Manager, or his designee, using information submitted by the Certificate-holder under subsection D~~(d)~~ above and other information which the County Manager deems relevant and appropriate to the determination of changes in rates of fares, charges, and surcharges, including but not limited to, fluctuation in the Consumer Price Index (CPI) and related transportation cost indices. Based upon such analysis, the County Manager will make a recommendation to the County Board.

~~(f)~~F. The Transportation Commission may review such petitions and the County Manager's recommendation(s) for the purpose of making a recommendation to the County Board. The Transportation Commission may hold a hearing to consider evidence related to such petitions or recommendations, or related to any rule, regulation, or practice regarding the same, as a basis for Transportation Commission recommendations to the County Board concerning the appropriate Taxicab rates, charges, or surcharges. Any Transportation Commission recommendation provided to the County Board shall be provided not later than a date determined by the County Manager. Thereafter, the County Board may consider enacting an ordinance or ordinance amendment changing the rates of fares, charges, or surcharges. If the Transportation Commission does not forward a recommendation to the County Board by the date determined or the County Manager, then the Board may act without any such recommendation.

~~(g)~~G. Notwithstanding the biennial consideration by the County Manager of any requested or proposed changes in rates of fares, charges, or surcharges, such consideration shall not prohibit the County Board from enacting at any time any ordinance amendments, regarding Taxicab rates or otherwise, on an emergency basis or otherwise.
(Ord. No. 09-16, 6-13-09)

§ 25.1-17. Operation of Taxicabs.

~~(a)~~A. *Out-of-service notice*. At all times when a Taxicab is not available for transporting any Passenger, the Driver shall conspicuously display, upon or in the Taxicab, a notice or placard, in a form approved by the County Manager, or his designee, indicating that the Taxicab is out of service.

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~~(b)~~B. *Duty to accept and convey Passengers.* When directed by the Taxicab dispatcher, or upon request of any potential Passenger, each Driver shall accept and convey any potential Passenger, unless:

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~~(~~1.~~)~~ The Taxicab is out of service;

~~(~~2.~~)~~ The Driver is expressly committed to accept or convey another Passenger or potential Passenger; or

~~(~~3.~~)~~ The Driver is prohibited by this ~~C~~chapter or by law from hiring or accepting such potential Passenger.

~~(c)~~C. Any Driver refusing to transport a potential Passenger for any reason other than those stated in subsection B~~(b)~~ above shall:

~~(~~1.~~)~~ immediately report the incident to the dispatcher or to the Certificate-holder, and

~~(~~2.~~)~~ not later than forty-eight (48) hours after the occurrence, deliver a written report to the Taxicab Inspector or his designee, in an approved method, which report shall include the date, time, address or location, and a description of the incident, and all reasons why the transportation was refused.

~~(d)~~D. A Driver may terminate the transportation of a Passenger or refuse to transport a potential Passenger if the Driver reasonably believes the Driver's life, safety or property is in danger. In such event, the Driver shall make the report required by subsection C~~(c)~~ above.

~~(e)~~E. *Use of tobacco within Taxicab*. A Driver, while the Taxicab is occupied by a Passenger, shall not have in his or her possession a lighted cigarette, lighted cigar or lighted pipe. Furthermore, no Passenger shall have in his or her possession a lighted cigarette, lighted cigar or lighted pipe inside a Taxicab engaged in Taxicab Service. No Driver shall engage in chewing tobacco or using snuff while the Taxicab is occupied by a Passenger. A sign indicating that smoking or use of tobacco is not permitted shall be posted in each Taxicab.

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~~(f)~~F. *Use of cell phone, text-messaging device, sound system, or radio by Driver*. No Driver, while the Taxicab is occupied by a Passenger, shall play a sound system or radio if the Passenger or Passengers request that the Driver not do so. Additionally, no Driver shall use a cell phone or text-messaging device while the Taxicab is occupied by a Passenger. This subparagraph F~~(f)~~ shall not apply to any method of communication used by a Driver to: communicate with a Taxicab dispatcher; communicate with law enforcement personnel; or obtain traffic information.

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~~(g)~~G. *Receiving and discharging passengers.* No Driver shall stop a Taxicab, or any portion thereof, on the traveled portion of any highway, street, or other place open to use by the public for vehicular travel, to receive or discharge any Passenger or their belongings, except where motor vehicle parking or stopping is specifically permitted by law. When so permitted, the Driver shall park or stop the Taxicab in the manner permitted by law. No Driver shall load or unload Passengers or their belongings in a manner that impedes or interferes with the orderly flow of vehicular traffic.

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~~(h)~~H. *How Passenger of the vehicle is to enter or leave Taxicab*. A Driver shall not permit any potential Passenger to enter a Taxicab, or permit a Passenger to exit a Taxicab, from the left side, except when the Taxicab is at the left curb of a one (1) way street or when the Taxicab is parked or standing perpendicular to the curb at a location where such parking or standing is permitted.

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~~(i)~~I. *Restriction on number of Passengers in any taxicab*. A Driver shall not permit more persons to enter a Taxicab in Arlington County in excess of the seating capacity thereof, as rated by the Taxicab's manufacturer, including the Driver.

~~(j)~~J. *Acceptance of additional Persons*. Whenever any Taxicab is occupied by a Passenger, the Driver shall not permit any other Person to occupy such Taxicab, unless the Passenger, having been requested by the Driver, gives affirmative permission to the Driver to do so.

~~(k)~~K. *Deception of Passengers*. A Driver shall not deceive any Passenger, or potential Passenger, as to the destination, route, rate of fare, or any other provision of this ~~C~~chapter.

~~(l)~~L. *Trips to be made by most direct route*. A Passenger may request that a Driver take a Passenger-specified route to the Passenger's destination. If a Passenger does not specify a route, then a Driver shall take the most direct route from the point of pickup to the destination. A Driver may suggest, and a Passenger may approve, a less direct route.

~~(m)~~M. *Compliance with lawful requests of Passengers*. All Drivers shall comply with all reasonable and lawful requests of Passengers.

~~(n)~~N. *Lost personal property*. All personal property found in a Taxicab at the end of a trip shall be immediately returned by the Driver or Certificate-holder to the Passenger who left the item(s) in the Taxicab, if the identity of the Passenger is known or can be reasonably ascertained. Otherwise, the personal property shall be deposited by the Driver with the Certificate-holder at the conclusion of the Driver's tour of duty. A notation describing the property, any identifying marks therein, and its estimated value shall be made on the Driver's manifest. A written report including a description of the property and its estimated value shall be submitted by the Driver or Certificate-holder to the Taxicab Inspector within twenty-four (24) hours of the finding of the property.

~~(o)~~O. *Alcohol and narcotics*. No Driver shall ingest or be under the influence of alcoholic beverages, narcotics or other habit-forming drugs while operating a Taxicab. No Driver shall transport in a Taxicab alcoholic beverages or narcotics other than those carried in possession of a paying Passenger.

~~(p)~~P. *Length of ~~d~~Driver's working day*. No Driver of any Taxicab shall operate, nor shall a Certificate-holder require or permit any Driver to operate, a Taxicab for more than thirteen (13) hours within any consecutive twenty-four (24) hour period.

~~(q)~~Q. *Solicitation*. No Driver shall solicit potential passengers by word, signal or otherwise.

~~(r)~~R. *Leaving Public Vehicle Driver's License in unattended Taxicab*. A Driver shall not leave any Public Vehicle Driver's License in an unattended Taxicab.

~~(s)~~S. *Use of Taxicab for unlawful purposes*. No Driver or Vehicle Owner or Certificate-holder shall use, or permit to be used any Taxicab for any unlawful purpose.

~~(t)~~T. *Drivers to be clean and neat*. Every Driver of a Taxicab while on duty shall be clean and neat in dress and in person.

~~(u)~~U. *Taxicabs to be attended by Drivers*. Every Taxicab, while in operation and available for the transportation of Passengers, shall be attended by the Driver at all times.

~~(v)~~V. *Taxicab Stands*. No Taxicab shall occupy a Taxicab Stand except for the purpose of being held forth for hire. Taxicabs shall enter public stands only at the rear approach to such stands. Every Taxicab shall move forward toward the front of the stand immediately as space becomes available for the Taxicab by either the departure or movement of preceding Taxicab(s). When a Taxicab Stand is fully occupied by the maximum number of Taxicabs authorized for such stand, then no Driver shall loiter or wait nearby for the purpose of occupying a

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space expected to become available within the Taxicab Stand. Prospective passengers may choose to hire any Taxicab occupying any position in a Taxicab Stand.

~~(w)~~W. *Compliance with laws and ordinances*. Every Taxicab shall be operated in accordance with all applicable federal, state and local laws, ordinances and regulations.
(Ord. No. 09-16, 6-13-09)

§ 25.1-18. Taximeters, ~~m~~Maintenance and ~~i~~Inspection ~~t~~Thereof.

~~(a)~~A. Taximeter required.

~~(~~1.~~)~~ All Taxicabs operating under the authority of this ~~C~~chapter shall be equipped with Taximeters capable of computing fares on a mileage and time basis. Taximeters must register on visual counters displaying the following information: total miles, paid miles, number of trips, and the cost of "extras."

~~(~~2.~~)~~ Every Taximeter shall be set in strict accordance with the current rates of fare established by this ~~C~~chapter. The Taximeter shall accurately compute the fare, and shall clearly satisfy all other requirements of this ~~S~~section.

~~(b)~~B. *Requirements prior to use*. Prior to being used in passenger service, each Taximeter required by this section shall be calibrated by a Commonwealth of Virginia-certified Weights & Measures technician indicated by a Placed in Service Report and a tamper-proof seal affixed thereto.

~~(c)~~C. Tampering of Taximeters prohibited.

~~(~~1.~~)~~ It shall be unlawful for any Person to tamper with any Taximeter required by this section.

~~(~~2.~~)~~ It shall be unlawful for any Person to change or cause to be changed any part of any Taximeter or any part of any Taxicab to which such Taximeter is attached, directly, or indirectly, which change may alter the accuracy of such Taximeter.

~~(~~3.~~)~~ It shall be unlawful for any Person to operate or permit to be operated any Taxicab for hire if such Taxicab's Taximeter has not been properly sealed in accordance with this section.

~~(d)~~D. *Inspection of Taximeters*. The Taxicab Inspector, or his designee, may require that each Taximeter be inspected annually, on a schedule as determined by the Taxicab Inspector, or his designee. Without limiting the foregoing, all Taximeters shall be subject to inspection at all times, at a place designated by the Taxicab Inspector, or his designee, for compliance with the requirements of this ~~C~~chapter and any rules and regulations promulgated hereunder.

~~(e)~~E. It shall be unlawful for any Person to operate, or permit to be operated, a Taxicab for hire with knowledge that the Taxicab is not in strict compliance with this section.
(Ord. No. 09-16, 6-13-09)

§ 25.1-19. Vehicles and ~~c~~Contents.

~~(a)~~A. All motor vehicles meeting the definition of Taxicab shall be subject to the requirements of this ~~C~~chapter. Unless otherwise provided in this ~~C~~chapter, every Taxicab shall be of passenger car design, carry no more than six (6) passengers excluding the driver, and shall be equipped with at least two (2) doors for the entrance and exit of Passengers, in addition to the front door located on the Driver's side. All passenger doors shall be constructed so as to remain securely fastened during normal operation of the Taxicab, provided, however, that such passenger doors shall be designed so as to be easily opened by a Passenger in an emergency. Every Taxicab shall be equipped with tires having at least two thirty-seconds (2/32) of an inch of tread. No Taxicab shall be operated with unsafe tires or tires not meeting the above tread requirement. Every Taxicab shall be equipped with a properly inflated spare tire mounted on the appropriate rim.

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~~(b)~~B. No Taxicab shall be equipped or modified in such a way as to shield the occupants or Driver from observation from outside the Taxicab.

~~(c)~~C. Every Taxicab in service shall be equipped with a properly installed speedometer and odometer, each maintained in good working order and each exposed to view. If a Taxicab is found to have a defective speedometer or odometer, then the Taxicab shall not be operated until the speedometer or odometer is repaired. The Certificate-holder shall provide to the Taxicab Inspector or his designee, within fifteen (15) Days of any odometer replacement, the date of change, old odometer reading, reading on replacement odometer at the time of installation thereof, and Taxicab number.

~~(d)~~D. The upholstery covering the interior lining of every Taxicab shall be of a synthetic or any other nonabsorbent, washable material, with the exception of a "kick" strip not exceeding a reasonable height at the bottom of the doors. The rear cushion shall be removable. No floor mat shall be permitted in any Taxicab, unless it is made of nonabsorbent, washable material and easily removable, except when such floor-covering material is cemented in place on the floor of a Taxicab and the entire area of the floor is covered.

~~(e)~~E. Every Taxicab shall be so constructed and shall be maintained as to provide for the safety of the public and for continuous and satisfactory operation. Every Taxicab shall be further constructed and manufactured to reduce to a minimum, noise and vibration caused by operation. Every Taxicab shall be structurally sound and shall neither be placed in, nor remain in, service unless the taxicab has passed state inspection at the required times. All factory-installed safety equipment shall be in good working condition at all times. A Certificate-holder will be given a reasonable time to complete needed repairs, except in cases where the defect affects the safety of the Taxicab and/or the Passengers therein. In such cases, the Taxicab shall not be operated until all defects have been corrected. Every Taxicab shall be painted to give reasonable protection to all exposed surfaces from the elements, and all identifying marks shall be clearly legible at all times.

~~(f)~~F. Every Taxicab shall be equipped with cruising lights mounted on the forward portion of the roof of the Taxicab. The lights shall be of a design so as to clearly identify the vehicle as a Taxicab. A Driver, when offering Taxicab Service, shall have the cruising light on from sunset to sunrise. Each Taxicab shall also be equipped with one (1) or two (2) marker lights on the forward portion of the roof of the taxicab. The marker lights shall be connected to, and shall be operated by the Taximeter such that when the Taximeter is on, the marker lights are off and vice versa.

~~(g)~~G. Color scheme and insignia for Taxicabs:

~~(~~1.~~)~~ Every Taxicab authorized under a Certificate shall have a color scheme, insignia and cruising light of design, uniform with other Taxicabs authorized under such Certificate, and approved by the County Manager, or his designee.

~~(~~2.~~)~~ No approved color scheme, insignia, cruise light design, or addition of advertising or advertising devices on or within Taxicabs shall be changed without the prior written approval of the County Manager, or his designee.

~~(h)~~H. All identifying marks on Taxicabs shall be plainly distinguishable in letters not less than three (3) inches in height. The Taxicab number shall not be less than four (4) inches in height, permanently painted or otherwise permanently affixed to each of the two (2) front quarter panels of the Taxicab and to the right and left side of the rear window. The lettering shall indicate the name of the Taxicab Company.

~~(i)~~I. Every Wheelchair-accessible Taxicab shall be plainly marked with a reflective six (6) inch by six (6) inch blue with white markings international wheelchair symbol on each side of the Taxicab and on the rear of the Taxicab. All wheelchair symbols shall be above door handle height. A reflective four (4) inch by four (4) inch international wheelchair symbol shall be placed on the top center of the windshield.

~~(j)~~J. If a motor vehicle is taken out of service as a Taxicab on a permanent basis, then the Certificate-holder and Vehicle Owner shall, within seventy-two (72) hours thereafter, remove or cause to be removed the Taxicab markings along with all other indications of the vehicle's previous use as a Taxicab.

~~(k)~~K. Every Taxicab shall be equipped with a light capable of illuminating the interior of the Taxicab and controlled by the operation of the doors or manually controlled by the Driver.

~~(l)~~L. Every Taxicab shall be kept in as clean and sanitary a condition as is reasonably possible considering existing weather conditions. A Certificate-holder shall be given reasonable time in which to clean a Taxicab upon direction of the Taxicab Inspector or his designee.

~~(m)~~M. Every Taxicab shall be equipped at all times with heating and air conditioning units in good working condition. Such units shall be turned on or off by the Driver at the Passenger's request.

~~(n)~~N. The average fuel efficiency (based on the United States Environmental Protection Agency combined (city/highway) fuel-efficiency ratings for driving), during the specified twelve (12) month period, among all Taxicabs placed into service as additional and replacement vehicles ("New Taxicabs") by such Certificate-holder shall be the following or after July 1, 2012, any more stringent federal Corporate Average Fuel Economy standard in effect at that time:

Twelve (12) Month Periods beginning July 1 and ending June 30	Average Fuel-Efficiency Rating for New Taxicabs (miles per gallon)
2010/11 and 2011/12	26 or greater
2012/13 and 2013/14	28 or greater
2014/15 and 2015/16	30 or greater
2016/17 and 2017/18	32 or greater
2018/19 and 2019/20	34 or greater
2020/21 and thereafter	35 or greater

Wheelchair-accessible Taxicabs shall be excluded from the above fuel-efficiency calculations. Taxicabs not primarily powered by gasoline or diesel fuel also shall be excluded from the above fuel-efficiency calculations.

~~(o)~~O. Any Certificate-holder that fails to meet or exceed the applicable average fuel efficiency ("Rating") for any twelve (12) month period specified in subsection N~~(n)~~ above, upon written notice from the County Manager, or his designee, shall be subject to the requirements of subsection Q~~(q)~~ below.

~~(p)~~P. As of March 1, 2011, and as of each March 1 thereafter, each Certificate-holder that has placed any New Taxicabs into service since July 1 of the previous year shall meet the Rating for the applicable twelve (12) month period in subsection N~~(n)~~ above. Any Certificate-holder that fails to meet or exceed such Rating, upon written notice from the County Manager, or his designee, shall be subject to the requirements of subsection Q~~(q)~~ below.

~~(q)~~Q. A Certificate-holder that has been provided notice under subsection O~~(o)~~ or P~~(p)~~ or both, above, shall not place into service any New Taxicab unless the Rating of such Taxicab equals or exceeds the Rating for the applicable twelve (12) month period specified in subsection N~~(n)~~.

~~(r)~~R. New Taxicabs that are Wheelchair-accessible or not primarily powered by gasoline or diesel fuel are permitted with any Rating.

~~(s)~~S. If the County Manager, or his designee, determines that any Certificate-holder, receiving a notice under subsection O~~(o)~~ or P~~(p)~~ above, has increased the average Rating for New Taxicabs so as to meet or exceed the applicable Rating in subsection N~~(n)~~ above, then the County Manager, or his designee, may issue notification to such Certificate-holder that it is no longer subject to the prohibition in subsection Q~~(q)~~ above.

~~(t)~~T. Prior to placing in service a Wheelchair-accessible Taxicab, the Certificate-holder shall present to the County Manager, or his designee, proof of the Driver's successful completion of training in the use of wheelchair lifts, in accordance with the County Manager's requirements.
(Ord. No. 09-16, 6-13-09)

§ 25.1-20. Age of ~~v~~Vehicles.

~~(a)~~A. It shall be unlawful for any Certificate-holder to place, or permit to be placed, into Taxicab Service in Arlington County any motor vehicle which has been previously used for any purpose, with a model-year age greater than two (2) years, or with greater than eighty thousand (80,000) recorded miles of use, and such vehicle shall be approved by the County Manager, or his designee, after being satisfied as to the condition of the Taxicab. Notwithstanding the above, a Wheelchair-accessible motor vehicle, which has been used previously for any purpose, having a model-year age of less than four (4) years and not greater than one hundred and twenty-five thousand (125,000) recorded miles, may be approved by the County Manager, or his designee, after being satisfied as to the condition of the Taxicab.

~~(b)~~B. It shall be unlawful for any Certificate-holder to operate, or permit to operate, a motor vehicle for Taxicab Service any vehicle having a model-year age greater than seven (7) years or with greater than three hundred and fifty thousand (350,000) recorded miles of use.

§ 25.1-21. Inspection of Taxicabs; ~~i~~Inspection ~~f~~Fee; ~~p~~Procedure ~~w~~When Taxicab is ~~f~~Found in ~~u~~Unsafe, ~~u~~Unfit or ~~u~~Unclean ~~c~~Condition.

~~(a)~~A. The Taxicab Inspector, or his designee, may require that each Taxicab be inspected annually, on a schedule as determined by the Taxicab Inspector, or his designee. Notwithstanding the foregoing, each Taxicab operating under a Certificate within Arlington County, Virginia shall be subject, at all times, to inspection by the Taxicab Inspector, his designee, or any law enforcement officer, at such times and places determined by such persons.

~~(b)~~B. The fee for each scheduled inspection of a new or in service Taxicab operating under a Certificate in Arlington County, Virginia shall be twenty dollars ($20.00). Such fee shall be paid at such times as determined by the Taxicab Inspector or his designee.

~~(c)~~C. If, after an inspection, any Taxicab is determined by the Taxicab Inspector to be in unsafe condition, then the Taxicab shall immediately be removed from service by the Driver and the Certificate-holder. The Taxicab shall not be operated thereafter until the unsafe condition has been remedied and the Taxicab Inspector, or his designee, has re-inspected such Taxicab and authorized its return to service.
(Ord. No. 09-16, 6-13-09)

§ 25.1-22. Obstruction and ~~h~~Hindering of ~~o~~Official ~~d~~Duties; ~~f~~False ~~s~~Statements.

~~(a)~~A. It shall be unlawful for any Person to prevent, hinder or obstruct the County Manager, his designee, the Taxicab Inspector, his designee, or any law-enforcement officers in the performance of their official duties authorized by this ~~C~~chapter.

~~(b)~~B. It shall be unlawful for any Person to obtain, or attempt to obtain, any Certificate, Public Vehicle Driver's License, authorization, or permission, pursuant to this ~~C~~chapter, by fraud, misrepresentation, false or misleading statement, or omission of any material fact.
(Ord. No. 09-16, 6-13-09)

§ 25.1-23. Transfer of Certificates.

~~(a)~~A. Board approval required.

(1.) A Certificate is a privilege that is in the public trust and personal to the Certificate-holder. A Certificate-holder's obligations under its Certificate involve services, the performance of which involves trust and confidence in the Certificate-holder.

(2.) No Transfer (including, but not limited to, transfer as a result of forced or voluntary sale, merger, consolidation, receivership, or any other means) shall occur unless prior application is made by the Certificate-holder to the County Manager, or his designee, and the Board's prior written consent is obtained, pursuant to this Cchapter, subject to such terms and conditions as the Board deems necessary and proper. Any Transfer without the Board's prior consent shall be considered to impair the County's assurance of due performance by the Certificate-holder. The approval of an application for a Transfer shall not render unnecessary approval of any subsequent Transfer.

(b)B. Application.

(1.) A Certificate-holder shall promptly notify the County Manager, or his designee, of every proposed Transfer.

(2.) At least one hundred and twenty (120) calendar days prior to the proposed effective date of a Transfer, the Certificate-holder shall submit to the County Manager or his designee, a request for approval of the Transfer. The request shall provide complete information on the proposed transaction, including details on the legal, financial, technical, and other qualifications of the proposed transferee, and on the potential impact of the Transfer on Taxicab Service in Arlington County, and copies of the following:

i a. All information and documents required by section § 25.1-3.B(b) of this Cchapter, concerning the proposed transferee;

ii b. All contracts, transfer agreements, financing documents, or other documents that relate to the proposed transaction, and all documents, schedules, exhibits, or the like referred to therein;

iii c. Complete financial statements for the proposed transferee for the last three (3) years, including balance sheets, income statements, profit and loss statements, and documents detailing capital investments and operating costs;

iv d. A detailed description of the sources and amounts of funds to be used in the proposed transaction;

v e. Complete information regarding any potential impact of the Transfer on Taxicab Service in Arlington County.

(3.) In addition to providing the information specified above, the Certificate-holder shall, at the request of the County Manager, or his designee, furnish all other information necessary to provide a complete and accurate understanding of the financial position of the Certificate-holder's and the proposed transferee's Taxicab Businesses before and after the proposed Transfer.

(4.) For the purpose of determining whether it shall consent to a Transfer, the Board, the County Manager, the Taxicab Inspector, or their designees, may inquire into all qualifications of the proposed transferee and such other matters as the County may deem necessary and relevant to determine whether the transfer is in the public interest and should be approved, denied, or conditioned. A Certificate-holder and the proposed transferee shall assist the County in any such inquiry. If the Certificate-holder or transferee fails to do so, the request for a Transfer may be denied.

(c)C. *Determination by the Board*. The Board shall act upon an application for transfer of Certificate after written notice to the Applicant of a public hearing, during which the Applicant shall be granted an opportunity

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to be heard. In making a determination as to whether to grant, deny, or grant subject to conditions, a request for a Transfer, the Board may consider, without limitation: the legal, financial and operational qualifications of the proposed transferee to operate a taxicab business and provide taxicab service in Arlington County; any potential effects of the transfer on Taxicab Service, whether a Certificate-holder is in compliance with the existing Certificate and this ~~C~~chapter and, if not, the proposed transferee's commitment to cure such noncompliance; whether the transferee owns or controls any other Taxicab Business, and whether operation by the transferee or approval of the Transfer would adversely affect the provision of Taxicab Service in Arlington County, or the health, safety and welfare of the citizens of Arlington County and the public at large.

~~(d)~~D. *Transferee's agreement.* No request for a Transfer of a Certificate shall be granted unless the transferee agrees in writing that it will abide by and accept all terms of this ~~C~~chapter and any conditions placed upon the transfer by the Board. Upon approval of a Transfer, the Certificate-holder shall surrender to the County Manager the Certificate and a new Certificate, consistent with the Board approval, shall be issued by the County Manager or his designee, to the transferee.

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~~(e)~~E. *Approval does not constitute waiver.* Approval by the Board of a Transfer does not constitute a waiver or release of any of the rights of the County under this ~~C~~chapter, whether arising before or after the date of the Transfer.

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~~(f)~~F. As provided in ~~section~~ § 25.1-23.A.1~~(a)(1)~~, a Certificate is personal to a Certificate-holder. A Certificate shall not be assigned, leased, or sold. A Certificate may be Transferred as provided in, and upon compliance with, the requirements of this section. It is not the intention of this subsection to prohibit any lease, contract, or other permission between a Certificate-holder and a Driver to operate a Taxicab authorized under a duly issued Certificate, or between a Certificate-holder and a Vehicle Owner, provided that such lease, contract, or other permission is not otherwise inconsistent with the other provisions of this ~~C~~chapter.
(Ord. No. 09-16, 6-13-09)

§ 25.1-24. Notification in Taxicabs of ~~p~~Proposed ~~a~~Amendments to this ~~c~~Chapter.

Upon written direction from the County Manager to each Certificate-holder, such Certificate-holder shall cause to be conspicuously displayed in each Taxicab a notice indicating the date, purpose and place of a public hearing during which amendments to this ~~C~~chapter are scheduled to be considered by the County Board.
(Ord. No. 09-16, 6-13-09)

§ 25.1-25. Rules and ~~r~~Regulations.

The County Manager may promulgate such rules and regulations as deemed necessary to address, regulate and control: safe and reliable Taxicab Service; the operation of Taxicabs; the character and qualifications of Drivers; the Taxicab Business; and, any other matters within the scope of this ~~C~~chapter.
(Ord. No. 09-16, 6-13-09)

§ 25.1-26. Compliance with this Chapter and Reciprocity Agreements.

~~(a)~~A. Every duly authorized Taxicab, Certificate-holder, or Driver in Arlington County shall comply with all applicable provisions of this ~~C~~chapter and all applicable provisions of every current reciprocity agreement between the County and any other state, locality, or entity.

~~(b)~~B. The Driver of a Taxicab which is duly authorized to operate as a Taxicab in any other jurisdiction of the Commonwealth of Virginia, or in any other state, or in the District of Columbia may convey into and may discharge within Arlington County a passenger or passengers. If required by the passenger or passengers, the Taxicab Driver conveying the passenger or passengers into Arlington County may wait for the passenger or passengers and convey the passenger or passengers to his or her or their ultimate destination. The Driver of a Taxicab registered in any jurisdiction other than Arlington County shall not otherwise solicit, pick up, transport, convey, or wait for any passenger or passengers within Arlington County, except as permitted in any reciprocity agreement.
(Ord. No. 09-16, 6-13-09)

§ 25.1-27. Enforcement.

The provisions of this ~~C~~chapter may be enforced by the County Manager, his designee, the Taxicab Inspector, his designee, or any law-enforcement officer.
(Ord. No. 09-16, 6-13-09)

§ 25.1-28. Penalties.

~~(a)~~A. Any Vehicle Owner or Driver who violates any provision of this ~~C~~chapter, or any rule or regulation promulgated hereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars ($100.00) for the first offense, and not more than five hundred dollars ($500.00) for each subsequent offense.

~~(b)~~B. Any Person, other than a Vehicle Owner or Driver, who violates any provision of this ~~C~~chapter, or any rule or regulation promulgated hereunder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in ~~section~~ § 1-6 of this Code.
(Ord. No. 09-16, 6-13-09)

§ 25.1-29. Effect of ~~e~~Enactment of this ~~e~~Chapter.

Every Certificate and Public Vehicle Driver's License in effect on the date of the enactment of this ~~C~~chapter shall continue in full force and effect.
(Ord. No. 09-16, 6-13-09)

ARLINGTON COUNTY CODE

Chapter 26

UTILITIES*

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* **Editors Note:** Ord. No. 92-25, adopted June 16, 1992, amended former Ch. 26, relative to utilities, in its entirety to read as herein set out. The provisions of former Ch. 26 derived from an ordinance adopted Oct. 11, 1969; Ord. No. 83-24, 4-1-84; Ord. No. 84-1, 4-1-84; Ord. No. 85-27, 7-13-85; Ord. No. 90-25, 8-11-90; Ord. No. 90-32, 10-6-90.

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ARTICLE I.

IN GENERAL

DIVISION 1.

GENERAL PROVISIONS

§ 26-1. Definitions.

~~Unless the context specifically indicates otherwise, t~~The following words and terms~~ and phrases~~, ~~as~~ when used in this ~~C~~chapter, shall have the following meanings~~ hereinafter designated~~ unless the context clearly indicates otherwise:

"Act"~~.~~ means ~~T~~the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

"Approval authority"~~.~~ means ~~T~~the Commonwealth of Virginia.

"Approved"~~.~~ means ~~M~~material, equipment, workmanship, process, or method that has been accepted by the ~~d~~Division as suitable for the proposed purpose.

"Approved backflow prevention device"~~.~~ means ~~A~~any device or method intended to prevent backflow into a waterworks which has been approved by the ~~i~~Inspection ~~s~~Services ~~d~~Division for compliance with the County Code.

"Authorized agent"~~.~~ means ~~T~~the person or agency of the ~~c~~County government designated by the County Board or the County Manager to act on his behalf in the enforcement of this chapter.

"Authorized representative of the industrial user"~~.~~

(~~a~~1) If the industrial user is a corporation, "authorized representative"~~ shall~~ means:

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(~~1~~a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(~~2~~b) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been delegated to the manager in accordance with corporate procedures.

(~~b~~2) If the industrial user is a partnership, association, or sole proprietorship, "authorized representative" ~~shall~~ means a general partner or the proprietor

(~~c~~3) If the industrial user is representing federal, state or local governments, or an agent thereof, "authorized representative" ~~shall~~ means a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

(~~d~~4) The individuals described in paragraphs (~~a~~1) through (~~c~~3) 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 company, and the written authorization has been submitted to the ~~c~~County.

"Auxiliary water system"~~.~~ means ~~A~~any water system from a source or available to a water user in Arlington County other than the waterworks. These auxiliary water systems may include water from sources such as wells, lakes, or streams, process fluids, or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the water purveyor does not have control.

"Backflow"~~.~~ means ~~T~~the flow of water or other liquids, mixtures, or substances into the distribution piping of a waterworks from any source or sources other than its intended source.

"Best Management Practices" (BMP)~~.~~ means ~~A~~any schedule of activities, prohibitions of practice, maintenance procedures, operational practices, and other management practices to implement the prohibitions listed in § 26-35 of this ~~c~~Code.

"Biochemical oxygen demand" (BOD)~~.~~ means ~~T~~the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard methods, (five (5) days at twenty (20) degrees Centigrade) expressed in terms of weight and concentration (milligrams per liter (mg/l)).

"Categorical pretreatment standard" or "categorical standard"~~.~~ means ~~A~~any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with ~~Section~~ § 307(b) and (c) of the Act (3334 U.S.C. 1317) which applies to a specific category of industrial user and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405 through 471 or any successor provision, incorporated herein by reference.

"Composite sample"~~.~~ means ~~T~~the sample resulting from the combination of individual wastewater samples taken at selected intervals based on either an increment of flow or time.

"Contaminant"~~.~~ means ~~A~~any objectionable or hazardous physical, chemical, biological, or radiological substance or matter in water.

"Control authority"~~.~~ means ~~T~~the ~~b~~Bureau ~~c~~Chief of the ~~w~~Water ~~p~~Pollution ~~c~~Control ~~b~~Bureau of the ~~d~~Department of ~~e~~Environmental ~~s~~Services for Arlington County, Virginia.

"Cooling water"~~.~~ means ~~T~~the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added to the water is heat.

"County"~~.~~ means ~~T~~the County of Arlington, Virginia, or the County Board of Arlington County.

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"County Manager", means Tthe County Manager of Arlington County, Virginia, or his authorized agent(s) designee(s).

"Cross-connection", means Aany connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

"Customer", means Aany person who connects to the Arlington County waterworks and draws and uses water from that system.

"Customer's water system", means Aany water system located on the customer's premises, supplied by or in any manner connected to a waterworks.

"Division", means Tthe Commonwealth of Virginia, Department of Health, Division of Water Supply Engineering.

"Domestic sewage", means Hhuman excrement, septage, and gray water from household uses, to include but not be limited to showers, toilets, dishwashing, and laundry.

"Domestic user", means Ppersons contributing only domestic sewage to the sanitary sewage system.

"Environmental Protection Agency" or "U.S. EPA", means Tthe U.S. Environmental Protection Agency or the Regional Water Management Division Director or other duly authorized official of that agency.

"Existing source", means Aany source of discharge, the construction or operation of which source commenced prior to the publication of proposed categorical pretreatment standards under Sections §§ 307(b) and (c) (33 U.S.C. 1317) of the Act, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section § 307 of the Act.

"Grab sample", means Aan individual sample which is taken from a waste stream over a period of time less than fifteen (15) minutes, without regard to the flow of the waste stream.

"Health hazard", means Aany condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water customer, or any persons using, operating, or maintaining the waterworks.

"Holding tank waste", means Aany waste from holding tanks, including vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Impacting user", means Aany industrial user for whom no permit is otherwise required, but the WPCB eChief finds to have a reasonable potential for causing interference or pass-through to the treatment plant, either alone or by interaction with other pollutants.

"Indirect Ddischarger", means Tthe introduction of pollutants to a wastewater treatment plant from any industrial user regulated under section § 307(b), (c), or (d) of the Act.

"Industrial user", means Ppersons contributing nondomestic pollutants to the sanitary sewage system.

"Inspection sServices dDivision", means Tthe iInspection sServices dDivision of the dDepartment of eCommunity pPlanning, hHousing and dDevelopment (DCPHD).

"Instantaneous Llimit", means Tthe maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete or composited sample collected, independently of the industrial flow rate and duration of the sampling event.

"Interference", means Aa discharge which causes or contributes to the inhibition or disruption of the sanitary sewage system, including sewage collection facilities, the processes or operations of the treatment plant, or

the process, use or disposal of sewage sludge, or causing a violation of the ~~e~~County's VPDES permit or any of the following regulations or permits issued thereunder (or more stringent state or local regulations): ~~Section~~ § 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA)); any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act, or any other successor provisions.

"Medical waste", means ~~A~~any waste resulting from medical activities including, but not limited to, isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

"Monitoring point", means ~~A~~a point at which a representative sample of the users' wastewater may be collected, as specified in the wastewater permit.

"New source", means ~~A~~any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction or operations of which commenced after the publication of proposed Categorical Pretreatment Standards under ~~Section~~ § 307(c) (33 U.S.C. 1317(c)) of the Act which will be applicable to such source if the standard is thereafter promulgated in accordance with ~~Section~~ § 307(c), provided that:

(~~a~~1) No other source is located at that site; or

(~~b~~2) The source completely replaces the process or production equipment of an existing source at the site; or

(~~c~~3) The new wastewater generating process of the source is substantially independent of an existing source at the site, and the construction of the source creates a new facility rather than modifies an existing source at that site.

For purposes of this definition, construction or operation has commenced if the owner or operator has:

(~~a~~1) Begun or caused to begin as part of a continuous on-site construction program:

(~~1~~a) Any placement, assembly, or installation of facilities or equipment; or

(~~2~~b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(~~b~~2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

"Nondomestic pollutants", means ~~A~~any substances other than human excrement and household gray water (from showers, dishwashing operations, etc.).

"Pass-through", means ~~A~~a discharge which exits the treatment plant effluent in quantities or concentrations which, in whole or in part causes or increases the magnitude or duration of a violation of any requirement of the ~~e~~County's VPDES permit.

"Person", means ~~A~~any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This definition includes, without limitation, all federal, state or local government entities.

"pH", means ~~A~~a measure of the acidity or alkalinity of a substance, expressed in standard units.

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"Pollutant", means ~~A~~any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat wrecked or discharged equipment, rock, sand, cellar dirt and agricultural wastes, and the characteristics of the wastewater (such as pH, temperature, TSS, BOD, COD, toxicity and odor).

"Pollution hazard", means ~~A~~a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a customer's water system.

"Pretreatment", or "treatment", means ~~T~~the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater thereby rendering them less harmful to the sanitary sewage system prior to introducing such pollutants into the system. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

"Pretreatment standard" or "pretreatment requirements", means ~~A~~any substantive or procedural requirement related to pretreatment, including national pretreatment categorical standards and prohibitive discharge standards, best management practices and local limits imposed on an industrial user.

"Process fluids", means ~~A~~any fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollution, or system hazard if introduced into the waterworks.

"Prohibited discharge standards" or "prohibited discharges", means ~~A~~absolute prohibitions against the discharge of certain defined types of wastewater.

"Public water system", means ~~T~~the publicly-owned system of mains or pipes, valves, hydrants, pumping stations, ground and elevated storage tanks and other structures for the distribution of potable water to the residences, business buildings, institutions and industrial establishments.

"Qualified professional", means ~~A~~a person who, by virtue of practical or educational training, has experience in the design, development, and/or operation of such pretreatment processes which they are evaluating.

"Receiving stream", means ~~T~~the stream in which the sanitary sewage system discharges effluent.

"Sanitary district", means ~~T~~the Arlington Sanitary District, as authorized under the provisions of Chapter 161, the Acts of Assembly of Virginia, 1926, for which an order was entered in the Circuit Court of the County on April 25, 1930, and the boundaries of which as co-extensive with the boundaries of the County.

"Sanitary sewage system", means ~~T~~the publicly-owned system of mains or pipes, manholes, pumping stations and wastewater treatment (water pollution control) facilities for the collection and treatment of sewage.

"Sewage", means ~~T~~the water-carried wastes from residences, business buildings, institutions and industrial establishments.

"Significant industrial user," ~~E~~except as provided in paragraph (~~e~~3) and (~~d~~4) ~~of this section~~ below, ~~the term significant industrial user shall~~ means:

(~~a~~1) Industrial users subject to categorical pretreatment standards; or

(~~b~~2) Any other industrial user that:

(~~1~~a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater; or

(~~2~~b) Contributes a process wastestream which makes up five percent (5%) ~~percent~~ or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

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(~~3~~c) Is designated as significant by the ~~c~~County on the basis that the industrial user has a reasonable potential for causing pass-through or interference.

(~~c~~3) The WPCB ~~c~~Chief may determine that an 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 discharges more than one hundred (100) 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:

(~~1~~a) The industrial user, prior to the WPCB ~~c~~Chief's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(~~2~~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; and

(~~3~~c) The industrial user never discharges any untreated concentrated wastewater.

(~~d~~4) Upon a finding that a user meeting the criteria in (~~b~~2) ~~of this section~~ above has no reasonable potential for adversely affecting the sanitary sewer collection system, the Water Pollution Control Plant's operation, or for violating any Pretreatment Standard or Requirement, the WPCB chief may determine that the user should not be considered a significant industrial user in accordance with procedures in 40 CFR 403.8(f)(6).

"Slug load"~~.~~ means ~~A~~any pollutant (including BOD) released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in Division 2 of Article II of this chapter, or any discharge of a nonroutine episodic nature including, but not limited to, accidental spills or a noncustomary batch discharge.

"Standard Industrial Classification (SIC) Code"~~.~~ means ~~A~~a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

"Standard Methods"~~.~~ means ~~T~~the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

"State waters"~~.~~ means ~~A~~all waters defined as "surface waters" in 9 VAC 25-31-10 et seq., or its successor.

"Storm drainage (storm water) system"~~.~~ means ~~T~~the publicly-owned system of mains or pipes, manholes, catch basins, box culverts and other structures for the conveyance of storm (or rain), surface and ground waters, exclusive of sewage and industrial wastes. Open watercourses in which a flow of water occurs either continuously or intermittently, whether on public or private land, shall be considered as part of the storm drainage system.

"Storm sewer system"~~.~~ means ~~T~~the publicly-owned system of mains or pipes, manholes, catch basins, box culverts, constructed open channels and other structures for the conveyance of stormwater, exclusive of sewage and industrial wastes.

"Suspended solids"~~.~~ means ~~T~~the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, as determined by "Standard Methods," and which is removable by laboratory filtering.

"Toxic pollutant"~~.~~ means ~~O~~one of the pollutants or any combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency (EPA) under the provision of ~~Section~~ § 307 (33 U.S.C. 1317) of the Act.

"Treatment plant"~~.~~ means ~~T~~that portion of the sanitary sewage system designed to provide treatment of sewage and industrial waste.

