

**City of Alexandria
Meeting Minutes
City Council Public Hearing
Saturday, May 14, 2016
9:30 A.M.
Council Chambers**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson and Members of Council Willie Bailey, John Taylor Chapman, Timothy B. Lovain, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, Deputy City Attorney; Police Captain Andreas; Ms. Baker, Deputy City Manager; Mr. Lambert, Director, Transportation and Environmental Services; Mr. Skrabak, Deputy Director, Transportation and Environmental Services; Ms. Bevis-Carter, Transportation and Environmental Services; Mr. Moritz, Director, Planning and Zoning; Mr. Dambach, Planning and Zoning; Ms. Horowitz, Planning and Zoning; Mr. Swidrak, Planning and Zoning; Mr. Garbacz, Transportation and Environmental Services; Ms. Jaatinen, Transportation and Environmental Services; Ms. North, Transportation and Environmental Services; Ms. Bryan, Information Technology Services; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

Mayor Silberberg called the meeting to order and the City Clerk called the roll. All members of City Council were present.

Mayor Silberberg said Council attended an event at Four Mile Run to discuss the restoration of the wetlands. She said that prior to that, she attended an event for the Iraqi Children's Foundation to help the most vulnerable children in Iraq. Mayor Silberberg also noted the passing of Mr. Roger Machanic, and their thoughts and prayers go to his family and friends.

2. Public Discussion Period.

The following persons participated in the public hearing on this item:

1. Janice Grenadier, 15 W. Spring Street, spoke of her dealings with attorneys and misconduct of those in the judicial system and the Police Department.

2. Bob Wood, 711 Potomac Street, spoke on the waterfront and reminded Council

of the preservation of historic structures and finding re-use, finding economies and doing it in the most economic fashion, and finding a way to make a continuous walking path. One of the more subtle requests is that early on in the process to find a way to show the public that they trying to build activities that are supportive of public use. He said that in the area of Fitzgerald Square, the City owns the Boat Club and the Boat Club is an interesting property that the City may consider for a variety of uses. Mr. Wood said that before they charge forward, it will be a concreted flat space, but why not have an area to have a warming hut for winter activities, to display the recent archaeological finds, and consider it as an appendix or add on to the Torpedo Factory. He asked Council to consider making good public use of an historic building.

3. Dino Drudi, 315 N. West Street, spoke to the moving of the artwork from the Torpedo Factory and said perhaps to think of using the Boat Club building as space for the Alexandria Seaport Foundation. Mr. Drudi said he understood that the City would temporarily take over the Torpedo Factory and he asked why instead City Hall could not simply extend the existing lease on a month-to-month basis.

Ms. Baker, Deputy City Manager, explained the expiration of the lease at the Torpedo Factory and the City's discussions with the stakeholders.

4. Joan Drury, 1030 N. Royal Street, said she watched Tuesday's legislative meeting and the discussion of food trucks in North Old Town across from Montgomery Park, and she spoke to the preservation of the quality of life in North Old Town and the Park. She spoke of the suggested location for the food trucks and the problems with the location being in their neighborhood. She hoped Council would take this into consideration when it's reviewed in six months.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-5)

Planning Commission

3. Special Use Permit #2016-0017
725 King Street (parcel address: 101 North Columbus Street) - Five Guys Burgers
Public Hearing and Consideration of a request to operate a restaurant; zoned: KR/King Street Retail. Applicant: Five Guys Burgers, represented by Dave Gonzales
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 14, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/14/16, and is incorporated as part of this record by reference.)

4. Text Amendment #2016-0003
Ownership Disclosure Requirement
Public Hearing and Consideration of a Text Amendment to various sections of the Zoning Ordinance to lower the corporation ownership disclosure requirements on applications from those owning an interest in excess of 10% in such corporation to those owning an interest in excess of 3% in such corporation. Staff: Department of Planning and Zoning
Planning Commission Action: Initiate and Recommend Approval 7-0

(A copy of the Planning Commission report dated May 14, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/14/16, and is incorporated as part of this record by reference.)

5. Special Use Permit #2016-0019

Encroachment #2016-0003

606 North Fayette Street (parcel address: 620 North Fayette Street) - Bastille Restaurant

Public Hearing and Consideration of requests: (A) to amend Special Use Permit #2014-0003 to allow 12 additional outdoor seats, off-premises alcohol sales, and a parking reduction; and (B) for an encroachment into the public right-of-way for outdoor dining; zoned: CRMU-H/Commercial-Residential Mixed Use (High). Applicant: Le Coq, LLC, represented by Duncan Blair, Attorney

Planning Commission Action: Recommend Approval 5-0 as amended

(A copy of the Planning Commission report dated May 14, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/14/16, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council adopted the consent calendar, with the removal of item #5, which was considered under separate motion, as follows:

3. City Council approved the Planning Commission recommendation.

4. City Council approved the Planning Commission recommendation.

The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

5. Special Use Permit #2016-0019

Encroachment #2016-0003

606 North Fayette Street (parcel address: 620 North Fayette Street) - Bastille Restaurant

Public Hearing and Consideration of requests: (A) to amend Special Use Permit #2014-0003 to allow 12 additional outdoor seats, off-premises alcohol sales, and a parking reduction; and (B) for an encroachment into the public right-of-way for outdoor dining; zoned: CRMU-H/Commercial-Residential Mixed Use (High). Applicant: Le Coq, LLC, represented by Duncan Blair, Attorney

Planning Commission Action: Recommend Approval 5-0 as amended

(A copy of the Planning Commission report dated May 14, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/14/16, and is incorporated as part of this record by reference.)

Mr. Moritz, Director, Planning and Zoning, along with Ms. Horowitz, Planning and Zoning, responded to questions of City Council of outdoor dining and adopting a Citywide overlay for outdoor dining outside of Old Town.

The following person participated in the public hearing on this item:

1. Mr. Blair, attorney for the applicant, 520 King Street, spoke to the process for obtaining an encroachment.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

6. Public Hearing and Consideration of the Framework of the Combined Sewer System Long Term Control Plan Update (LTCPU).

(A copy of the City Manager's memorandum dated May 4, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/14/16, and is incorporated as part of this record by reference.)

Mr. Skrabak, Deputy Director, Transportation and Environmental Services, made a presentation of the staff report and he, along with Mr. Lambert, Director, Transportation and Environmental Services, responded to questions of City Council.

The following persons participated in the public hearing on this item:

1. Jack Sullivan, 4300 Ivanhoe Place, said he was appointed to the Combined Sewer Stakeholder Group, and he spoke of his minority report to the Stakeholder Group, noting he abstained from the vote on the report but urged its approval. He said he didn't think the plan went far enough and asked that the process for outfall #1 be started sooner rather than later.

2. Bruce Johnson, 1500 Eisenhower Avenue, secretary-treasurer, Alexandria Renew Enterprises Board of Directors, speaking for the Board, spoke in support of the plan.

3. David Chamowitz, 118 N. Alfred Street, attorney for CBP8 Partnership, representing Tom Crawley, the owner of 1501 Duke Street, spoke of the plan and the potential future use of the Duke Street site, noting that the costs and logistics and possibility of putting the northern terminus of the 003-004 tunnel and the drop shaft may not come to pass.

4. Dino Drudi, 315 N. West Street, spoke in opposition to the plan, noting that it is an unfunded Federal mandate.

5. Dean