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"Upset", means ~~A~~an exceptional incident in which there is unintentional and temporary noncompliance with the pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

"User", means ~~A~~any person who contributes to, causes, or allows from property he owns or operates the contribution of sewage or industrial wastewater into the sanitary sewage system, including persons who contribute such wastes from mobile sources.

"Wastewater", means ~~T~~the water-carried wastes from residences, business buildings, institutions and industrial establishments together with any groundwater, surfacewater or stormwater that may be present. Also referred to as "sewerage."

"Wastewater facilities", means ~~A~~any device used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyance which conveys wastewater to the wastewater treatment works. Also known as a Publicly Owned Treatment Works (POTW) as defined by ~~Section~~ § 212 of the Act (33 U.S.C. Section 1292).

"Water Pollution Control Bureau Chief", means ~~T~~the Bureau Chief for the ~~w~~Water ~~p~~Pollution ~~c~~Control ~~b~~Bureau and designated by the County to manage the operation of the sanitary sewage system and who is charged with certain duties and responsibilities by this article or his ~~duly authorized representative~~ designee.

"Water, Sewer and Streets Bureau", means ~~T~~the Water, Sewer and Streets Bureau of the Department of Environmental Services.

"Waterworks", means ~~A~~a system that serves piped water for drinking or domestic use to the public. The term "waterworks" shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building to which such water is delivered.

"VPDES", means the Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth of Virginia.
(Ord. No. 92-25, 6-16-92; Ord. No. 92-38, 8-8-92; Ord. No. 93-5, 5-20-93; Ord. No. 95-10, 4-29-95; Ord. No. 95-11, 4-29-95; Ord. No. 98-3, 2-7-98; Ord. No. 01-15, 7-28-01; Ord. No. 04-25, 10-2-04; Ord. No. 08-13, 6-17-08, Ord. No. 08-11, 4-19-08, effective 1-1-08)

§ 26-2. Abbreviations.

The following abbreviations shall have the indicated meanings:

BOD -- Biochemical Oxygen Demand

CFR -- Code of Federal Regulations

COD -- Chemical Oxygen Demand

EPA -- U.S. Environmental Protection Agency

gpd -- Gallons Per Day

LC50 -- Lethal Concentration for Fifty Percent (50%) of the Test Organisms

l -- Liter

mg -- Milligrams

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mg/l -- Milligrams per liter

VPDES -- Virginia Pollutant Discharge Elimination System

O&M -- Operation and Maintenance

POTW -- Publicly-Owned Treatment Works

RCRA -- Resource Conservation and Recovery Act

SIC -- Standard Industrial Classifications

SWDA -- Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)

TSS -- Total Suspended Solids

USC -- United States Code

WPCB -- Water Pollution Control Bureau
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-3. Administration.

~~(a)~~A. Except as otherwise provided herein, the provision of water and sewer service shall be governed by the ~~w~~Water ~~r~~Rules and ~~r~~Regulations ~~h~~Handbook, which may be amended by the ~~c~~County ~~b~~Board. The ~~c~~County ~~m~~Manager or his designee, shall administer and enforce the provisions of the ~~h~~Handbook.

~~(b)~~B. The ~~c~~County ~~m~~Manager shall develop such rules and regulations as are necessary to govern the administration of the infrastructure availability fee. Such rules and regulations shall be incorporated into the ~~c~~County's ~~w~~Water ~~r~~Rules and ~~r~~Regulations ~~h~~Handbook.
(Ord. No. 93-11, 6-19-93; Ord. No. 07-03, 4-21-07; effective 7-1-07)

DIVISION 2.

WATER AND SEWER SERVICE

§ 26-4. Public ~~w~~Water ~~s~~System.

~~(a)~~A. It shall be unlawful for any person to connect any water supply system not specifically approved by the County Manager to the public water system.

~~(b)~~B. It shall be unlawful for any person not specifically authorized by the County Manager to operate, injure, disturb, connect to or disconnect from, or otherwise interfere with any water meter, meter box, vault, main or pipe, valve, hydrant, pumping station, ground or elevated storage tank, or other structure which is part of the public water system.

~~(c)~~C. *Conservation of water use.*~~:~~

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~~(1)~~ If a water shortage occurs because of a main break, reservoir leak, pump failure or for any other reason, the County Manager is authorized to impose immediate emergency restrictions on water use, notifying the public by radio, television or door to door contact of the need for limiting water use during the emergency.
(Ord. No. 92-25, 6-16-92; Ord. No. 93-11, 6-19-93; Ord. No. 02-5, § 2, 4-20-02)

§ 26-5. Storm ~~s~~Sewer ~~s~~System.

~~(a)~~A. It shall be unlawful for any person not specifically authorized by the County Manager to remove a manhole cover or catch basin cover or grate inlet cover or to make any connections with, or any opening into, use, or in any way alter, disturb, or otherwise interfere with any manhole, catch basin, grate inlet, or other structure which is a part of the public storm sewer system.

~~(b)~~B. It shall be unlawful for any person to deposit into any open watercourse or gutter or pipe or other drainage structure any rocks, logs, dirt, paper, branches, leaves, grass, or any other material capable of causing a stoppage or disrupting the flow of storm or rain water or otherwise adversely affecting the hydraulic capacity of the watercourse or drainage structure.

~~(c)~~C. It shall be unlawful for any person to discharge directly or indirectly into the storm sewer system or state waters, any substance likely, in the opinion of the County Manager, to have an adverse effect on the storm sewer system or state waters. A discharge may be considered serious or moderate. A serious discharge is one that is determined to be an immediate threat to the environment, public health, or safety of the County's storm sewer system or state waters. Any other discharge under this subsection shall be considered moderate. To prevent such adverse effects, the County Manager may adopt rules and regulations governing direct or indirect discharges into the storm sewer system and state waters. Discharge of any substance directly to state waters must be authorized by a separate Virginia Pollutant Discharge Elimination System (VPDES) permit in accordance with 9 VAC 25-31-10 et seq., or its successor.
(Ord. No. 92-25, 6-16-92; Ord. No. 93-11, 6-19-93; Ord. No. 01-15, 7-28-01; Ord. No. 10-13, 6-12-10)

§ 26-6. Water and/or ~~s~~Sewer ~~b~~Billing.

~~(a)~~A. *Responsibility.~~:~~*

~~(1)~~ Where the use of any water or sewer system is contracted for by an occupant who is not the owner of the premises and where such occupant's premises are separately metered for service, the owner of any such premises shall be liable for the payment of delinquent rates or charges applicable to three (3) delinquent billing periods but not to exceed a period of ninety (90) days for such delinquency, as provided by Virginia law, provided that no such lien shall be placed by the County Board (~~b~~Board) unless the ~~b~~Board or its billing and collection agent (i) shall have advised the owner of such real estate at the time of initiating service to a lessee or tenant of such real estate that a lien will be placed on such real estate if any lessee or tenant fails to pay any fees, rents, or other charges when due for services rendered to a lessee or tenant; (ii) shall have mailed to the owner of such real estate a duplicate copy of the final bill rendered to such lessee or tenant at the time of rendering the final bill to such lessee or tenant; and (iii) shall employ the same collection efforts and practices to collect amounts due the ~~b~~Board from a lessee or a tenant as are employed with respect to collection of such amounts due from customers who are owners of the real estate for which service is provided.

~~(b)~~B. *Billing.~~:~~*

~~(1)~~ All water and/or sewer accounts shall be billed not less than four (4) times each year. All accounts are due and payable when rendered.

~~(c)~~C. *Delinquency.~~:~~*

~~(1)~~ If any rates, fees, or charges for the use of and for water and/or sewer services furnished by any system constructed by Arlington County are not paid within thirty (30) days after the bill date and the person who incurred the debt is the occupant of such premises, at the expiration of such thirty~~-~~ (30) day period the ~~c~~County may disconnect the water-sewer service at the premises and proceed to recover the amount of such delinquent rates, fees, or charges, with interest.

~~(d)~~D. *Liens.~~:~~*

~~(1)~~ Any unpaid charge entered in the judgement lien docket of the ~~c~~Circuit ~~c~~Court ~~c~~Clerk's ~~o~~Office

shall become a lien superior to the interest of any owner, lessee, or tenant, as provided by Virginia law.

(e)E. *Collections.*:

(1) The Treasurer of Arlington County is authorized to collect any and all utilities charges under this chapter.

(Ord. No. 93-11, 6-19-93; Ord. No. 94-22, 8-6-94; Ord. No. 98-22, 7-11-98)

§ 26-7. Water/sSewer rRates and fFees.

BASE: The charge for water/sewer service shall be based on the consumption of water as reflected by periodic readings of water meters serving the property.

RATES:

(a)A. The rate for properties which use both shall be twelve dollars and nineteen cents ($12.19) per thousand (1,000) gallons of water furnished. The rate for these services is set forth as follows:

(1.) Water Services – three dollars and sixty-eight cents ($3.68) per one thousand (1,000) gallons of water furnished.

(2.) Sewer services – eight dollars and fifty-one cents ($8.51) per one thousand (1,000) gallons of water furnished.

(b)B. The rate for properties which are served by the County water system only shall be three dollars and fifty cents ($3.50) per one thousand (1,000) gallons of water furnished.

(c)C. The rate for properties which are served by the County sewer system only shall be eight dollars and twenty-four cents ($8.24) per one thousand (1,000) gallons of water furnished based on the periodic water or sewer meter reading by the utility serving the property.

(d)D. The rate for the establishment of a late charge shall be six percent (6%) percent imposed on the outstanding balance of water/sewer and refuse accounts thirty (30) days after the bill date.

(e)E. The rate for the establishment of new water service accounts shall be twenty-five dollars ($25.00) per account. The rate for reactivation of service following the customer's request for deactivations and those reactivations necessitated by occupant delinquency or repair shall be twenty-five dollars ($25.00) per each request.

(f)F. The charges for drainage fixture unit inspections shall be one hundred seventy-five dollars ($175.00) for one (1) to twenty-four (24) fixtures, two hundred seventy-five dollars ($275.00) for twenty-five plus fixtures.

(g)G. The charge for fire flow tests shall be three hundred dollars ($300.00).

The rates for water and sewer service become effective with water used on May 1, 2010. The rates for the late charge and the water service activation/reactivation became effective July 1, 1992. The charges for drainage fixture unit inspections and fire flow tests became effective July 1, 2008.

(Ord. No. 93-11, 6-19-93; Ord. No. 94-11, 5-1-94; Ord. No. 94-22, 8-6-94; Ord. No. 95-10, 4-29-95; Ord. No. 95-11, 4-29-95; Ord. No. 96-4, 4-13-96; Ord. No. 98-22, 7-11-98; Ord. No. 00-09, 4-13-00; Ord. No. 01-06, 4-16-01; Ord. No. 02-09, 4-20-02; Ord. No. 03-09, 4-26-03; Ord. No. 04-07, 4-24-04; Ord. No. 05-04, 4-16-05, effective 5-1-05; Ord. No. 06-06, 4-22-06, effective 5-1-06; Ord. No. 07-04, 4-21-07, effective 5-1-07; Ord. No. 08-03, 4-19-08, effective 5-1-08; Ord. No. 08-04, 4-19-08, effective 7-1-08; Ord. No. 09-04, 4-28-09; Ord. No. 10-03, 4-24-10, effective 5-1-10)

§ 26-8. Water sService to bBuildings to be dDemolished.

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The issuance of a demolition permit by the County Manager or a demolition order entered by a court shall constitute an implied request by and permission from the owner of the building for discontinuance of the water service connection.
(Ord. No. 92-25, 6-16-92; Ord. No. 93-11, 6-19-93)

§ 26-9. Penalty.

~~(a)~~A. Any person who violates any provision of this ~~A~~article, except for ~~Sections~~ §§ 26-5.B~~(b)~~ and 26-5.C~~(c)~~, or any rule or regulation pursuant thereto shall be subject to a fine of not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000.00) for each violation. Each day of violation shall constitute a separate offense.

~~(b)~~B. Any person who violates ~~Section~~ § 26-5.B~~(b)~~ or 26-5.C~~(c)~~, or any regulations adopted thereunder or who fails, neglects or refuses to comply with any order of the County Manager, shall be subject to a civil penalty not to exceed thirty-two thousand five hundred dollars ($32,500.00) for each violation within the discretion of the Court. Each day of violation shall constitute a separate offense. The County Manager may issue a summons for collection of the civil penalty in the Arlington County Circuit Court. Such civil penalties shall be paid to the Treasurer of Arlington County and shall be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters.

~~(~~1.~~)~~ A first violation under this subsection shall be subject to a civil penalty of five hundred dollars ($500.00) for a serious violation or one hundred dollars ($100.00) for a moderate violation.

~~(~~2.~~)~~ A second violation under this subsection shall be subject to a civil penalty of one thousand dollars ($1,000.00) for a serious violation or two hundred and fifty dollars ($250.00) for a moderate violation.

~~(~~3.~~)~~ A third violation or thereafter under this subsection shall be subject to a civil penalty of two thousand five hundred dollars ($2,500.00) for a serious violation or five hundred dollars ($500.00) for a moderate violation.

~~(c)~~C. Any person who willfully and knowingly violates any provision of ~~Sections~~ §§ 26-5.B~~(b)~~ or 26-5.C~~(c)~~ shall be guilty of a Class 1 misdemeanor.

~~(d)~~D. Violations of ~~Sections~~ §§ 26-5.B~~(b)~~ or 26-5.C~~(c)~~ may also be addressed in the following ways:

~~(~~1.~~)~~ The County may apply to the Circuit Court of Arlington County for injunctive relief to enjoin a violation or threatened violation.

~~(~~2.~~)~~ In lieu of any appropriate civil penalty that could be imposed under subsection B~~(b)~~, the County may, with the consent and agreement of any person who has violated or failed, neglected or refused to obey with ~~Sections~~ §§ 26-5.B~~(b)~~ or 26-5.C~~(c)~~ or any regulation thereunder, provide, in an order issued against such person, for payment of civil charges for violations in specific sums, not to exceed thirty-two thousand five hundred dollars ($32,500.00) for each violation. Any civil charges collected shall be paid to the Treasurer of Arlington County and shall be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters.
(Ord. No. 92-25, 6-16-92; Ord. No. 93-11, 6-19-93; Ord. No. 10-13, 6-12-10)

§ 26-10. Infrastructure ~~a~~Availability ~~f~~Fees.

~~(a)~~A. It shall be unlawful for any person to connect a structure to the public water distribution system or to the sanitary sewer system without payment of an infrastructure availability ~~infrastructure availability~~ fee.

~~(b)~~B. It shall be unlawful for any person to install plumbing fixtures in a structure previously connected to the public water distribution system or to the sanitary sewer system which results in an increase in the total

drainage fixture units in that structure without payment of an infrastructure availability fee.

~~(c)~~C. Infrastructure availability fees shall be paid in full prior to issuance of a building permit, or a plumbing permit if no building permit is required or according to regulations pursuant to ~~section~~ § 26-3. The infrastructure availability fee shall be in accordance with the rate schedule in force at the time of issuance of the permit.

~~(d)~~D. The infrastructure availability fee rate shall be one hundred eighty-two dollars ($182.00) per drainage fixture unit (DFU). For structures that are provided for water service only or sewer service only, the infrastructure availability fee shall be as follows:

Water Service only~~—~~—seventy-two dollars ($72.00) per DFU

Sewer Service only~~—~~—one hundred and ten dollars ($110.00) per DFU

~~(e)~~E. The ~~c~~County ~~m~~Manager shall develop such rules and regulations as are necessary to govern the administration of the infrastructure availability fee in accordance with ~~section~~ § 26-3.B~~(b)~~ of this chapter.
(Ord. No. 92-25, 6-16-92; Ord. No. 93-11, 6-19-93; Ord. No. 97-8, 5-17-97; Ord. No. 07-03, 4-21-07, effective 7-1-07; Ord. No. 10-04, 4-24-10, effective 7-1-10)

§ 26-11. Water ~~m~~Main ~~e~~Extensions.

~~(a)~~A. The ~~c~~County, to provide additional capacity, increased reliability, or to otherwise improve service, may at any time make extensions to the water distribution system.

~~(b)~~B. Extensions to the water distribution system necessitated by redevelopment, new development, or construction shall be the responsibility of the developer or property owner to the extent permitted by Virginia law.

~~(c)~~C. Extensions by developers or property owners shall be constructed in accordance with plans and specifications approved by the ~~c~~County.
(Ord. No. 93-11, 6-19-93)

§ 26-12. Service ~~c~~Connection ~~c~~Charges.

Water Connection Charges

Service Connection Size (inches)	Meter Size (inches)	Connection Charge
1	3/4	$ 3,200.00
1 1/2	1 1/2	4,600.00
2	2	4,800.00
3	3	19,800.00
4	4	21,200.00
6	6	23,200.00
8	8	25,300.00

Meter Installation Charges

Meter Size (inches)	Installation Charge
3/4	$100.00
1-1/2	300.00
2	600.00
3	1,800.00
4	2,000.00
6	2,200.00

8	3,000.00

Water Service Discontinuation Charge

The charge to discontinue a public way service shall be five hundred dollars ($500.00).

Meter Box Relocation Charge:

The charge to relocate a meter box (for services two (2)- inches and smaller) five (5) feet or less shall be one thousand dollars ($1,000.00).

These charges became effective July 1, 2008.
(Ord. No. 93-11, 6-19-93; Ord. No. 94-22, 8-6-94; Ord. No. 08-04, 4-19-08, effective 7-1-08)

§ 26-13. Sanitary ~~d~~District ~~t~~Tax.

~~(a)~~A. There is hereby imposed a sanitary district tax of $0.013 per one hundred dollars of assessed valuation of all taxable real estate not otherwise exempt from taxation located in the sanitary district for operating and capital expenses necessary to expand and upgrade the storm drainage (storm sewer) system. Such tax shall be effective as of January 1, 2010, and payable at the same time and in the same manner as real estate taxes are paid.

~~(b)~~B. Any person assessed who fails to pay the tax installments on or before the respective payment date shall incur a penalty thereon of ten percent (10%) ~~percent~~ or ten dollars ($10.00), whichever shall be greater, but not to exceed the amount of the tax, which shall be added to the amount of taxes due from such person assessed.

~~(c)~~C. Interest shall accrue on any amount past due at the same rate as real property taxes under ~~section~~ § 27-3.1.

~~(d)~~D. The Treasurer of Arlington County is authorized to collect any and all delinquent sanitary district taxes under this chapter.
(Ord. No. 08-11, 4-19-08, effective 1-1-08; Ord. No. 10-06, 4-24-10, effective 1-1-10)

§§ 26-14--26-30. Reserved.

ARTICLE II.

WASTEWATER PRETREATMENT

DIVISION 1.

GENERAL PROVISIONS

§ 26-31. Purpose and ~~p~~Policy.

This article sets forth uniform requirements for direct and indirect dischargers of pollutants from any sources into the sewage collection and treatment system for the County of Arlington and enables the ~~c~~County to comply with all applicable state and federal laws. The objectives of this article are:

~~(a)~~A. To prevent the introduction into the sanitary sewage system of pollutants which will interfere with the operation of the system;

~~(b)~~B. To prevent the introduction into the sanitary sewage system of pollutants which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

~~(c)~~C. To ensure that the quality of the sewage treatment plant sludge is maintained at a level which

allows its marketability or safe disposal;

~~(d)~~D. To protect persons who may come into contact with sewage, sludge and effluent in the course of their employment as well as to protect the general public;

~~(e)~~E. To preserve the hydraulic capacity of the sanitary sewage system;

~~(f)~~F. To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

~~(g)~~G. To provide for equitable distribution of the cost of operations, maintenance and improvement of the sanitary sewage system; and

~~(h)~~H. To enable the ~~c~~County to comply with its VPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the sanitary sewage system is subject.

This article provides for the regulation of discharge to the sanitary sewage system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This article shall apply to persons within the ~~c~~County and to persons outside of the ~~c~~County who, by contract with the ~~c~~County, are included as users of the sanitary sewage system.

It shall be unlawful for any person not specifically authorized by the County Manager to make any connection with or any opening into, use, alter, disturb or otherwise interfere with any manhole, main or pipe, building, tank or any other structure which is a part of the public sanitary sewer system.

Any facilities or measures called for in this ~~A~~article shall be provided, operated, and maintained at the industrial user's expense.
(Ord. No. 92-25, 6-16-92; Ord. No. 95-10, 4-29-95; Ord. No. 95-11, 4-29-95)

§ 26-32. Administration.

Except as otherwise provided herein, the WPCB ~~c~~Chief shall administer and enforce the provisions of this article. Any powers granted to or duties imposed upon the WPCB ~~c~~Chief may be delegated by the WPCB ~~c~~Chief to other ~~c~~County personnel.

To comply with the provisions of this article, the WPCB ~~c~~Chief may enter into agreements with service areas outside of Arlington County, or with industrial users as necessary.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§§ 26-33, 26-34. Reserved.

DIVISION 2.

GENERAL SEWER USE REQUIREMENTS

§ 26-35. Prohibited ~~d~~Discharge ~~s~~Standards.

No user shall contribute or cause to be contributed to the sanitary sewage system, directly or indirectly, any pollutant or wastewater which will cause interference or pass-through. These general prohibitions apply to all users of the sanitary sewage system whether or not the user is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement. No user may contribute the following substances to the system:

~~(a)~~A. Any liquids, solids or gases which, by reason of their nature or quantity are, or may be, sufficient,

either alone or by interaction with other substances, to cause fire or explosion hazard or be injurious in any other way to the sanitary sewage system. Included without limitation in this prohibition are wastestreams with a closed cup flashpoint of less than 140°F (60°C) as determined using the test method specified in 40 CFR 261.21. At no time shall either of two (2) successive readings on an explosion hazard meter at the point of discharge into the system or at any point in the system be more than five percent (5%)~~ percent~~ nor any single reading over ten percent (10%)~~ percent~~ of the lower explosive limit (LEL) of the meter.

~~(b)~~B. Solid or viscous substances in amounts which will cause interference with the flow in a sewer but in no case solids greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

~~(c)~~C. Any fats or greases including, but not limited to, petroleum oil, nonbiodegradable cutting oil, or products of vegetable, animal or mineral oil origin, in amounts that will cause interference, pass-through or blockage of the collection system.

~~(d)~~D. Any wastewater having a pH less than five (5.0)~~0~~ or more than twelve and a half (12.5); but in no case having a daily average of less than six (6); and in no case which could otherwise cause corrosive structural damage to the system, to County personnel or to equipment.

~~(e)~~E. Any wastewater containing pollutants in sufficient quantity (flow or concentration), either alone or by interaction with other pollutants, to pass through or interfere with the sanitary sewage system, any wastewater treatment or sludge process, or constitutes a hazard to humans or animals.

~~(f)~~F. Any noxious or malodorous liquids, gases, or solids or other wastewater which, either alone or by interaction with other wastes, is sufficient to create a public nuisance or hazard to life or is sufficient to prevent entry into the sewers for maintenance and repair.

~~(g)~~G. Any substance which may cause the sanitary sewage system effluent or any other residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the system cause the County to be in noncompliance with sludge use or disposal regulations or permits issued under ~~Section~~ § 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or other state requirements applicable to the sludge use and disposal practices being used by the County.

~~(h)~~H. Any wastewater which cannot be removed by the treatment process including, but not limited to, dye wastes and vegetable tanning solutions which impart color to the sanitary sewage system effluent thereby violating the County's VPDES permit. The color of such wastewater (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%)~~ percent~~ from the seasonably established norm for aquatic life.

~~(i)~~I. Any wastewater having a temperature greater than 150°F (55°C), or any wastewater which due to its temperature or volume will inhibit biological activity in the sanitary sewage system resulting in interference, or which shall cause the temperature of the wastewater entering the treatment plant to exceed 104°F (40°C).

~~(j)~~J. Any wastewater containing any radioactive wastes or isotopes, except as specifically approved by the WPCB ~~c~~Chief in compliance with applicable state or federal regulations.

~~(k)~~K. Any pollutants which result in the presence of toxic gases, vapors, or fumes within the system in a quantity that may cause or endanger worker health and safety.

~~(l)~~L. Any trucked or hauled pollutants, except at discharge points designated by the County in accordance with ~~Section~~ § 26-49.

~~(m)~~M. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, deionized water, and unpolluted industrial wastewater, unless specifically authorized by the WPCB ~~c~~Chief.

~~(n)~~N. Nonbiodegradable cuttings oils, commonly called soluble oils, which form a persistent water

emulsion, and nonbiodegradable complex carbon compounds.

~~(o)~~O. Any sludges, screenings, or other residues from the pretreatment of industrial wastes, unless specific written permission is given by the WPCB ~~d~~Division ~~c~~Chief.

~~(p)~~P. Any medical wastes, unless specifically permitted by the WPCB ~~c~~Chief.

~~(q)~~Q. Any material identified as hazardous waste in 40 CFR Part 261, except as may be specifically permitted by the WPCB ~~c~~Chief.

~~(r)~~R. Any wastewater causing the treatment plant effluent to show a lethal concentration of fifty percent (50%) ~~percent~~ (LC50) as determined by a toxicity test of ninety-six (96) hours or less, using a percentage of the discharge and aquatic test species chosen by the WPCB ~~c~~Chief.

~~(s)~~S. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the sanitary sewage system.

~~(t)~~T. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration, or both, which will cause interference at the POTW.

Wastes prohibited by this ~~S~~section shall not be processed or stored in such a manner that these wastes could be discharged to the sanitary sewage system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.
(Ord. No. 92-25, 6-16-92; Ord. No. 98-3, 2-7-98; Ord. No. 04-25, 10-2-04)

§ 26-36. Federal ~~c~~Categorical ~~p~~Pretreatment ~~s~~Standards.

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405--471 or successor provisions and incorporated herein.
(Ord. No. 92-25, 6-16-92)

§ 26-37. State ~~r~~Requirements.

Users are required to comply with applicable state pretreatment standards and requirements as set out in 9 VAC 25-31-730 to 25-31-900 or successor provisions. These standards and requirements are incorporated herein.
(Ord. No. 92-25, 6-16-92; Ord. No. 98-3, 2-7-98)

§ 26-38. Specific ~~p~~Pollutant ~~l~~Limitations.

The WPCB ~~c~~Chief may impose maximum mass or concentration discharge limits, or BMP's for any pollutant to protect the Water Pollution Control Plant from pass-through or interference, or to protect worker health and safety, to protect against damage to the sanitary sewer collection system, or to protect the quality of the Water Pollution Control Plant products (plant effluent, biosolids, off gasses, etc.). Concentrations shall be determined at the point where the industrial waste is discharged to the sanitary sewage collection system. All concentrations for metallic substances are for "total" metal. Compliance with all parameters may be determined from a single grab sample. Where specific prohibitions or limits on pollutants are developed for the sanitary sewage collection system in accordance with this section, such limits are deemed pretreatment standards.
(Ord. No. 92-25, 6-16-92; Ord. No. 95-10, 4-29-95; Ord. No. 95-11, 4-29-95; Ord. No. 04-25, 10-2-04; Ord. No. 08-13, 6-17-08)

§ 26-39. Special ~~a~~Agreement.

The ~~c~~County reserves the right to enter into special agreements with users setting out special terms under which the industrial user may discharge to the system. In no case will a special agreement waive compliance with a pretreatment standard. However, the industrial user may request a net gross adjustment to a categorical standard to reflect the presence of pollutants in their intake water in accordance with 40 CFR 403.15 or its successor provisions.

Industrial users may also request a variance from the categorical pretreatment standard. Such a request will be approved only if the user can prove to the satisfaction of the WPCB ~~c~~Chief, that factors relating to its discharge are fundamentally different from the factors considered by the U.S. EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions of 40 CFR 403.13 or its successor provisions.
(Ord. No. 92-25, 6-16-92; Ord. No. 98-3, 2-7-98; Ord. No. 04-25, 10-2-04)

§ 26-40. Dilution.

No user shall increase the use of water used in any process or operation which is discharged into the sanitary sewer or in any way attempt to dilute, a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard.
(Ord. No. 92-25, 6-16-92)

§ 26-41. Inspection.

Arlington County and Virginia Water Control Board personnel may inspect the facilities of any industrial user to ascertain whether or not the provisions of this article are being met. The industrial user shall allow authorized representatives:

~~(a)~~A. To have access to and copy any records required to be kept under the terms and conditions of this article.

~~(b)~~B. Access during hours of operation to all parts of the premises for the purpose of inspection or sampling in the performance of any of their duties.

~~(c)~~C. To set on the user's property such devices as are necessary to conduct sampling/metering operations.
(Ord. No. 92-25, 6-16-92)

§§ 26-42--26-44. Reserved.

DIVISION 3.

PRETREATMENT OF WASTEWATER

§ 26-45. Pretreatment ~~f~~Facilities.

Industrial users shall provide wastewater treatment as required to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Division 2 of this article. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the ~~c~~County for review, and shall be acceptable to the ~~c~~County before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility for modifying the facility as necessary to produce an acceptable discharge to the ~~c~~County under the provisions of this article.
(Ord. No. 92-25, 6-16-92)

§ 26-46. Additional ~~p~~Pretreatment ~~m~~Measures.

~~(a)~~A. Whenever found necessary to protect the sanitary sewage system and to determine the industrial user's compliance, the WPCB ~~c~~Chief may require industrial users to restrict the industrial user's discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic sewage wastestreams from industrial wastestreams, and take such other measures as may be necessary.

~~(b)~~B. Grease, oil and sand interceptors shall be provided when, in the opinion of the WPCB ~~c~~Chief, they

are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances. Such interceptors shall not be required for domestic users. All interception units shall be of a type and capacity approved by the WPCB ~~c~~Chief and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly as needed to maintain proper working condition by the industrial users at his expense.

~~(c)~~C. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-47. Spill ~~p~~Prevention ~~p~~Plans.

Industrial users shall provide protection from accidental discharge of materials which may interfere with the sanitary sewage system by developing and implementing spill prevention plans. No industrial user shall implement a spill prevention plan, including the facilities and the operating procedures, until it has been approved by the ~~c~~County. The spill prevention plan shall include as a minimum the following:

~~(a)~~A. Description of discharge practices, including nonroutine batch discharges.

~~(b)~~B. Description of stored chemicals.

~~(c)~~C. Procedures for immediately notifying the WPCB ~~c~~Chief of any accidental or slug discharges. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Division 2 of this article.

~~(d)~~D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures shall include, but not be limited to, 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/or measures and equipment for emergency response.

Significant industrial users or industrial users that store hazardous substances shall not contribute to the sanitary sewage system after the effective date of this ordinance from which this article is derived unless a spill prevention plan has been approved by the ~~c~~County. Approval of such plans shall not relieve industrial users from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-48. Tenant ~~r~~Responsibility.

Any industrial user who shall rent, lease, or otherwise occupy space which it does not own and is entitled to discharge based on a wastewater permit held by the property owner shall, together with the wastewater permit holder, be held jointly and severally responsible for any violation.
(Ord. No. 92-25, 6-16-92)

§ 26-49. Hauled ~~w~~Wastewater.

Septic tank waste (septage) will be accepted into the sanitary sewage system at a designated receiving structure within the treatment plant area at such times as are established by the WPCB ~~c~~Chief. The WPCB ~~c~~Chief may refuse to accept any septage which contains toxic or hazardous pollutants or which violates any other requirement established by the ~~c~~County. Permits for individual vehicles to use such facilities may be issued by the WPCB ~~c~~Chief.

~~(a)~~A. Commercial haulers of holding tanks wastes must obtain a septage hauler permit from the WPCB ~~c~~Chief prior to any discharge to the sanitary sewage system.

~~(b)~~B. The WPCB ~~c~~Chief shall have authority to prohibit the disposal of any hauled wastewater if such disposal has a potential for interfering with the treatment plant operation. Wastewater haulers shall be subject to all other sections of this article.

~~(c)~~C. Fees for discharging hauled wastewater will be established as part of the user fee system as authorized in Division 10 of this Article.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-50. Appeals.

Any decision made by the WPCB ~~c~~Chief pursuant to these provisions may be appealed to the ~~c~~County ~~m~~Manager by the user within thirty (30) days of receiving written notice by the WPCB ~~c~~Chief. The ~~c~~County ~~m~~Manager shall make a response within thirty (30) days of receiving the appeal and shall communicate his decision in writing.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

DIVISION 4.

WASTEWATER PERMIT ELIGIBILITY

§ 26-51. Wastewater ~~s~~Survey.

When requested by the WPCB ~~c~~Chief, industrial users shall submit information on the nature and characteristics of their wastewater prior to commencing their discharge. The WPCB ~~c~~Chief is authorized to prepare a survey form for this purpose and shall periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this article.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-52. Wastewater ~~p~~Permit ~~r~~Requirement.

It shall be unlawful for significant industrial users to discharge wastewater into the ~~c~~County's sanitary sewer system without first obtaining a wastewater permit from the WPCB ~~c~~Chief. Any violation of the terms and conditions of the wastewater permit shall be deemed a violation of this article and subject the industrial user to the sanctions set out in Division 8 of this article. Obtaining a wastewater permit shall not relieve a user of its obligation to obtain other permits required by federal, state, or local laws.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-53. Permitting ~~n~~New ~~c~~Connections.

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the sanitary sewage system must obtain a wastewater permit for such discharge before any discharge or commencement of operations.
(Ord. No. 92-25, 6-16-92)

§ 26-54. Permitting ~~e~~Extra-~~j~~Jurisdictional ~~i~~Industrial ~~u~~User.

Any existing significant industrial user located outside of the ~~c~~County shall submit a permit application, in accordance with ~~section~~ § 26-55 below, within ninety (90) days of the effective date of this ordinance from which this article is derived. New significant industrial users located outside of the ~~c~~County limits shall submit such applications to the WPCB ~~c~~Chief ninety (90) days before any discharge into the sanitary sewage system. Upon review of such application, the WPCB ~~c~~Chief may enter into a contract with the industrial user which requires the industrial user to subject itself to and abide by this article, including all permitting, compliance monitoring, reporting, and enforcement provisions herein. However, if the WPCB ~~c~~Chief has entered into an agreement, before the time that a permit would otherwise be required with the jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements, the industrial user

shall be subject to those requirements and no permit shall be required from the ~~c~~County.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-55. Wastewater ~~p~~Permit ~~a~~Application ~~c~~Contents.

No permit shall be granted to an industrial user until it has submitted the information required by ~~section~~ § 26-67.A~~(a)~~ of this article on a form approved by the WPCB ~~c~~Chief. In addition, at the WPCB ~~c~~Chief's request, the following information shall be included.

~~(a)~~A. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

~~(b)~~B. Number and type of employees, hours of operation, and proposed or actual hours of operation.

~~(c)~~C. Each product produced by type, amount, process or processes, and rate of production.

~~(d)~~D. Type and amount of raw materials processed (average and maximum per day).

~~(e)~~E. The site plans, floor plans, mechanical and plumbing plans, detailed to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

~~(f)~~F. Time and duration of discharge by the user.

~~(g)~~G. Any other information as may be deemed necessary by the WPCB ~~c~~Chief to evaluate the wastewater discharge permit application.

~~(h)~~H. A statement reviewed and certified by an authorized representative of the user indicating whether or not the pretreatment standards are being met on a consistent basis, and if not, what additional pretreatment is necessary.

~~(i)~~I. If additional pretreatment or O&M will be required to meet the standards, then the industrial user shall prepare a schedule to indicate the shortest amount of time necessary to accomplish installation or adoption of such additional treatment or O&M. The following conditions apply to this schedule:

~~(~~1.~~)~~ The schedule shall contain dates for the commencement and completion of additional pretreatment measures as required for the user to meet the applicable pretreatment standards. No increment shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.

~~(~~2.~~)~~ No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the WPCB ~~c~~Chief including as a minimum whether or not the user complied with the requirements for incremental progress, the reason for any delay, and the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the WPCB ~~c~~Chief.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-56. Application ~~s~~Signatories and ~~c~~Certification.

All permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"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 those 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 knowing violations."
(Ord. No. 92-25, 6-16-92)

§ 26-57. Wastewater ~~p~~Permit ~~d~~Decisions.

The WPCB ~~c~~Chief will evaluate the data furnished by the industrial user and may require the industrial user to submit additional information. Within ninety (90) days of receipt of a complete permit application, the WPCB ~~c~~Chief will determine whether or not to issue a wastewater permit. If no determination is made within this time period, the application will be deemed denied.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§§ 26-58, 26-59. Reserved.

DIVISION 5.

WASTEWATER PERMIT ISSUANCE PROCESS

§ 26-60. Wastewater ~~p~~Permit ~~d~~Duration.

Permits shall be issued for a time period specified by the WPCB ~~c~~Chief, not exceeding five (5) years. Each permit will indicate a specific date upon which it will expire.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-61. Permit ~~c~~Contents.

Wastewater permits shall include such conditions as are deemed necessary by the WPCB ~~c~~Chief to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the sanitary sewage system.

~~(a)~~A. Wastewater permits will contain the following:

~~(~~1.~~)~~ A statement that indicates the date of issuance, expiration, and effectiveness, which in no event shall the duration exceed five (5) years.

~~(~~2.~~)~~ A statement that the permit is nontransferable without prior notification to and written approval from the ~~c~~County and that the current owner or operator is responsible for furnishing the new owner or operator with a copy of the existing permit.

~~(~~3.~~)~~ Effluent limits and Best Management Practices, applicable to the user based on applicable standards in federal, state and local law.

~~(~~4.~~)~~ A statement of self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants or Best Management Practice to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law.

~~(~~5.~~)~~ A statement of applicable penalties for violation of pretreatment standards and requirements and compliance schedules.

~~(~~6.~~)~~ Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).

~~(~~7.~~)~~ A requirement for development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

~~(b)~~B. Permits may contain, without limitation, the following:

~~(~~1.~~)~~ Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

~~(~~2.~~)~~ Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

~~(~~3.~~)~~ Compliance schedules for meeting pretreatment standards and requirements.

~~(~~4.~~)~~ A statement that compliance with permit terms does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the permit.

~~(~~5.~~)~~ Any other conditions as found necessary by the WPCB ~~c~~Chief to ensure compliance with this article and state and federal laws, rules, and regulations.

(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04; Ord. No. 08-13, 6-17-08)

§ 26-62. Wastewater ~~p~~Permit ~~a~~Appeals.

Any person, including the industrial user, may file a written petition with the County Manager to reconsider and change the terms of the permit within fifteen (15) days after the notice that the permit is denied or awarded is mailed to the industrial user.

~~(a)~~A. Failure to submit a timely petition of review shall be deemed to be a waiver of the right to appeal.

~~(b)~~B. In its petition, the appealing party must indicate which permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to have included in the permit.

~~(c)~~C. A permit and all conditions shall be effective pending the appeal.

~~(d)~~D. If the County Manager fails to act on the appeal within thirty (30) days, the request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative action for purposes of judicial review.

(Ord. No. 92-25, 6-16-92)

§ 26-63. Wastewater ~~p~~Permit ~~m~~Modification.

The WPCB ~~c~~Chief may modify a permit at any time for good cause including, but not limited to, the following:

~~(a)~~A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements.

~~(b)~~B. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of permit issuance.

~~(c)~~C. A change in the sanitary sewage system that requires either a temporary or permanent reduction or elimination of a previously authorized discharge.

~~(d)~~D. Information indicating that the permitted discharge poses a threat to the County's sanitary sewage system, County personnel, or the receiving waters.

~~(e)~~E. Violation of any terms or conditions of the wastewater permit.

~~(f)~~F. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.

~~(g)~~G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

~~(h)~~H. Typographical or other errors in the permit.

~~(i)~~I. Transfer of the permittee's facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a permit modification shall not stay or suspend any permit condition.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-64. Wastewater ~~p~~Permit ~~t~~Transfer.

Permits may be reassigned or transferred to a new owner and/or operator with prior written approval of the WPCB ~~c~~Chief. The permittee must give at least thirty (30) days advance notice to the WPCB ~~c~~Chief. The notice must include a written certification by the new owner which:

~~(a)~~A. States that the new owner has no immediate intent to change the facility's operations and processes.

~~(b)~~B. Identifies the specific date on which the transfer is to occur.

~~(c)~~C. Agrees to assume responsibility for complying with the existing permit.

Failure to provide advance written notice of a transfer shall be a violation of the wastewater permit as of the date of facility transfer.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-65. Wastewater ~~p~~Permit ~~r~~Revocation.

Wastewater permits may be revoked for the following reasons:

~~(a)~~A. Failure to notify the ~~c~~County of significant changes to the wastewater prior to the changed discharge;

~~(b)~~B. Falsifying self-monitoring reports;

~~(c)~~C. Tampering with monitoring equipment;

~~(d)~~D. Refusing to allow the ~~c~~County timely access to the facility premises and records;

~~(e)~~E. Failure to meet effluent limitations;

~~(f)~~F. Failure to pay fines;

~~(g)~~G. Failure to pay sewer charges;

~~(h)~~H. Failure to meet compliance schedules;

~~(i)~~I. Failure to complete a wastewater survey;

~~(j)~~J. Failure to provide advance notice of the transfer of a permitted facility;

~~(k)~~K. Violation of any pretreatment standard or requirement or any terms of the permit or the ordinance.

Permits shall be void upon nonuse for a period of one (1) year or longer, or upon permanent cessation of operations. In addition, all prior permits are void upon the issuance of a new wastewater permit.
(Ord. No. 92-25, 6-16-92; Ord. No. 95-10, 4-29-95; Ord. No. 95-11, 4-29-95)

§ 26-66. Wastewater ~~p~~Permit ~~r~~Reissuance.

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with ~~section~~ § 26-55 at least ninety (90) days before the expiration of the user's existing permit.
(Ord. No. 92-25, 6-16-92)

DIVISION 6.

REPORTING REQUIREMENTS

§ 26-67. Baseline ~~m~~Monitoring ~~r~~Reports.

Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the municipal system shall be required to submit to the ~~c~~County a report which contains the information listed in paragraph A~~(a)~~ below. At least ninety (90) days prior to commencement of their discharge, new sources, including existing users which have changed their operation or processes so as to become new sources, shall be required to submit to the county a report which contains the information listed in paragraph A~~(a)~~ below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

~~(a)~~A. The information required by this section includes:

~~(~~1.~~)~~ *Identifying information.* The user shall submit the name and address of the facility including the name of the operator and owners.

~~(~~2.~~)~~ *Permits.* The user shall submit a list of any environmental permits held by or for the facility.

~~(~~3.~~)~~ *Description of operations.* The user shall submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the system from the regulated processes.

~~(~~4.~~)~~ *Flow measurement.* The user shall submit information showing the measured average and maximum daily flow, in gallons per day, to the sanitary sewage system from regulated process streams and other streams as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

~~(~~5.~~)~~ *Measurement of pollutants.*

~~i~~a. The industrial user shall identify the categorical pretreatment standards applicable to each regulated process;

~~ii~~b. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or

eCounty local limit) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations. Sampling and analysis shall be performed in accordance with procedures set out in 40 CFR Part 136.

iiic. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. All other pollutants will be measured by composite samples obtained through flow proportional sampling techniques. If flow proportional composite sampling is infeasible, samples may be obtained through time proportional sampling techniques or through four (4) grab samples if the user proves such a sample will be representative of the discharge.

(6.) *Special certification.* A statement reviewed by an authorized representative of the industrial user and certified by a qualified professional indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment is required in order to meet the pretreatment standards and requirements.

(7.) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standard, the industrial user shall provide the shortest possible schedule to provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in 26-55.I(i) of this article.

(8.) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section § 26-56.

(Ord. No. 92-25, 6-16-92)

§ 26-68. Compliance dDeadline rReports.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the sanitary sewage system, any industrial user subject to such pretreatment standards and requirements shall submit to the county a report containing the information described in section § 26-67.A.5(a)(5) and 6(6) of this article. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 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 user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section § 26-56.

(Ord. No. 92-25, 6-16-92)

§ 26-69. Periodic eCompliance rReports.

All significant industrial users shall, at a frequency determined by the WPCB eChief, which shall not be less frequent than two (2) times per year, submit a written report indicating the nature, concentration and flow of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flow for the reporting period. All periodic compliance reports must be signed and certified in accordance with section § 26-56.

(a)A. The user shall report all monitoring results collected at the proscribed monitoring point as specified in the wastewater permit.

(b)B. The industrial user shall be responsible for ensuring that all wastewater samples are representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to properly operate

and maintain its monitoring facility shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

~~(c)~~C. In the event an industrial user's monitoring results indicate that a violation has occurred, the industrial user must immediately notify the WPCB ~~c~~Chief and resample its discharge. The industrial user must report the results of the resampling within thirty (30) days of discovering the first violation.

~~(d)~~D. In cases where the Pretreatment Standard or permit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the WPCB Chief or the Pretreatment Standard necessary to determine compliance status of the user.

~~(e)~~E. The WPCB ~~c~~Chief may authorize an industrial user subject to categorical pretreatment standards to forgo sampling of a pollutant regulated by a categorical standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the facility's discharge, or is present only at background levels from the intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

~~(~~1.~~)~~ The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical ~~S~~standard and otherwise includes no process wastewater.

~~(~~2.~~)~~ The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The ~~U~~user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

~~(~~3.~~)~~ In making a demonstration that a pollutant is not present, the ~~I~~industrial ~~U~~user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

~~(~~4.~~)~~ The request for a monitoring waiver must be signed by an authorized representative as defined in ~~section~~ § 26-1 of this ~~C~~chapter, and include the certification statement specified in § 26-56.

~~(~~5.~~)~~ Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

~~(~~6.~~)~~ Any grant of the monitoring waiver by the WPCB Chief must be included as a condition in the ~~U~~user's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the WPCB Chief for three (3) years after expiration of the waiver.

~~(~~7.~~)~~ Upon approval of the monitoring waiver and revision of the User's permit by the WPCB Chief, the Industrial User must certify on each report with the statement in § 26-56 of this ~~C~~chapter, that there has been no increase in the pollutant in its wastestream due to activities of the ~~I~~industrial ~~U~~user.

~~(~~8.~~)~~ In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the ~~U~~user's operations, the ~~U~~user must immediately notify the WPCB Chief and comply with the monitoring requirements of this ~~S~~section, or other more frequent monitoring requirements imposed by the WPCB Chief.

~~(~~9.~~)~~ This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(Ord. No. 92-25, 6-16-92; Ord. No. 95-10, 4-29-95; Ord. No. 95-11, 4-29-95; Ord. No. 04-25, 10-2-04; Ord. No. 08-

13, 6-17-08)

§ 26-70. Report of ~~c~~Changed ~~c~~Conditions.

Each industrial user shall notify the WPCB ~~c~~Chief of any planned significant changes to the industrial user's operations or pretreatment systems which might alter the nature, quality or volume of its wastewater including, but not limited to, increased potential for spills or slug loading, or, the listed or characteristic hazardous waste for which the industrial user has submitted initial notification under 40 CFR 403.12(p). In the event of any such changes:

~~(a)~~A. The WPCB ~~c~~Chief may require the industrial user to submit such information as the WPCB ~~c~~Chief may deem necessary to evaluate the changed condition, including the submission of a wastewater permit application under ~~section~~ § 26-55, if necessary.

~~(b)~~B. The WPCB ~~c~~Chief may issue a wastewater permit under ~~section~~ § 26-57 or modify the existing wastewater permit under ~~section~~ § 26-63.

~~(c)~~C. No industrial user shall implement the planned changed condition(s) until and unless the WPCB ~~c~~Chief has responded to the industrial user's notice in writing.

~~(d)~~D. For purposes of this requirement, flow increases of ten percent (10%) ~~percent~~ or greater and the discharge of any previously unreported pollutant shall be deemed significant.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04; Ord. No. 08-13, 6-17-08)

§ 26-71. Reports of ~~p~~Potential ~~p~~Problems.

Each industrial user shall provide protection from accidental or intentional discharges of prohibited materials or other substances regulated by this article. Detailed plans showing facilities and operating procedures which provide protection shall be submitted to the ~~c~~County for review and shall be approved by the ~~c~~County before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article.

~~(a)~~A. In the case of an accidental or other discharge which may cause problems for the sanitary sewage system, it shall be the responsibility of the user to immediately telephone and notify the ~~c~~County of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

~~(b)~~B. Within five (5) days following an accidental discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future discharges. 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 system, natural resources, or any other person or property; nor shall such notification relieve the user from liability for any fine, civil penalty, or other obligation which may be imposed by this article.

~~(c)~~C. Failure to notify the ~~c~~County of a discharge violation shall be deemed a violation separate from the actual discharge violation.

~~(d)~~D. A notice shall be permanently posted on a user's bulletin board or other prominent place advising the user's employees whom to call in the event of discharge described in paragraph B~~(b)~~ above. Employers shall ensure that all employees who may be present when such a discharge occurs are advised of the emergency notification procedure.
(Ord. No. 92-25, 6-16-92)

§ 26-72. Reports from ~~n~~Nonsignificant ~~u~~Users.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater permit shall provide such reports to the ~~c~~County as the WPCB ~~c~~Chief may require.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-73. Sample ~~c~~Collection.

Except for those samples included in subsection A~~(a)~~ below, wastewater samples collected for purposes of determining industrial user compliance with pretreatment standards and requirements must be obtained using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the WPCB ~~c~~Chief may authorize the use of time proportional sampling.

~~(a)~~A. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be taken using grab collection techniques.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-74. Analytical ~~r~~Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA and the ~~c~~County.
(Ord. No. 92-25, 6-16-92)

§ 26-75. Monitoring ~~c~~Charges.

The WPCB ~~c~~Chief may recover the ~~c~~County's expenses incurred in collecting and analyzing samples of the industrial user's discharge by adding the costs to the industrial user's sewer charges.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-76. Timing.

Written reports will be deemed to have been transmitted when received by the WPCB or sent by certified mail, postage prepaid, by the United States Postal Service.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-77. Record-~~k~~Keeping.

Industrial users shall retain and make available for inspection and copying all records and information required to be retained under 40 CFR 403.12(a), including documents associated with required Best Management Practices. These records shall remain available for a period of at least three (3) years. This period shall automatically be extended for the duration of any litigation regarding the discharge of pollutants by the industrial user or concerning compliance with this article, or where the industrial user has been specifically notified of a longer retention period by the WPCB ~~c~~Chief or the EPA.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04; Ord. No. 08-13, 6-17-08)

§ 26-78. Notice of ~~v~~Violation/~~r~~Repeat ~~s~~Sampling and ~~r~~Reporting.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the WPCB within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the WPCB within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs sampling between the industrial users initial sampling and when the industrial user receives the results of this sampling.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

DIVISION 7.

COMPLIANCE MONITORING

§ 26-79. Inspection and ~~s~~Sampling.

Industrial users shall allow the WPCB ~~c~~Chief or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, ascertaining whether the requirements of this article are being met, and any other purposes related to the requirements of this article.

~~(a)~~A. Where a user has security measures in force which require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with its security guards so that upon presentation of suitable identification personnel from the County, state, and U.S. EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

~~(b)~~B. The County, state, and U.S. EPA shall have the right to set up or require installation on the industrial user's property such devices as are necessary to conduct sampling and/or metering of the user's operations.

~~(c)~~C. The County may require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

~~(d)~~D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the WPCB ~~c~~Chief and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

~~(e)~~E. Refusal to provide County personnel access to the industrial user's premises shall be a violation of this ~~A~~article.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-22, 10-2-04)

§ 26-80. Confidential ~~i~~Information.

Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and from ~~c~~County inspection and sampling activities shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the ~~c~~County that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law.

~~(a)~~A. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

~~(b)~~B. Upon request and demonstration to the ~~c~~County's satisfaction that such information should be confidential, the portions of the 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 request to governmental agencies for uses related to this article, the Virginia Pollutant Discharge Elimination System (VPDES) program, and in enforcement proceedings involving the person furnishing the report.
(Ord. No. 92-25, 6-16-92)

§§ 26-81--26-84. Reserved.

DIVISION 8.

ENFORCEMENT REMEDIES

In addition to any other remedies allowed by law, the County shall have the following remedies:

§ 26-85. Publication of ~~s~~Significant ~~v~~Violators.

The ~~c~~County shall annually publish, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the industrial users which during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

~~(a)~~A. Sixty-six percent (66%) ~~percent~~ or more of wastewater pretreatment measurements taken during a six- (6) month period exceed the discharge limit for any one (1) pollutant, a numeric pretreatment standard, or requirement including instantaneous limits;

~~(b)~~B. Thirty-three percent (33%) ~~percent~~ or more of wastewater measurements taken during a six- (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

~~(c)~~C. Any other discharge violation that the ~~c~~County determines it has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of ~~c~~County personnel or the general public);

~~(d)~~D. Any discharge of pollutants that has caused imminent danger to the public or to the environment, or has resulted in the ~~c~~County's exercise of its emergency authority to halt or prevent such a discharge;

~~(e)~~E. The user has failed to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;

~~(f)~~F. The user has failed to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

~~(g)~~G. The user has failed to accurately report noncompliance; or

(h) The user is responsible for any other violation(s), which may include a violation of Best Management Practices, which the ~~c~~County has reason to believe will adversely affect the operation or implementation of the pretreatment program, or is otherwise significant.

(Ord. No. 92-25, 6-16-92; Ord. No. 98-3, 2-7-98; Ord. No. 08-13, 6-17-08)

§ 26-86. Notice of ~~v~~Violation.

Whenever the WPCB ~~c~~Chief finds that any industrial user has violated or is violating this article, a wastewater permit or order issued hereunder, or any other pretreatment requirement the WPCB ~~c~~Chief or his agent may serve upon the user a written notice of violation. Within ten (10) days of the receipt of this notice, the user must submit to the WPCB ~~c~~Chief an explanation of the violation and a plan for the satisfactory correction and prevention thereof to include specific required actions. Submission of this plan shall not relieve the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the ~~c~~County to take emergency action without first issuing a notice of violation.

(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-87. Consent ~~o~~Orders.

The WPCB ~~c~~Chief may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing agreements with industrial users responsible for noncompliance. Such orders may include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to ~~sections~~ §§ 26-88 and 26-89 below and shall be judicially enforceable.

(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-88. Show ~~c~~Cause ~~h~~Hearing.

The WPCB ~~c~~Chief may order any industrial user which causes or contributes to violation(s) of this article, wastewater permits, or orders issued hereunder, or any other pretreatment requirement to appear before the WPCB ~~c~~Chief and show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the industrial user. Whether or not the industrial user appears as noticed, immediate enforcement action may be pursued following the hearing date.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-89. Cease and ~~d~~Desist and ~~c~~Compliance ~~o~~Orders.

When the WPCB ~~c~~Chief finds that an industrial user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the WPCB ~~c~~Chief may issue an order to the industrial user directing it to cease and desist all such violations and directing the user to:

~~(a)~~A. Immediately comply with all requirements.

~~(b)~~B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

~~(c)~~C. Take such action as might be reasonably necessary and appropriate to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Furthermore, the WPCB ~~c~~Chief may continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control.

Such orders may also provide that sewer service shall be discontinued unless after a specific time period, adequate treatment facilities, devices, or other related appurtenances are installed and properly operated.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§§ 26-90, 26-91. Reserved.

§ 26-92. Emergency ~~s~~Suspensions.

The WPCB ~~c~~Chief may suspend the wastewater permit of an industrial user, for a period of up to thirty (30) days, whenever such suspension is necessary in order 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 persons, interferes with the operation of the sanitary sewage system, or which presents or may present an endangerment to the environment.

~~(a)~~A. Any industrial user notified of the suspension of its wastewater permit shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the WPCB ~~c~~Chief shall take such steps as he deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system, its receiving stream, or endangerment to any individuals. The WPCB ~~c~~Chief shall allow the industrial user to recommence its discharge when the user has demonstrated to the satisfaction of the ~~c~~County that the period of endangerment has passed, unless the termination proceedings set forth in ~~section~~ § 26-93 are initiated against the user, in which case the discharge may not be recommenced.

~~(b)~~B. An industrial user which is responsible, in whole or in part, for any discharge presenting imminent endangerment to the health or welfare of persons or the environment shall submit a detailed written statement

describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the WPCB ~~c~~Chief prior to the date of any show cause or termination hearing under ~~sections~~ §§ 26-88 and 26-93.

Nothing in this ~~S~~section shall be interpreted as requiring a hearing prior to any emergency suspension under this ~~S~~section.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-93. Termination of ~~p~~Permit.

In addition to those provisions in ~~section~~ § 26-65 of this article, any industrial user which violates the following conditions of this article, wastewater permits, or orders issued hereunder is subject to permit termination:

~~(a)~~A. Failure to accurately report the wastewater constituents and characteristics of its discharge.

~~(b)~~B. Refusal to grant reasonable access to the user's premises for the purpose of inspection, monitoring or sampling. Noncomplying industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under ~~section~~ § 26-88 of this article why the proposed action should not be taken.
(Ord. No. 92-25, 6-16-92)

§ 26-94. Injunctive ~~r~~Relief.

Whenever an industrial user has violated or continues to violate the provisions of this article, permits or orders issued hereunder, or any other pretreatment requirement, the WPCB ~~c~~Chief, may in addition to other remedies allowed by law petition the ~~c~~Circuit ~~c~~Court for the issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the wastewater permit, order, or other requirement imposed by this article on activities of the industrial user.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-95. Penalties.

Any person who violates any provisions of this ~~A~~article, any orders or permits issued hereunder, or any other pretreatment requirement shall be guilty of a Class 1 misdemeanor, punishable by a fine of no more than one thousand dollars ($1,000.00) per violation per day, or imprisonment for not less than thirty (30) days nor more than six (6) months, or both. Each day on which a violation exists shall be a separate violation. In addition to any other remedies allowed by law, the County shall have the following remedies:

~~(a)~~A. The WPCB ~~c~~Chief may recover reasonable attorney's fees, court costs, and other expenses, and the cost of any actual damages incurred by the ~~c~~County.

~~(b)~~B. The County may recover any amount assessed against it as a civil penalty from any user whose acts proximately causes the violation which resulted in the civil penalty as provided in ~~Section~~ § 62.1-44.32 of the Virginia Code.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-96. False ~~s~~Statements.

Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this article, or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000.00) per violation per day or imprisonment for not more than six (6) months or both.
(Ord. No. 92-25, 6-16-92)

§§ 26-97--26-99. Reserved.

DIVISION 9.

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 26-100. Upset.

An upset shall be an affirmative defense to an enforcement action brought against a user for violating a categorical pretreatment standards if the following conditions are met:

~~(a)~~A. The user can identify the cause of the upset.

~~(b)~~B. The facility was operating in a prudent and workmanlike manner at the time of the upset and was in compliance with applicable O&M procedures.

~~(c)~~C. The user submits within twenty-four (24) hours of becoming aware of the upset a description of the discharge and its causes, the period of noncompliance (if not corrected, then time noncompliance is anticipated to end), and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

~~(d)~~D. If this report is given orally, the user must also submit a written report containing such information within five (5) days after the oral report.

~~(e)~~E. Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards and requirements because of factors beyond the reasonable control of the industrial user. Noncompliance caused by operational error, improperly designed pretreatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation does not constitute an upset.
(Ord. No. 92-25, 6-16-92; Ord. No. 98-3, 2-7-98)

§ 26-101. General/~~s~~Specific ~~p~~Prohibitions.

In determining what enforcement action will be brought for a violation of any section of this article except ~~sections~~ §§ 26-35.A~~(a)~~ and D~~(d)~~, the WPCB may, but is not required, to consider:

~~(a)~~A. Whether the user knew or should have known that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference, or

~~(b)~~B. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass-through or interference, or

~~(c)~~C. No local limits exists but the discharge did not change substantially in nature or constituents from the user's prior discharge when the County was regularly in compliance with the VPDES permit, and in the case of interference, in compliance with applicable sludge use or disposal requirements.
(Ord. No. 92-25, 6-16-92; Ord. No. 04-25, 10-2-04)

§ 26-102. Bypass.

The intentional diversion of wastestreams from any portion of an individual user's treatment facility shall be an affirmative defense to an enforcement action brought against the industrial user if the user can demonstrate to the WPCB ~~c~~Chief's satisfaction that such a bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. In order to be eligible for the affirmative defense, the industrial user must demonstrate that there was no feasible alternative to the bypass and submit notice of the bypass as required by 40 CFR 403.17.

Additionally, an industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operations. This type of bypass shall comply with the requirements of 40 CFR 403.17(c)(1).

The County may approve an anticipated bypass if it meets the above criteria. In all other situations, bypass is prohibited. The County may take enforcement action against an industrial user for a prohibited bypass.
(Ord. No. 92-25, 6-16-92; Ord. No. 98-3, 2-7-98; Ord. No. 04-25, 10-2-04)

§§ 26-103, 26-104. Reserved.

DIVISION 10.

MISCELLANEOUS PROVISIONS

§ 26-105. Pretreatment ~~c~~Charges and ~~f~~Fees.

The following fees shall be charged for use of the County's pretreatment program:

~~(a)~~A. Each industrial user holding a valid wastewater permit shall pay an annual fee of one thousand five hundred sixty dollars ($1,560.00) plus three thousand six hundred forty dollars ($3,640.00) for each monitoring point specified by the user's permit.

~~(b)~~B. Each user holding a valid septage hauler permit shall pay an annual fee of two thousand eight hundred three dollars ($2,803.00) for each individual vehicle used to deliver septage to the WPCB.

~~(c)~~C. A late charge of six percent (6%) ~~percent~~ per year shall be imposed on the outstanding balance of pretreatment fees unpaid thirty (30) days after the date payment of the bill is due. In addition to all other enforcement procedures permitted by law, if any pretreatment fees charged by Arlington County are not paid within thirty (30) days, and the person who incurred the debt is an occupant of such premises, the water and/or sewer service to the premises may be terminated. The County may proceed to recover the amount of any such delinquent rates, fees, or charges, with interest.

Annual fees shall be payable for each Arlington County fiscal year, or any part thereof, for which the user has been in operation. Annual fees are due and payable to the County on or before May 30 of each Arlington County fiscal year for which the fees are assessed. All other fees shall be invoiced to the user quarterly.
(Ord. No. 92-25, 6-16-92; Ord. No. 93-5, 5-20-93; Ord. No. 95-10, 4-29-95; Ord. No. 95-11, 4-29-95; Ord. No. 99-13, 5-22-99; Ord. No. 04-25, 10-2-04)

§ 26-106. Severability.

If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.
(Ord. No. 92-25, 6-16-92)

§ 26-107. Conflicts.

In any case where a provision of this chapter is found to be in conflict with any other provision of the Arlington County Code existing on the effective date of this chapter, the provision which establishes the more stringent standard for the promotion and protection of the health and safety of the people shall prevail.
(Ord. No. 92-25, 6-16-92)

ARTICLE III.

CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

§ 26-108. General.

This article provides for the protection of the ~~c~~County's drinking water supply from possible contamination caused by back pressure or back siphonage conditions, in accordance with the regulations of the Virginia Department of Health and Virginia Uniform Statewide Building Code (BOCA Plumbing Code). As defined in this

article, "premises" shall refer to property where there is a use or presence of a contaminant, as defined in this article, and the use of the contaminant on the premises may pose a risk to the waterworks through a backflow occurrence.
(Ord. No. 92-38, 8-8-92)

§ 26-109. Administration and ~~e~~Enforcement.

~~(a)~~A. The Inspection Services Division shall be responsible for the administrative, inspections, and record-keeping functions required by this ~~A~~article.

~~(b)~~B. The ~~i~~Inspection ~~s~~Services ~~b~~Bureau shall notify the ~~w~~Water, ~~s~~Sewer and ~~s~~Streets ~~b~~Bureau of noncompliance with the backflow prevention requirements by a customer. The ~~w~~Water, ~~s~~Sewer and ~~s~~Streets ~~b~~Bureau may, as provided for in this article, deny water service to a customer if the backflow prevention requirements are not complied with.
(Ord. No. 92-38, 8-8-92; Ord. No. 04-25, 10-2-04)

§ 26-110. Cross-~~e~~Connection.

~~(a)~~A. No person shall install or maintain a water service connection to any premises where cross-connections to the ~~e~~County's water system or a customer's water system may exist unless such cross-connections are abated or controlled to the satisfaction of the ~~e~~County according to state law.

~~(b)~~B. No person shall install or maintain any connection to the waterworks whereby water from an auxiliary water supply may enter the ~~e~~County's or customer's water supply unless the auxiliary water system and the method of connection and use of such system shall have been approved by the ~~e~~County.
(Ord. No. 92-38, 8-8-92)

§ 26-111. Where ~~p~~Protection is ~~r~~Required.

~~(a)~~A. An approved backflow prevention device shall be installed on each service line from the waterworks to a customer's water system where any of the following conditions exist:

~~(~~1.~~)~~ Premises having an auxiliary water system, unless such auxiliary water system is accepted as an additional water supply source by the ~~e~~County.

~~(~~2.~~)~~ Premises for which the ~~i~~Inspection ~~s~~Services ~~d~~Division determines that any substance is handled in a manner which creates a backflow hazard to the water system (including premises having sources or systems containing process fluids or an auxiliary water system).

~~(~~3.~~)~~ Premises having internal cross-connections or intricate plumbing arrangements which make it impractical for the ~~i~~Inspection ~~s~~Services ~~d~~Division to determine whether or not cross-connections exist.

~~(~~4.~~)~~ Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical for the inspection services division to make a complete cross-connection survey.

~~(~~5.~~)~~ Premises having a history of cross-connections, as shown in the records of the ~~i~~Inspection ~~s~~Services ~~d~~Division.

~~(~~6.~~)~~ Premises having fire protection systems utilizing combinations of sprinklers, fire loops, storage tanks, pumps, antifreeze protection, or auxiliary water system (fire loops and sprinkler systems with openings not subject to flooding, and containing no antifreeze or other chemicals, or separate fire storage, or auxiliary sources, will not normally require backflow prevention unless a potential hazard is found to exist).

~~(b)~~B. Premises where a booster pump is connected to the waterworks shall be equipped with a low-

pressure cutoff device to shut off the booster pump when the pressure in the waterworks drops to a minimum of ten (10) psi gauge.

~~(c)~~C. An approved backflow prevention device shall be installed on each service line to a customer's water system serving the following types of facilities:

~~(~~1.~~)~~ Hospitals, mortuaries, clinics, veterinary establishments, nursing homes, and medical buildings;

~~(~~2.~~)~~ Laboratories;

~~(~~3.~~)~~ Piers, docks, or waterfront facilities;

~~(~~4.~~)~~ Sewage treatment plants, sewage pumping stations, or stormwater pumping stations;

~~(~~5.~~)~~ Food and beverage processing plants;

~~(~~6.~~)~~ Chemical plants, dyeing plants, and pharmaceutical plants;

~~(~~7.~~)~~ Metal plating industries;

~~(~~8.~~)~~ Petroleum processing or storage plants;

~~(~~9.~~)~~ Radioactive materials processing plants or nuclear reactors;

~~(~~10.~~)~~ Car washes and laundries;

~~(~~11.~~)~~ Facilities with lawn sprinkler systems or irrigations systems;

~~(~~12.~~)~~ Fire service systems;

~~(~~13.~~)~~ Slaughterhouses and poultry processing plants;

~~(~~14.~~)~~ Farms where the water is used for other than household purposes;

~~(~~15.~~)~~ Commercial greenhouses and nurseries;

~~(~~16.~~)~~ Health clubs with swimming pools, therapeutic baths, hot tubs, or saunas;

~~(~~17.~~)~~ Paper and paper products plants and printing plants;

~~(~~18.~~)~~ Pesticide or exterminating companies and their vehicles with storage or mixing tanks;

~~(~~19.~~)~~ Schools or colleges with laboratories;

~~(~~20.~~)~~ Highrise buildings (four (4) or more stories);

~~(~~21.~~)~~ Multi-use commercial, office, or warehouse facilities;

~~(~~22.~~)~~ Others specified by the ~~i~~Inspection ~~s~~Services ~~d~~Division or the division for a potential backflow or cross-connection hazard.

(Ord. No. 92-38, 8-8-92)

§ 26-112. Installation and ~~m~~Maintenance of ~~d~~Devices.

~~(a)~~A. Approval of backflow prevention devices and the type of protection required shall be in accordance with these requirements and the standards provided in Part II, Article 3, of the Virginia Department of

Health Waterworks Regulations.

~~(b)~~B. Where backflow prevention and low-pressure cutoff devices are required, they shall be installed and maintained continuously in satisfactory and effective operation by the customer, at his expense.
(Ord. No. 92-38, 8-8-92)

§ 26-113. Initial ~~i~~Inspection.

The ~~c~~County shall make an initial inspection of the water systems of new commercial and multifamily residential developments and industrial piping customers to determine whether there is any hazard to the water system from backflow or cross-connection. Customers will be notified by mail of the date and time of the initial inspection.
(Ord. No. 92-38, 8-8-92)

§ 26-114. Testing and ~~i~~Inspection of ~~d~~Devices.

The ~~c~~County shall make inspections and operational tests at least annually of backflow prevention devices or low-pressure cutoff devices where customer use has been determined by the inspection services division to create a pollution hazard.
(Ord. No. 92-38, 8-8-92)

§ 26-115. Right of ~~e~~Entry to ~~e~~Enforce ~~a~~Article.

The ~~c~~County may inspect the facilities of any commercial, multifamily development, and industrial piping system customer to ascertain whether the purposes of this article are being met and all requirements are being complied with. Customers shall allow the County Manager or his duly authorized agent bearing proper credentials ready access at all reasonable times to those parts of the premises necessary to inspect, observe, and test in accordance with the provisions of this article.
(Ord. No. 92-38, 8-8-92)

§ 26-116. Notice of ~~v~~Violation of ~~a~~Article.

If a violation of any provision of this article is found upon any inspection, the customer shall be notified in writing of the violations and be given thirty (30) days to correct the violations. At the end of the thirty~~-~~ (30) day period another inspection shall be made. If the violations have not been remedied, a letter of violation will be issued to the customer who must make repairs within ten (10) days, or further actions may be taken by the ~~c~~County.
(Ord. No. 92-38, 8-8-92)

§ 26-117. Denial or ~~d~~Discontinuance of ~~s~~Service.

Upon finding a violation of any part of this article, the ~~c~~County may immediately disconnect a customer's water service if the violation poses a substantial threat to life and health as determined by the County Manager or his designee. Otherwise, water service to a customer may be denied or discontinued upon continuation of any violation beyond the time limit provided in the letter of violation provided for in ~~section~~ § 26-116.
(Ord. No. 92-38, 8-8-92)

ARLINGTON COUNTY CODE

Chapter 27

MISCELLANEOUS ORDINANCES

§ 27-1. Recordation ~~t~~Tax.
§§ 27-2, 27-2.1. Reserved.
§ 27-3. Interest on ~~d~~Delinquent ~~t~~Taxes and ~~r~~Refunds of ~~e~~Erroneously ~~a~~Assessed ~~t~~Taxes.
§ 27-4. Compulsory ~~s~~School ~~a~~Attendance.
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§ 27-6. Local ~~c~~County ~~s~~Sales ~~t~~Tax.
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§ 27-11. Personal ~~p~~Property ~~t~~Tax on ~~b~~Business ~~t~~Tangible ~~p~~Personal ~~p~~Property and ~~m~~Machinery and ~~t~~Tools.
§ 27-11.1. Personal ~~p~~Property ~~t~~Tax on ~~m~~Motor ~~v~~Vehicles, ~~t~~Trailers and ~~b~~Boats.
§ 27-11.2. Imposition of ~~l~~License ~~t~~Tax on ~~o~~Owners of ~~c~~Certain ~~m~~Motor ~~v~~Vehicles.
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§ 27-17. Establishment of ~~c~~County ~~l~~Law ~~l~~Library ~~f~~Fund.
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§ 27-19. Local ~~c~~County ~~t~~Tax on ~~w~~Wills and ~~a~~Administration.
§ 27-20. Local ~~t~~Tax for ~~e~~Enhanced ~~e~~Emergency ~~t~~Telephone (E-911) ~~s~~Service.
§ 27-21. Payment of ~~a~~Administrative ~~f~~Fees, ~~a~~Attorney's ~~f~~Fees, and ~~c~~Collection ~~a~~Agency's ~~f~~Fees to ~~c~~Cover the ~~c~~Costs ~~a~~Associated with the ~~c~~Collection of ~~d~~Delinquent ~~t~~Taxes or ~~o~~Other ~~d~~Delinquent ~~c~~Charges.
§ 27-22. Processing ~~f~~Fee for ~~i~~Incarceration of ~~p~~Persons in Arlington County Jail.
§ 27-23. Court ~~s~~Security ~~f~~Fee for ~~p~~Persons ~~c~~Convicted in Arlington County District or Circuit Court.
§ 27-24. Snow and ~~i~~Ice ~~r~~Removal.
§ 27-25. Deposit of ~~s~~Snow and ~~i~~Ice on ~~s~~Streets or ~~s~~Sidewalks.

§ 27-1. Recordation ~~t~~Tax.

A ~~c~~County recordation tax is hereby imposed in an amount equal to one-third (1/3) of the amount of the ~~s~~State recordation tax collectable for the ~~s~~State on the first recordation of such taxable instrument; provided, however, no tax shall be imposed under this section upon any instrument on which the ~~s~~State recordation tax is fifty cents ($0.50) specifically; and provided further, that where a deed or other instrument conveys, covers or relates to property located partly in Arlington County and partly in another county or city, or in other counties or cities, the tax imposed under the authority of this section shall be computed only with respect to the property located in Arlington County.

The ~~c~~Clerk of the ~~c~~Circuit ~~c~~Court of Arlington County collecting the tax imposed under this section shall pay the same into the treasury of Arlington County.
(10-1-58)

§§ 27-2, Reserved.27-2.1.

Editors Note: Ord. No. 85-39, adopted Nov. 16, 1985, repealed §§ 27-2 and 27-2.1. Section 27-2 pertained to the parking of vehicles for sale of merchandise and was derived from legislation adopted Aug. 30, 1958, as amended by Ord. No. 85-1, adopted Jan. 5, 1985; Ord. No. 85-4, adopted Jan. 18, 1985; Ord. No. 85-6, adopted Jan. 26, 1985; and Ord. No. 85-8, adopted Feb. 23, 1985. Section 27-2.1, pertains to the use by peddlers of streets and other public places and was derived from Ord. No. 85-1, adopted Jan. 5, 1985.

§ 27-3. Interest on ~~d~~Delinquent ~~t~~Taxes and ~~r~~Refunds of ~~e~~Erroneously ~~a~~Assessed ~~t~~Taxes.

Except as otherwise provided, interest shall be charged on all past due taxes. Beginning on October 24, 2009, interest shall accrue on all past due County taxes at a rate of ten percent (10%) ~~percent~~ per annum.

Interest on any tax that is past due shall begin to accrue on the day after the tax is due, and such interest shall continue to accrue until the date on which payment is made.

Any person who is aggrieved by an assessment of the Commissioner of the Revenue or Director of Real Estate Assessment may apply to the assessing officer for correction of such assessment.

Should the assessing officer determine that such tax was erroneously assessed, the assessing officer shall certify to the Treasurer the amount erroneously assessed and the Treasurer shall refund the amount erroneously paid together with any penalties and interest paid thereon. No refund shall be made, in any case, if the application for correction of an assessment is made after the last day of the tax year for which such taxes were assessed plus the number of years allowed by the Code of Virginia for application to the Circuit Court for correction of erroneous assessments.

Interest payable on any such refund of taxes erroneously assessed shall begin to accrue on the later of (i) the date on which the tax being refunded was required to be paid and (ii) the date on which the tax being refunded was paid. Refunds of personal property vehicular taxes assessed in accordance with the Code of Virginia § 58.1-3516 shall be without interest. Pursuant to Virginia Code § 58.1-3916 no interest shall be paid on any refund in the amount of ten dollars ($10.00) or less.
(10-11-58; 3-1-61; 9-10-77; Ord. No. 92-31, 7-11-92; Ord. No. 92-32, 1-1-93; Ord. No. 09-07, 4-28-09; Ord. No. 09-21, 10-24-09)

§ 27-4. Compulsory ~~s~~School ~~a~~Attendance.

An act designated as Chapter 72, Acts of the General Assembly of Virginia, Extra Session 1959, providing for the compulsory attendance of children between the ages of seven (7) and sixteen (16) in the schools specified in said act, shall, from and after September 28, 1959, be in effect and in force within the County of Arlington.
(9-28-59)

§ 27-5. Local ~~e~~Enrollment or ~~p~~Placement of ~~p~~Pupils in the Arlington County Public School System.

Upon the recommendation of Arlington County School Board, the County of Arlington hereby elects to be bound by provisions of Title 22, Chapter 12, Article 1.2 of the Code of Virginia of 1950, as amended, and the provisions of Title 22, Chapter 12, Article 1.2 are hereby adopted by reference as though set forth in full herein.
(3-25-61)

§ 27-6. Local ~~c~~County ~~s~~Sales ~~t~~Tax.

~~(1)~~A. *General retail sales tax for the County of Arlington*. Pursuant to Title 58, Chapter 8.1, ~~Section~~ §§ ~~58-441.49~~58.1-605 and 58.1-3716 of the Code of Virginia, a local general retail sales tax at the rate of one percent (1%) ~~percent~~ to provide revenue for the general fund for the County of Arlington, is hereby levied. Said tax shall be added to the rate of the ~~s~~State sales tax imposed by Chapter 8.1, Title 58 of the Code of Virginia. It shall be subject to all provisions of Chapter 8.1 of Title 58 of the Code of Virginia, all the amendments thereto, and the rules and regulations published with respect thereto.

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~~(2)~~B. *Administration and collection*. Pursuant to Title 58, Chapter 8.1, ~~Section~~ §§ ~~58-441.49~~58.1-605 and 58.1-3716 of the Code of Virginia, the local general retail sales tax levied pursuant to this section shall be administered and collected by the ~~s~~State ~~t~~Tax ~~c~~Commissioner of the Commonwealth of Virginia in the same manner, subject to the same penalties as provided for the ~~s~~State sales tax, with the adjustments required by ~~Section~~ § 58-441.50 and ~~Section~~ § 58-441.51.

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~~(3)~~C. *Effective date of this section*. Effective date of this section shall be the first day of September, 1966. The ~~c~~Clerk of the County Board of Arlington County shall forthwith forward to the ~~s~~State ~~t~~Tax ~~c~~Commissioner of the Commonwealth of Virginia a certified copy of this section, so that it will be received within five (5) days after its adoption.

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It is hereby further ordained pursuant to ~~Section~~ § ~~58-829.1~~58.1-3504 of the Code of Virginia, 1950, as amended, household goods and personal effects located in Arlington County, Virginia, shall be and hereby are exempt from property taxation.

~~(4)~~D. Nothing in this ~~section~~ § 27-6 shall apply to artificial or propane gas, firewood, coal or home heating oil used for domestic consumption as defined in ~~Section~~ §§ ~~58-441.6(g-1)~~58.1-602 and 58.1-608 of the Code of Virginia as amended. This exemption shall be effective November 1, 1981.
(9-1-66; 11-1-81)

§ 27-7. Fee for ~~d~~Dishonored ~~c~~Check or ~~d~~Draft.

The uttering, publishing or passing of any check or draft for payment of any sums due to any agency of the Arlington County Government, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, shall be subject to a twenty-five dollar ($25.00) fee for each occurrence.
(3-23-74; Ord. No. 82-26, 7-1-82; Ord. No. 99-14, 6-12-99)

§ 27-8. Going ~~o~~Out of ~~b~~Business ~~s~~Sales.

It shall be unlawful for any person either as principal or as an officer or agent of another to advertise or conduct a sale for the purpose of discontinuing a retail business, or to modify the word "sale" in any advertisement with the words "going out of business" or any other words which tend to insinuate that the retail business is to be discontinued and the merchandise liquidated in Arlington County, Virginia, without having first made application to the County Manager of the said ~~c~~County and having received from him a permit to conduct such sale. In this section, the term "County Manager" shall mean and include the term "or his ~~authorized representative~~ designee."

Each application for such a permit shall contain a notarized statement that the retail business is to be discontinued and that the merchandise to be liquidated will not be sold at its present location by the applicant after one hundred and eighty (180) days from the effective date of the first permit issued for the sale.

Each application for such a permit shall be accompanied by an inventory list of all goods, including all goods on order but not yet in stock, which are to be offered for sale during the sale. Only the goods specified in the inventory list may be advertised at a reduced price or sold at a reduced price during the sale period. The County Manager shall inspect the advertisement and conduct of such sale to ensure that it is being advertised and conducted in accordance with the conditions set forth herein.

No special sale permit shall be issued until a fee of fifteen dollars ($15.00) shall have been paid. Each permit shall be valid for a period of no longer than thirty (30) days, and any extension of that time shall constitute a new special sale and shall require an additional permit. The inventory list required for all additional permits shall consist of only the goods on the original inventory list which remain unsold. No more than six (6) permits shall be issued for discontinuation of a particular retail business at one (1) location.

Any person who shall violate the provisions of this section, or who makes any statement in applying for the permit provided for in this section, knowing such statement to be false, shall be guilty of a misdemeanor and shall be punished by a fine of not more than three hundred dollars ($300.00) or by imprisonment for not more than thirty

(30) days, or both. Each day of violation of this section shall constitute a separate offense.
(5-12-23)

§ 27-9. Disclosure of ~~f~~Financial ~~i~~Interests.

~~(1)~~A. The following persons shall file financial disclosure forms as required by ~~Section~~ § 2.1-639.14 of the Code of Virginia as amended:

~~(a)~~1. All members of the governing body of Arlington County;

~~(b)~~2. The following persons occupying positions of trust who are employees appointed by the County Board:

~~1.~~a. County ~~m~~Manager;

~~2.~~b. County ~~a~~Attorney;

~~3.~~c. Clerk of the County Board.

~~(c)~~3. Persons occupying such positions of employment as are described below:

~~1.~~a. The ~~d~~Deputy County Manager and ~~a~~Assistant County Managers;

~~2.~~b. All department directors;

~~3.~~c. All deputy department directors and the ~~d~~Deputy ~~c~~County ~~a~~Attorney;

~~4.~~d. All division chiefs;

~~5.~~e. Employees of the following offices and departments having substantive decision-making responsibilities and not otherwise designated in this section:

~~a.~~(1) County ~~m~~Manager's ~~o~~Office;

~~b.~~(2) Department of ~~m~~Management and ~~f~~Finance;

~~c.~~(3) Retirement Office (employees of the Board of Trustees, Employees Supplemental Retirement System II ("Retirement Board")).

~~6.~~f. Assistant to County Board ~~c~~Chairman;

~~7.~~g. All employees who have substantive decision-making responsibilities in the following areas and functions:

~~a.~~(1) Inspection functions including but not limited to inspectors of food establishments, child care facilities, and construction sites;

~~b.~~(2) Investigation functions where there is authority, similar to that of inspectors, to affect the operation of a business or commercial establishment or operation;

~~c.~~(3) Real estate assessment;

~~d.~~(4) Real property valuation;

~~e.~~(5) Economic development, housing, community and environmental or transportation planning, and engineering design;

~~f.~~(6) Procurement;

~~g.~~(7) Purchase or disposal of property;

~~h.~~(8) Management of construction contracts;

~~i.~~(9) Management of capital projects;

~~j.~~(10) Investment of funds, financial compliance, financial analysis, or auditing;

~~k.~~(11) Tax auditing or assessment.

The County Manager shall maintain a list of all positions that the County Manager determines to have substantive decision-making authority in the areas and functions designated.

The Retirement Board shall maintain a list of all positions of employment with the Retirement Board that they determine to have substantive decision making authority.

~~(d)~~4. Persons appointed by the County Board or County Manager or by a selection process established by the County Board or otherwise named as members, alternates, officers or trustees to the bodies designated below, plus any others as may subsequently be designated by County Board resolution as groups whose members must file such statements:

~~1.~~a. Economic ~~d~~Development ~~c~~Commission;

~~2.~~b. Human ~~r~~Rights ~~c~~Commission;

~~3.~~c. Community ~~h~~Housing ~~f~~Finance ~~c~~Corporation ~~b~~Board of ~~d~~Directors;

~~4.~~d. Industrial ~~d~~Development ~~a~~Authority;

~~5.~~e. Planning ~~c~~Commission;

~~6.~~f. Board of ~~e~~Equalization of ~~r~~Real ~~e~~Estate ~~a~~Assessments;

~~7.~~g. Employees Supplemental Retirement System II ~~b~~Board of ~~t~~Trustees;

~~8.~~h. School ~~b~~Board;

~~9.~~i. Solid ~~w~~Waste ~~a~~Authority;

~~10.~~j. Alexandria/Arlington Waste Disposal Trust Fund;

~~11.~~k. Arlington Community Services Board;

~~12.~~l. Health ~~c~~Center ~~c~~Commission;

~~13.~~m. Finance ~~b~~Board;

~~14.~~n. Neighborhood ~~p~~Partnership ~~f~~Fund ~~g~~Grants ~~c~~Committee;

~~15.~~o. Commission for the ~~a~~Arts;

~~16.~~p. Park and ~~r~~Recreation ~~c~~Commission;

~~17.~~q. Citizens ~~a~~Advisory ~~c~~Commission on ~~h~~Housing;

~~18.~~r. Historical ~~a~~Affairs and ~~l~~Landmark ~~r~~Review ~~b~~Board;

~~19.~~s. Transportation ~~c~~Commission; and

~~20.~~t. All boards, commissions, committees, and councils, or other advisory groups established by the County Board or County Manager that are composed of nonsalaried citizen members and that are designated at the time of their creation, or later, by County Board resolution as groups whose members must file such statements.

The office of the County Board shall maintain a list of all County Board and County Manager appointed bodies that have been designated by County Board resolution as groups whose members must file financial disclosure forms.

~~(2)~~B. The ~~c~~Clerk to the County Board shall cause the forms provided by the ~~s~~Secretary of the ~~c~~Commonwealth to be distributed to all individuals required to file when appointed and annually thereafter no later than December 10 of each year. Individuals required to file shall file such statement annually on or before January 15 to the ~~c~~Clerk to the County Board.

~~(3)~~C. The purpose of requiring the filing of financial disclosure forms is to provide information relating to any financial interest that may present an actual or potential conflict of interest. For the purpose of disclosing financial interests and actual or potential conflicts of interest, substantive decision-making responsibilities are those in which the decisions:

~~(a)~~1. Are primarily independent in nature or not otherwise subject to extensive review;

~~(b)~~2. Affect an outside business, operation, or party; and

~~(c)~~3. Have a monetary value to outside businesses, operations, or parties that exceeds or can reasonably be anticipated to exceed a cumulative total of ten thousand dollars ($10,000.00) per year for all such decisions.

(7-12-75; 7-29-78; Ord. No. 83-33, 12-10-83; Ord. No. 84-11, 4-28-84; Ord. No. 87-28, 12-12-87; Ord. No. 89-23, 8-12-89; Ord. No. 91-16, 5-14-91; Ord. No. 94-29, 11-22-94; Ord. No. 95-18, 10-17-95; Ord. No. 04-28, 10-2-04)

§ 27-10. Postponement of the ~~p~~Payment of ~~r~~Real ~~p~~Property ~~a~~Assessments for ~~l~~Local ~~i~~Improvements.

Payment of real property assessments for local improvements in Arlington County for those properties whose owners are eligible for and request postponement under the provisions of Chapter 211 of the 1973 Acts of Assembly (Chapter 230 of the Acts of Assembly of 1950 and ~~Section~~ § ~~15.1-242~~15.2-2407 of the Code of Virginia) shall be postponed in accordance with said provision unless the owner elects to pay the same before the sale or transfer of the property or the death of the last eligible owner. This section shall apply to assessments imposed by the County Board after September 1, 1973.

(10-13-73)

§ 27-11. Personal ~~p~~Property ~~t~~Tax on ~~b~~Business ~~t~~Tangible ~~p~~Personal ~~p~~Property and ~~m~~Machinery and ~~t~~Tools.

~~(a)~~A. There shall be a personal property tax at the personal property tax rate established each year by the County Board on the assessed value of all tangible personal property, machinery, and tools employed in a trade or business, as defined by Virginia Code, located in Arlington County on and valued as of January 1 of each tax year which shall be paid on or before September 5 of that year.

~~(b)~~B. Any person who fails to pay the taxes on or before September 5 shall incur a penalty of ten percent (10%) ~~percent~~ of the amount due, or ten dollars ($10.00), whichever shall be greater, but not to exceed the amount of the tax, which shall become part of the tax due from the person assessed. Any tax remaining unpaid in whole or in part sixty (60) days after the payment due date, shall incur an additional penalty of fifteen percent (15%) ~~percent~~ of

the tax due and unpaid. Interest shall accrue as specified in Section § 27-3.

(e)C. Returns of tangible personal property, machinery, and tools employed in a trade or business shall be filed on or before May 1 of each tax year on forms prescribed by the Commissioner of the Revenue. Any person liable for tax in Arlington County who fails to file a return of tangible personal property, machinery, and tools on or before May 1 of each year shall incur a penalty of ten percent (10%) percent of the tax assessed, which shall become part of the tax due for that year. This penalty shall be in addition to all other penalties and interest incurred for late payment of taxes or for filing a false tax return.
(10-23-76; 9-10-77; 4-7-79; 4-28-79; 5-31-80; 6-20-81; 7-11-81; Ord. No. 84-8, 4-7-84; Ord. No. 84-17, 6-2-84; Ord. No. 84-21, 7-7-84; Ord. No. 85-26, 7-13-85; Ord. No. 92-12, 4-25-92; Ord. No. 93-26, 1-1-94; Ord. No. 99-16, 7-10-99; Ord. No. 99-19, 8-14-99; Ord. No. 06-12, 10-14-06; Ord. No. 09-24, 11-17-09)

§ 27-11.1. Personal pProperty tTax on mMotor vVehicles, tTrailers and bBoats.

(a)A. *Tax liability.* There shall be a personal property tax at the rate established each year by the cCounty bBoard on motor vehicles, trailers, semitrailers, and boats ("taxable property") which have a situs in the cCounty on January 1 of each year or which acquire a situs in the cCounty on or after January 2. When taxable property acquires a situs in the cCounty on or after January 16 and before December 16, the personal property tax for that year shall be prorated on a monthly basis. When taxable property with a situs in the cCounty is transferred to a new owner, personal property tax will be assessed to the new owner, prorated on a monthly basis for the portion of the tax year during which the new owner owns the taxable property. For purposes of proration, a period of more than one-half (-1/2) of a month shall be counted as a full month and a period of less than one-half (-1/2) of a month shall not be counted. The value of all taxable property shall be assessed as of January 1 of the tax year.

(b)B. *Proration refunds.* When any taxable property loses its situs within the cCounty or its title is transferred, the taxpayer shall be relieved from personal property tax and receive a refund of personal property tax, penalty and interest already paid, prorated on a monthly basis, upon application to the cCommissioner of the rRevenue, provided that application is made in the manner provided by Sections §§ 58.1-3516 and 58.1-3980 of the Virginia Code; provided, however, no refund shall be made if the motor vehicle, trailer, or boat acquires a situs within the cCommonwealth in a nonprorating locality during the tax year. No interest shall be paid on refunds of prorated taxes.

(c)C. *Filing dates.*

(1.) The owner of every motor vehicle, trailer, or boat taxable in the cCounty shall file a tax return for the vehicle with the cCommissioner of the rRevenue sixty (60) days of the vehicle first acquiring situs or becoming taxable in the cCounty. This tax return shall be the basis for the assessment of the motor vehicle, trailer, or boat in all subsequent years in which the cCommissioner of the rRevenue has not been informed of a change in the address or name of the owner of the motor vehicle, trailer, or boat or of a change in the situs or ownership of the motor vehicle, trailer, or boat. Such owners are required to file a new personal property tax return with the cCommissioner of the rRevenue within sixty (60) days of any (i) change in the name or address of the person or persons owning the vehicle; (ii) a change in the situs of the vehicle; (iii) any other change affecting the assessment of the personal property tax on the vehicle for which a tax return was previously filed; or (iv) any change in which a person acquires one (1) or more vehicles for which no personal property tax return has been filed with the cCounty.

(2.) Returns of all taxable semi-trailers with a situs within the cCounty on January 1 shall be filed on or before May 1 of each tax year. Returns of all taxable semi-trailers which acquire a situs in the cCounty or which have title transferred after January 1 shall be filed within sixty (60) days of the date on which situs is acquired or title transferred.

(d)D. *Assessments.* Tax assessments for all taxable property for which tax returns are on file with the cCommissioner of the rRevenue from previous years or which have been filed on or before July 15 of the tax year shall be assessed on the personal property tax book prepared by the cCommissioner of the rRevenue and certified to the tTreasurer on or before September 1 of the tax year. All taxable property for which tax returns are filed after July

15 of the tax year, but within the time required in subsection C(c) above, shall be assessed within thirty (30) days of receipt of the filed return by the cCommissioner of the rRevenue, which assessment shall be certified to the tTreasurer for billing without penalty and interest.

(e)E. *Payment dates.* Assessments on all taxable property with a situs in the cCounty on January 1 shall be paid on or before October 5 of each year. Assessments on all taxable property for which a return must be filed prior to July 15 of the tax year shall be paid on or before October 5 of each year. Taxes on all taxable property for which a tax return is timely filed after July 15 shall be paid without penalty or interest within thirty (30) days of billing by the tTreasurer or by October 5 of the year for which the taxes are due, whichever date is later.

(f)F. *Late filing and payment penalties and interest.* Any person who fails to timely file a required personal property tax return pursuant to subsection C(c), above, shall incur a late filing penalty of ten percent (10%) percent of the amount of tax assessed or ten dollars ($10.00) whichever is greater, but not to exceed the amount of the tax, which penalty shall become part of the tax. Any person that fails to pay personal property tax on or before the date due, as provided above, shall incur a penalty of ten percent (10%) percent of the tax assessed or ten dollars ($10.00), whichever shall be greater, but not to exceed the amount of the tax, which penalty shall become part of the tax due. If, after sixty (60) days from the payment due date the taxes remain unpaid in whole or in part, there shall be added to the amount an additional penalty of fifteen percent (15%) percent of the unpaid tax assessed. Interest at the rate specified in section § 27-3 from the first day of the month following the month in which taxes are due shall be paid upon the principal and penalties of such taxes remaining unpaid.

(g)G. *Proration or credit when taxes paid elsewhere in the cCommonwealth.* An exemption from this tax and any penalties arising therefrom shall be granted prorata for any tax year or portion thereof during which the property was legally assessed to the same taxpayer by another jurisdiction in the cCommonwealth, and such tax on the assessed property was paid.

Any person who moves a motor vehicle from a nonprorating locality in Virginia into Arlington County in a single tax year shall be entitled to a property tax credit in Arlington if (i) the person was liable for personal property taxes on a motor vehicle and has paid those taxes to a nonprorating locality in Virginia and (ii) the taxpayer replaced, for any reason, the original vehicle upon which taxes were paid to the nonprorating locality for the same tax year. The Arlington County tTreasurer shall provide a credit against the total personal property tax assessed by Arlington County on the replacement vehicle in an amount equal to the tax paid to the nonprorating Virginia locality for the period of time commencing with the disposition of the original vehicle and continuing through the close of the tax year in which the owner incurred tax liability to the nonprorating Virginia locality for the original vehicle.
(7-11-81; Ord. No. 84-8, 4-7-84; Ord. No. 84-17, 6-2-84; Ord. No. 84-21, 7-7-84; Ord. No. 85-26, 7-13-85; Ord. No. 92-12, 4-25-92; Ord. No. 92-47, 9-12-92; Ord. No. 93-26, 1-1-94; Ord. No. 95-3, 3-18-95; Ord. No. 97-1, 2-8-97; Ord. No. 99-16, 7-10-99; Ord. No. 99-19, 8-14-99; Ord. No. 04-19, 7-10-04; Ord. No. 06-12, 10-14-06)

§ 27-11.2. Imposition of lLicense tTax on oOwners of cCertain mMotor vVehicles.

A license tax of one hundred dollars ($100.00) annually shall be imposed upon the owners of motor vehicles which do not display current license plates and which 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, §§ 46.2-1554 and 46.2-1555, are not in a public dump, in an "automobile graveyard" as defined in § 33.1-348 or in the possession of a licensed junk dealer or licensed motor vehicle dealer. Such ordinance shall exempt from such tax any vehicles which are stored on private property for a period not in excess of sixty (60) days, for the purpose of removing parts for the repair of another vehicle. 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.
(Ord. No. 07-10, 9-8-07).

§ 27-12. Display of sStreet aAddress iIdentification nNumber on dDwelling uUnits and bBuildings.

(a)A. Every owner of a dwelling unit or building shall display the cCounty assigned street address identification number on each front entrance to the dwelling unit or building in a manner as to be visible and distinguishable from the curbline or pavement edge of the opposite side of the street on which the dwelling unit or

building is located. If a dwelling unit or building is located on a parcel of land whose street frontage is at the end of a street such that there is no opposite side of the street, the street address identification number shall be clearly visible and distinguishable from a distance of thirty (30) feet into the street from the curbline or pavement edge of the street adjacent to the property line on which the dwelling unit or building is situated.

~~(b)~~B. In the event the location of the dwelling unit or building or other factors preclude compliance with the above requirement, an additional address identification number shall be displayed on, or in the vicinity of, the dwelling unit or building in such a manner as to be clearly visible and distinguishable as provided per above.
(8-5-78)

§ 27-13. Creation of an ~~i~~Industrial ~~a~~Authority.

~~(a)~~A. There is hereby created a political subdivision of the Commonwealth of Virginia, the name of which shall be the "Industrial Development Authority of Arlington County, Virginia" (the ~~a~~Authority), pursuant to the Industrial Development and Revenue Bond Act (Chapter 33, Title 15.1, Code of Virginia of 1950, as amended) (the ~~a~~Act).

~~(b)~~B. The ~~a~~Authority shall have all public and corporate powers as set forth in the ~~a~~Act, including such powers as may hereinafter be set forth, from time to time, in the ~~a~~Act.

~~(c)~~C. The ~~a~~Authority shall be governed by a ~~b~~Board of ~~d~~Directors of seven (7) members to be appointed by the County Board by resolution.

~~(d)~~D. Following the appointment of the ~~d~~Directors, the ~~c~~Chairman of the County Board is hereby authorized to call the initial meeting of the ~~b~~Board of ~~d~~Directors of the ~~a~~Authority by written notice delivered to each member thereof at least four (4) days in advance or such meeting, stating the time, place and matters of business proposed to be conducted. At such meeting the ~~b~~Board of ~~d~~Directors shall organize and elect officers in the manner provided by law.
(7-29-78; 1-19-80; 1-27-81; 4-25-81)

§ 27-14. Filing and ~~g~~Giving ~~n~~Notice of ~~c~~Conversion ~~c~~Condominium ~~i~~Information.

~~(a)~~A. The declarant of a conversion condominium pursuant to the Virginia Condominium Act shall file with the County Board two (2) copies of all the information which is required by the Virginia Real Estate Commission pursuant to ~~Section~~ § 55-79.89 of the Code of Virginia, 1950, as amended. This filing shall be simultaneous with the filing required by the ~~c~~Commission. There shall be no filing fee for this filing. The information which is filed with the County Board shall be available for examination at such ~~c~~County offices as the County Manager may designate during regular hours of operation. At the time of filing, the declarant shall notify the tenants of the subject dwellings of the filing and of the availability of the information at the two (2) locations designated by the County Manager.

~~(b)~~B. It shall be unlawful to fail to file as required by this section.
(8-9-80)

§ 27-15. Stable and ~~r~~Reliable ~~s~~Source of ~~f~~Funds for ~~m~~Mass ~~t~~Transit.

~~(a)~~A. This ~~b~~Board declares its intent to fund any contribution for expenses to which it agrees by written contract by allocation of stable and reliable revenues as are or may become available, and does hereby designate the general revenue of this ~~c~~County as the source of funds which may be appropriated to pay for Metro transportation services for which this ~~c~~County has or may in the future contract with WMATA, it being understood that no money shall be drawn from the ~~t~~Treasury nor any obligation for the expenditure of money be incurred, except in pursuance of a legally enacted appropriation resolution.

~~(b)~~B. The County Board desires that the County Manager continue close coordination with WMATA to ensure that any contractual contribution of this ~~c~~County to which it agrees by written contract for operating expenses, less the amount thereof covered by the relevant tax on fuels or other payments by the Commonwealth of

Virginia, be included in the annual budget submissions and all proposed revisions thereto.
(Ord. No. 82-31, 7-13-82)

§ 27-16. Payment of ~~t~~Taxes and ~~o~~Other ~~f~~Fees by ~~c~~Credit ~~c~~Card.

~~(a)~~A. The ~~t~~Treasurer is hereby authorized, pursuant to ~~Section~~ § 58.1-3013 of the Code of Virginia of 1950, as amended, to accept payment of local taxes and other fees, penalties, and interest by the use of a credit card. The ~~t~~Treasurer is authorized to investigate credit card entities and determine those that are responsible, efficient, and capable of cooperating with the ~~c~~County for the collection of local taxes and other fees and to establish a list of credit cards so determined which may be accepted for payment of local taxes and other fees, penalties, and interest. The ~~t~~Treasurer shall add to such payment a sum not to exceed four percent (4%) ~~percent~~ of the amount of tax or other fee, penalty, and interest paid as a service charge for the acceptance of such card. Such charge shall not exceed the service charge charged to Arlington County.

~~(b)~~B. If any credit card transaction tendered for payment of any tax or other fee, penalty, and interest due is not paid by the bank or credit card company, the taxpayer for whom such credit card transaction was tendered shall remain liable for the payment of the tax or other fee, penalty, and interest, the same as if such credit card transaction had not been tendered.

~~(c)~~C. The County Manager will provide to the ~~t~~Treasurer a list of fees eligible to be paid by credit card.
(Ord. No. 85-28, 7-13-85; Ord. No. 91-2, 2-12-91)

§ 27-17. Establishment of ~~c~~County ~~l~~Law ~~l~~Library ~~f~~Fund.

~~(a)~~A. The clerks of the ~~c~~Circuit and ~~d~~District ~~c~~Courts of Arlington County shall collect from any person filing a civil action in their court a law library fund fee of four dollars ($4.00). However, those persons exempted by law from paying filing fees shall also be exempt from this fee.

~~(b)~~B. The collected fees shall be transferred to the ~~t~~Treasurer who shall place them into a law library fund kept by the ~~t~~Treasurer.

~~(c)~~C. The County Board or its designee may use money from the fund to establish and maintain a ~~c~~County law library and for any purpose allowed by ~~s~~State law relating to the law library, including, but not limited to, purchasing books, materials and furnishings and paying for staff.

~~(d)~~D. The ~~c~~County law library shall be open to the public at hours reasonable to the need of the public.

~~(e)~~E. The clerks of the ~~c~~Circuit and ~~d~~District ~~c~~Courts shall begin assessing this fee when the law library is opened to the general public.
(Ord. No. 90-24, 7-11-90; Ord. No. 90-29, 8-11-90; Ord. No. 90-30, 9-15-90)

§ 27-18. Establishment of ~~c~~Courthouse ~~m~~Maintenance ~~f~~Fund.

~~(a)~~A. The clerks of the ~~c~~Circuit and ~~d~~District ~~c~~Courts of Arlington County shall collect, as part of the fees taxed as costs in each criminal or traffic case and in addition to any other costs, a sum of two dollars ($2.00).

~~(b)~~B. The collected fees shall be transferred to the ~~t~~Treasurer who shall place them into a courthouse maintenance fund kept by the ~~t~~Treasurer.

~~(c)~~C. The County Board or its designee may use money from the fund for any purpose allowed by ~~s~~State law relating to the ~~c~~County ~~c~~Courthouse, including, but not limited to, the construction, renovation or maintenance of the ~~c~~Courthouse, ~~j~~Jail or any ~~c~~Courthouse-related facility and the payment of increases in the cost of heating, cooling and electricity.
(Ord. No. 90-24, 7-11-90; Ord. No. 90-29, 8-11-90; Ord. No. 90-30, 9-15-90)

§ 27-19. Local ~~c~~County ~~t~~Tax on ~~w~~Wills and ~~a~~Administration.

Levy and rate of tax. A tax on the probate of every will or grant of administration in an amount equal to one-third (1/3) of the ~~s~~State tax imposed by Virginia Code ~~Section~~ § 58.1-1712 or its successor is hereby levied. The tax shall be collected by the clerk of the court in whose offices wills are admitted to probate or grants of administration are issued. The tax shall be imposed and collected in the same manner that the ~~s~~State tax is imposed and collected. The tax collected under this section shall be paid to the ~~c~~County ~~t~~Treasurer.
(Ord. No. 91-10, 4-27-91)

§ 27-20. Local ~~t~~Tax for ~~e~~Enhanced ~~e~~Emergency ~~t~~Telephone (E-911) ~~s~~Service.

~~(a)~~A. *Definitions.* The following words and ~~phrases~~ terms, when used in this section, shall have the following ~~respective~~ meanings~~, except where~~ unless the context clearly indicates otherwise ~~a different meaning~~:

~~*E-911 system.* The phrase~~ "E-911 system" ~~shall~~ means a telephone service which utilizes a computerized system to automatically route emergency telephone calls placed by dialing the digits "911" to the proper public safety answering point serving the jurisdiction from which the emergency telephone call was placed. An E-911 system includes selective routing of telephone calls, automatic telephone number identification, and automatic location identification performed by computers and other ancillary control center communications equipment.

~~*Local telephone service.* The phrase~~ "~~l~~Local telephone service" ~~shall~~ means switched local exchange access service.

~~*Person.* The word~~ "~~p~~Person" ~~shall~~ includes individuals, partnerships, associations, corporations, and combinations of individuals of whatever form and character.

~~*Purchaser.* The word~~ "~~p~~Purchaser" ~~shall~~ means every person who purchases local telephone service.

~~*Seller.* The word~~ "~~s~~Seller" ~~shall~~ includes every person who sells or furnishes local telephone service.

~~*Telephone line.* The phrase~~ "~~t~~Telephone line" ~~shall~~ means each access line from a purchaser to a local telephone service.

~~*Treasurer.* The word~~ "~~t~~Treasurer" ~~shall~~ means the ~~t~~Treasurer of Arlington County.

~~(b)~~B. *Levy and rate; effective date; exemptions.* There is hereby imposed and levied by the ~~c~~County upon every purchaser of local telephone service a tax in the amount of three dollars ($3.00) per telephone line per month. This tax shall be paid by the purchaser to any seller of local telephone service for the use of Arlington County to pay the initial capital, installation, and maintenance costs of its E-911 system; and to offset recurring maintenance, repair, and system upgrade costs, and salaries of dispatchers directly attributable to the E-911 program. The levy shall apply to all bills rendered to purchaser on or after July 1, 1997. The United States of America, the Commonwealth of Virginia, and the political subdivisions, boards, commissions, and authorities thereof are hereby exempted from the payment of the taxes imposed and levied by this section.

~~(c)~~C. *Collection and payment; records to be kept by seller.* It shall be the duty of every seller of local telephone service to purchasers of such service within the County of Arlington to bill and collect this levy on each telephone line rendered by it. The seller shall report and pay over all tax collected in any calendar month to the ~~t~~Treasurer on or before the last day of the first calendar month thereafter. The seller shall, upon payment of the tax collected hereunder, report to the ~~t~~Treasurer the name and address of all purchasers of local telephone services who have failed to pay the tax imposed by this section. The seller shall keep complete records showing all purchases of telephone service to consumers in the ~~c~~County, which records shall show the date of service, the date of billing, the date of payment thereof, and the amount of tax imposed hereunder. Such records shall be available for inspection by the duly authorized agents of Arlington County at reasonable times.

~~(d)~~D. *Penalties, interest and collection fees.*

~~(~~1.~~)~~ If a seller or purchaser required to collect taxes or pay taxes pursuant to this section fails or refuses

to remit, pay, or report the taxes collected or due within the time and in the amount specified by this section, there shall be added to such tax due a penalty of ten percent (10%) percent of the tax due.

(2.) In addition to all penalties, interest at the rate prescribed in section § 27-3 shall be charged on taxes and penalties assessed on or after July 1, 1999, not paid or remitted when due. For unpaid taxes assessed prior to July 1, 1999, interest shall accrue through June 30, 1999, at ten percent (10%) percent during the first year of delinquency and thereafter at the rate of interest established in Section § 6621 of the Internal Revenue Code of 1984, as amended, and shall be assessed at the rate prescribed in section § 27-3 after June 30, 1999.

(3.) The assessment or payment of penalties and interest pursuant to this section shall not be deemed a defense to any criminal prosecution for failure to comply with any of the requirements of this section.

(e)E. *Penalty for violation of section.* Any purchaser failing, refusing, or neglecting to pay the tax hereby imposed or levied, and any seller violating the provisions hereof, and any officer, agent, or employee of any seller violating the provisions hereof shall, upon conviction, be subject to a fine of not more than one hundred dollars ($100.00). Each failure, refusal, neglect, or violation and each day's continuance shall constitute a separate offense.

(f)F. *Compensation for seller.* For the purpose of compensating the seller which accounts for and remits to Arlington County the tax levied by this section, the seller shall be allowed three percent (3%) percent of the amount of the tax remitted and accounted for to the eCounty in the form of a deduction in paying the amount due by it to the eCounty.

(g)G. *Tax severability clause.* It is hereby declared to be the intention of the Arlington County Board that the paragraphs, sentences, clauses and phrases of this section are severable, and if any phrase, clause, sentence, or paragraph of this section 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, and paragraphs of this section.

(h)H. *Effective date.* The tax levied or imposed under this section shall become effective on the later of July 15, 1991, or on the day immediately after one hundred twenty (120) days' written notice by certified mail to the registered agent of the seller required to collect the tax.
(Ord. No. 91-15, 5-11-91; Ord. No. 92-12, 4-25-92; Ord. No. 95-5, 4-29-95; Ord. No. 97-3, 4-12-97; Ord. No. 99-16, 7-10-99; Ord. No. 99-19, 8-14-99; Ord. No. 00-12, 4-13-00; Ord. No. 04-12, 4-24-04)

§ 27-21. Payment of aAdministrative fFees, aAttorney's fFees, and eCollection aAgency's fFees to eCover the eCosts aAssociated with the eCollection of dDelinquent tTaxes or oOther dDelinquent eCharges.

Any person liable for local taxes or other delinquent charges who fails to pay the taxes or other charges on or before the due date shall, in addition to all penalties and interest, as authorized in sections §§ 27-3 and 27-11.1 of the Arlington Code, pay a fee to cover the administrative costs associated with the collection of delinquent taxes or other delinquent charges. Such fee shall be added to all penalties and interest authorized and shall be equal to the maximum amounts allowed by Section § 58.1-3958 of the Virginia Code, as amended, or such other Virginia statute regulating the amount of such fees or covering the subject of fees in such cases. Additionally, collection agency's fees or attorney's fees actually contracted for not to exceed twenty percent (20%) percent of the delinquent tax bill or other delinquent charges bill, may be recovered from any such person whose taxes or other delinquent charges are thereafter collected by a private collection agent or attorney. For purposes of this section, local taxes shall mean any tax which falls on a taxpayer as a result of action by the Arlington County Board or whose rate is determined by action of the Arlington County Board or both.
(Ord. No. 92-12, 4-25-92; Ord. No. 96-12, 6-29-96; Ord. No. 99-14, 6-12-99; Ord. No. 99-16, 7-10-99; Ord. No. 99-19, 8-14-99; Ord. No. 04-21, 7-10-04)

§ 27-22. Processing fFee for iIncarceration of pPersons in Arlington County Jail.

There shall be imposed a processing fee of twenty-five dollars ($25.00) on any individual admitted to the Arlington County ~~j~~Jail following conviction. The fee shall be ordered as a part of court costs collected by the appropriate clerk of the court, and shall be deposited into the account of the Arlington County Treasurer to be used by the Arlington County Sheriff to defray the costs of processing arrested persons into the ~~j~~Jail.
(Ord. No. 02-21, 7-20-02)

Editors Note: Ord. No. 02-21, adopted July 20, 2002, amended the Code by adding provisions designated as §§ 27-22(a) and (b). For ease of use and indexing, said provisions have been included herein as §§ 27-22 and 27-23 at the discretion of the editor.

§ 27-23. Court ~~s~~Security ~~f~~Fee for ~~p~~Persons ~~c~~Convicted in Arlington County District or Circuit Court.

There shall be imposed a court security fee of ten dollars ($10.00) on any defendant convicted of any statute or ordinance in each criminal or traffic case in Arlington County District or Circuit Court. The fee shall be ordered as a part of court costs collected by the appropriate clerk of the court and shall be remitted to the Arlington County Treasurer subject to appropriation by the County Board to the Arlington County Sheriff's Office for the funding of providing courthouse security personnel.
(Ord. No. 02-21, 7-20-02; Ord. No. 07-09, 5-8-07)

Note: See the editor's note at § 27-22.

§ 27-24. Snow and ~~i~~Ice ~~r~~Removal.

The County Board of Arlington County hereby finds that the unabated accumulation of snow and ice on public property threatens the public health, safety and welfare of the community, and constitutes a public nuisance unless abated in accordance with the requirements of this ~~S~~section.

~~(a)~~A. It shall be the duty of the owner, occupant or other person or entity in charge of any occupied property in the County which is adjacent to any public sidewalk to remove or cause to be removed snow or ice from the entire width of such sidewalk, including any adjacent curb-cut, up to a maximum width of thirty-six inches, and if the same cannot be wholly removed, shall apply thereon sand or other proper substance so that such sidewalk shall be safe for public travel.

~~(b)~~B. Snow or ice below six (6) inches shall be removed within twenty-four (24) hours, and six (6) inches or above shall be removed within thirty-six (36) hours of the cessation of such snow fall or freezing. (Snowfall as measured by the National Oceanic and Atmospheric Administration at National Airport.)

~~(c)~~C. Any person who violates subsections A and B may be assessed a civil penalty of fifty dollars ($50.00) for sidewalk less than two hundred linear feet in length; for sidewalk greater than two hundred linear feet in length, one hundred dollars ($100.00).

~~(d)~~D. Notwithstanding the assessment of a penalty under subsection C, the County may remove any snow or ice which has not been removed pursuant to subsections A and B, and recover abatement costs against the property owner or other person or entity in charge of maintenance of the property, in addition to issuance of penalties under subsection C.
(Ord. No. 10-15, 6-12-10)

§ 27-25. Deposit of ~~s~~Snow and ~~i~~Ice on ~~s~~Streets or ~~s~~Sidewalks.

The County Board of Arlington County hereby finds that the unabated accumulation of snow and ice on public property threatens the public health, safety and welfare of the community, and constitute a public nuisance unless abated in accordance with the requirements of this ~~A~~article.

~~(a)~~A. No person~~s~~ shall plow, shovel or blow any snow or ice from private property onto a public street, crosswalk, transit stop, sidewalk or any public property.

~~(b)~~B. Any person convicted of violating this section shall be guilty of a class 4 misdemeanor. Every day's continuance of the violation shall be deemed a separate offense.

~~(c)~~C. Notwithstanding subsection B, the County may remove any snow or ice which has been moved into the public right-of-way pursuant to subsection A, and recover abatement costs against the owner or other person or entity in charge of maintenance of the property, in addition to the criminal penalty under subsection B.
(Ord. No. 10-15, 6-12-10)

ARLINGTON COUNTY CODE

Chapter 28

BANK STOCK TAX

§ 28-1. Meaning of ~~w~~Word "~~b~~Bank" as ~~u~~Used in ~~t~~This ~~c~~Chapter.
§ 28-2. Determination of ~~t~~Taxable ~~v~~Value of ~~s~~Shares of ~~s~~Stock.
§ 28-3. Report ~~f~~Forms.
§ 28-4. Rate of ~~t~~Taxation of ~~b~~Bank ~~s~~Stock ~~t~~Tax.
§ 28-5. Assessment ~~n~~Notice by the ~~c~~Commissioner of ~~r~~Revenue.
§ 28-6. Time and ~~m~~Manner of ~~p~~Payment by ~~b~~Banks of ~~t~~Taxes ~~a~~Assessed; ~~r~~Receipts ~~t~~Therefor.
§ 28-7. County ~~t~~Tax on ~~s~~Stock ~~w~~When ~~b~~Bank ~~l~~Located in ~~c~~County ~~o~~Outside ~~a~~Any ~~i~~Incorporated ~~t~~Town ~~t~~Therein.
§ 28-8. County ~~t~~Tax on ~~s~~Stock ~~w~~When ~~b~~Branch ~~l~~Located in ~~c~~County ~~o~~Outside ~~a~~Any ~~i~~Incorporated ~~t~~Town ~~t~~Therein.
§ 28-9. Record of ~~d~~Deposits ~~t~~Through ~~b~~Branches; ~~s~~Submission of ~~r~~Reports.
§ 28-10. Penalty ~~u~~Upon ~~b~~Bank for ~~f~~Failure to ~~c~~Comply ~~w~~With ~~t~~This ~~c~~Chapter.

§ 28-1. Meaning of ~~w~~Word "~~b~~Bank" as ~~u~~Used in ~~t~~This ~~c~~Chapter.

For the purpose of this chapter the word "bank" shall mean any incorporated bank, banking association or trust company organized by or under the authority of the laws of this ~~s~~State and any bank or banking association organized by or under the authority of the laws of the United States, doing business or having an office in this State or having a charter which designates any place within this ~~s~~State as the place of its principal office, whether such bank or banking association be authorized to transact business as a trust company or not, and any joint stock, land bank or any other bank organized by or under the authority of the laws of the United States upon the stock of which this ~~s~~State is authorized to impose a tax. The word "bank" as used in this chapter shall exclude all corporations organized under the laws of other states and doing business in this ~~s~~State; it shall exclude corporations organized not as banks under the laws of this ~~s~~State and it shall exclude all natural persons and partnerships.
(1-16-61)

§ 28-2. Determination of ~~t~~Taxable ~~v~~Value of ~~s~~Shares of ~~s~~Stock.

The taxable value of the shares of stock shall be determined in the same manner as provided by Title 58, Chapter 10 of the Code of Virginia, and as from time to time amended hereafter.

§ 28-3. Report ~~f~~Forms.

The ~~c~~Commissioner of the ~~r~~Revenue shall make his assessment of the local bank stock tax from the State of Virginia bank stock tax returns which are required to be filed with his office not later than the first day of March of each year, said report being prepared on the basis of taxable value of the shares of stock in such bank as of the preceding January first.
(1-16-61; 6-4-77)

§ 28-4. Rate of ~~t~~Taxation of ~~b~~Bank ~~s~~Stock ~~t~~Tax.

The rate of taxation shall be eighty percent (80%) ~~percent~~ of the tax rate imposed by the State of Virginia.
(1-16-61)

§ 28-5. Assessment ~~n~~Notice by the ~~c~~Commissioner of ~~r~~Revenue.

The ~~c~~Commissioner of the ~~r~~Revenue as soon as he receives the ~~s~~State bank stock tax reports shall make his assessment upon the taxable value of the shares of stock for each bank located in this ~~c~~County and each branch located in this ~~c~~County of a bank or banking institution whose principal office is located outside of Arlington County, such assessment roster being prepared in an original and duplicate copy, transmitting the original to the ~~t~~Treasurer and retaining the duplicate copy. Simultaneously the ~~c~~Commissioner of the ~~r~~Revenue shall forward a notice of the assessment to the bank.
(1-16-61)

§ 28-6. Time and ~~m~~Manner of ~~p~~Payment by ~~b~~Banks of ~~t~~Taxes ~~a~~Assessed; ~~r~~Receipts ~~t~~Therefor.

Every bank, on or before the first day of June in each year, shall pay into the ~~c~~County ~~t~~Treasury the ~~c~~County taxes assessed under the provisions of this chapter. The ~~t~~Treasurer shall give to such bank duplicate receipts upon forms prescribed by the ~~d~~Department of ~~t~~Taxation of the State of Virginia.
(1-16-61)

§ 28-7. County ~~t~~Tax on ~~s~~Stock ~~w~~When ~~b~~Bank ~~l~~Located in ~~c~~County ~~o~~Outside ~~a~~Any ~~i~~Incorporated ~~t~~Town ~~t~~Therein.

If any such bank has any branch or branches located in any other county in this ~~s~~State or in any incorporated town anywhere in this ~~s~~State or in any city in this ~~s~~State, the tax imposed by this chapter shall be upon only such proportion of the taxable value of the shares of stock in such bank as the total deposits of the bank, minus deposits through any branch or branches so located in any other ~~c~~County in this ~~s~~State and/or in any incorporated town anywhere in this ~~s~~State and/or in any city anywhere in this ~~s~~State, bear to the total deposits of the bank as of the beginning of the tax year.
(1-16-61)

§ 28-8. County ~~t~~Tax on ~~s~~Stock ~~w~~When ~~b~~Branch ~~l~~Located in ~~c~~County ~~o~~Outside ~~a~~Any ~~i~~Incorporated ~~t~~Town ~~t~~Therein.

Any such bank having a branch or branches, whose principal office is located in some other county in this ~~s~~State or in any incorporated town anywhere in this ~~s~~State or in any city anywhere in this ~~s~~State, the tax imposed by this chapter shall be only on such proportion of the taxable value of the shares of stock in such bank as deposits through such branch or branches so located in this ~~c~~County, outside any incorporated town therein, bear to the total deposits of the bank as of the beginning of the year.
(1-16-61)

§ 28-9. Record of ~~d~~Deposits ~~t~~Through ~~b~~Branches; ~~s~~Submission of ~~r~~Reports.

Each bank in this ~~s~~State, whether located in a county outside any incorporated town therein or in an incorporated town or in a city, that has as of the beginning of any tax year a branch located in Arlington County, shall maintain a record of the deposits through each branch as of the beginning of the tax year; and each such bank shall, on or before March ~~first~~ 1st of each year, deliver to the ~~c~~Commissioner of the ~~r~~Revenue of Arlington County a copy of the report which such bank is required by Title 58, Chapter 10 of the Code of Virginia to furnish the ~~c~~Commissioner of the ~~r~~Revenue of the county, city or incorporated town in which the principal office of the bank is located.
(1-16-61)

§ 28-10. Penalty ~~u~~Upon ~~b~~Bank for ~~f~~Failure to ~~c~~Comply ~~w~~With ~~t~~This ~~c~~Chapter.

Any bank which shall fail or neglect to comply with any provision of this chapter shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), which fine shall be recovered upon motion, after five (5) days' notice in the circuit, corporation or hustings court of the county or city in which the bank is located. The motion shall be in the name of the County of Arlington and be presented by the ~~a~~Attorney for the ~~c~~Commonwealth.
(1-16-61)

ARLINGTON COUNTY CODE

Chapter 29

BUILDING MAINTENANCE STANDARDS*

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* **Editors Note:** Ordinance No. 86-28, adopted Oct. 18, 1986, amended and reenacted Ch. 29 in its entirety to read as herein set forth. Prior to such amendment, Ch. 29 consisted of §§ 29-1--29-16 which pertained to housing standards and derived from legislation of Jan. 1, 1972; March 22, 1972; May 31, 1977; July 10, 1979; and Dec. 13,1980; and Ord. No. 82-42, enacted Dec. 4, 1982.

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§ 29-2. Definitions.
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ARTICLE I.

IN GENERAL

§ 29-1. Short ~~t~~Title.

This chapter shall be known and may be cited as the "Building Maintenance Standards ~~c~~Chapter of Arlington County, Virginia."
(Ord. No. 86-28, 10-18-86)

§ 29-2. Definitions.

For the purpose of this chapter, the words "used for" include "designed for," and vice-versa; words used in the present tense include the future; words in the singular number include the plural number and vice-versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot"; the word "shall" is mandatory and not directory; "premises" shall mean lot and "appurtenances thereon"; and the words "dwelling," "dwelling unit," "rooming house," and "premises," when they are used in this chapter, shall be construed as though they were followed by the words "or any part thereof"; the following ~~hrases, and~~ words and terms shall have the following meanings ~~assigned below, except in those instances where the context clearly indicates a different meaning~~ unless the context clearly indicates otherwise:

~~(1)~~ "County ~~m~~Manager" ~~shall~~ means ~~and include~~ the ~~c~~County ~~m~~Manager of Arlington County, or any of his ~~duly authorized deputies or agents~~ designees.

~~(2)~~ "Reasonable hours" ~~shall~~ means the time of day between the hours of 8:00 a.m. and 5:00 p.m.

~~(3)~~ "Code Official" ~~shall~~ means the ~~c~~County ~~m~~Manager or his ~~duly authorized representative~~ designee who shall be responsible for the enforcement of Volume II, Building Maintenance Code, relating to health and sanitary matters, heat, hot water, security locks, air conditioning, painting, and maintenance and care of buildings and structures. The ~~b~~Building ~~o~~Official shall be the Code ~~o~~Official who is responsible for technical decisions for building, electrical, plumbing, and mechanical systems and equipment; unsafe structures; and annual inspection of elevators, boilers and the five-year electrical preventive maintenance program. The ~~b~~Building ~~o~~Official and ~~f~~Fire ~~m~~Marshal shall be responsible for annual full Code inspections of commercial and highrise buildings. The ~~f~~Fire ~~m~~Marshal shall be the person responsible for enforcement of the ~~f~~Fire ~~p~~Prevention ~~c~~Code.

(Ord. No. 86-28, 10-18-86)

§ 29-3. Adoption.

~~(a)~~A. There is hereby adopted the Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code/current edition. The enforcement of this Code shall be carried out in the manner described in ~~section~~ § 29-7.

~~(b)~~B. Copies of said ~~c~~Code are on file in the ~~c~~Community ~~i~~Inspections ~~o~~Offices and may be viewed there between the hours of 8:00 a.m. and 5:00 p.m. on regular business days.

(Ord. No. 91-6, 3-16-91; Ord. No. 93-25, 12-14-93)

Editors Note: Ord. No. 91-6, adopted Mar. 16, 1991, amended this chapter by adding a new § 29-3 and renumbering former §§ 29-3--29-7 as §§ 29-4--29-8.

§ 29-4. Requirement for ~~o~~Occupancy or ~~l~~Lease.

~~(1)~~A. No owner or other person shall occupy or lease to another person any dwelling or dwelling unit unless it and the premises comply with the requirements of this chapter and all other applicable laws and regulations of Arlington County and the Commonwealth of Virginia.

~~(2)~~B. Unless otherwise specified, the owner shall be responsible for compliance with the requirements of this chapter.

(Ord. No. 86-28, 10-18-86)

Note: See the editor's note following § 29-3.

§ 29-5. Removal of ~~e~~Equipment or ~~a~~Appurtenances.

No owner or occupant shall alter the physical design of a building or remove permanently installed equipment or appurtenances in order to avoid effecting compliance with this chapter by eliminating the need to repair the altered or removed parts.

(Ord. No. 86-28, 10-18-86)

Note: See the editor's note following § 29-3.

§ 29-6. Minimum ~~s~~Standards for ~~l~~Locks and ~~w~~Window ~~l~~Latches.

~~(1)~~A. No person shall lease to another, for occupancy, any dwelling unit in a multiple dwelling building unless all exterior doors, other than balcony doors two (2) or more stories above the grade of the dwelling unit, are equipped with a vertical bolt, deadlocks or deadbolts with not less than five-eighths (5/8) inch minimum throw. In addition, the lock on the main entrance door in each of these dwelling units shall be capable of being locked or unlocked by key from the outside and by turn-knob from the inside. Alternate devices providing at least equal security may be substituted subject to prior approval by the ~~c~~County ~~m~~Manager. In addition, provisions will be

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made for visual detection to permit inspection before allowing entry. Exterior doors to all individual apartment units which are one (1) story or less above grade shall be provided with operative security devices determined to be adequate by the ~~c~~County ~~m~~Manager. Window latches shall be provided on windows which are less than ten (10) feet from the adjoining ground level, or otherwise accessible from the outside.

~~(a)~~1. Lock cylinders for entry doors to individual units in multiple dwelling buildings shall be changed or re-keyed whenever a tenant vacates the premises and whenever a tenant or the landlord loses a key. The landlord may charge the tenant for costs incurred in replacing or re-keying the lock cylinder due to the loss of a key by a tenant.

~~(b)~~2. Lock cylinders on doors to common areas in multiple dwelling buildings such as laundry rooms and storage facilities shall be changed or re-keyed a minimum of once every three (3) years.

~~(2)~~B. Owners who lease to another, for occupancy, any dwelling unit in a multiple dwelling building shall comply with the provisions of ~~section~~ § 29-5~~(1)~~ within one (1) year from the effective date of this chapter.

~~(3)~~C. No person shall lease to another, for occupancy, any dwelling containing less than three (3) dwelling units unless all exterior doors are equipped with operative latching or locking devices. Window latches shall be provided on windows which are less than ten (10) feet from the adjoining ground level, or are otherwise accessible from the outside.
(Ord. No. 86-28, 10-18-86)
Note: See the editor's note following § 29-3.

§ 29-7. Inspections; ~~p~~Powers and ~~d~~Duties of the ~~c~~County ~~m~~Manager.

~~(1)~~A. The ~~c~~County ~~m~~Manager or his ~~duly authorized agent~~ designee shall enforce the provisions of this chapter and is hereby authorized and directed to make inspections in response to a complaint that an alleged violation of the provisions of this chapter or of applicable rules or regulations pursuant thereto may exist, as part of a systematic inspection program of the area, or when he has valid reason to believe that a violation of this chapter has been or is being committed.

~~(2)~~B. The ~~c~~County ~~m~~Manager or his ~~duly authorized agent~~ designee shall have authority with the consent of the owner or tenant to enter and inspect all dwellings and dwelling units, subject to the provisions of this chapter for the purpose of determining whether there is compliance with its requirements.

~~(3)~~C. If any owner, occupant or other person in charge of a building or of a multiple dwelling or a rooming house, fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, the ~~c~~County ~~m~~Manager may, upon a showing that probable cause exists for the inspection, petition and obtain an order from a court of competent jurisdiction authorizing such inspection.

~~(4)~~D. Every occupant of a building or building unit or premises shall give the owner thereof, or his agent or employee, access to any part of such building, or its premises, at any reasonable hours for the purpose of making such repairs and alterations as are necessary to effect compliance with any lawful order issued pursuant to the provisions of this chapter.

~~(5)~~E. The ~~c~~County ~~m~~Manager or ~~a duly authorized agent~~ his designee may declare a public emergency when a public nuisance, dangerous, unsafe, or unsanitary conditions exist in any building and present an imminent and immediate threat to life or property, and may order the ~~c~~County to abate or remove the conditions or to raze the building.

~~(6)~~F. Authority to require removal or repair of unsafe buildings and structures and recovery of costs.

~~(a)~~1. The owner of property shall at such time or times as the ~~b~~Building ~~o~~Official may prescribe, remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents. The ~~b~~Building ~~o~~Official, through its own agents or

employees, may remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents and the ~~c~~County, when the owner and lien holders of property, after reasonable notice and a reasonable time to do so, have failed to remove, repair, or secure said building, wall, or other structure.

~~(b)~~2. In the event the ~~c~~County, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of the Virginia Uniform Statewide Building Code, Building Maintenance Code, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the ~~c~~County as taxes and levies are collected.

~~(c)~~3. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia.

~~(d)~~4. If a public nuisance presents an imminent and immediate threat to life or property, then the ~~c~~County may abate, raze, or remove such public nuisance and recover from the responsible party the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

~~(7)~~G. The term "nuisance" shall include, but not be limited to, dangerous or unhealthy substances which have escaped, spilled, been released, or which have been allowed to accumulate in or on any place, and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structure which constitute a menace to the health and safety of the occupants thereof or the public. The term "responsible party" shall include, but not be limited to, the owner, occupier, or possessor of the premises where the nuisance is located, the owner or agent of the owner of the material which escaped, spilled, or was released, and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence caused such public nuisance.
(Ord. No. 86-28, 10-18-86; Ord. No. 90-26, 8-11-90; Ord. No. 93-25, 12-14-93)

Note: See the editor's note following § 29-3.

§ 29-8. Energy ~~s~~Shortage ~~e~~Emergencies.

~~(1)~~A. Whenever appropriate federal or state authorities, pursuant to lawful authority, declare an energy emergency and prescribe mandatory thermal standards which conflict with the minimal thermal standards set forth in this chapter, the ~~c~~County ~~m~~Manager shall forthwith suspend those provisions of this chapter and prescribe standards consistent with federal and state requirements. Such suspension shall not extend beyond the date on which such federal or state standards are modified or terminated.

~~(2)~~B. Whenever, in the judgment of the ~~c~~County ~~m~~Manager, an energy shortage emergency exists which requires temporary suspension of the minimal thermal standards set forth in this chapter, the ~~c~~County ~~m~~Manager may by order, following public hearing, prescribe emergency minimum thermal standards to supersede those standards set forth in this chapter. The ~~c~~County ~~m~~Manager shall state, and report to the ~~c~~County ~~b~~Board, the reasons for such suspension, which shall not extend beyond sixty (60) days from the date on which the order is issued. The ~~c~~County ~~m~~Manager may revoke the suspension at any time. Any renewal of a suspension beyond the sixty- (60) day period above shall be made only in accordance with the foregoing procedures. The ~~c~~County ~~m~~Manager shall revoke a suspension at such time as he determines that the suspension is no longer necessary.

~~(3)~~C. Whenever, in the judgment of the ~~c~~County ~~m~~Manager, an energy shortage emergency exists which requires immediate action to protect the public health, safety or welfare, the ~~c~~County ~~m~~Manager shall prescribe emergency minimum thermal standards to supersede those standards set forth in this chapter. Such standards shall remain in effect for a period not to exceed fifteen (15) days unless prior to the expiration of the fifteen- (15) day period the requirements of subsection B~~(2)~~ have been satisfied.
(1-1-72)

Note: See the editor's note following § 29-3.

Sec. 29-9. Reserved.

ARTICLE II.

DECLARATION OF BLIGHT

§ 29-10. Purpose.

The County Board of Arlington County hereby finds that deteriorating properties, including the improvements and the land on which they are built, have a deleterious effect on property values and the quality of life in the area surrounding them. This spot blight threatens the health, safety, morals and welfare of the community.
(Ord. No. 03-21, 9-13-03)

§ 29-11. Blight ~~a~~Abatement ~~a~~Authorized.

The ~~c~~County may acquire or repair any blighted property, as defined in ~~section~~ § 29-12, by exercise of the powers of eminent domain and further, shall have the power to hold, clear, repair, manage or dispose of such property for purposes consistent with this~~ ordinance~~ article. In addition, the ~~c~~County may recover the costs of any repair or disposal of such property from the owner and until recovered, such costs shall constitute a lien upon the property.
(Ord. No. 03-21, 9-13-03)

§ 29-12. Blighted ~~p~~Property ~~d~~Defined.

A. To be blighted a property must have a building or improvement that by reason of dilapidation, overcrowding, lack of ventilation, light and sanitary facilities or any combination of these or other factors, is detrimental to the safety, health, morals or welfare of the community. In addition, any property that has been determined by the Arlington County Code Official to meet the definition of unsafe building shall also be blighted.

B. In determining whether a property meets the definition of blighted set forth above, the ~~c~~County may consider any pertinent factors including by way of illustration and not limitation the following:

1. "Condemned structure"~~–~~ means ~~A~~a structure on the property that has been continuously vacant for at least one year, has been condemned as unfit for human occupancy by the ~~b~~Building ~~o~~Official in accordance with the Virginia Uniform Statewide Building Code, but has neither been demolished nor repaired by the owner as directed by the ~~b~~Building ~~o~~Official;

2. "Rat and rodent infestation"~~–~~ means ~~T~~there is evidence of rat or rodent infestation or harborages caused by conditions on the property;

3. "Previous citations"~~–~~ means ~~T~~the property has been used or maintained in a condition which has resulted in the following actions:

   a. The owner has been cited on a least three (3) separate occasions because activities or conditions on the property violate ~~s~~State or ~~c~~County laws or ordinances governing the use or maintenance of property, and those activities or conditions threaten the public health, safety and welfare of the community; or

   b. The owner has refused to abate one or more violations as ordered by the court or has repeated conduct involving the use or maintenance of property for which the owner has been convicted of violating ~~s~~State laws or ~~c~~County ordinances in the past.

4. "Inadequate facilities"~~–~~ means ~~T~~the property has inadequate sewage septic, plumbing, well or heating facilities;

5. "Potential trespass"~~–~~ means, ~~I~~if the property is vacant, the owner has failed to take adequate

precautions to prevent the use of or access to the property by trespassers;

6. "Nuisance to children"~~–~~ means ~~A~~a potential attractive nuisance to children exists on the property, including, but not limited to, abandoned wells, basements, excavations or broken fences;

7. "Fire hazard"~~–~~ means ~~A~~any condition exists on the property that has been specifically identified as a fire hazard by the ~~f~~Fire ~~d~~Department or the ~~b~~Building ~~o~~Official; and

8. "Substantial dilapidation of buildings or structures" as evidenced by either:

a. Collapse of either interior or exterior structural elements such as floors, walls, roofs, porches, decks and similar appendages which do not pose a danger to the public;~~:~~ or

b. Removal or rotting of exterior siding, roofing or sheathing exposing structural members to the weather.

(Ord. No. 03-21, 9-13-03)

§ 29-13. Procedures for ~~d~~Declaring ~~b~~Blight; ~~n~~Notification of ~~o~~Owner, ~~p~~Public ~~h~~Hearing.

A. The County Manager or his designee shall make a preliminary determination that a property is blighted in accordance with ~~section~~ § 29-12 and shall notify the owner by regular and certified mail, specifying the reasons why the property is considered blighted. The notice mailed to the owner also shall be posted on the property. The owner shall have thirty (30) days within which to respond with a plan that would cure the blight within a reasonable time. Such plan shall include a site plan delineating blighted condition(s) and specifying measures to be taken for the removal of each.

B. Upon approval by the County Manager of the plan to cure blight the owner shall have ninety (90) days to complete all work approved in the plan. The County Manager, or his designee, upon acceptance of a performance bond in the amount of the estimated cost of the work, may grant extensions of time to complete work where the County Manager determines that the owner has completed substantial portions of the work in compliance with the plan and is diligently pursuing completion of all work.

C. If the owner fails to respond within the thirty (30) ~~-~~day period set forth in ~~section 29-11A.~~ § 29-13.A with a plan that is acceptable to the County Manager or his designee, or fails to complete the work approved in the plan to cure blight and has not been granted an extension of time to complete such, the County Manager or his designee may~~:~~; (i) request the ~~p~~Planning ~~c~~Commission to conduct a public hearing and make findings and recommendations that shall be reported to the County Board concerning the repair or other disposition of the property in question, and (ii) if a public hearing is scheduled, shall prepare a plan for the repair or other disposition of the property.

D. Not less than three weeks prior to the date of the public hearing before the ~~p~~Planning ~~c~~Commission, the ~~c~~Commission shall provide, by regular and certified mail, notice of such hearing to: (i) 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 on the property; (ii) the abutting property owners in each direction, including those property owners immediately across the street or road from the property; and (iii) the representative neighborhood association, if any for the immediate area. The notice shall include a description of the plan for the intended repair or other disposition of the property. The notice of the public hearing shall be published at least twice, with not less than six (6) days elapsing between the first and second publication, in a newspaper published or having general circulation in the ~~c~~County. The notice also shall be posted on the property. The notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than six (6) days nor more than twenty-one (21) days after the second publication.

E. The ~~p~~Planning ~~c~~Commission shall determine whether:

1. The property is blighted;

2. The owner has failed to cure the blight or present a reasonable plan to do so;

3. The plan for the repair or other disposition of the property is in accordance with the ~~c~~County's comprehensive plan, zoning ordinance, and other applicable land use regulations; and

4. The property is located within an area listed on the National Register of Historic Places, or is located in an area designated an historic district, or is a designated landmark pursuant to 31A of the Arlington County Zoning Ordinance. In such instances, the ~~p~~Planning ~~c~~Commission shall consult with the Historical Affairs Landmark Review Board regarding the proposed repair or other disposition of the property.~~; and~~

F. The ~~p~~Planning ~~c~~Commission shall report its findings and recommendations concerning the property to the County Board. The County Board, upon receipt of such findings and recommendations may, after an advertised public hearing, affirm, modify, or reject the ~~p~~Planning ~~c~~Commission's findings and recommendations. If the repair or other disposition of the property is approved, the ~~c~~County may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this~~ Ordinance~~ article and applicable law. The ~~c~~County shall have a lien on all property so repaired or acquired under an approved plan to recover the cost of (i) improvements made by the ~~c~~County to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien authorized by this subsection shall be filed in the ~~c~~Circuit ~~c~~Court and shall be subordinate to any prior liens of record. The ~~c~~County may recover its costs of repair from the owner of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner. If the property is acquired through eminent domain, the cost of repair may be recovered when the ~~c~~County sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.
(Ord. No. 03-21, 9-13-03)

§ 29-14. Occupied for ~~r~~Residential ~~p~~Purposes.

Unless otherwise provided for in Title 36 of the Code of Virginia, if the blighted property is occupied for personal residential purposes, the ~~c~~County, in approving the plan, shall not allow for an acquisition of such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisitions, under an approved plan, by the ~~c~~Bounty of property which has been condemned for human habitation for more than one (1) year. In addition, the ~~c~~County in exercising the powers of eminent domain in accordance with Title 25 of the Code of Virginia, 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. 03-21, 9-13-03)

§ 29-15. Declaration of ~~n~~Nuisance.

In lieu of the acquisition of blighted property by the exercise of the powers of eminent domain as herein provided and in lieu of the exercise of other powers granted in ~~section~~ § 29-11, the County Board, by ordinance, may declare any blighted property to constitute a nuisance and thereupon abate the nuisance pursuant to ~~s~~State law. 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.
(Ord. No. 03-21, 9-13-03)

§ 29-16. Provisions ~~c~~Cumulative.

The provisions of this article shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.
(Ord. No. 03-21, 9-13-03)

ARLINGTON COUNTY CODE

Chapter 30

PEDDLERS, VENDORS AND CANVASSERS

§ 30-1. Permit ~~r~~Required.
§ 30-2. Definitions.
§ 30-2.1. Exemption ~~f~~From ~~p~~Permit ~~r~~Requirements.
§ 30-3. Application for ~~p~~Permit or ~~e~~Exemption.
§ 30-4. Investigation and ~~i~~Issuance.
§ 30-5. Transfer.
§ 30-6. Renewal.
§ 30-7. Reserved.
§ 30-8. Use of the ~~s~~Streets and ~~o~~Other ~~p~~Public ~~p~~Places--Vending or ~~c~~Canvassing from a ~~s~~Stationary ~~l~~Location.
§ 30-9. Same--Vending from ~~v~~Vehicles.
§ 30-10. Same--Designation of ~~s~~Street ~~v~~Vending ~~z~~Zones.
§ 30-11. Door-to-~~d~~Door ~~s~~Sales ~~h~~Hours.
§ 30-12. Exhibition of ~~p~~Permit or ~~e~~Exemption ~~l~~Letter.
§ 30-13. Records.
§ 30-14. Revocation of ~~p~~Permit.
§ 30-15. Appeal.
§ 30-16. Penalty for ~~v~~Violation of ~~c~~Chapter.
§ 30-17. Severance ~~c~~Clause.

§ 30-1. Permit ~~r~~Required.

It shall be unlawful for any person to engage in the business of peddler, vendor or canvasser as defined in this ~~ordinance~~ chapter, within the limits of Arlington County, Virginia, without first obtaining a permit as provided herein.
(7-15-61; Ord. No. 85-39, 11-16-85)

§ 30-2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

~~(a)~~ "Canvasser" ~~is~~ means one who travels from place to place seeking orders for merchandise, goods, food or services with or without samples by traveling from place to place within the County.

~~(b)~~ "County" ~~shall~~ means Arlington County, Virginia.

~~(c)~~ "County Manager" ~~shall~~ means the County Manager of Arlington County, Virginia or ~~a duly authorized agent of the County Manager~~ his designee.

~~(d)~~ "Kiosk" is as defined and regulated by the Arlington County Zoning Ordinance.

~~(e)~~ "Peddler" ~~is~~ means one who moves from place to place within the County and offers merchandise, goods, food or services for sale or barter.

~~(f)~~ "Service road (frontage road)" ~~is~~ means a roadway contiguous to and generally paralleling a street or highway designed to collect and distribute traffic desiring to cross, enter, or leave such street or highway, and to furnish access to property which would otherwise be isolated due to the controlled

Comment [LH1]: These terms have been alphabetized

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access design of the street or highway.

(g) "Vehicle" shall means every device in, upon or by which any person or property is or may be transported or drawn including any wheeled conveyance.

(h) "Vendor" is means one who offers merchandise, goods, food or services for sale or barter from a stationary but temporary site or from a kiosk within the cCounty. "Vending" is the act of offering merchandise, goods, food or services for sale or barter from a stationary but temporary site or from a kiosk within the cCounty.

(7-15-61; 10-9-61; 5-28-78; 6-27-78; 9-29-79; Ord. No. 85-39, 11-16-85; Ord. No. 08-16, 7-21-08)

§ 30-2.1. Exemption from pPermit rRequirements.

(a)A. The following shall be exempt from the permit requirements of this chapter:

(1.) Persons selling fresh farm products;

(2.) Persons selling newspapers;

(3.) Persons selling for wholesale concerns who only solicit orders from or sell to retail dealers in Arlington County for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes;

(4.) Peddlers or vendors of religious, political or written materials; and

(5.) Persons participating in an open-air market as defined and permitted in the Arlington County Zoning Ordinance.

(b)B. All persons qualifying for exemptions from this section must present proof of such qualification and be granted exemption from the permit requirements of this chapter as provided in Section § 30-3.B(b). Such persons shall not be exempt from the provisions of Sections §§ 30-7 through 30-11. of this chapter.

(Ord. No. 85-39, 11-16-85; Ord. No. 91-35, 9-28-91; Ord. No. 08-16, 7-21-08)

§ 30-3. Application for pPermit or eExemption.

A. Applicants for permits under this ordinance chapter must file with the County Manager a sworn application in writing (in duplicate) on a form to be furnished by the County, which shall give the following information:

(1.) Name, social security number (optional), and description of the applicant.

(2.) Address.

(3.) Name and address of Virginia registered agent, if there is a registered agent for the business.

(4.) A brief description of the nature of the business and the goods to be sold.

(5.) If employed, the name and address of the employer, federal employment identification number (optional), together with a written employment contract or other written document from the employer establishing the exact relationship.

(6.) The length of time during the current year when the peddling, vending, or canvassing will take place in the County.

(7.) If a vehicle is to be used, a description of the same, together with the license number or other means of identification.

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(8.) Proof of Virginia retail sales tax registration and the retail sales tax number issued, if applicable:

(9.) The finger and thumb prints of the applicant shall be taken at the time of application.

(10.) The names of at least two (2) persons who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to promptly evaluate such character and business responsibility.

(11.) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation, the nature of the offense and the penalty affixed therefor.

(12.) The application shall provide two (2) recent front facing passport size photographs which accurately depict the applicant's appearance at the time of application.

(13.) All permits issued after March 1, 2002, shall expire on February 28th of the following year.

B. At the time of filing of the application, a fee of twenty dollars ($20.00) shall be paid to the County Manager, to cover the cost of investigation and processing of the application.
(7-15-61; Ord. No. 82-32, 8-7-82; Ord. No. 85-39, 11-16-85; Ord. No. 99-25, 12-15-99; Ord. No. 02-13, 5-18-02)

§ 30-4. Investigation and iIssuance.

Upon receipt of such application, the original shall be referred to the County Manager, who shall make an investigation of the applicant's business responsibility and character.

(a)A. Unless the County Manager determines otherwise after his investigation, he shall, within forty-five (45) days following the date of the filing of the application, issue the applicant a license.

(b)B. After investigation and finding that the health, safety, and welfare of the public so demands, the County Manager may refuse to issue a license to an applicant for reasons including, but not limited to, the following:

(1.) eConviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia) within the five (5) years immediately preceding the date of filing of the application.

(2.) fFraud, misrepresentation or intentional false statement of material or relevant facts contained in the application.

(3.) lLack of necessary permits or licenses to conduct the business proposed to be conducted.

(c)C. The County Manager shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and deliver to the applicant his permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of said applicant, the kind of goods to be sold thereunder, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling, vending or canvassing. The County Manager shall keep a permanent record of all permits issued.

(d)D. In determining whether the applicant's character and business responsibility is satisfactory, the eCounty mManager, or his authorized agent designee, shall consider evidence revealed by the investigation which shows honesty, reliability, and knowledge of the business to be engaged-in. A license shall be denied or revoked if the applicant is shown to be dishonest, immoral or substantially lacking in business reliability and responsibility. In the event the results of the initial investigation are unclear as to the nature of the applicant's character and business responsibility, an additional investigation of the applicant shall be made.
(7-15-61; Ord. No. 82-32, 8-7-82; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-5. Transfer.

No permit or exemption letter issued under the provisions of this ordinance shall be used by any person other than the one to whom it was issued.
(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-6. Renewal.

Permits issued under the provisions of this chapter shall be valid for the period requested, which shall in no event exceed one (1) year. All permits renewed after March 1, 2002, shall expire on February 28th of the following year, unless sooner revoked or suspended as provided. The holder of any permit may seek renewal thereof upon the filing of a written renewal application. The renewal application shall reflect any information changed from the previous year's application and it shall be approved upon verification by the ~~c~~County ~~m~~Manager that the applicant for renewal has complied with the laws of Arlington and the ~~c~~Commonwealth.
(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 99-25, 12-15-99; Ord. No. 02-13, 5-18-02)

§ 30-7. Reserved.
Editors Note: Ord. No. 00-32, adopted Dec. 10, 2000, repealed § 30-7, which pertained to loud noises and speaking devices.

§ 30-8. Use of the ~~s~~Streets and ~~o~~Other ~~p~~Public ~~p~~Places--Vending or ~~c~~Canvassing from a ~~s~~Stationary ~~l~~Location.

No peddler, vendor, or canvasser shall have any exclusive right to any location on public property, unless operating from an established kiosk; nor shall he or she:

~~(a)~~A. Be permitted a stationary location on any sidewalk unless at least ten (10) feet of the sidewalk remains clear for pedestrian traffic;

~~(b)~~B. Be permitted a stationary location closer than ten (10) feet from any crosswalk, intersection, entrance to a building, Metro entrance, bus stop, taxi stand, or other vendor's stationary location;

~~(c)~~C. Be permitted to occupy a space greater than eight (8) feet long, five (5) feet wide, and seven (7) feet six (6) inches high on a sidewalk, excluding umbrellas, unless operating from an established kiosk;

~~(d)~~D. Display any sign visible to vehicular traffic if operating from a stationary location on a street, sidewalk, or other public place, except for signs that are actually imprinted on the exterior body of a licensed motor vehicle;

~~(e)~~E. Make any sale or delivery to any person while such person is standing in the roadway;

~~(f)~~F. Make any sale, offer or delivery 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;

~~(g)~~G. Conduct business from any highway service road or center median strip of any boulevarded street;

~~(h)~~H. Restrict access to any legally parked vehicle;

~~(i)~~I. Operate in any other way that would restrict the flow of pedestrian or vehicular traffic;

~~(j)~~J. Conduct any business on any public street or sidewalk between the hours of 8:00 p.m. and 6:30 a.m.; however, a vendor operating from an established kiosk may conduct business until 10:00 p.m.;

~~(k)~~K. Leave any cart or table unattended on any public street or sidewalk between the hours of 8:00 p.m. and 6:30 a.m.; or

~~(l)~~L. Display any kiosk items for sale or have any display racks (or similar items) more than two (2) feet from the kiosk between the hours of 10:00 p.m. and 6:30 a.m. or during any non-business hours; or

Each peddler, vendor, or canvasser shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place, and they shall request customers to place all waste and litter in the receptacles and they shall remove and dispose of the waste materials and litter.
(9-29-79; Ord. No. 85-1, 1-5-85; Ord. No. 85-39, 11-16-85; Ord. No. 87-14, 5-16-87; Ord. No. 90-1, 1-16-90; Ord. No. 99-25, 12-15-99; Ord. No. 08-16, 7-21-08)

§ 30-9. Same--Vending from ~~v~~Vehicles.

It shall be unlawful for peddlers, vendors, or canvassers or any other person to park or stop a vehicle on or alongside the roads, highways and streets of Arlington County for the purpose of selling, soliciting the sale of, displaying or offering for sale any goods, wares or other merchandise in or from the vehicles except under the following conditions:

~~(a)~~A. ~~t~~The vehicle is parked or stopped only for the purpose of making house to house sales; or

~~(b)~~B. ~~t~~The vehicle is stopped to make sales to persons, in which case the vehicle must remain stopped for no longer than five (5) minutes for vehicles stopped within one hundred (100) feet of any public school between the hours of 11:00 a.m. and 2:00 p.m. on days the school is open for student instruction, and no longer than sixty (60) minutes for all other vehicles, and must stop only in a space where motor vehicle parking is permitted pursuant to Chapter 14.2 of this Code; or

~~(c)~~C. ~~t~~The vehicle is stopped in an area that the County Manager has designated as temporary parking areas for the Arlington County Farmer's Market adjacent to land zoned so as to permit a farmer's market, provided that no parking spaces may be designated for this purpose for more than twenty (20) hours in any week;

~~(d)~~D. ~~t~~The vehicle is stopped in an area designated by the County Manager as a ~~S~~street ~~V~~vending ~~Z~~zone pursuant to ~~Section~~ § 30-10 herein. No vehicle parked in a ~~S~~street ~~V~~vending ~~Z~~zone may exceed eighteen (18) feet in length, seven (7)~~?~~ feet in width and ten (10) feet in height, excluding umbrellas; or

~~(e)~~E. Sales are made between the hours of 7:00 a.m. and 8:00 p.m.
(Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 99-25, 12-15-99; Ord. No. 08-16, 7-21-08)

§ 30-10. Same--Designation of ~~s~~Street ~~v~~Vending ~~z~~Zones.

~~(a)~~A. Whenever it appears, after a survey of land use activity, parking resources and a traffic engineering study, that there is a need to do so, the ~~c~~County ~~m~~Manager may designate street vending zones within the ~~c~~County for use by peddlers and vendors in compliance with the following criteria:

~~(~~1.~~)~~ A zone or zones may be created in any area of the ~~c~~County that lies within twelve hundred (1,200) feet of a Metro station and contains at least one million (1,000,000) square feet of office space or in any commercial or industrial area of the ~~c~~County, as defined by the Arlington County General Land Use Plan;

~~(~~2.~~)~~ The total area designated as street vending zones or zone in each area may not exceed one hundred thirty-five (135) feet in length and eight (8) feet in width; and

~~(~~3.~~)~~ A zone shall only be located adjacent to sidewalks at least ten (10) feet in width.

~~(b)~~B. The hours of operation within each street vending zone shall be set by the ~~c~~County ~~m~~Manager so as not to interfere with pedestrian and vehicle traffic, but in no case shall vending in street vending zones be permitted between 7:30 a.m. and 9:00 a.m. on weekday mornings nor between 4:00 p.m. and 6:00 p.m. on weekday

afternoons.

~~(c)~~C. Street vending zones designated by the ~~c~~County ~~m~~Manager shall be subject to review and renewal at least every two (2) years after each designation and the ~~c~~County ~~m~~Manager may renew, remove or alter the site or size of zones after such review unless removal or alteration is required sooner by a change in conditions in the area where the zone is designated.
(Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 08-16, 7-21-08)

§ 30-11. Door-to-~~d~~Door ~~s~~Sales ~~h~~Hours.

Door-to-door sales or canvassing shall only take place between the hours of 9:00 a.m. and 8:00 p.m.
(Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-12. Exhibition of ~~p~~Permit ~~e~~Exemption ~~l~~Letter.

Peddlers, vendors, or canvassers are required to conspicuously display their permits at their vehicles or temporary stands or if they have none, to exhibit their permits or exemption letter upon request.
(7-15-61; Ord. No. 85-1, 1-5-85; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-13. Records.

The County Manager shall maintain a record for each permit issued, and record the reports of violation thereon.
(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-14. Revocation of ~~p~~Permit.

~~(a)~~A. Permits issued under the provision of this ~~ordinance~~ chapter may be revoked by the County Manager after notice and hearing for any of the following causes:

~~(~~1.~~)~~ ~~f~~Fraud, misrepresentation or intentional false statement contained in the application for permit.

~~(~~2.~~)~~ ~~c~~Conviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia).

~~(~~3.~~)~~ ~~c~~Conviction of any crime involving fraud in the conduct of his or her business.

~~(~~4.~~)~~ ~~a~~Any violation of this ~~ordinance~~ chapter or of Chapter 11 of the Arlington County Code.

~~(b)~~B. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of the revocation and the time and ~~P~~place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at his last known address at least five (5) days prior to the date set for hearing.
(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-15. Appeal.

~~(a)~~A. Any person aggrieved by the action of the County Manager, or his ~~authorized agent~~ designee, in the denial of an application for a permit or in the decision with reference to the revocation of a permit shall have the right of appeal. Such appeal shall be taken by filing with the Clerk of the County Board within ten (10) days after the notice of action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of appeal.

~~(b)~~B. The Clerk of the County Board shall notify the County Manager of the filing of an appeal.

~~(c)~~C. Upon filing an appeal, the party aggrieved shall be entitled to a hearing by a hearing examiner who

shall be a lawyer admitted to practice in the Commonwealth of Virginia employed for the purpose of conducting such hearings by the County Board. The time and place of the hearing shall be scheduled by the hearing examiner at any time after the filing of an appeal upon notice by the hearing examiner mailed to the party to the action at the address required to be stated by the appellant at the time of the filing of the appeal. Such appeals may be continued by the hearing examiner from time to time and place to place at the time of any hearing by an order made sua sponte, on motion of the party to the action, or on motion of the County Attorney.

~~(d)~~D. The party shall have the right to present his case in person or by counsel licensed to practice law in the ~~State~~ Commonwealth of Virginia.

~~(e)~~E. The hearing examiner shall consider the case record as well as statements offered by an interested party and shall determine whether the County Manager abused his discretion under the rules and standards set forth in this chapter. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions.
(7-15-61; Ord. No. 85-35, 8-17-85; Ord. No. 85-39, 11-16-85; Ord. No. 86-12, 5-17-86; Ord. No. 90-1, 1-16-90)

§ 30-16. Penalty for ~~v~~Violation of Chapter.

Any person violating any provision of this ~~C~~chapter shall be guilty of a Class 1 misdemeanor.
(7-15-61; 9-29-79; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 91-34, 9-18-91)

§ 30-17. Severance ~~c~~Clause.

The provisions of this chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this chapter shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand, notwithstanding the invalidity of any part.
(7-15-61; Ord. No. 90-1, 1-16-90)

ARLINGTON COUNTY CODE

Chapter 31

HUMAN RIGHTS

§ 31-1. Statement of ~~p~~Policy.
§ 31-2. Definitions.
§ 31-3. Prohibited ~~a~~Acts.
§ 31-4. Human ~~r~~Rights ~~c~~Commission ~~c~~Created; ~~c~~Composition; ~~t~~Terms; ~~c~~Chairman; ~~c~~Compensation.
§ 31-5. Human ~~r~~Rights ~~d~~Director.
§ 31-6. Functions and ~~p~~Powers of the ~~c~~Commission.
§ 31-7. Enforcement ~~p~~Proceedings ~~i~~Initiated by the ~~f~~Filing of a ~~c~~Complaint.
§ 31-8. Enforcement by the ~~c~~Court.
§ 31-9. Exemptions.
§ 31-10. Enforcement by ~~c~~County ~~a~~Agencies.
§ 31-11. Inspections, ~~r~~Records and ~~n~~Notices.
§ 31-12. Savings ~~p~~Provisions and ~~n~~Nonabatement of ~~m~~Matters.
§ 31-13. Nonexclusive ~~r~~Remedy.
§ 31-14. Notices; ~~s~~Service.
§ 31-15. Time ~~l~~Limitations.
§ 31-16. Severability.

§ 31-1. Statement of ~~p~~Policy.

Arlington County is a community richly diverse and valued for the heterogeneity of its residents. It is in the public interest of the ~~c~~County to assure that each citizen is treated fairly, provided equal protection of the law and equal opportunity to participate in the benefits, rights and privileges of community life. Discrimination deprives the citizenry of the bare essentials of life and is detrimental to the public welfare, safety and health of the community. This chapter is an expression of the commitment and support at the local level to continue working towards the improvement of the quality of life in the ~~c~~County. This chapter is established to ensure the protection and enforcement of human and civil rights for all people living or working in Arlington County by the elimination of and provision of remedies for discriminatory practices. The provisions of this chapter shall be construed liberally for the accomplishment of the policies herein.
(Ord. No. 89-3, 7-1-89)

§ 31-2. Definitions.

~~For the purpose of this chapter:~~The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

~~(1)~~ "Bona fide occupational qualification" ~~shall~~ means a bona fide occupational qualification as defined and interpreted under the Civil Rights Act of 1964, 42 United States Code § 2000e et seq., or other applicable federal statute.

~~(2)~~ "Commercial real estate" means any land or improvements, or both, or interest in such land or improvements, that is offered for sale or lease and that can be used for business, trade, or professional purposes under existing law or by changes in law contemplated under the offering, and which is not a dwelling. The fact that some adaptation of land or improvements, or both, must be made after the sale or lease is completed or that licenses or approvals are necessary to put it into use shall not mean that the land or improvements cannot be used for business, trade, or professional purposes, so long as those adaptations, licenses, and approvals are within the range that persons engaged in a business, trade, or profession are able to foresee in buying or leasing such property.

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(3) "Commission" shall means the Arlington Human Rights Commission, as established herein.

(4) "Complainant" shall means any person who files a complaint with the eCommission, alleging that a violation of this chapter has been committed against such person.

(5) "Complaint" shall means any written allegation sufficient to indicate that a named respondent has committed a violation of this chapter.

(6) "County" shall means the County of Arlington, Virginia.

(7) "County aAttorney" shall means the Arlington County Attorney or other legal representative appointed by the eCounty bBoard to serve as legal counsel for the eCommission.

(8) "County bBoard" shall means the eCounty bBoard of Arlington County, Virginia.

(9) "Director" shall means the executive director of the Arlington County Human Rights Commission.

(10) "Discrimination based on sex" shall includes but shall not be limited to, sexual harassment, discrimination because of or on the basis of pregnancy, childbirth or related medical conditions, and women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment related purposes, including fringe benefit programs, as other persons not affected by pregnancy but similar in their ability or inability to work, and nothing in this chapter shall be interpreted to permit otherwise. This chapter shall not require an employer to pay for the health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion; provided, that nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

(11) "Dwelling" means any building, structure, or portion thereof, that is occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one (1) or more persons or families, and any vacant land that is offered for sale or lease for the construction of such building or structure and includes any interest in a dwelling as so defined.

(12) "Educational institution" shall means any nursery, kindergarten, elementary or secondary school, academy, college, university, extension course or nursing, secretarial, business, vocational, technical, trade or professional school, or joint apprenticeship program. The term "educational institution" shall not include public schools, colleges or universities.

(13) "Employer" shall means any person who, within the eCounty, employs for wages, salaries or on commission four (4) or more persons who are not related to the employer (if an individual) or to any partner or majority shareholder of the employer (if a partnership or a corporation) and who are not employed in domestic service in the employer's personal residence. Employer shall not mean the United States, federal agencies, political subdivisions of the United States, United States instrumentalities, the United States Postal Service, or similar organizations or entities, the Commonwealth of Virginia or its agencies, instrumentalities, or political subdivisions.

(14) "Employment agency" shall means all persons who, with or without compensation, undertake to solicit in the eCounty for potential employees or refer persons for potential employment in the eCounty.

(15) "Executive dDirector" shall means the person appointed by the eCounty mManager to the position of eExecutive dDirector of the hHuman rRights eCommission, or the eExecutive dDirector's designated representative designee.

(16) "Familial status" shall means one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with (i) a parent or another person having legal custody of such individual or individuals, or (ii) the designee of such parent or another person having custody, with the written permission of such parent or other person. The term "familial status" also includes any person who is pregnant or is in the process of

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securing legal custody of any individual who has not attained the age of eighteen (18) years.

(17) "Family" shall means a group living together as a unit and includes an individual.

(18) "Handicap" shall means any condition or characteristic that renders a person a handicapped person.

(19) "Handicapped person" shall means any person who:

a.(1) Has a physical or mental impairment which substantially limits one (1) or more major life activities or has a record of such impairment, and which is unrelated to a person's ability to perform the duties of a particular job or position or is unrelated to the individual's qualification for employment or promotion or is unrelated to a person's ability to utilize or benefit from a service or program provided by an educational institution or place of public accommodation, or is unrelated to a person's ability to acquire, rent, or maintain property; or

b.(2) Is regarded as having such a physical or mental impairment.

(20) "Housing" shall means the same thing as dwelling.

(21) "Labor organization" shall means any association organized for mutual benefit and operating as a labor union, association, committee or organization for the purpose of collective bargaining and other lawful functions of labor unions, or any employee representation committee, any of whose members are employed in the eCounty whether or not having a duly authorized charter as a local labor union from either a state or national labor organization, and whether or not registered with the sState dDepartment of lLabor.

(22) "Lending institution" shall means any bank, insurance company, savings and loan association, credit union, finance company or any other person regularly engaged in the business of lending money, guaranteeing loans, or furnishing consumer credit or other credit-related services; any person who regularly extends, renews or continues credit; or any assignee of an original creditor who participates in the decision to extend, renew or continue credit; or any person who regularly arranges for the extension, renewal or continuation of credit.

(23) "Major life activities" means functions such as, but not limited to, caring for one's self, performing manual tasks, walking, seeing hearing, speaking, breathing, learning or working.

(24) "Marital status" shall means the status of being married, divorced, single or widowed. The term "marital status" also includes any person whose marriage has been dissolved through annulment, and any person seeking a divorce or an annulment.

(25) "Mental impairment" means:

a.(1) A disability attributable to mental retardation, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; or

b.(2) An organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions, including central nervous system disorders or significant discrepancies among mental functions of an individual.

For the purposes of this chapter, the term "mental impairment" does not include active alcoholism or current drug addiction and does not include any mental impairment, disease or defect that has been successfully asserted by an individual as a defense to any criminal charge.

(26) "Notice of investigation" shall means any formal statement issued by the eCommission, on a form to be prepared by the ecommission, alleging that any person has committed a violation of this chapter and initiating an investigation of such alleged violation.

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~~(27)~~ "Party" ~~shall~~ means any complainant or respondent.

~~(28)~~ "Person" ~~shall~~ means any individual or individuals, partnership, association, organization, company, corporation, joint-stock company, labor union, mutual company, trustee in bankruptcy, receiver or other fiduciary, or the agent, legal representative or employee thereof. For purposes of ~~section~~ § 31-3.A~~(a)~~, the term person shall include any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee or lending institution.

~~(29)~~ "Person in the business of selling or renting dwellings" ~~shall~~ means any person who, within the preceding twelve (12) months, has participated as principal, real estate broker, real estate sales person or agent in three (3) or more transactions involving the sale, lease or rental of housing or who owns any dwelling designed or intended for occupancy by or occupied by five (5) or more families.

~~(30)~~ "Physical impairment" means any physical condition, anatomic loss, or cosmetic disfigurement which is caused by bodily injury, birth defect, or illness. "Physical impairment" does not include active alcoholism or current drug use.

~~(31)~~ "Public accommodation" ~~shall~~ means and includes every business, professional or commercial enterprise, hospital or nursing home, place of lodging, refreshment, entertainment, sports, recreation or transportation facility located in the ~~c~~County, whether licensed or not, public or private, or transportation facility located in the ~~c~~County, 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 public. "Public accommodation" does not include a bona fide private club or other establishment not in fact open to the public.

~~(32)~~ "Qualified handicapped person" ~~shall~~ means:

~~a.~~(1) With respect to employment, a handicapped person who, with reasonable accommodation as set out in Virginia Code ~~Section~~ § 51.5-41 or its successor, can perform the essential functions of the job in question.

~~b.~~(1) With respect to other goods, public accommodations, housing or services, means any handicapped person who meets the essential nondiscriminatory eligibility requirements for the receipt of such goods or services.

~~(33)~~ "Real estate broker" ~~shall~~ means a person doing business in the County of Arlington who is the holder of a real estate broker's license issued pursuant to applicable laws of the Commonwealth of Virginia.

~~(34)~~ "Real estate sales person" ~~shall~~ means a person doing business in the County of Arlington who is the holder of a real estate license issued pursuant to applicable laws of the Commonwealth of Virginia.

~~(35)~~ "Real estate transaction" ~~shall~~ means any sale, exchange, rental, lease, assignment, sublease, or other transfer of housing.

~~(36)~~ "Religious organization" ~~shall~~ means any bona fide organization, association or society organized or operated for exclusively religious, purposes or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, unless membership in such organization, association or society is restricted on account of race, color, national origin or sex.

~~(37)~~ "To rent" means to lease, to sublease, to let or otherwise in any way to grant for a consideration the right to occupy premises not owned by the occupant.

~~(38)~~ "Respondent" ~~shall~~ means any person alleged in any complaint filed with the ~~c~~Commission, or any notice of investigation issued by the ~~c~~Commission, to have violated this chapter.

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(39) "Restrictive covenant" shall means any specification purporting to restrict or affect the holding, occupancy, ownership, rental, lease or transfer of any interest in land or housing on the basis of race, color, religion, sex, national origin or handicap.

(40) "Sexual orientation" means a tendency to either heterosexuality, bisexuality or homosexuality; having a history of such a tendency or being identified as having such a tendency. Heterosexuality means sexual desire for others of the opposite sex from one's own sex. Bisexuality means sexual desire for others of both the male and female sex. Homosexuality means sexual desire for others of one's own sex.
(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 91-25, 6-22-91; Ord. No. 92-51, 11-14-92)

§ 31-3. Prohibited aActs.

(a)A. *Housing*:

(1.) Except as otherwise provided, it shall be an unlawful housing practice:

a. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny, a dwelling to any person because of race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin.

b. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin.

c. 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 a dwelling that indicates any preference, limitation or discrimination based on race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin, or an intention to make any such preference, limitation or discrimination.

d. To represent to any person because of race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

e. To interfere with, interrupt or terminate any person's ownership, rental, possession or occupancy of a dwelling because of race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin.

f. To include in the terms or conditions of any sale, rental or other transfer of a dwelling any provision that purports to forbid or discourages, or attempts to discourage, the ownership, rental, possession, occupancy or use of such dwelling by persons because of their race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin.

g. To engage in economic reprisal or otherwise retaliate or to cause or coerce or attempt to cause or coerce another person to engage in economic reprisal or otherwise retaliate against any person because such person has opposed an unlawful housing practice or has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter.

h. To discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available money for the purchase, acquisition, construction, alteration, repair or maintenance of any housing 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

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because of race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin.

~~(~~2.~~)~~ Discrimination in the provision of brokerage services:

a. It shall be an unlawful housing practice to deny to 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 dwellings or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin.

b. It shall be an unlawful housing practice for any real estate broker, real estate salesman or other person in the business of selling or renting dwellings:

(1)~~.~~ To solicit or discourage the sale, rental or other transfer of a dwelling by representations regarding the existing or potential proximity of real property owned, used or occupied by a person or persons of any particular race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin.

(2)~~.~~ To display a sign or any other device representing that a dwelling is available for inspection, sale, rental or other transfer when in fact it is not so available.

c. Every real estate broker and every other person in the business of selling or renting dwellings shall post in a conspicuous location in that portion of his housing business normally used by him for negotiating the sale or rental of dwellings a notice that contains the following or substantially similar language as may be approved by the Human Rights Commission, clearly visible in not less than fourteen~~-~~ (14) point type:

"IT IS A VIOLATION OF THE HUMAN RIGHTS ORDINANCE OF THE COUNTY OF ARLINGTON, VIRGINIA, TO:

(1) Deny housing accommodations to any person because of his race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin.

(2) Discriminate against any person because of his race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin with respect to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith."

It shall be an unlawful housing practice to fail to post such a sign.

~~(~~3.~~)~~ Restrictive covenants:

a. Any restrictive covenant purporting to restrict occupancy or ownership of property on the basis of race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin included in an instrument affecting the title to real or leasehold property is null, void and of no effect, and contrary to the public policy of Arlington County.

b. Any person who delivers a deed, mortgage, deed of trust or other instrument affecting title to any interest in land to the grantee of such interest shall attach to said instrument a statement advising the grantee of the provisions of paragraph ~~(~~a~~)~~ of this subsection.

c. After July 1, 1974, the Clerk of the Arlington County Circuit Court shall:

(1)~~.~~ Not comply with any request to copy any deed, mortgage, deed of trust or other instrument affecting title to or any interest in land, or declaration of covenants filed or recorded in the Clerk's office, unless the clerk imprints on or affixes to such copy a clear and conspicuous statement that any provision therein which purports to restrict or affect, on the basis of race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin, the holding, occupancy or transfer of any interest in land is invalid and unenforceable.

(2)~~.~~ Post in a conspicuous location in the Clerk's office a notice that contains the following language, printed in black on a light-colored background, in not less than fourteen~~-~~ (14) point type:

"It is a violation of the Human Rights Ordinance of the County of Arlington, Virginia, for any person to include any provision in a deed, mortgage, deed of trust, or other instrument affecting title to or any interest in land which purports to restrict or affect on the basis of race, color, sex, sexual orientation, elderliness, marital status, familial status, religion, handicap or national origin, the holding, occupancy, or transfer of any interest in land, and any such provisions are invalid and unenforceable."

This language shall also be imprinted or affixed to every liber volume in the custody of the Clerk of the Court.

d. Nothing in ~~section~~ § 31-3.A.1~~(a)(1)~~, other than subsection c~~.~~, shall apply to:

(1)~~.~~ Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.

(2)~~.~~ 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, in connection with the sale or rental to, or occupancy by, persons of the same religion of dwellings which it owns or operates for other than a commercial purpose, unless membership in such religion is restricted on account of race, color, sex, elderliness, handicap, familial status or national origin.

(3)~~.~~ 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 in connection with the rental to or occupancy of such lodgings by its members.

(4)~~.~~ Any educational institution, religious or correctional institution which requires that persons of both sexes not occupy any single dwelling or room therein which it owns or operates.

e. Nothing in this chapter shall be construed to affect those provisions of the zoning or housing standards ordinances which limit the number of unrelated individuals who may occupy a dwelling unit. Nothing in this chapter shall be construed to impose stricter requirements on any person than are set out in Code of Virginia ~~Section~~ § 51.5-45, or its successor, or to impose stricter requirements than are set out in applicable building codes.

~~(b)~~B. *Employment*:

~~(~~1.~~)~~ It shall be unlawful for any employer, on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, handicap or age:

a. To refuse to hire an individual for employment.

b. To discharge or otherwise discipline an employee.

c. To deny an employee any opportunity with respect to hiring, promotion, tenure, apprenticeship, compensation, terms, upgrading, training programs, or other conditions, benefits or privileges of employment.

d. To prevent an individual from taking a competitive examination or otherwise deny any benefits pertaining to the grading or processing of applications with respect to any aspect of employment.

~~(~~2.~~)~~ It shall be unlawful for any employment agency, on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, handicap or age:

a. To refuse or fail to accept, register, properly classify, refer for employment or otherwise discriminate against any person, unless such discrimination is justified by a bona fide occupational qualification,

b. To comply with any request by an employer for a referral of applicants if the request indicates, directly or indirectly, that the employer desires any illegal discriminatory limitation of applicants.

~~(~~3.~~)~~ It shall be unlawful for a labor organization, on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, handicap or age:

a. To deny full and equal rights to membership to an applicant for membership.

b. To deny a member or an applicant an opportunity with respect to hiring, seniority, tenure, referral, apprenticeship, compensation, terms, upgrading, training programs, or other conditions or privileges of membership or employment.

c. To expel a member from membership.

~~(~~4.~~)~~ It shall be unlawful for any employer, labor organization, employment agency, or joint labor management committee controlling apprenticeship or other training programs to circulate or publish any notice or advertisement related to employment or membership in a labor organization which indicates, directly or indirectly, any preference, limitation, specifications or discrimination based upon race, color, religion, sex, sexual orientation, marital status, national origin, handicap or age.

~~(~~5.~~)~~ It shall be unlawful for any member of a joint labor-industry apprenticeship committee or board to discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, handicap or age.

~~(~~6.~~)~~ It is not an unlawful act for an employer to observe 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 chapter, 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 because of the age of such

individual.

(7.) With respect to actions on the basis of handicap, this section applies only to otherwise qualified handicapped persons.

(8.) With respect to actions on the basis of age, this section applies only to persons at least forty (40) years of age.

(9.) For violations of § 31-3.B(b) of this Cchapter on the basis of race, color, religion, sex, marital status or national origin, a court may award such relief as a court could award under [Section 706(g)] of the Civil Rights Act of 1964, as amended. For violations of § 31-3.B(b) on the basis of age, a court may award such relief as a court could award under Section § 7(b) of the federal Age Discrimination in Employment Act, except that liquidated damages and attorney's fees shall not be allowed. For violations of § 31-3.B(b) of this Cchapter on the basis of handicap, a court may award such relief as a court could award under applicable State law. For violations of § 31-3.B(b) of this Cchapter on the basis of sexual orientation, a court may award such relief as if sexual orientation was a protected category under the Civil Rights Act of 1964, as amended.

(c)C. *Public accommodations*:

(1.) It shall be unlawful for any person or public accommodation to discriminate against any person, on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, age or handicap, with respect to the access, use, benefit 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.

(2.) Nothing herein shall be construed to limit, restrict, or expand the rights of handicapped persons as established by applicable state or federal law.

(3.) Nothing in this section shall be construed to override, restrict or limit any laws relating to the dispensing of alcoholic beverages.

(4.) Nothing in this section shall be construed to make unlawful any program, service or benefit of any type, established and intended for the benefit of elderly or handicapped persons or minors.

(d)D. *Credit*: It shall be unlawful for any lending institution, on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, age (provided that the person has the capacity to contract) or handicap, to:

(1.) Discriminate against any person in the furnishing or arranging of credit or other credit-related services, including but not limited to the lending of money, guaranteeing of loans or accepting of mortgages.

(2.) Deny or terminate credit or credit-related services or to affect adversely a person's credit rating or standing.

(3.) Nothing herein shall be construed to make illegal any action which is permitted in the Virginia Equal Credit Opportunity Act, or its successor, or to otherwise restrict the rights of any person under the Virginia Equal Credit Opportunity Act or its successor.

(e)E. *Education*:

(1.) It shall be an unlawful act for any educational institution or its agents, employees or officers, on the basis of race, national origin, sex, sexual orientation or color:

a. To discriminate against any person with respect to the terms, conditions,

accommodations, advantages, facilities, benefits, privileges or services of that institution.

b. To require, or cause to be required, that a photograph of any applicant for admission to an educational institution, or information regarding the race, national origin or color of such applicants, be submitted with any form of application for admission, unless such information is sought solely for the purpose of:

(1). Implementing a bona fide affirmative action program designed to include enrollment of qualified members of minority racial, national origin or color groups; or

(2). Obtaining grants or other funds from a public or private institution or agency.

c. To comply with any request by a potential employer that indicates, directly or indirectly, that the employer desires any unlawful discriminatory limitation in its efforts to recruit students on the educational institution's premises or in the employer's use of placement facilities for referral of students for employment or in such employer's participation in any job-training or work-study program operated by or in conjunction with the educational institution.

(2.) It shall be an unlawful act under this chapter for any educational institution to discriminate against otherwise qualified handicapped persons in a manner which would constitute a violation of any state or federal law.

(3.) Nothing contained in this chapter shall be construed to prohibit any single-sex educational institution from restricting admission to persons of a single sex.

(4.) Discrimination on the basis of sex in contact sports programs shall not fall within the purview of this chapter. For purposes of this chapter, contact sports shall include sports such as boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

(f)F. *Commercial real estate:* It shall be unlawful for any person, on the basis of race, color, sex, sexual orientation, age (provided that the person has the capacity to contract), marital status, religion, handicap or national origin, to:

(1.) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny commercial real estate to any person.

(2.) Discriminate against any person in the terms, conditions, or privileges of sale or rental of commercial real estate, or in the provision of services or facilities in connection therewith.

(3.) 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 commercial real estate that indicates any preference, limitation, or discrimination.

(4.) Represent to any person that any commercial real estate is not available for inspection, sale, or rental when such commercial real estate is, in fact, so available.

(5.) Interfere with, interrupt, or terminate any person's ownership, rental, possession, or occupancy of commercial real estate.

(6.) Include in the terms or conditions of any sale, rental, or other transfer of commercial real estate any provision that purports to forbid or discourages, or attempts to discourage, the ownership, rental, possession, occupancy, or use of such commercial real estate.

(7.) Discriminate in lending money, guaranteeing loans, accepting mortgages, or otherwise making available money for the purchase, acquisition, construction, alteration, repair or maintenance of any 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.

(g)G. *Retaliation*: It shall be unlawful for any person:

(1.) To directly or indirectly 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.) To directly or indirectly engage in economic reprisal or intimidation to do, threaten to do, or attempt to do harm to any person or property or to otherwise retaliate against any person because such person has opposed any practice based on a good faith belief that it is unlawful under this chapter, or has complied with or encouraged others to comply with the terms of this chapter, or has had a complaint filed in his or her behalf, or has filed a complaint or has testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter or exercised or attempted to exercise any right conferred herein.

(3.) To directly or indirectly 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.

(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-17-89; Ord. No. 91-25, 6-22-91; Ord. No. 92-51, 11-14-92)

§ 31-4. Human rRights eCommission eCreated; eComposition; tTerms; eChairman; eCompensation.

There is hereby created the Arlington Human Rights Commission, hereinafter referred to as the Commission.

(1)A. The Commission shall consist of nine (9) members, all of whom shall reside in the County of Arlington. The members shall be appointed by the County Board and shall be broadly representative of the community, to the extent practicable, with respect to race, sex, sexual orientation, color, ethnicity, age, disabilities and marital status and with respect to areas of expertise pertinent to the areas of coverage of this Cchapter gained through education and/or paid, volunteer or life experience.

(2)B. Of the members first appointed, three (3) shall be appointed for terms of one (1) year, three (3) shall be appointed for terms of two (2) years, and three (3) shall be appointed for terms of three (3) years. Thereafter, members shall be appointed for terms of three (3) years each. Any vacancy shall be filled by the eCounty bBoard for the unexpired portion of a term. The eCounty bBoard may, in its discretion, remove members during such members' terms for good cause.

(3)C. The eCounty bBoard shall designate one (1) member to act as chairman and shall give consideration each year to continuation of its previous designation of the chairman of the eCommission. Five (5) members of the eCommission shall constitute a quorum for the transaction of business. Decisions of the eCommission shall be made by a majority of the members present and voting.

(4)D. Members of the eCommission shall serve without compensation, but funds may be provided by the eCounty bBoard in the annual budget for reasonable and necessary expenses incurred by the eCommission.

(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

§ 31-5. Human rRights dDirector.

The eCounty mManager shall appoint an eExecutive dDirector of the eCommission and such staff as may

be authorized.
(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89)

§ 31-6. Functions and ~~p~~Powers of the ~~c~~Commission.

In addition to other powers and duties as set out in this chapter, the ~~c~~Commission shall have the following functions and powers:

~~(1)~~A. To meet and function at times it deems appropriate;

~~(2)~~B. To adopt rules and regulations, subject to the approval of the ~~c~~County ~~b~~Board, needed to carry out its functions and purposes, including but not limited to rules governing hearings and meetings of the ~~c~~Commission;

~~(3)~~C. To receive complaints from any person alleging violations of this chapter and investigate or cause to be investigated such complaints;

~~(4)~~D. To conciliate and attempt to resolve individual complaints of violations of this chapter;

~~(5)~~E. To request that any party produce for examination any books, records, papers, or other tangible and relevant evidence, or that any party answer written or oral questions relating to any complaint under investigation by the ~~c~~Commission;

~~(6)~~F. In the event conciliation fails, conduct hearings or take other appropriate action concerning violations of this chapter;

~~(7)~~G. To request the attendance of witnesses at public hearings and to take testimony at hearings under oath or affirmation;

~~(8)~~H. To make findings and recommendations upon complaints alleging violations of this chapter;

~~(9)~~I. To seek, with the approval of the County Board, through appropriate enforcement authorities, prevention of or relief from violations of this chapter;

~~(10)~~J. To refer, to the appropriate state or federal agency, complaints of discrimination which are within the jurisdiction of the state or federal agency;

~~(11)~~K. To accept public grants or private gifts, bequests, or other payments as appropriate and subject to the approval of the ~~c~~County ~~b~~Board;

~~(12)~~L. To gather, discuss and disseminate information about discrimination and human rights problems affecting community life in Arlington County;

~~(13)~~M On its own motion, to authorize investigations by the ~~e~~Executive ~~d~~Director of possible violations of this chapter and to attempt, through conciliation or similar means, to bring to an end any violations of this chapter which may be thought to exist as a result of such investigations, and to seek, with the prior approval of the ~~c~~County ~~b~~Board, through appropriate enforcement authorities, prevention of or relief from violations of this chapter which may be thought to exist as a result of such investigations;

~~(14)~~N. To enter into workshare or other agreements with appropriate federal or state agencies, subject to the approval of the ~~c~~County ~~b~~Board;

~~(15)~~O. To make studies to effectuate the purposes and policies of this chapter when requested by the ~~c~~County ~~b~~Board; and

~~(16)~~P. To make, at least annually, a written report of its activities to the ~~c~~County ~~b~~Board under the provisions of this chapter along with its recommendations concerning measures to be taken to further the purposes

of this chapter.
(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 91-7, 3-16-91)

§ 31-7. Enforcement ~~p~~Proceedings ~~i~~Initiated by the ~~f~~Filing of a ~~c~~Complaint.

~~(a)~~A. *Complaints*. A complaint may be filed with the ~~c~~Commission by any person alleging that a violation of this chapter has been committed against such person. In order for a complaint to become formal, the complaint must be filed on a form supplied by the ~~c~~Commission and sworn to or affirmed, except that a written complaint not initially made on a form supplied by the ~~c~~Commission and sworn to or affirmed must be so formalized within seven (7) days of receipt by the ~~c~~Commission. The ~~e~~Executive ~~d~~Director shall promptly serve a copy of the formal complaint upon each respondent named therein. The complaint shall state the name and address of the complainant and the person or persons against whom the complaint is made, and shall also state the facts upon which the complaint is based, including the date the violation was allegedly committed and such other information as the ~~c~~Commission may require. A complaint may be withdrawn at any time by the complainant. Such withdrawal shall terminate all action by the ~~c~~Commission with respect to that complaint.

Failure of a complainant to formalize his or her complaint within the time allowed shall result in automatic dismissal of the complaint unless, for good cause shown, the ~~c~~Commission grants an extension of time for this purpose.

~~(b)~~B. *Investigation and determinations by the ~~e~~Executive ~~d~~Director*:

~~(~~1.~~)~~ Upon the filing of a complaint as set forth in subsection A~~(a)~~ of this section, the ~~e~~Executive ~~d~~Director shall make such investigation as the ~~d~~Director deems appropriate to ascertain the facts, provided that the complaint may be dismissed by the ~~e~~Executive ~~d~~Director without investigation if it fails to allege adequately a violation of this chapter or is otherwise facially deficient. Except as set forth in ~~section~~ § 31-7.B.4~~(b)(4)~~ below, upon completion of the investigation the ~~e~~Executive ~~d~~Director shall render a determination in writing as to whether there are reasonable grounds to believe a violation of this chapter has occurred, and the facts supporting such determination. Reasonable grounds to believe means that the ~~d~~Director believes, after investigation, that it is more likely than not that a violation of this chapter has occurred. This determination shall promptly be served on the parties.

~~(~~2.~~)~~ If the ~~e~~Executive ~~d~~Director determines that there are reasonable grounds to believe a violation has occurred, or at any other time prior to a formal ~~c~~Commission hearing, the ~~d~~Director may attempt to conciliate and resolve the complaint. The ~~d~~Director may attempt to conciliate the matter by methods of conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal, and nothing said or done during such conferences shall be made public or otherwise used as evidence by the ~~c~~Commission, its members or any of its staff, or the parties unless the parties agree thereto in writing. Nothing said in such conferences shall be deemed to be an admission of any sort. The ~~e~~Executive ~~d~~Director may attempt conciliation by any means deemed appropriate. Conciliation shall not be attempted if the ~~e~~Executive ~~d~~Director determines that it would be futile or if enforcement of the chapter would best be served by referring the matter directly to the ~~c~~Commission for a determination as to whether to hold a public hearing.

a. If conciliation is attempted and the ~~e~~Executive ~~d~~Director determines that it is successful, the terms of the conciliation agreed to by the parties may be reduced to writing and incorporated into a conciliation agreement to be signed by the parties, which agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated. It shall be a violation of this chapter to violate or fail to adhere to any provision contained in any conciliation agreement, and the ~~c~~Commission shall have the right to pursue appropriate legal remedies to enforce any such agreement after consulting with and receiving a recommendation from the ~~c~~County ~~a~~Attorney and receiving authorization from the ~~c~~County ~~b~~Board.

b. If conciliation is attempted and the ~~e~~Executive ~~d~~Director determines that it is unsuccessful, he or she shall promptly refer the matter to the ~~c~~Commission for a determination as to whether to hold a public hearing.

~~(~~3.~~)~~ If the Executive Director determines that the complaint lacks reasonable grounds to believe a violation of this ~~C~~chapter has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) business days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the determination of the Executive Director. Upon request for such a review, the Commission shall afford the complainant an opportunity to appear before the Commission in person or by representative or by letter, as the complainant may desire, so that the complainant may show that the Director's determination was an abuse of discretion. The Commission may, in its discretion, request a response from the respondent. After such review, the Commission may, in its discretion, dismiss such complaint if it finds that the Executive Director's determination was not an abuse of discretion. If the Commission determines that the complaint should not be dismissed, it shall direct the Executive Director to continue the investigation or proceed with conciliation efforts, or the Commission may determine to hold a public hearing on the allegations in the complaint. For purposes of this paragraph only, the term Commission may mean, at the discretion of the Chairman, a panel of three (3) or more members of the Commission designated by the Chairman.

~~(~~4.~~)~~ If the ~~e~~Executive ~~d~~Director determines, after investigation, that the available evidence does not permit a determination as to whether there are reasonable grounds to believe a violation of this chapter has occurred, he or she shall:

a. Send a written notice to this effect to be served on the parties and include in such notice a statement of the reasons for such determination; and

b. Refer the matter to the ~~c~~Commission for a determination as to whether to hold a public hearing.

~~(c)~~C. *Determinations by the ~~c~~Commission as to whether to hold a public hearing*:

~~(~~1.~~)~~ The ~~c~~Commission shall determine whether to hold a public hearing in all matters referred to it by the ~~e~~Executive ~~d~~Director in the following circumstances:

a. When there is a determination by the ~~e~~Executive ~~d~~Director that there are reasonable grounds to believe that a violation of this chapter has occurred, and:

(1)~~.~~ There is a determination by the ~~d~~Director that conciliation should not be attempted; or

(2)~~.~~ There is a determination by the ~~d~~Director that conciliation has been attempted and has been unsuccessful.

b. When there is a determination by the ~~e~~Executive ~~d~~Director that there are not reasonable grounds to believe that a violation of this chapter has occurred, but:

(1)~~.~~ The complainant has filed a proper request for review of such determination; and

(2)~~.~~ The ~~c~~Commission has concluded, upon reviewing such determination, that the complaint should not be dismissed and that the complaint should not be referred to the ~~e~~Executive ~~d~~Director for further investigation or conciliation.

c. When there is a determination by the ~~e~~Executive ~~d~~Director that the available evidence

does not permit a determination as to whether there are reasonable grounds to believe that a violation of this chapter has occurred.

(2.) The cCommission shall base its determination as to whether to hold a public hearing in any of the matters described in subsection C.1(c)(1) above in its sole discretionary judgment as to how enforcement of this chapter would be best served, and other considerations deemed relevant, such as the time and expense to the parties if a hearing is held and the seriousness of the alleged violation.

(3.) If the cCommission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this chapter and the powers of the cCommission hereunder.

(d)D. *Hearings held by the commission*:

(1.) If the cCommission determines to hold a public hearing, it may consider all of the allegations and issues set forth in the complaint or, in its discretion, it may limit the scope of the hearing to one (1) or more of the allegations or issues set forth in the complaint. If a hearing is to be held, the cCommission shall notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent and the issues to be considered at the hearing. Such notice and statement shall be served at least fourteen (14) calendar days before the date of the hearing. The parties shall have the right to file written statements or arguments with the cCommission before the hearing. The cCommission may request the parties to file written statements or arguments before or after the hearing. The hearing shall be open to the public. The cCommission may adopt rules for the conduct of hearings before it, including but not limited to rules pertaining to the admission of documents or other evidence. Oral or documentary evidence may be received, but the cCommission may exclude irrelevant, immaterial, incompetent, or repetitious evidence. The cCommission may also, in its discretion, exclude documents or other evidence for good cause. The cCommission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.

(2.) The cCommission may, upon proper motion, order the exclusion of witnesses while testimony is being given at any such hearing.

(3.) At any public hearing held by the cCommission, each party shall be entitled:

a. To be represented by privately retained counsel of his or her choice;

b. To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;

c. To submit rebuttal evidence; and

d. To conduct such cross-examination as may be permitted by the cCommission for a full and true disclosure of the relevant facts.

(4.) The cExecutive dDirector shall be responsible for assuring the development of the evidentiary record before the cCommission and may introduce evidence, examine or cross-examine witnesses, or make argument if the dDirector deems it advisable in order to fully apprise the cCommission of the facts or the applicable law.

(5.) The cCommission shall keep a full record of the hearing, which record shall be open for inspection and copying pursuant to the applicable provisions of the Virginia Freedom of Information Act.

(e)E. *Decisions by the cCommission*:

~~(~~1.~~)~~ The burden of persuasion is upon the complainant to prove by a preponderance of the evidence that the respondent has committed or is committing violation(s) of this chapter.

~~(~~2.~~)~~ If, after the hearing, the ~~c~~Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this chapter, the ~~c~~Commission shall state its findings and may issue recommendations, to be served promptly on the parties, requesting the respondent to cease and desist from such violation(s) and to take such action as may be indicated to effectuate the purpose of this chapter, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the ~~c~~Commission to be so entitled by reason of respondent's violation(s) of this chapter, or the placement or restoration of any person in or to such status in which the ~~c~~Commission finds he or she would be but for respondent's violation(s) of this chapter.

~~(~~3.~~)~~ If, after receiving the evidence presented at the hearing, the ~~c~~Commission finds that the respondent has not engaged in the alleged violation(s) of this chapter, the ~~c~~Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 91-25, 6-22-91)

§ 31-8. Enforcement by the ~~c~~Court.

~~(a)~~A. If the ~~c~~Commission finds that a respondent has committed a violation of this chapter and determines that appropriate remedial measures have not been taken, the ~~c~~Commission, after consulting with and receiving a recommendation from the ~~c~~County ~~a~~Attorney and receiving authorization from the ~~c~~County ~~b~~Board, may bring an appropriate action in any court of competent jurisdiction to: prove, de novo, that the person violated this chapter; secure compliance with this chapter; and/or obtain appropriate redress or relief for any person injured as a result of a violation of this chapter.

~~(b)~~B. Whenever the ~~c~~Commission has probable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the ~~c~~Commission, after a good faith effort to obtain, voluntarily, the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the ~~c~~County ~~a~~Attorney, with the approval of the ~~c~~County ~~b~~Board, to apply to the judge of the ~~c~~Circuit ~~c~~Court of the jurisdiction in which the respondent resides or is doing business for a subpoena duces tecum against any person refusing to produce such data and information. The judge of the 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. For purposes of this section "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employment agency, labor organization, joint labor-management committee, or an agent thereof, or other "person" as defined by this chapter.

~~(c)~~C. If, at any time after a complaint has been filed, or after initiation of any investigation on the ~~c~~Commission's own initiative, the ~~c~~Commission determines that a court order requiring a party to refrain from any conduct is necessary to prevent irreparable harm to any person, the ~~c~~Commission, after consulting with and receiving a recommendation from the ~~c~~County ~~a~~Attorney and receiving authorization from the ~~c~~County ~~b~~Board, may bring appropriate action to prevent such irreparable harm, including but not limited to petitioning a court of competent jurisdiction for a temporary restraining order or preliminary injunction.

(Ord. No. 89-3, 7-1-89)

§ 31-9. Exemptions.

~~(a)~~A. *Exemption on religious organizations*. It is not a violation of this chapter for a religious organization to:

~~(~~1.~~)~~ Limit admission to or give preference in its accommodations, facilities or services to persons of the same religion or denomination, or to make a selection of applicants or individuals that is reasonably calculated to promote the religious principles for which it is established or maintained.

(2.) Reserved.

(b)B. *Nothing contained in this chapter shall be construed to*:

(1.) Bar bona fide housing for the elderly or handicapped persons from limiting admission or giving preference to persons of a given age or persons with handicapping conditions;

(2.) Bar a person from maintaining an establishment which provides sleeping accommodations exclusively to persons of the same sex;

(3.) Make it an unlawful act to require that a person have legal capacity to enter into an irrevocable contract; or

(4.) Require any person or group of persons selling, renting or leasing property to exercise a higher degree of care for a person with a handicap than for a person without a handicap.

(c)C. *Employment practices*:

(1.) Notwithstanding any other provision of this Cchapter, it shall not be an unlawful employment practice to:

a. Restrict employment to persons of a particular religion, sex, sexual orientation, national origin or age, where such religion, sex, sexual orientation, national origin or age is a bona fide occupational qualification;

b. Take actions on the basis of a handicap, pursuant to law or regulation governing any employment or training program which is designed to benefit handicapped persons;

c. Advertise and offer employment only to handicapped persons when other employment compatible with their ability would not be available to handicapped persons because of their handicaps; or

d. To engage in affirmative action programs permitted by state or federal law.

(2.) Nothing in this chapter shall prohibit an employer from refusing to hire or promote, from disciplining, transferring or discharging or taking any other personnel action pertaining to an applicant or an employee who, because of his disability, is unable adequately to perform his duties, or cannot perform such duties in a manner which would not endanger his health or safety or the health or safety of others. Nothing in this section shall subject an employer to any legal liability resulting from the refusal to employ or promote or from the discharge, transfer, discipline of, or the taking of any other personnel action pertaining to a person with a disability who, because of his disability, is unable adequately to perform his duties or cannot perform such duties in a manner which would not endanger his health or safety or the health or safety of others.

(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

§ 31-10. Enforcement by eCounty aAgencies.

(a)A. *Public contractors*. Upon publication or receipt of the findings and recommendations of the eCommission declaring the respondent to be in violation of this chapter, and with the approval of the eCounty bBoard, the purchasing agent of Arlington County may deem the respondent ineligible for award of a public contract until the eCounty bBoard is satisfied that the respondent will comply with those recommendations of the eCommission which the eCounty bBoard feels are proper and appropriate.

(b)B. *County financial assistance*. Upon publication or receipt of a copy of the findings and recommendations of the eCommission declaring the respondent to be in violation of this chapter, the eCounty bBoard may take appropriate action to terminate or refuse to grant or continue any public financial assistance to a

program or activity of respondent until the ~~c~~County ~~b~~Board is satisfied that the respondent will comply with those recommendations of the ~~c~~Commission which the ~~c~~County ~~b~~Board feels are proper and appropriate.

~~(c)~~C. Any respondent adversely affected by the provisions of this section shall retain all rights of appeal provided for by the applicable rules, regulations or laws of Arlington County.
(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

§ 31-11. Inspections, ~~r~~Records and ~~n~~Notices.

~~(a)~~A. Every person subject to this chapter shall post such notices, make and keep such records relevant to the determination of whether discriminatory acts have been or are being committed, preserve such records for such periods, and make such reports therefrom as the ~~c~~Commission shall prescribe in order to assure the enforcement of this chapter.

~~(b)~~B. The ~~c~~Commission, or any designated representative of the ~~c~~Commission, may request access at any reasonable time to premises, records and documents relevant to a complaint or notice of investigations and may request the opportunity to examine, photograph and copy evidence upon presenting written authorization of the ~~c~~Chairman of the ~~c~~Commission or the ~~e~~Executive ~~d~~Director, duly executed by the ~~c~~Chairman or ~~e~~Executive ~~d~~Director in accordance with the ~~c~~Commission's rules or procedures.

~~(c)~~C. When a complaint or notice of investigation has been filed against a person under this chapter, the respondent shall preserve all records relevant to the allegations until final disposition of the complaint or notice of investigation.
(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

§ 31-12. Savings ~~p~~Provisions and ~~n~~Nonabatement of ~~m~~Matters.

~~(a)~~A. The provisions of this chapter, so far as they are the same as those of chapters repealed by this chapter, are intended as a continuation of such chapters and not as new enactments.

~~(b)~~B. The provisions of this chapter shall take effect on July 1, 1989. Any amendments to this chapter shall apply to all matters pending before the ~~c~~Commission on the effective date of the amendment, unless a contrary intention is clearly expressed.

~~(c)~~C. Nothing contained in this chapter shall be construed to conflict with any applicable state or federal law, rule or regulation; and insofar as this chapter does so conflict, it shall be superseded thereby.
(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

§ 31-13. Nonexclusive ~~r~~Remedy.

Any person who is aggrieved by any act prohibited herein may bring an appropriate action in a court of competent jurisdiction to seek damages, redress of injury, or injunctive relief arising out of any act prohibited herein as provided for by applicable law. Nothing herein shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled, nor shall any person be required to pursue any remedy set forth herein as a condition of seeking relief from any court or other agency, except as is otherwise provided by applicable state or federal laws.
(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

§ 31-14. Notices; ~~s~~Service.

All notices required under the provisions of this chapter shall be served either in person or by mailing to the last-known address appearing in the ~~c~~Commission's records. Counsel of record shall be entitled to a copy of any notices served upon his or her client which shall be mailed to him or her at his or her last-known address as it appears in the records of the ~~c~~Commission. It is the duty of the parties to advise the ~~c~~Commission of any changes in address.
(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

§ 31-15. Time ~~l~~Limitations.

~~(a)~~A. A complaint filed under the provision of this chapter shall be dismissed by the ~~e~~Executive ~~d~~Director if the alleged violation of this chapter ended more than one hundred eighty (180) days before the date of filing of the complaint.

~~(b)~~B. Any complaint filed under the provisions of this chapter shall be deemed dismissed after the passage of one (1) year from the date of the filing of the complaint, unless:

~~(~~1.~~)~~ A conciliation agreement between the parties has been reached;

~~(~~2.~~)~~ The ~~c~~Commission, after a public hearing, has issued findings and recommendations;

~~(~~3.~~)~~ The ~~c~~Commission has previously dismissed the complaint; or

~~(~~4.~~)~~ The ~~c~~Commission, having determined before or after the expiration of this one- (1) year period that there was good cause for extending this time limitation, has, by majority vote, so extended it, provided that in no event may the ~~c~~Commission extend any case beyond a date that is two (2) years from the date of the filing of the complaint, and provided further that, in computing the time under the provisions of this section, there shall be excluded those days which elapse between the filing and final conclusion of any legal proceedings pertaining to the validity of, or seeking to enforce or prohibit the enforcement of, any of the provisions of this chapter.

(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

§ 31-16. Severability.

The provisions of this chapter are severable, and if any provision, word, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicabilility shall not affect or impair any of the remaining provisions, words, sentences, clauses, sections or parts of this chapter, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid or unconstitutional provision, word, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

ARLINGTON COUNTY CODE

Chapter 32

BANK FRANCHISE TAX

§ 32-1. Definitions.
§ 32-2. Imposition of ~~c~~County ~~b~~Bank ~~f~~Franchise ~~t~~Tax.
§ 32-3. Filing of ~~r~~Return and ~~p~~Payment of ~~t~~Tax.
§ 32-4. Effective ~~d~~Date of ~~c~~Chapter.
§ 32-5. Penalty upon ~~b~~Bank for ~~f~~Failure to ~~c~~Comply with ~~c~~Chapter.

§ 32-1. Definitions.

~~For the purposes of this chapter, t~~The following words and terms, when used in this chapter, shall have the following meanings~~ ascribed to them by this section~~ unless the context clearly indicates otherwise:

"Bank"~~ shall be~~ is as defined in ~~Section~~ § 58.1-1201 of the Code of Virginia.

"Net capital"~~ shall~~ means a bank's net capital computed pursuant to ~~Section~~ § 58.1-1205 of the Code of Virginia.
(1-1-80; Ord. No. 09-08, 4-28-09)

§ 32-2. Imposition of ~~c~~County ~~b~~Bank ~~f~~Franchise ~~t~~Tax.

~~(a)~~A. Pursuant to the provisions of Chapter 12 of Title 58.1 of the Code of Virginia and subject to such provisions, there is hereby imposed upon each bank located within this ~~c~~County a tax on net capital equaling eighty percentum (80%)~~ percentum~~ of the ~~s~~State rate of franchise tax set forth in ~~Section~~ § 58.1-1204 of the Code of Virginia; provided, however, in no event shall the tax imposed hereunder be less than the minimum amount specified in § 58.1-1210.

~~(b)~~B. In the event that any bank located within the boundaries of this ~~c~~County is not the principal office but is a branch extension or affiliate of the principal office, the tax upon such branch shall be apportioned as provided by ~~Section~~ § 58.1-1211 of the Code of Virginia.
(1-1-80; Ord. No. 09-08, 4-28-09)

§ 32-3. Filing of ~~r~~Return and ~~p~~Payment of ~~t~~Tax.

~~(a)~~A. On or after the first day of January of each year, but not later than March 1 of any such year or within fifteen (15) days of adoption of this section, whichever is later, all banks whose principal offices are located within this ~~c~~County shall prepare and file with the ~~c~~Commissioner of the ~~r~~Revenue a return as provided by ~~Section~~ § 58.1-1207 of the Code of Virginia in duplicate which shall set forth the tax on net capital computed pursuant to Chapter 12 of Title 58.1 of the Code of Virginia. The ~~c~~Commissioner of the ~~r~~Revenue shall certify a copy of such filing of the bank's return and schedules and shall forthwith transmit such certified copy to the ~~s~~State ~~d~~Department of ~~t~~Taxation.

~~(b)~~B. In the event that the principal office of a bank is located outside the boundaries of this ~~c~~County and such bank has branch offices located within this ~~c~~County, in addition to the filing requirements set forth in subsection A~~(a)~~ hereof, any bank conducting such branch business shall file with the ~~c~~Commissioner of the ~~r~~Revenue of this ~~c~~County a copy of the real estate deduction schedule, apportionment and other items which are required by ~~Sections~~ §§ 58.1-1207, 58.1-1211 or 58.1-1212 of the Code of Virginia.

~~(c)~~C. Each bank, on or before the first day of June of each year or within fifteen (15) days of the

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adoption of this section, whichever is later, shall pay into the ~~t~~Treasurer's ~~o~~Office of this ~~c~~County all taxes imposed pursuant to this chapter.
(1-1-80; Ord. No. 09-08, 4-28-09)

§ 32-4. Effective ~~d~~Date of ~~c~~Chapter.

The provisions of this chapter shall be effective for the year beginning January 1, 2009.
(1-1-80; Ord. No. 09-08, 4-28-09)

§ 32-5. Penalty upon ~~b~~Bank for ~~f~~Failure to ~~c~~Comply with ~~c~~Chapter.

Any bank which fails to file a return or pay the tax required by this article or fails to comply with any provision of this article shall be subject to a penalty of five percent (5%) ~~percent~~ of the tax due. If the ~~c~~Commissioner of the ~~r~~Revenue is satisfied that such failure is due to providential or other good cause, such return and payment of tax shall be accepted exclusive of such penalty, but with interest determined in accordance with ~~section~~ § 58.1-15 of the Code of Virginia.
(1-1-80; Ord. No. 09-08, 4-28-09)

ARLINGTON COUNTY CODE

Chapter 33

SECURITY ALARMS*

* **Editors Note:** Ord. No. 00-27, adopted Nov. 1, 2000, repealed former Ch. 33, §§ 33-1--33-5, and enacted provisions designated as a new Ch. 33 to read as herein set out as §§ 33-1--33-17.

Article I. In General

§ 33-1. Declaration of ~~f~~Findings and ~~p~~Policy.
§ 33-2. Severability.
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Article III. Security Alarm Systems

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§ 33-9. Required Equipment.
§ 33-10. Alarm System Registration.
§ 33-11. Alarm System Registration-Apartment Complexes
§ 33-12. Alarm Company Procedures to Request Police Assistance.
§ 33-13. Police ~~r~~Response to ~~a~~Alarms; ~~d~~Determination of ~~v~~Validity;~~.~~ Appeals
§ 33-14. Excessive ~~f~~False ~~a~~Alarms ~~p~~Prohibited;~~.~~ Penalties
§ 33-15. Inspection of ~~a~~Alarm ~~s~~Systems.

Article IV. Administrative Appeal Hearing

§ 33-16. Administrative ~~a~~Appeal ~~h~~Hearing.
§ 33-17. Grounds for ~~r~~Rescinding, ~~w~~Waiving or ~~r~~Reduction ~~s~~Service ~~f~~Fees.

ARTICLE I.

IN GENERAL

§ 33-1. Declaration of ~~f~~Findings and ~~p~~Policy.

It is hereby declared that false alarm calls within Arlington County results in an inefficient use of police resources, reduces faith in security alarm signals, and promotes complacency in police investigation of alarm signals. This creates a general safety hazard detrimental to protection of property and to the health, safety and welfare of citizens, and to the police personnel responsible for the investigation of alarm signals.
(Ord. No. 00-27, 11-1-00)

§ 33-2. Severability.

If any of the articles, sections, paragraphs, sentences, clauses or phrases of this ~~C~~chapter 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 the validity of the ~~C~~chapter in its entirety, or any of the remaining articles, sections, paragraphs, sentences, clauses and phrases.
(Ord. No. 00-27, 11-1-00)

§ 33-3. Administration and ~~e~~Enforcement.

The Arlington County Police Department shall be responsible for the administration and enforcement of this ~~C~~chapter.
(Ord. No. 00-27, 11-1-00)

ARTICLE II.

DEFINITIONS.

§ 33-4. Definitions.

~~For the purpose of this Chapter, t~~The following words and ~~phrases~~ terms, when used in this chapter, shall have the following meanings ~~given~~ unless the context clearly indicates otherwise:

~~(1)~~ "Alarm ~~C~~company"~~:~~ means ~~A~~any corporation, partnership, business or individual, operated for profit, engaged in the business of the installation, maintenance, alteration, servicing, or monitoring of an alarm system or which responds to such alarm systems.

~~(2)~~ "Alarm registration"~~:~~ means ~~A~~a registration issued by the County to an alarm user allowing the operation of an alarm system within the County.

~~(3)~~ "Alarm response"~~:~~ means ~~A~~any response to a premise by the Police Department as a result of an alarm signal.

~~(4)~~ "Alarm signal"~~:~~ means ~~T~~the activation of an alarm system resulting in a request for an alarm response regardless of cause.

~~(5)~~ "Alarm system"~~:~~ means ~~A~~any assembly of equipment, mechanical or electrical, designed to signal an occurrence of robbery, burglary, unauthorized entry, or any other circumstance requiring urgent attention and to which police are expected to respond. Alarm system does not include fire alarms, or alarms installed in motor vehicles, boats, or aircraft, except those motor vehicles permanently located at a site such as office or storage trailers.

~~(6)~~ "Alarm user"~~:~~ means ~~A~~any person, firm, partnership, association, corporation, company or organization of any kind who or which purchases, leases, contracts for, or otherwise obtains an alarm system, or the servicing, maintenance or monitoring of an alarm system from an alarm company.

~~(7)~~ "Automatic dialing device"~~:~~ means ~~A~~a device which is interconnected to a telephone line and is programmed to a predetermined telephone number and which automatically transmits by recorded voice message or signal the existence of a hazard requiring urgent attention and to which police or fire fighters are expected to respond.

~~(8)~~ "County ~~m~~Manager"~~: Shall~~ means the County Manager or his designee.

~~(9)~~ "False alarm"~~:~~ means ~~A~~any alarm signal:~~;~~

(a) Which elicits a response by police personnel; and

(b) For which there is no evidence of criminal activity to justify a police response.

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False alarm shall not include police response to an alarm signal that is canceled by the alarm user or his agent prior to the arrival of police personnel at the alarm location.

~~(10)~~ "Person"~~:~~ means ~~A~~any individual, group of persons, firm, partnership, association of any kind, company or corporation.

~~(11)~~ "Police Department"~~:~~ means ~~T~~the Arlington County Police Department.

~~(12)~~ "Protected premise"~~: Shall~~ means the premises upon which an alarm system has been placed for the purpose of detecting a hazard~~ as described in Section 33-4.(4)~~.

~~(13)~~ "Twelve ~~M~~month ~~C~~calculation ~~P~~period"~~: Shall~~ means the twelve (12) month period of time, commencing with the date of registration issuance, or for non-registered alarm systems, the date of the first false alarm response, that shall be used for calculating violations of ~~Sections~~ §§ 33-14 and 33-15.
(Ord. No. 00-27, 11-1-00)

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ARTICLE III.

SECURITY ALARM SYSTEMS

§ 33-5. Intentional ~~f~~False ~~a~~Alarm ~~p~~Prohibited.

Any person who knowingly and willfully activates a security alarm system to summon police or fire fighters when there is no actual or threatened emergency or criminal activity shall be deemed guilty of a Class 1 misdemeanor.
(Ord. No. 00-27, 11-1-00)

§ 33-6. Automatic ~~d~~Dialing ~~d~~Device ~~r~~Restrictions.

Any person who installs, operates or maintains an automatic dialing device which is programmed to transmit a prerecorded message or code signal directly to a 911 telephone number shall be deemed guilty of a Class 4 misdemeanor.
(Ord. No. 00-27, 11-1-00)

§ 33-7. Automatic ~~d~~Dialing ~~s~~Service ~~r~~Restrictions.

Any person who possesses or controls an automatic dialing device which transmits a prerecorded message or code signal directly to a 911 telephone number where there is no actual or threatened emergency or criminal activity shall be deemed guilty of a Class 2 misdemeanor.
(Ord. No. 00-27, 11-1-00)

§ 33-8. Alarm Company Registration and Licensing.

All alarm companies operating in Arlington County shall be licensed to do business within Arlington County and shall comply with all the licensing, registration, certification, and training requirements established by the Commonwealth of Virginia Department of Criminal Justice Services pursuant to ~~Sections~~ §§ 9-182 and 9-183 of the Code of Virginia.
(Ord. No. 00-27, 11-1-00)

§ 33-9. Required ~~e~~Equipment.

~~(a)~~A. Alarm systems installed after January 1, 2001, shall meet the following installation standards.

1. An alarm system operated within the County shall be equipped in such a manner so as to prevent false alarms due to interruptions in electrical power.

2. An alarm system within the County which is equipped with a horn, bell, siren or other noise device audible beyond the confines of the premise shall be adjusted in such a manner that it will not sound for longer than fifteen (15) minutes before silencing itself.

~~(b)~~B. Alarm systems installed after July 1, 2001, shall meet the following additional installation standards.

1. Every alarm system must have secondary or back-up power sufficient to operate the system in a non-alarm status for a minimum of four (4) hours. An alarm activation shall not occur during switchovers between primary and secondary power.

2. All alarm system equipment must be UL listed, used only for the purpose intended by the manufacturer, and installed per manufacturer's specification.

3. Every alarm system must be installed under National Electric Code (NEC) and manufacturers standards.

4. Any hold-up alarm requiring push button activation must use simultaneous ~~2~~two-button activation, or conform to UL standards.

~~(c)~~C. Any alarm system that is required to be upgraded pursuant to ~~Section~~ § 33-15 shall be brought into compliance with the provisions of this ~~S~~section regardless of installation date.
(Ord. No. 00-27, 11-1-00)

§ 33-10. Alarm ~~s~~System ~~r~~Registration.

~~(a)~~A. Every alarm user shall, on a form provided by the Police Department, register the alarm with the Police Department before the user begins using the system, and must pay the alarm registration fee established by this ordinance. The registration form shall contain the name of two (2) persons who are able to respond to the alarm site within one (1) hour, grant access to the alarm site, and deactivate the alarm system if such becomes necessary. If at any time there is a change in the information provided on the registration form, the correct information must be provided to the Police Department within thirty (30) days of the change.

~~(b)~~B. An alarm company that installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaced, services or monitors any alarm system shall meet the following requirements:

1. An alarm company shall ensure that an alarm user has registered the alarm system with the Police Department or designee before the alarm system is activated or placed into service. An alarm company must provide the alarm user registration form to all of its current and future residential and non-residential alarm users, collect the form and registration fee from the alarm user and deliver the completed alarm registration form and registration fee to the Police Department or designee in the required format before the system is activated or placed into service.

2. An alarm company shall provide to the Police Department, when requested to do so, a list which contains the name, address, telephone number and registration number of all of its current alarm users in Arlington County.

3. An alarm company shall notify the Police Department or designee of any alarm user, who has a service contract with or is monitored or maintained by the alarm business, who has canceled or otherwise terminated their alarm services with the alarm company.

~~(c)~~C. A separate registration is required for each tenant of a multi-tenant residential or commercial building using an alarm system. This section shall not apply to systems in apartment complexes registered pursuant to ~~Section~~ § 33-11.

~~(d)~~D. Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation,

either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that police response may be based on factors such as availability of police units, staffing levels, priority of pending requests for police services, weather conditions, traffic conditions, emergency conditions, and the recent activation history of the alarm in question.

~~(e)~~E. Each registration remains in effect until the registrant relinquishes control of the alarm site or the registration is suspended or revoked.

~~(f)~~F. A registration is valid only for the premises registered and is not transferable to another alarm user or premises. A separate registration must be obtained for each premise that a single alarm user protects with an alarm system, and a new alarm user must obtain a new registration upon acquiring an alarm system previously registered by a different alarm user, in accordance with this section.

~~(g)~~G. All information submitted to a third party administrator in compliance with this regulation must be held in strict confidence and must not be disclosed without approval of the Arlington County Police Department and the alarm company of record. Any person found guilty of the unauthorized release of such information shall be guilty of a Class 1 misdemeanor.

~~(h)~~H. Alarm users with alarm systems installed prior to January 1, 2001 shall comply with this ~~S~~section prior to July 1, 2001.

~~(i)~~I. Any alarm user who allows an alarm response to an alarm signal initiated by an alarm system which is not in compliance with the registration requirements for this ~~S~~section shall be in violation of this ~~S~~section and subject to an administrative service fee of fifty dollars ($50.00).

~~(j)~~J. Prior to January 1, 2001, the Police Department shall make registration forms available to alarm companies and alarm users.

~~(k)~~K. All nonresidential alarm users shall pay a registration fee of thirty dollars ($30.00). A ten dollar ($10.00) fee shall be assessed against any alarm user to reinstate a suspended registration.

~~(l)~~L. The twelve (12) month period used to calculate violations of ~~Section~~ §§ 33-14 and 33-15 shall commence with the date of registration issuance.
(Ord. No. 00-27, 11-1-00)

§ 33-11. Alarm System Registration-Apartment Complexes.

~~(a)~~A. If the owner or~~f~~ property manager of an apartment complex provides alarm systems in each residential unit as an amenity, the owner or property manager shall obtain a separate alarm registration for each individual unit in the complex. The owner or property manager shall be considered the alarm user, except for the purposes of ~~Section~~ § 33-5. The fee shall be one dollar ($1.00) per unit, but in no case shall be less than thirty dollars ($30.00). The registration procedure shall be as described in ~~Section~~ § 33-10.

~~(b)~~B. For purposes of assessing fees and enforcing this ~~C~~chapter, the owner or property manager is responsible for payment of fees resulting from false alarm dispatches to individual apartments.
(Ord. No. 00-27, 11-1-00)

§ 33-12. Alarm Company Procedures to Request Police Assistance.

~~(a)~~A. Before requesting a police response to an alarm signal, an alarm company shall attempt to verify every alarm signal, except a hold-up alarm activation, by a telephone call to the alarm user or other person(s) designated by the alarm user. In the case of a hold-up alarm activation, the alarm company shall not attempt to verify the alarm signal, but shall instead provide the ~~p~~Police ~~d~~Department with the appropriate phone number for the alarm user and allow the ~~p~~Police ~~d~~Department to verify the signal.

~~(b)~~B. An alarm company shall not request a police response to an alarm signal until the alarm system has been properly registered with the ~~Arlington County~~ Police Department or designee.

~~(c)~~C. An alarm company shall provide the following information when contacting the Police Department Emergency Communications Center (ECC), to report an activated alarm signal and to request a police response.

1. Name and Virginia Department of Criminal Justice Services license number of the alarm company reporting the activated alarm, name or employee number of the alarm company, employee making the report, and a call-back telephone number.

2. Registration number issued to the alarm user.

3. Location of the activated alarm, including complete business or homeowner's name, street address and telephone number

4. Type of alarm (such as audible or silent, robbery, hold-up, duress, panic, burglary), and if the alarm system is zoned, the specific location of the alarm activation (such as interior, perimeter, vault, motion detection).

5. The results of the verification procedure, i.e. person without code on the premises.

6. For activation at nonresidential premises, any available information regarding whether the business is open or closed, if guards or guard dogs are on site, and if dangerous or special conditions exist within the location.

7. For activation at residential premises, any available information regarding presence of pets, handicapped individuals, or unusual or special conditions.

8. If a representative of the alarm user or alarm company is responding and their estimated time of arrival.

~~(d)~~D. An alarm company shall not request a police response to an alarm signal if the alarm business has been notified by the ~~Arlington County~~ Police Department or designee that the alarm user registration has been suspended or revoked:

~~(~~1.~~)~~ Due to unpaid alarm response fee due under ~~Section~~ § 33-14; or

~~(~~2.~~)~~ Because the alarm user did not comply with the inspection requirements under ~~Section~~ § 33-15.

~~(e)~~E. An alarm company shall cancel any request for police response immediately when the alarm company determines that the alarm signal is a false alarm.
(Ord. No. 00-27, 11-1-00)

§ 33-13. Police ~~r~~Response to ~~a~~Alarm;~~:~~ ~~d~~Determination of ~~v~~Validity; ~~a~~Appeals.

~~(a)~~A. Whenever an alarm is activated in the County and the Police Department does respond, a police officer on the scene of the activated alarm shall inspect the premises and shall determine whether the police response was in fact necessary or whether the alarm was a false alarm. If the officer determines that the alarm activation was caused by electrical storm, hurricane, tornado, blizzard or other acts of God, the alarm activation shall not be considered a false alarm.

~~(b)~~B. The ~~Arlington County~~ Police Department shall provide written notice to alarm users when responses are determined to be false alarms. The notice will provide the following information:

1. Date and time of alarm response.

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2. Officer's name and business telephone number.

3. Brief synopsis of the alarm ordinance, including a statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid fines.

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Such notice shall be delivered to the user in a manner to be determined by the Police Department.

~~(c)~~C. The alarm user may, within ten (10) business days of the receipt of the false alarm notification make a written request for a review by the Chief of Police or his designee of the determination that an alarm was false. The request shall include the following information:

1. Alarm user name;~~,~~

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2. ~~a~~Alarm user registration number;~~,~~

3. ~~a~~Address at which the alarm is installed;~~,~~

4. ~~d~~Date of false alarm that is being contested;~~,~~ and

5. ~~t~~The facts upon which the request for review of the false alarm determination is made.

~~(d)~~D. The Chief of Police or his designee shall consider the circumstances of the contested false alarm determination and provide a written response to the alarm user.

~~(e)~~E. Response to alarm activations shall not be counted as false for the purpose of calculating violations of ~~Section~~ § 33-14 until the expiration of the ten- (10) day appeal period.
(Ord. No. 00-27, 11-1-00)

§ 33-14. Excessive ~~f~~False ~~a~~Alarm ~~r~~Responses ~~p~~Prohibited; ~~p~~Penalties.

~~(a)~~A. It shall be unlawful for any alarm user in the ~~c~~County to allow an excessive number of false alarm responses to occur at a protected premise for which they are responsible. It is hereby found and determined that false alarm responses to a protected premise in excess of two (2) in a twelve- (12) month calculation period are deemed to be an excessive number and shall be a violation of this chapter. When involving apartment complexes, a protected premise shall be determined on a "per unit" basis. The first twelve- (12) month period shall commence on the date of original registration issuance. Subsequent twelve (12) month periods shall be established successively.

~~(b)~~B. A false alarm response fee shall be assessed against the alarm user for false alarm responses in excess of two (2) in a twelve- (12) month calculation period, in accordance with the following false alarm response fee schedule:

~~(~~1.~~)~~ Third response $100.00

~~(~~2.~~)~~ Fourth response $150.00

~~(~~3.~~)~~ Fifth response $200.00

~~(~~4.~~)~~ Sixth response $250.00

~~(~~5.~~)~~ Seventh response $300.00

~~(~~6.~~)~~ Eighth response. $400.00

~~(~~7.~~)~~ Ninth response and each response thereafter $500.00

~~(c)~~C. The failure of an alarm user to make payment of any fee imposed under this section within sixty (60) days from the date of receipt may result in the suspension of the alarm user registration and a discontinuance of police response to alarms that may occur at the protected premises described in the alarm user's registration until such time that payment is received.

~~(d)~~D. To ensure that the assessed amounts are representative of the costs incurred by the ~~c~~County to provide alarm responses and to administer this chapter, the amounts contained in the false alarm response fee schedule shall be evaluated and amended, as necessary, on an annual basis.
(Ord. No. 00-27, 11-1-00; Ord. No. 08-06, 4-19-08, effective 7-1-08)

§ 33-15. Inspection of ~~a~~Alarm ~~s~~Systems.

~~(a)~~A. In the event that three (3) or more false alarms occur at a protected premises within any twelve (12) month calculation period, the Chief of Police or his designee may require that the alarm user, at the alarm user's expense, cause their alarm system to be inspected by an alarm company licensed to conduct business in Arlington County. The inspection shall entail a complete examination of the alarm system including, but not limited to, satisfactory design and installation of the equipment, proper functioning of the equipment, and user education in the operation of the equipment. The alarm company shall record the details of the inspection and certify that the alarm system is operating properly and that the appropriate persons have been re-educated in the proper operations of the system on a form provided by the Police Department for this purpose. The completed inspection report shall be returned to the Police Department within thirty (30) days of the initial notification to the alarm user.

~~(b)~~B. In the event that eight (8) or more false alarms occur at a protected premise within any twelve (12) month calculation period, the Chief of Police or his designee may require that the alarm user cause their alarm system to be upgraded to be in compliance with equipment installation standards. An alarm company licensed to do business in Arlington County shall certify that the system has been upgraded to meet the standards listed in ~~Section~~ § 33-9 of this ordinance. Such certification shall be made on a form provided by the Police Department for this purpose. The completed certification form shall be returned to the Police Department within thirty (30) days of initial notification to the alarm user.

~~(c)~~C. If the Police Department does not receive the completed inspection report or upgrade certification report within thirty (30) days of notification, an administrative fee of one hundred dollars ($100.00) shall be assessed against that alarm user. The alarm user registration may be suspended for failure to comply with the inspection or upgrade requirements or pay the administrative fee. The Police Department may discontinue response to alarm activations that may occur at the premises described in the alarm user's registration until such time as the inspection report, upgrade certification report and/or administrative fees are received by the Police Department.
(Ord. No. 00-27, 11-1-00)

ARTICLE IV.

ADMINISTRATIVE APPEAL HEARING

§ 33-16. Administrative ~~a~~Appeal ~~h~~Hearing.

~~(a)~~A. In the event an inspection order is issued to an alarm user, administrative fees are assessed, or the registration of an alarm user is suspended, the alarm user may request an appeal hearing to determine whether there is just cause for such action.

~~(b)~~B. The hearing shall be held before a hearing officer who shall have been appointed by the County Manager. The hearing shall be held within seventy-two (72) hours after the request is filed with the Police Department unless an extension has been agreed upon by both the alarm user and the Police Department.

~~(c)~~C. The alarm user shall have the right to appear and present witnesses and other evidence, but there shall be no formal rules of procedure required for the conduct of the hearing and the hearing officer shall not have the power to compel the attendance of witnesses or the production of other evidence.

~~(d)~~D. The hearing officer shall proceed forthwith to hear the matter and to determine by a preponderance of the evidence whether there is probable cause to believe that the provision of this ~~C~~chapter have been applied, fairly and impartially. The hearing officer~~s~~ shall have authority, if he determines that there is insufficient evidence to fully support imposition of an inspection requirement, registration suspension, or administrative service fees, to order that any inspection requirements, registration suspension, or fees imposed under this ~~C~~chapter be waived or rescinded in whole or in part.

~~(e)~~E. The provisions of this ~~S~~section shall not apply to the imposition of false alarm response fees assessed pursuant to ~~Sections~~ §§ 33-13 and 33-14 of this ~~C~~chapter.
(Ord. No. 00-27, 11-1-00)

§ 33-17. Grounds for ~~r~~Rescinding, ~~w~~Waiving or ~~r~~Reduction ~~s~~Service ~~f~~Fees.

A. Administrative hearing officers shall consider the following factors in reaching a determination as to the modification or waiving of an administrative fee, inspection order, or registration suspension order:~~:~~

~~(a)~~1. Evidence of attempts by the alarm user to eliminate the cause of false alarms, such as:

a. Installation of new equipment

b. Replacement of defective equipment

c. Inspection and repair of the system by an alarm technician

d. Specific formal training of alarm users.

~~(b)~~2. Written evidence that the alarm system which caused the alarm responses has been disconnected and removed from the protected premises.

B. Nothing in this ~~S~~section shall be interpreted to require that all appeals which meet any or all of these circumstances will be granted. These are intended as guidelines for the hearing officer and shall not prevent the hearing officer from granting appeals for additional reasons.
(Ord. No. 00-27, 11-1-00)

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Chapter 34

RESERVED*

* **Editors Note:** Former Ch. 34, which pertained to fair housing, was repealed by Ord. No. 89-18, adopted June 24, 1989 and effective July 1, 1989. The repealed provisions derived from legislation of July 22, 1968; April 10, 1971; July 8, 1972; April 20, 1974; November 22, 1975, and Ord. No. 82-35, Sept. 11, 1982 and Ord. No. 84-36, Nov. 17, 1984.

ARLINGTON COUNTY CODE

Chapter 35

ARLINGTON COUNTY SCHOOL BOARD EMPLOYEES' SUPPLEMENTAL RETIREMENT SYSTEM

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ARTICLE I.

IN GENERAL

§ 35-1. Definitions.

The following words and ~~phrases~~ terms, ~~as~~ when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Accumulated contributions" means the sum of all amounts contributed by a member and credited to his individual account in the members' contribution account, and any other amounts he shall have contributed, or transferred thereto, including interest credited as provided in ~~section~~ § 35-33.C~~(c)~~.

"Average final compensation" means the average annual creditable compensation of a member during the thirty-six (36) consecutive months of creditable service in which such compensation was at its greatest amount or during the entire period of his creditable service if less than thirty-six (36) months.

If a member's creditable service exceeds thirty-six (36) months, but does not contain a period of thirty-six (36) consecutive months, the thirty-six (36) months of creditable service which would have been consecutive but for an interceding period or periods of other than creditable service, in which such compensation was at its greatest amount, shall be the period on which the determination of his average final compensation shall be based.

"Beneficiary" means any person entitled to receive benefits as provided by the ~~s~~System.

"Board" means the ~~b~~Board of ~~t~~Trustees of the ~~s~~System.

"County Manager" means the County Manager or his designee.

"Creditable compensation" means the full compensation, including pickup contributions and any elective employer contributions under the flexible benefits plan, payable to an employee. In cases where the compensation includes maintenance and other perquisites, the ~~b~~Board shall fix the value of that part of the compensation not paid

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in money. Other provisions not-withstanding, except in the case of an employee who first became a member before July 1, 1996, annual creditable compensation shall not exceed the amount established pursuant to Internal Revenue Code § 401(a)(17) as indexed annually.

"Creditable service" means membership service plus prior service credit.

"Employee" means any person regularly employed prior to February 8, 1981 by the ~~c~~County ~~s~~School ~~b~~Board or by the ~~d~~Department of ~~h~~Human ~~r~~Resources.

"Employer" means the ~~c~~County ~~s~~School ~~b~~Board or the ~~d~~Department of ~~h~~Human ~~r~~Resources.

"Fiscal year" means each twelve- (12) month period ending June thirtieth.

"Member" means any person included in the membership of the ~~s~~System as provided in ~~section~~ § 35-25 who has not ceased to be a member as provided in ~~section~~ § 35-26.

"Membership service" means service as a member for which credit is allowable as provided in ~~section~~ § 35-29.

"Normal retirement date" means the first day of the month following the sixty-second birthday of a member.

"Prior service credit" means the years and months of continuous service prior to the effective date of this chapter as an employee of ~~c~~County ~~s~~School ~~b~~Board provided the employee was covered by and participating in the Virginia Retirement System.

"Retiree" means any prior member or beneficiary who is receiving a retirement payment, or has elected to receive a deferred vested retirement allowance.

"Retirement allowance" means the retirement payments to which a member is entitled.

"Service" means service as an employee for which compensation is paid by the employer.

"System" means the Arlington County School Board Employees' Supplemental Retirement System.
(1-1-69; 7-1-70; 10-21-70; 6-25-77; 2-8-81; Ord. No. 84-18, 6-2-84; Ord. No. 87-24, 9-26-87; Ord. No. 96-13, 6-29-96; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, effective 12-12-04; Ord. No. 05-10, 7-12-05)

§ 35-2. Arlington County School Board Employees' Supplemental Retirement System ~~e~~Established.

There is hereby established a retirement system for professional and clerical employees of the Arlington County School Board, to be known as the Arlington County School Board Employees' Supplemental Retirement System, by and in which name it shall transact all of its business. Provisions and benefits of this chapter are limited to and will be revised to the extent that the provisions of Virginia Retirement Plan for public employees approaches the provisions and benefits of Chapter 21, Code of the County of Arlington, Virginia.
(1-1-69; 5-24-75)

§ 35-3. Duties of the ~~e~~Employer.

The employer shall keep such records and furnish such information as the ~~b~~Board or County Manager may require in the discharge of their duties. Upon employment of a member, the employer shall inform the member of his duties and obligations in connection with the ~~s~~System as a condition of employment.
(1-1-69; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-4. Effect of ~~a~~Acceptance of ~~e~~Employment.

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Upon acceptance of employment, every member shall be deemed to consent and agree to any deductions from his compensation required by this chapter, and to all other provisions thereof.
(1-1-69)

§ 35-5. Fraud and ~~d~~Deceit.

Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record of the ~~s~~System in any attempt to defraud the ~~s~~System shall be guilty of a misdemeanor, and shall be punished accordingly.
(1-1-69)

§ 35-6. Assignments.

The right of any member to a retirement allowance, to the return of contributions, or any other right or moneys accrued or accruing to any person under the provisions of this chapter shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law or any other process of law whatsoever, and shall be unassignable except that a member may, upon leaving employment and withdrawal of contributions, assign and make payable his contributions, or any portion thereof, to the ~~c~~County, or its units and organizations operated for the benefit or the employees.
(1-1-69)

§ 35-7. Correction in ~~e~~Errors in ~~p~~Payments.

Should any member or beneficiary receiving benefits from the ~~s~~System receive more or less than he would have been entitled to receive, the County Manager to correct such error, and shall, as far as practicable, adjust the payments including future payments in such as manner that the benefit to which the member or beneficiary was correctly entitled shall be paid. Whenever any member or beneficiary receives less than he or she would have been entitled to receive, the County Manager may authorize the payment of interest on the unpaid balance owed to the member or beneficiary at a rate to be determined by the County Manager provided that the error in payment was discovered after January 1, 2001.
(1-1-69; 11-6-71; Ord. No. 00-33, 12-18-00; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-8. Amendments.

The ~~c~~County ~~b~~Board shall have the continuing right and power to amend or supplement this chapter at any time. No amendment shall be made unless the actuary has filed with the ~~c~~County ~~b~~Board a report as to its effect upon the ~~s~~System, and no amendment shall be adopted which will reduce the then accrued benefits of employees or beneficiaries below the extent they are then covered by accumulated reserves, which reserves shall constitute a trust fund for the payment of such benefits.
(1-1-69)

ARTICLE II.

ADMINISTRATION

§ 35-9. Board of ~~t~~Trustees and County Board--Powers and ~~d~~Duties.

The responsibilities regarding sound management and investment of the System's funds are hereby vested in the ~~b~~Board of ~~t~~Trustees of the ~~s~~System. The responsibility for setting the size and type of benefits rests with the Arlington County Board, which shall be responsible for paying the costs of any actuarial studies relating to the size and type of benefits.
(1-1-69; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-10. Same--Accountability.

The ~~b~~Board of ~~t~~Trustees shall be accountable to the ~~c~~County ~~b~~Board.
(1-1-69)

§ 35-11. Same--Composition; ~~o~~Organization and ~~t~~Terms of ~~o~~Office.

The ~~b~~Board shall consist of six (6) trustees as follows: The ~~c~~County ~~t~~Treasurer, who shall be treasurer of the ~~b~~Board; two (2) trustees appointed by the ~~s~~School ~~b~~Board; two (2) trustees appointed by the ~~c~~County ~~b~~Board, one (1) of whom shall be designated president; and one (1) trustee elected by the employees of the ~~s~~School ~~b~~Board who are members of the ~~s~~System. The election of the trustees by the employees of the ~~s~~School ~~b~~Board shall be conducted under procedural rules approved by the ~~c~~County ~~b~~Board. When such ~~b~~Board shall be so created and constituted it shall at its first meeting, and annually thereafter, elect one (1) of its members as vice-president and one (1) as secretary. The ~~t~~Treasurer shall hold office for his term as ~~c~~County ~~t~~Treasurer. The term of office of the employee-elected member shall be four (4) years. The term of office for the ~~s~~School ~~b~~Board and the ~~c~~County ~~b~~Board appointees shall be four (4) years except for the first appointment by both the ~~s~~School ~~b~~Board and the ~~c~~County ~~b~~Board after November 1, 1976, which shall be for a two- (2) year term. Their successors shall be elected thirty (30) days before the expiration of the four- (4) year term. Provided that when the ~~b~~Board established pursuant to ~~section~~ § 46-12 has been created and constituted, it shall be the ~~b~~Board of ~~t~~Trustees for this ~~s~~System.
(1-1-69; 12-18-76; 2-8-81)

§ 35-12. Same--Vacancies.

If a vacancy occurs in the office of a ~~t~~Trustee of the ~~b~~Board, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.
(1-1-69)

§ 35-13. Same--Compensation.

The ~~t~~Trustees of the ~~b~~Board shall serve as such without compensation.
(1-1-69)

§ 35-14. Same--Rules and ~~r~~Regulations.

Subject to the limitations of this chapter, the ~~b~~Board shall establish such rules and regulations for the transaction of its business, copies of which shall be made available to interested parties.
(1-1-69; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-15. Same--Employment of ~~a~~Assistants.

The ~~b~~Board shall employ the assistants authorized by ~~section~~ § 21-16 and pay out of the ~~s~~System fund for all services as shall be required.
(1-1-69)

§ 35-16. Same--Data.

The ~~b~~Board and the County Manager shall keep in convenient form such data as shall be necessary for actuarial valuation of the ~~s~~System and for checking the experience of the ~~s~~System.
(1-1-69; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-17. Same--Proceedings; ~~f~~Financial ~~c~~Condition of ~~s~~System.

The ~~b~~Board shall keep minutes of all its proceedings, which shall be open to public inspection. It shall submit to the ~~c~~County ~~b~~Board annually an independent audit showing the fiscal transactions of the ~~s~~System for the preceding fiscal year, the amount of accumulated cash and securities of the ~~s~~System, and the last balance sheet indicating the financial condition of the ~~s~~System.
(1-1-69)

§ 35-18. Same--Actuarial ~~i~~Investigations and ~~v~~Valuations.

At least once in each five- (5) year period, the ~~b~~Board shall cause an actuarial study to be made of all the experience of the ~~s~~System. At least once in each two- (2) year period, the ~~b~~Board shall cause an actuarial valuation to be made. Pursuant to such valuations, the ~~c~~County ~~b~~Board may revise the rates of employee and/or employer contributions.
(1-1-69; Ord. No. 87-29, 12-12-87)

§ 35-19. Same--Responsibilities under ~~p~~Prior ~~o~~Ordinances.

The County Manager shall assume the responsibility to provide for the payment of vested rights and return of accumulated contributions under all prior ordinances.
(1-1-69; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-20. Same--Legal ~~a~~Advisor.

The ~~c~~County ~~a~~Attorney shall be legal advisor of the ~~b~~Board.
(1-1-69; 5-31-80)

ARTICLE III.

MANAGEMENT OF FUNDS

§ 35-21. Investment and ~~r~~Reinvestment of ~~a~~Assets.

The members of the ~~b~~Board shall be the trustees of all assets of the ~~s~~System. The ~~b~~Board shall have full power and authority to invest and reinvest such assets, and to change such investments and reinvestments. The ~~b~~Board shall invest the assets of the ~~s~~System with care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The ~~b~~Board, in its discretion, may take the necessary steps to establish a trust for the administration of the assets of the ~~s~~System. The ~~b~~Board may employ an investment~~,~~ advisor or advisors to invest and reinvest assets of the ~~s~~System in accordance with the provisions of this chapter and regulations established by the ~~b~~Board.
(1-1-69; 1-5-80; Ord. No. 00-34, 11-1-00; Ord. No. 05-10, 7-12-05)

§ 35-22. Types of ~~i~~Investments.

The ~~b~~Board shall have full power in its sole discretion to invest and reinvest all funds and property of the ~~s~~System in accordance with § 21-23 and shall diversify such investments so as to minimize the risk of large losses unless under the circumstances it is clearly not prudent to do so.
(1-1-69; 8-18-79; 9-13-80; Ord. No. 05-10, 7-12-05)

§ 35-23. Powers and ~~d~~Duties of the ~~t~~Treasurer of the ~~b~~Board; ~~b~~Bond; ~~w~~Warrants.

~~(a)~~A. Except as provided in paragraph B~~(b)~~, the ~~t~~Treasurer of the ~~b~~Board shall be the custodian of all of its funds and securities. He shall give bond, payable to the ~~b~~Board, in such amounts and with such surety as the ~~b~~Board requires, conditioned upon the faithful performance of his duties and the proper accounting of all funds and securities coming into his hands, the cost of the bond to be paid out of funds of the ~~s~~System. He shall deposit all moneys in the name of the ~~b~~Board and disburse the same only on warrants signed by such person as is designated for the purpose by the ~~b~~Board or the County Manager, as appropriate. No warrant shall be signed unless it has previously been authorized by the ~~b~~Board, on either blanket approval by class of expenditure or approval by specific item, which authorization shall be recorded on the records of the ~~b~~Board.

~~(b)~~B. The ~~b~~Board may designate one (1) or more banks or trust companies to act as custodian of its

funds and securities. In such event, registered securities in the custody of such custodian may be registered in the name of the nominee of such custodian, or a nominee of Depository Trust Company in the case of securities eligible for such registration.
(1-1-69; 9-13-80; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-24. Personal ~~i~~Interest of ~~b~~Board ~~m~~Members and ~~e~~Employees.

No ~~b~~Board member or ~~b~~Board employee shall have any direct or indirect personal interest in the gains or profits of any investments made by the ~~b~~Board other than as a member of the ~~s~~System. No member or employee of the ~~b~~Board shall, directly or indirectly, for himself or as an agent in any manner use the funds of the ~~s~~System, except to make disbursements as are authorized by the ~~b~~Board, or the payment of benefits.
(1-1-69; Ord. No. 04-26, 11-16-04, effective 12-12-04)

ARTICLE IV.

MEMBERSHIP IN THE SYSTEM

§ 35-25. Eligibility ~~r~~Requirements.

~~(a)~~A. All employees who are covered by and participating in the Virginia Retirement System are eligible for membership.

~~(b)~~B. Persons who become employees after the effective date of this chapter who, at the time of becoming an employee, have attained an age which is within five (5) years of their normal retirement date are ineligible for membership.

~~(c)~~C. Regular employees of the Arlington County School System who were members of the Virginia Retirement System and who retired prior to April 1, 1969 are eligible for membership upon payment in full of the member contribution.
(1-1-69; 12-1-73; Ord. No. 00-34, 11-1-00)

§ 35-26. Cessation of ~~m~~Membership.

The membership of any person in the ~~s~~System shall cease:

~~(a)~~A. If he ceases to be an employee for a period of five (5) years, unless he is eligible to receive a deferred vested retirement allowance as provided in ~~section~~ § 35-40.E~~(c)~~.

~~(b)~~B. Upon separation and withdrawal of his accumulated contributions.

~~(c)~~C. Upon retirement.

~~(d)~~D. Upon death.
(1-1-69; Ord. No. 84-18, 6-2-84)

ARTICLE V.

CREDITABLE SERVICE

§ 35-27. Creditable ~~s~~Service.

Creditable service at retirement on which the retirement allowance is based shall consist of:

~~(a)~~A. Membership service credit.

~~(b)~~B. Prior service credit.
(1-1-69)

§ 35-28. Year of ~~s~~Service.

The County Manager shall determine by appropriate rules and regulations what periods of service in any year qualify as periods of creditable service, but in no case shall it allow credit for more than one (1) year of service rendered in any period of twelve (12) consecutive months.
(1-1-69; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-29. Membership ~~s~~Service ~~c~~Credit.

~~(a)~~A. Each member shall receive membership service credit for all service rendered while a member of the ~~s~~System after he becomes a member, or after he last became a member in the event of a break in his membership, and provided he is receiving credit for such service under the Virginia Retirement System, for the period he is absent due to a service-connected disability. Each member shall receive membership service credit for military leave to the extent such credit is granted under the Virginia Retirement System. Notwithstanding any other provision in this chapter to the contrary, contributions, benefits and creditable service with respect to qualified military service will be provided in accordance with Internal Revenue Code § 414(u), effective October 13, 1996.

~~(b)~~B. An employee who becomes a member after reemployment and after having withdrawn the accumulated contributions contributed during his prior membership may reestablish his membership service credit for the period of his prior membership by repayment to the ~~s~~System of the amount of his withdrawn contributions, with interest at the rate of six percent (6%) ~~percent~~ per annum from date of withdrawal, which shall be a lump sum payment.
(1-1-69; Ord. No. 00-34, 11-1-00)

ARTICLE VI.

CONTRIBUTIONS

§ 35-30. Member ~~c~~Contributions.

~~(a)~~A. Each employee who becomes a member as of the effective date of this chapter and who elects to be credited with the prior service retirement allowance as specified in ~~section~~ § 35-37.B~~(b)~~ must contribute an amount equal to one and one-half percent (1.5%) ~~(1 1/2) percent~~ of his creditable compensation for the calendar year 1968 multiplied by his years of prior service credit and provided further that those members who retired prior to April 1, 1969, must contribute an amount equal to one and one-half percent (1.5%) ~~(1 1/2) percent~~ of his creditable compensation for the last full year (contract year) employed prior to retirement multiplied by his years of prior service credit.

The election to be credited with the prior service retirement allowance must be made within ninety (90) days following the effective date of the adoption of the chapter in the manner prescribed by the ~~b~~Board. The payment of the amount specified above shall be paid within three (3) years following adoption of this chapter or before retirement, whichever comes first and provided further, however, that those who retired prior to April 1, 1969, must make the payment of the amount specified in full on or before June 30, 1976.

~~(b)~~B. Members shall be neither required nor permitted to make a contribution with respect to the retirement allowance which is based on membership service credit commencing on or after the effective date of this chapter, or after the effective date of the department's or unit's entrance into this ~~s~~System, whichever is later.

~~(c)~~C. Each employee of a department or unit that becomes a part of this ~~s~~System by ~~c~~County ~~b~~Board action subsequent to the effective date of this chapter and who elects to be credited with the prior service retirement allowance as specified in ~~section~~ § 35-37.B~~(b)~~ must contribute an amount equal to an actuarially determined percentage of his creditable compensation for the full calendar year, or contract year if applicable immediately

preceding the effective date of his department's or unit's entrance into this ~~s~~System, multiplied by his years of prior service credit.

~~(d)~~D. The election to be credited with the prior service retirement allowance must be made within ninety (90) days following the effective date of entrance of the department or unit into the ~~s~~System. Payment by employee contributions must be made in full within fifteen (15) months from the date of the department or unit's entrance into the ~~s~~System.

~~(e)~~E. The ~~d~~Department of ~~h~~Human ~~r~~Resources employees who are members of the ~~s~~System, shall be authorized to purchase prior service in the manner outlined for new departments or units in ~~section~~ § 35-30.C~~(c)~~.

The election to be credited with the prior service retirement allowance must be made within ninety (90) days of enactment of ~~section~~ § 35-30.E~~(c)~~. Payment by employee contributions must be made within fifteen (15) months from the date of such enactment.

~~(f)~~F. For employees who became members as of the effective date of this chapter and failed to make the election to be credited with the prior service retirement allowance within ninety (90) days following the effective date of the adoption of the chapter or who made the election but failed to make payment of the amount specified within three (3) years following adoption of the chapter, the option for purchase of pre-effective-date service credits shall be open to allow members with unpurchased pre-effective-date service credit to purchase it by contributing the employer normal cost percent in effect as of the date of the purchase multiplied by the employee's current compensation multiplied by the years of service credit sought.

~~(g)~~G. Effective July 1, 1976, members who exercised the foregoing election and make the appropriate contribution shall have their contribution account so credited and may use said account for any benefits currently provided by the ~~s~~System.

~~(h)~~H. A member, who is a member of the Virginia Retirement System (V.R.S.), may purchase membership credit for leave, provided he is receiving credit for such leave under the V.R.S., by contributing the employer's normal cost in effect as of the date of purchase multiplied by the employee's current compensation multiplied by the years of service credit sought.
(1-1-69; 10-12-74; 5-24-75; 2-21-76; 6-24-78; Ord. No. 84-18, 6-2-84; Ord. No. 89-15, 7-1-89; Ord. No. 00-34, 11-1-00)

§ 35-31. Employer ~~e~~Contributions.

~~(a)~~A. The employer shall contribute a percentage of the creditable compensation of the members.

~~(b)~~B. Employer contributions shall be determined by the ~~c~~County ~~b~~Board in accordance with § 46-33.

~~(c)~~C. Notwithstanding anything in this chapter to the contrary, the amount of annual additions of a member for any limitation year for purposes of Internal Revenue Code § 415 shall not exceed the maximum permissible amount determined pursuant to the provisions of such section applicable to governmental plans, as defined for purposes of such section. If the member's annual additions for any limitation year (as defined for purposed of such section) would exceed such maximum permissible amount, the amount contributed or allocated shall be reduced so that the annual additions for such limitation year will equal such maximum permissible amount.

~~(d)~~D. Any forfeiture arising from severance of employment or deaths shall be used to reduce the employer contribution under the plan.

~~(e)~~E. Notwithstanding anything in this chapter to the contrary, the amount of annual additions of a member for any limitation year for purposes of Internal Revenue Code § 415 shall not exceed the maximum permissible amount determined pursuant to the provisions of such section applicable to governmental plans, as defined for purposes of such section. If the member's annual additions for any limitation year (as defined for purposes~~d~~ of such section) would exceed such maximum permissible amount, the amount contributed or allocated

shall be reduced so that the annual additions for such limitation year will equal such maximum permissible amount.
(1-1-69; 11-6-71; 7-1-75; Ord. No. 86-33, 1-1-87; Ord. No. 00-34, 11-1-00; Ord. No. 05-10, 7-12-05)

ARTICLE VII.

ASSETS OF SYSTEM

§ 35-32. Assets to be ~~c~~Credited to ~~o~~One of~~r~~ ~~t~~Two ~~a~~Accounts.

All assets of the ~~s~~System shall be credited, according to the purpose for which they are held, to one (1) of two (2) accounts, namely, "the members' contribution account," and "the retirement allowance account."
(1-1-69)

§ 35-33. Members' ~~c~~Contribution ~~a~~Account.

~~(a)~~A. The members' contribution account shall be the account to which members' contributions and interest allowances shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

~~(b)~~B. Each member's contribution provided for in ~~section~~ § 35-30 shall be credited to the individual account of the contributing member.

~~(c)~~C. Each individual account of the members' contribution account shall be credited with interest at a rate set annually by the ~~b~~Board of ~~t~~Trustees based upon the interest earned by the ~~s~~System's assets during the preceding year, provided that such interest shall not exceed six percent (6%)~~ percent~~; and provided further that interest shall accrue on any such contribution beginning at the end of the calendar year in which each such contribution was made; and further provided that interest shall not be accredited or accumulated to the individual accounts of persons who have ceased to be members as defined in ~~section~~ § 35-26.

~~(d)~~D. Upon the retirement of a member, his accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account.
(1-1-69; Ord. No. 84-18, 6-2-84)

§ 35-34. Retirement ~~a~~Allowance ~~a~~Account.

~~(a)~~A. The retirement allowance account shall be the account in which all employer contributions shall be accumulated, amounts transferred from the members' contribution account, and to which all income from the invested assets of the ~~s~~System shall be credited. This account shall pay retirement allowances, other benefits payable after a member's retirement, and necessary expenses of the ~~s~~System.

~~(b)~~B. The amount of interest allowances provided for in ~~section~~ § 35-33.C~~(c)~~ shall be transferred each year from the retirement allowance account to the members' contribution account.
(1-1-69)

§ 35-35. Cash ~~d~~Deposits.

For the purpose of meeting disbursements for retirement allowances and other payments there may be kept available cash, not exceeding ten percent (10%)~~ percent~~ of the total amount in the accounts of the ~~s~~System, on deposit in one (1) or more banks or trust companies that are approved as depositories for ~~c~~County funds.
(1-1-69)

ARTICLE VIII.

TYPES OF RETIREMENT, OTHER BENEFITS AND CONDITIONS THEREOF

§ 35-36. Service ~~r~~Retirement.

~~(a)~~A. *Normal retirement.* Any member of the ~~s~~System at his or her normal retirement date, age sixty-two (62), may retire or elect to participate in the DROP at any time then or thereafter upon written notification to the County Manager, made by such member, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service but shall not be more than ninety (90) days subsequent to the filing of such notice.

~~(b)~~B. *Compulsory retirement*. Any member who has attained the age of seventy (70) shall be retired forthwith on a service retirement allowance.

~~(c)~~C. *Early retirement.*

~~(~~1.~~)~~ Any member of the ~~s~~System may retire at any time within the seven- (7) year period immediately preceding his or her normal retirement date.

~~(~~2.~~)~~ Any member of the ~~s~~System who is a County employee may also retire or elect to participate in the DROP at any time when years of service added to age equal at least eighty (80).

For purposes of this ~~section~~ § 35-36.C~~(b)~~, in cases where the period of creditable service is pertinent in determining a member's normal retirement date, such date shall be determined on the assumption that the member would have continued to be an employee until his normal retirement date. Such assumed period of employment shall be counted in determining the normal retirement date, but for no other purpose.

Written application for early retirement is required. The application shall set forth the effective date of retirement which shall be after the member's last day of service but not more than ninety (90) days subsequent to the filing of the application.

~~(d)~~D. *Service Retirement – Special Conditions.* The County Manager may, once every fiscal year for period of time not to exceed sixty (60) days, offer to: (i~~1~~) general employees whose age plus service equals or exceeds seventy-eight (78), and (ii~~2~~) public safety employees who are fifty (50) or more years old and have completed five (5) years of service or have completed twenty-three (23) years of service, regardless of age, service credit for an additional one (1) year of service and/or an additional one (1) year of age, provided the employee submits an application for retirement within the timeframe prescribed by the County Manager.

The County Manager may do so only after the Manager determines that there is a business necessity to reduce the workforce for budgetary reasons.
(1-1-69; 11-6-71; 6-25-77; 9-13-80; Ord. No. 00-34, 11-1-00; Ord. No. 03-23, 10-18-03; Ord. No. 04-16, 6-26-04, effective 7-1-04; Ord. No. 04-26, 11-16-04, effective 12-12-04; Ord. No. 05-10, 7-12-05; Ord. No. 09-26, 11-17-09)

§ 35-37. Service ~~r~~Retirement ~~a~~Allowance.

~~(a)~~A. Upon service retirement prior to July 1, 1975, a member shall receive an annual retirement allowance, payable monthly to him for life, equal to five-eighths percent (0.625%) ~~(5/8) percent~~ of his average final compensation multiplied by his years of member service credit plus, if applicable, the amount specified in ~~section~~ § 35-37.B~~(b)~~ below.

~~(b)~~B. Upon service retirement prior to July 1, 1975, of a member who has made the election and the contribution provided for in ~~section~~ § 35-30, he shall receive an annual retirement allowance, payable monthly to him for life, equal to five-eighths percent (0.625%) ~~(5/8) percent~~ of his average final compensation multiplied by his years of prior service credit.

~~(c)~~C. Upon service retirement on or after July 1, 1975, a member shall receive an annual retirement allowance, payable to him for life, equal to two and one-eighth percent (2.125%) ~~(2 1/8) percent~~ of his average final compensation multiplied by his years of member service credit and reduced by that part of the annual early or

normal retirement allowance for which the member is eligible under formula A of the Virginia Retirement System as it exists on July 1, 1975, for such years of member service credit plus, if applicable, the amount specified in ~~section~~ § 35-37.D~~(d)~~ below. As used in this section "eligible" refers to retirement allowances which members could receive if application were made whether or not the member, in fact, applies. In the event that the Virginia Retirement System retirement age or ages is reduced below that specified as of July 1, 1975, with the result that members of the ~~c~~County ~~s~~System are eligible to receive additional benefits as members of the ~~s~~State ~~s~~System, their allowances under this section shall be reduced by the amount of such additional benefits. However, his allowance under this section shall not be reduced as a result of any other increase in benefits under the ~~s~~State ~~s~~System.

~~(d)~~D. Upon service retirement on or after July 1, 1975, of a member who has made the election and the contribution provided for in ~~section~~ § 35-30, he shall receive an annual retirement allowance, payable monthly to him for life, equal to two and one-eighth percent (2.125%) ~~(2 1/8) percent~~ of his average final compensation multiplied by his years of prior service credit and reduced by that part of the annual early or normal retirement allowance for which the member is eligible under formula A of the Virginia Retirement System as it exists on July 1, 1975, for such years of prior service credit. As used in this section "eligible" refers to retirement allowances which members could receive if application were made whether or not the member, in fact, applies. In the event that the Virginia Retirement System retirement age or ages is reduced below that specified as of July 1, 1975, with the result that members of the ~~c~~County ~~s~~System are eligible to receive additional benefits as members of the ~~s~~State ~~s~~System, their allowances under this section shall be reduced by the amount of such additional benefits. However, his allowance under this section shall not be reduced as a result of any other increase in benefits under the ~~s~~State ~~s~~System.

~~(e)~~E. *Early retirement.* Upon the service retirement of a member prior to his normal retirement date as provided in ~~section~~ § 35-36.B~~(b)~~, he shall receive an annual retirement allowance, payable monthly to him for life, determined as provided in subsection A~~(a)~~ or C~~(c)~~, whichever is applicable, of this section based on his average final compensation and his accredited service as of his early retirement date, and shall be payable, at the option of the member:

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~~(~~1.~~)~~ Commencing on his early retirement date but reduced by one-half of one percent (0.5%) ~~(1/2 of 1) percent~~ for each full month that his early retirement date precedes his normal retirement date;

~~(~~2.~~)~~ Commencing at his normal retirement date without such reduction;

~~(~~3.~~)~~ Commencing at his early retirement date but without the one-half percent (0.5%) ~~(1/2) percent~~ per month reduction if the member has attained age fifty-five (55) and completed thirty (30) years of service; or

~~(~~4.~~)~~ Commencing at his early retirement date but reduced by one-half of one percent (0.5%) ~~(1/2) of one (1) percent~~ for each full month his retirement date precedes the date on which he would have attained age fifty-five (55) and completed thirty (30) years of service; or

~~(~~5.~~)~~ Commencing at his early retirement date but without the one-half percent (0.5%) ~~(1/2) percent~~ per month reduction if the member's years of service plus age equal at least eighty (80), provided he is an employee of the County.

~~(f)~~F. The retirement allowance for service retirement under the provisions of ~~section~~ § 35-37 shall be reduced by any compensation awarded to the member or retiree under the Virginia Workers' Compensation Act, whether such award is paid to the member or retiree in a lump sum or otherwise. Such reduction shall be made only for compensation awarded to cover any period of time for which the member or retiree is or will be receiving benefits under ~~section~~ § 35-37. For purposes of this section, compensation awarded does not include reimbursement for medical expenses.

Nothing herein shall be construed to require any person to pay back into the ~~s~~System any money received before the effective date of this section. No person who has begun to receive an allowance under ~~section~~ § 35-37 before June 23, 1990, shall be subject to this reduction.

(1-1-69; 3-6-76; Ord. No. 84-18, 6-2-84; Ord. No. 87-22, 8-15-87; Ord. No. 90-12, 7-1-90; Ord. No. 00-34, 11-1-00; Ord. No. 04-16, 6-26-04, effective 7-1-04)

§ 35-38. Disability ~~r~~Retirement.

Any member in service or on authorized leave without pay who has five (5) or more years of service may, at any time before his normal retirement date, retire on account of disability upon written application to the County Manager, made by the member or his appointing authority, setting forth at what time the retirement is to become effective, provided that such effective date shall be after the last day of service, but shall not be more than ninety (90) days prior to the execution and filing of such application. The County Manager shall accept the determination of the ~~m~~Medical ~~e~~Examining ~~b~~Board of the V.R.S.
(1-1-69; Ord. No. 83-6, 2-26-83; Ord. No. 84-18, 6-2-84; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-39. Disability ~~r~~Retirement ~~a~~Allowance.

Upon retirement as provided in ~~section~~ § 35-38, a member shall receive an annual retirement allowance payable monthly during his lifetime and continued disability which shall consist of five-eighths percent (0.625%) ~~(5/8) percent~~ of his average final compensation, multiplied by his number of years of creditable service.
(1-1-69; 6-25-77)

§ 35-40. Benefits ~~u~~Upon ~~w~~Withdrawal from ~~e~~Employment or ~~d~~Death.

~~(a)~~A. If a member has ceased to be an employee, other than by death or retirement under the provisions of this chapter, he shall be paid, on demand or as soon as practicable, the total amount of his contribution account unless he is eligible for a deferred vested retirement allowance as provided in subsection E~~(e)~~.

~~(b)~~B. Should a member die, the amount of his accumulated contributions shall be paid in a lump sum to a designated beneficiary or, in the absence of a designated beneficiary, to ~~t~~his estate.

~~(c)~~C. Should a person on retirement die, the amount of his accumulated contributions, reduced by the amount of any retirement allowance previously received by him, shall be paid in a lump sum to a designated beneficiary or, in the absence of a designated beneficiary, to his estate.

~~(d)~~D. Beneficiary or change of beneficiary shall be designated by written notice by the member, or person, signed and filed with the County Manager.

~~(e)~~E. If a member has ceased to be an employee after completion of five (5) or more years of service, the member will be eligible to receive a deferred vested retirement allowance commencing on the member's normal retirement date or at any earlier date pursuant to ~~section~~ § 35-37 as they existed at the date of the member's withdrawal from service. Written application for payment of the allowance should be filed with the County Manager not earlier than sixty (60) days prior to the former member's retirement date. If a former member is reemployed by the employer and becomes a member of this ~~s~~System after having qualified for a deferred vested retirement allowance under this ~~section~~ § 35-40 E~~(e)~~, such former member shall have reinstated his service and compensation records in effect when service was broken.

~~(f)~~F. This section applies to distributions other than the ~~L~~line of ~~D~~duty death benefit in ~~section~~ § 35-45 herein made on or after January 1, 1993.

~~(~~1.~~)~~ Notwithstanding any provision of this chapter to the contrary that would otherwise limit a distributee's election under this part, a distributee may elect, at the time and in the manner prescribed by the County Manager, to have any portion of an eligible rollover distribution that is equal to at least five hundred dollars ($500.00) paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(2.) *Definitions*. The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

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"Eligible rollover distribution" means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Internal Revenue Code § 401(a)(9); and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any other distribution(s) that is reasonably expected to total less than two hundred dollars ($200.00) during a year.

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"Eligible retirement plan" means an individual retirement account described in Internal Revenue Code § 408(a), an individual retirement annuity described in Internal Revenue Code § 408(b), an annuity plan described in Internal Revenue Code § 403(a), or a qualified plan described in Internal Revenue Code § 401(a), that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

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"Distributee" includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse who is the alternate payee under a qualified domestic relations order, as defined in Internal Revenue Code § 414(p), are distributees with regard to the interest of the spouse or former spouse.

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"Direct rollover" means a direct rollover or payment by this chapter to the eligible retirement plan specified by the distributee.

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(1-1-69; 6-25-77; 6-24-78; Ord. No. 84-18, 6-2-84; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-41. Joint and sSurvivorship oOptions.

A member may nominate a beneficiary and may elect by written application filed with the bBoard any time prior to his normal, early, ordinary or service-connected disability retirement, a joint life and survivorship pension of actuarial value equivalent to that of the annual retirement allowance to which he would otherwise be entitled as determined by the actuary. Such joint life and survivorship benefit shall be on the basis of a lifetime annual retirement allowance to the retired member with either a like amount of pension, two-thirds (2/3) or one-half (1/2) thereof being continued to his beneficiary if said beneficiary survives him. The annual retirement allowance payable monthly shall be determined on the basis of equivalent actuarial values according to the ages, at the member's actual retirement date, of the member and of his beneficiary, and shall be payable as long as either lives. If so elected, the allowance shall be paid as long as:

(a)A. The retired member lives, with either a like amount of pension, two-thirds (2/3) or one-half (1/2) thereof continued for as long as the beneficiary lives after the death of the retired member. The election shall remain in effect if the member dies subsequent to his normal retirement date even though prior to this actual retirement date.

(b)B. The beneficiary lives, but upon the death of the beneficiary prior to the death of the member, the option will be cancelled and the amount of the unreduced pension will become payable. If the beneficiary dies before the member has actually retired, the election will be void and the member will be treated as though he has made no election.

(c)C. Notwithstanding any other provision to the contrary, any retired member who elects the joint and survivorship pension option may, with the consent of the person nominated to receive the option, cancel such option. Such option may also be cancelled pursuant to court order in a case in which the person nominated is a party. In the

event of either cancellation, the retirement allowance paid to the member in the period after the effective date of the cancellation will be the same as if the member had not elected a joint life and survivorship pension option.

The provisions of this chapter are to become effective as of January 1, 1969, and the benefits hereunder to begin as of April 1, 1969.
(1-1-69; 6-20-81; Ord. No. 90-12, 7-1-90; Ord. No. 04-26, 11-16-04, effective 12-12-04; Ord. No. 05-10, 7-12-05)

§ 35-42. Nonreversion.

It shall be impossible at any time prior to satisfaction of all liabilities with respect to employees and benefits under the ~~t~~Trust for any part of the corpus or income to be used for, or diverted to, purposes other than the exclusive benefit of the employees and their beneficiaries.
(1-1-69; 11-6-71)

§ 35-43. Minimum ~~r~~Retirement ~~a~~Allowance.

~~(a)~~A. Except as provided in subparagraph B~~(b)~~, any beneficiary who receives benefits pursuant to this chapter shall after February 8, 1981, receive a retirement allowance which shall be the greater amount of: (i~~a~~) the allowance determined in accordance with the provisions of this chapter together with the allowance payable to the member pursuant to the Virginia Retirement System, or (ii~~b~~) the allowance such member would have received had he been a member of the Arlington County Supplemental Retirement System--II (Chapter 46), provided that the retirement allowance adjustment determined pursuant to ~~section~~ § 46-49.B~~(b)~~ shall be five percent (5%) ~~percent~~ for each year prior to 1974 for which an adjustment is required.

~~(b)~~B. A beneficiary who receives benefits pursuant to ~~section~~ § 35-37.E~~(c)~~ shall, after February 8, 1981, receive a retirement allowance which shall be the greater amount of: (i~~a~~) the allowance determined in accordance with the provisions of ~~section~~ § 35-37.E~~(c)~~, or (ii~~b~~) the allowance determined in accordance with the provisions of ~~sections~~ §§ 46-38.B~~(b)~~ and 46-49.B~~(b)~~, provided that in determining the reduction to be used in ~~section~~ § 46-38.B~~(b)~~, the reduction shall be one-half of one percent (0.5%) ~~(1/2 of 1) percent~~ for each full month by which his actual retirement date preceded his normal or unreduced early retirement date.
(1-1-69; 10-21-70; 2-8-81; Ord. No. 84-18, 6-2-84; Ord. No. 00-34, 11-1-00)

§ 35-44. Effect on ~~r~~Retirement ~~a~~Allowance of ~~r~~Returning to ~~w~~Work.

~~(a)~~A. Should a beneficiary of a retirement allowance return to service, he shall become a member of the ~~s~~System and shall thereafter contribute. Any service on the basis of which his retirement allowance was computed shall thereafter be counted as creditable service. Upon return to service, such member's retirement allowance shall cease.

~~(b)~~B. Any excess accumulated contribution of such beneficiary over the retirement allowances received by him shall be transferred from the retirement allowance account to the member's contribution account.

~~(c)~~C. If the amount of retirement allowances received by him exceeds his accumulated contributions, the excess allowances over contributions shall not be transferred to the contribution account.
(Ord. No. 82-33, 8-7-82)

§ 35-45. Line of ~~d~~Duty ~~d~~Death ~~b~~Benefit.

~~(a)~~A. *Definitions.*~~:~~ The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise:

"Base salary" ~~shall~~ means an employee's base rate of pay according to the ~~c~~County ~~b~~Board adopted pay plan, including any market adjustments under the pay plan.

"Beneficiary" means, for purposes of ~~section~~ § 35-45, that person or persons designated by the member to

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receive life insurance proceeds from the life insurance policy provided or made available by the employer.

"Direct and proximate result" means that result which is the natural and probable consequence of the antecedent events.

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"Line of duty" means on the job in the service of the member's employers. Line of duty does not mean going to or from work (including between any parking lot or transportation terminal and the employee's work place), going to or from meals or breaks, or time spent while "on call" or on stand-by status unless the employee is involved in a specific work-related duty during such period.

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"Personal injury" means any traumatic injury as well as diseases which are caused by or result from such an injury, excluding occupational diseases and diseases of ordinary life. The term personal injury excludes any personal injury caused or contributed to by the intentional misconduct or negligence of the member or beneficiary as well as suicide. The term personal injury also excludes any injury caused or contributed to by the member's consumption of alcohol or illegal drugs.

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"Traumatic injury" means a wound or other condition of the body caused by external force, including injuries inflicted by bullets, explosives, smoke inhalation, sharp or blunt instruments or objects, physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, and bacteria, but excluding stress and strain. Death from heart attacks, strokes and similar diseases resulting from chronic, congenital or progressive cardiac and/or pulmonary conditions are not compensable unless a traumatic injury was a substantial factor in the death. Heart attacks and stroke shall be presumed to be caused by a traumatic injury where such heart attacks and stroke were substantially caused by arduous and strenuous physical work-related activity.

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~~(b)~~B. The beneficiary of any member who dies in the line of duty shall receive a payment of four (4) times the member's base salary at the time of death, up to a maximum of two hundred fifty thousand dollars ($250,000.00). Such payment may be received by the beneficiary only after the payment is approved by the County Manager as set forth below. Following approval by the County Manager, the beneficiary may elect to receive the payment either in one (1) lump sum or in four (4) equal installments; the first installment to be made after approval of the application for payment by the County Manager and the remaining three (3) installments annually thereafter. In the event that there is more than one (1) beneficiary, no election by beneficiaries is allowed and payment shall be of the full payment only, divided between or among the beneficiaries in the same manner which the member has designated for the life insurance policy provided by or made available by the employer.

The beneficiary(ies) may apply for payment within one hundred eighty (180) days of the member's death by making application to the County Manager. The County Manager may adopt procedures for making and evaluating applications for this benefit. The County Manager shall approve payment under this section only after finding that the member has died as the direct and proximate result of a personal injury sustained in the line of duty.

Before approving any application, the County Manager must receive a written certification from the medical advisor that the member has died as the direct and proximate result of a personal injury identified by the medical advisor and the ~~c~~County's legal advisor certifies that all the requirements of this section have been met.

The two hundred fifty thousand dollar ($250,000.00) maximum established under this section shall be increased by the same amount as the annual cost of living adjustment made by the Arlington County Board for the Arlington County Employees' Pay Plan, beginning with the adjustment made effective July 1, 1991.*

The benefit payable under this section shall be reduced by any amount awarded for an accidental death occurring in the line of duty by the V.R.S., whether by an insurance policy or otherwise.

Notwithstanding any of the foregoing, where the County Manager finds that an employee's death, as the direct and proximate result of a personal injury, was intentionally caused by a third party because the third party was motivated to cause the employee's death because the employee performed a particular duty within the employee's scope of employment, such death shall be considered to have occurred in the line of duty whether or not it occurred on the job.

*Effective July 1, 2000, the two hundred fifty thousand dollar ($250,000.00) line of duty benefit increased by the annual cost of living adjustment equaled two hundred ninety thousand three hundred sixty-three dollars ($290,363.00).
(Ord. No. 90-12, 7-1-90; Ord. No. 90-36, 1-1-91; Ord. No. 00-34, 11-1-00; Ord. No. 04-26, 11-16-04, effective 12-12-04)

§ 35-46. Maximum Permissible Benefit.

Notwithstanding anything in this chapter to the contrary, the annual benefit otherwise payable at any time to a member under this chapter shall not exceed the maximum permissible amount determined pursuant to the provisions of Internal Revenue Code § 415 applicable to governmental plans, as defined for purposes of such section. If the benefit the member would otherwise accrue in a limitation year (as defined for purposes of such section) would produce an annual benefit in excess of such maximum permissible amount, the rate of accrual shall be reduced so that the annual benefit will equal such maximum permissible amount.
(Ord. No. 00-34, 11-1-00)

ARLINGTON COUNTY CODE

Chapter 36

PUBLIC DANCE HALLS

§ 36-1. Definitions.
§ 36-2. Fee.
§ 36-3. Issuance of ~~p~~Permits.
§ 36-4. Requirements for ~~p~~Permit ~~i~~Issuance.
§ 36-5. Application for ~~p~~Permit.
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§ 36-7. Revocation of ~~p~~Permit.
§ 36-8. Procedure for ~~r~~Revocation of ~~p~~Permits for ~~p~~Public ~~d~~Dance ~~h~~Halls.
§ 36-9. Appeals from ~~a~~Actions of the ~~c~~County ~~m~~Manager.
§ 36-10. Rules and ~~r~~Regulations for ~~o~~Operation of ~~p~~Public ~~d~~Dance ~~h~~Halls.
§ 36-11. Penalties.

§ 36-1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

~~(1)~~A. ~~A~~ "~~p~~Public dance hall" ~~within the meaning of this chapter shall be construed to~~ means any place open to the general public where dancing is permitted to which an admission fee is charged, or for which compensation is in any manner received, either directly or indirectly, by cover charge or otherwise, or where refreshments or food, or any form of merchandise is served for compensation before, during, or after dancing. The sale of any refreshments, food, or any form of merchandise at any such place or the exhibiting of such for sale shall be deemed direct compensation for any such dance hall within the meaning of this chapter.

~~(2)~~B. This chapter, however, shall not apply to dances held for beneficial or charitable purposes, or when the same are conducted under the auspices of religious, educational, civic or military organizations.

~~(3)~~C. ~~A~~ "~~p~~Permit~~,~~" ~~as cited in this chapter, shall~~ means a public dance hall permit. Permits shall be separate and distinct from licenses required under the Arlington County Business Privilege License Ordinance, and in addition to permits for public dance halls, licenses for all related activities shall be obtained as required under Chapter 11 of the Code of Arlington County.
(5-28-69)

§ 36-2. Fee.

The fee for a public dance hall permit shall be six hundred dollars ($600.00).
(5-28-69; Ord. No. 89-7, 7-1-89; Ord. No. 92-13, 4-25-92; Ord. No. 95-9, 4-29-95; Ord. No. 98-11, 7-1-98)

§ 36-3. Issuance of ~~p~~Permits.

~~(1)~~A. A permit to operate a public dance hall is required.

~~(2)~~B. The issuing authority shall be the ~~c~~County ~~m~~Manager of Arlington County.

~~(3)~~C. Permits to operate a public dance hall shall be issued by the ~~c~~County ~~m~~Manager after the granting of a use permit as required by the zoning for site plan buildings, and upon the finding of the facts as required by this chapter.

(5-28-69; 3-3-73)

§ 36-4. Requirements for ~~p~~Permit ~~i~~Issuance.

A permit shall be issued by the ~~c~~County ~~m~~Manager upon his finding of fact that there is compliance with the following requirements:

~~(1)~~A. The premises where the public dance hall is proposed to be located are in conformance with all ordinances and regulations of Arlington County and laws and regulations of the Commonwealth of Virginia.

~~(2)~~B. The proposed operation of the public dance hall is in conformance with all ordinances and regulations of Arlington County and laws and regulations of the Commonwealth of Virginia.

~~(3)~~C. The operation of the public dance hall in the proposed location, when considered with other existing public dance hall permits in the same general area, is not detrimental to the health, safety, or welfare of the public.

~~(4)~~D. On all permits issued for premises where an ABC license has not been issued, or has been revoked, the ~~c~~County ~~m~~Manager shall consider the criteria set forth under Title 4, Section 31 of the Code of Virginia, 1950, as amended.
(5-28-69)

§ 36-5. Application for ~~p~~Permit.

~~(1)~~A. Application for a permit shall be made to the ~~c~~County ~~m~~Manager, or his designee.

~~(2)~~B. The ~~c~~County ~~m~~Manager shall prescribe the procedures and forms required for application for a permit.
(5-28-69)

§ 36-6. Period of ~~p~~Permit; ~~r~~Renewal.

A permit shall be issued for a period of three hundred sixty-five (365) days from the date of issuance, and shall be renewed in the same manner as the obtaining of a new permit. Application for renewal shall be made no less than thirty (30) days prior to the expiration of the current permit. Notice to show cause for a denial of the renewal shall be given no less than twenty (20) days prior to the expiration of the current permit. Anyone having reasons for denial of the permit shall state their reasons in writing to the ~~c~~County ~~m~~Manager no less than ten (10) days prior to the expiration of the current permit.
(5-28-69; 3-3-73)

§ 36-7. Revocation of ~~p~~Permit.

The ~~c~~County ~~m~~Manager may revoke any permit previously issued upon the finding of reasonable cause to believe one or more of the following:

~~(1)~~A. That the premises for which the permit was issued does not conform with all applicable ordinances and regulations of Arlington County and laws and regulations of the Commonwealth of Virginia.

~~(2)~~B. That the operation of the public dance hall under a permit issued has been detrimental to the health, welfare, or safety of the community or the people of the community, or that the behavior at the public dance hall has resulted in breaches of the peace or that the operation of the dance hall has been in a disorderly manner.

~~(3)~~C. That inspection on the direction of the ~~c~~County ~~m~~Manager or the police of Arlington County has been hampered or obstructed in any way at any time during the day whether the dance hall was in operation or not, during the night when the dance hall is in operation.

~~(4)~~D. In revoking a permit at any premises where an ABC license has not been issued or has been revoked, the ~~c~~County ~~m~~Manager shall consider the criteria set forth under Title 4, Section 31 of the Code of Virginia, 1950, as amended, and may revoke for a violation thereof.

~~(5)~~E. Upon revocation of a permit by the ~~c~~County ~~m~~Manager, further application by the original holder shall not be considered for a period of three hundred sixty-five (365) days from the effective date of revocation.
(5-28-69)

§ 36-8. Procedure for ~~r~~Revocation of ~~p~~Permits for ~~p~~Public ~~d~~Dance ~~h~~Halls.

~~(1)~~A. The ~~c~~County ~~m~~Manager shall not revoke a permit for a public dance hall until the holder of the permit has been given notice as herein provided and the ~~c~~County ~~m~~Manager has held a public hearing on the issue of revocation.

~~(2)~~B. Such hearing shall not be conducted prior to the service of a ten~~-~~ (10) day notice of such hearing by certified mail, return receipt requested, on the holder of the permit at the address indicated on the application for the permit.

~~(a)~~1. Failure of the U.S. Post Office to serve certified mail on the applicant at the address on the application when no change of address has been filed with the ~~c~~County ~~m~~Manager is considered sufficient notice for the conduct of the hearing.

~~(b)~~2. Personal service by an agent of the ~~c~~County ~~m~~Manager on the holder of the permit or his agent or employee at the premises for which the permit is granted, shall be deemed sufficient notice.

~~(3)~~C. The notice of the hearing shall set forth the grounds to be relied upon by the ~~c~~County ~~m~~Manager for the determination of the question of revocation, but need not set forth the details of the evidentiary matter in support thereof.

~~(4)~~D. The ~~c~~County ~~m~~Manager shall conduct the hearing as an informal administrative hearing and may hear new and additional evidence beyond that set forth in the notice, and the applicant may be given, if requested, ten (10) days to file affidavits of rebuttal to such new changes which will not, however, prejudice the ~~c~~County ~~m~~Manager from calling before him the affiants and subjecting them to expiration.
(5-28-69)

§ 36-9. Appeals from ~~a~~Actions of the ~~c~~County ~~m~~Manager.

~~(1)~~A. Every applicant or holder of a permit for a public dance hall who is aggrieved by the decision of the ~~c~~County ~~m~~Manager in refusing to issue a permit or in revoking an existing permit, shall be entitled within ten (10) days of such decision to file an appeal with the ~~c~~County ~~b~~Board of Arlington County for a review of the decision of the ~~c~~County ~~m~~Manager.

~~(2)~~B. Any citizen aggrieved by the action of the ~~c~~County ~~m~~Manager in the issuance of a permit may, within ten (10) days of the issuance of such permit, appeal to the ~~c~~County ~~b~~Board for a review of the decision of the ~~c~~County ~~m~~Manager.
(5-28-69)

§ 36-10. Rules and ~~r~~Regulations for ~~o~~Operation of ~~p~~Public ~~d~~Dance ~~h~~Halls.

~~(1)~~A. It is the responsibility of the holder of a permit to see that all rules and regulations are obeyed on the premises for which a permit is issued, and to see that unobstructed admittance is provided at all times for agents of the ~~c~~County ~~m~~Manager or law enforcement officers for observation of compliance with all applicable ordinances and regulations of Arlington County and laws and regulations of the Commonwealth of Virginia.

~~(2)~~B. Dancing shall be stopped at such times as person participating therein become disruptive of the public peace or good order of the establishment.

~~(3)~~C. Dancing shall be permitted only between the hours of 5:00 p.m. and 2:00 a.m. Use of the public dance hall area for the purpose of dancing shall not be permitted between the hours of 2:00 a.m. and 5:00 p.m.
(5-28-69; Ord. No. 91-3, 3-2-91)

§ 36-11. Penalties.

In addition to the procedures set forth for revocation of a permit and independent thereof, any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars ($50.00), nor more than five hundred dollars ($500.00) for each offense.
(5-28-69)

ARLINGTON COUNTY CODE

Chapter 37

RELOCATION ASSISTANCE IN REAL PROPERTY ACQUISITIONS*

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* **Editors Note:** Ord. No. 83-30, adopted Nov. 19, 1983 enacted Ch. 37, §§ 37-1--37-11, to read as herein set forth. The former provisions of Ch. 37, § 37-1, relative to the keeping of inoperative automobiles and parts thereof on residential property, have been deemed by the editors to be superseded by provisions of Ord. No. 85-43, adopted Dec. 7, 1985, and effective Feb. 1, 1986, codified as § 10-22. Said former section 37-1 was derived from legislation adopted and effective May 28, 1969.

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§ 37-1. How ~~c~~Chapter ~~c~~Cited.
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§ 37-10. Authority of ~~a~~Agency ~~w~~Where ~~r~~Replacement ~~h~~Housing ~~n~~Not ~~a~~Available; ~~r~~Requiring ~~p~~Person to ~~m~~Move.
§ 37-11. Rules and ~~r~~Regulations.

§ 37-1. How ~~c~~Chapter ~~c~~Cited.

This chapter may be cited as the "~~r~~Relocation Assistance in Real Property Acquisitions Ordinance." (Ord. No. 83-30, 11-19-83)

§ 37-2. Purpose and ~~d~~Declaration of ~~p~~Policy.

The purpose of this chapter is to establish a policy to provide relocation assistance to certain persons who are displaced as a result of locally funded ~~c~~County programs or projects involving the acquisition of real property. (Ord. No. 83-30, 11-19-83)

§ 37-3. Application of ~~c~~Chapter.

~~(a)~~A. The provisions of this chapter shall be applicable to the acquisition of real property by the County in projects or programs in which only ~~c~~County funds are used and for which a resolution to acquire said real property by eminent domain proceedings has been adopted by the ~~c~~County.

~~(b)~~B. This chapter shall not apply to acquisitions by the County which are voluntarily initiated or negotiated by the seller under no threat of condemnation, where property is dedicated pursuant to the provisions of ~~c~~Chapter 11 of Title 15.1, Virginia Code Annotated (1950), or where property is voluntarily dedicated or donated for no consideration; provided, however, that the provisions of this chapter shall apply for the benefit of persons, other than the owner, who are actually and lawfully occupying the real property to be acquired and who have been occupants thereof for at least ninety (90) days prior to the initiation of negotiations for acquisition notwithstanding that said real property was acquired without the eminent domain resolution required by~~-~~ subsection A~~(a)~~ of this section.
(Ord. No. 83-30, 11-19-83)

§ 37-4. Definitions.

~~As used in this chapter the term~~The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"County" means ~~T~~the County Board of Arlington County, Virginia.

"Person" means any individual, partnership, corporation, or association.

"Displaced person" means any person, who, on or after March 25, 1983, moves from real property, or moves such person's personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the County to vacate real property, for any program or project undertaken by the County; and solely for the purposes of § 37-5 A~~(a)~~ and B~~(b)~~, as a result of the acquisition of or as the result of the written order of the County to vacate other real property on which such person conducts a business operation, for such program or project.

"Business" means any lawful activity conducted primarily:

(1) For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization.

"Mortgage" means such classes of liens as are commonly given to secure advances on or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.
(Ord. No. 83-30, 11-19-83)

§ 37-5. Payments for ~~m~~Moving and ~~r~~Relocation ~~e~~Expenses.

~~(a)~~A. Whenever the acquisition of real property for a program or project undertaken by the County will result in the displacement of any person, on or after March 25, 1983, the County shall make fair and reasonable relocation payments to displaced persons as required by this chapter for:

~~(~~1.~~)~~ Actual reasonable expenses in moving himself, such person's family, business, or other personal property;

~~(~~2.~~)~~ Actual direct losses of tangible personal property as a result of moving or discontinuing a business but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property as determined by the County; and

~~(~~3.~~)~~ Actual reasonable expenses in searching for a replacement business.

~~(b)~~B. Any displaced person eligible for payments under subsection A~~(a)~~ of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection A~~(a)~~ of this section may receive a moving expense allowance, determined according to a schedule established by the County, not to exceed three hundred dollars ($300.00); and a dislocation allowance of two hundred dollars ($200.00).

~~(c)~~C. Any displaced person eligible for payments under subsection A~~(a)~~ of this section who is displaced from such person's place of business and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection A~~(a)~~ of this section, may receive a fixed payment in the amount equal to the average annual net earnings of the business except that such payment shall not be less than twenty-five hundred dollars ($2,500.00) nor more than ten thousand dollars ($10,000.00). No payment shall be made under this subsection unless the County is satisfied that the business:

(1.) ____cannot be relocated without a substantial loss of its existing patronage, and

(2.) ____is not a part of a commercial enterprise having at least one (1) other establishment not being acquired by the County which is engaged in the same or similar business.

For purposes of this subsection, the term "average annual net earnings" means one-half (1/2) of any net earnings of the two (2) taxable years immediately preceding the taxable year in which such business moves from the real property acquired for such project, or during such other period as the County determines to be more equitable for establishing such earnings, and includes any compensation paid by the business to the owner, or the owner's spouse or dependents during such period.
(Ord. No. 83-30, 11-19-83)

§ 37-6. Additional pPayments to eEnable dDisplaced pPersons to aAcquire dDwellings.

(a)A. In addition to payments otherwise authorized by this chapter, the eCounty shall make an additional payment not in excess of fifteen thousand dollars ($15,000.00) to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(1.) The amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market.

(2.) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any- such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the County was encumbered by a bona fide mortgage which was a valid lien, on such dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3.) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(b)B. The additional payment authorized by this Ssection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one (1) year period beginning on the date on which such person receives final payment of all costs for the acquired dwelling, or on the date on which such person moves from the acquired dwelling, whichever is the later date.
(Ord. No. 83-30, 11-19-83)

§ 37-7. Additional pPayments to eCertain pPersons nNot eEligible for pPayments under § 37-6.

In addition to amounts not otherwise authorized by this chapter,: the County shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under § 37-6 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety (90) days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either:

(1)A. The amount necessary to enable such displaced person to lease or rent for a period not to exceed four (4) years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such

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person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to such person's place of employment but not to exceed four thousand dollars ($4,000.00), or

(2)B. The amount necessary to enable such person to make a down payment, including incidental expenses described in § 37-6.A.3 (a)(3), on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars ($4,000.00), except that if such amount exceeds two thousand dollars ($2,000.00), such person must equally match any such amount in excess of two thousand dollars ($2,000.00) in making the down payment.

(Ord. No. 83-30, 11-19-83)

§ 37-8. Administration of rRelocation aAssistance pProgram and pPayments.

The County Manager shall administer the relocation assistance and payments program.

(Ord. No. 83-30, 11-19-83)

§ 37-9. Funds for eCarrying oOut pProvisions of this eChapter.

Funds appropriated or otherwise available to the County for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this chapter as applied to that program or project.

(Ord. No. 83-30, 11-19-83)

§ 37-10. Authority of aAgency wWhere rReplacement hHousing nNot aAvailable; rRequiring pPerson to mMove.

(a)A. If a project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and it is determined by the County Manager that such housing cannot otherwise be made available, the County Manager may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(b)B. No person shall be required to move from such person's dwelling on or after March 25, 1983, on account of any project unless the eCounty is satisfied that replacement housing is available to such person.

(Ord. No. 83-30, 11-19-83)

§ 37-11. Rules and rRegulations.

The County Manager shall promulgate such rules and regulations as are necessary to carry out the provisions of this chapter.

(Ord. No. 83-30, 11-19-83)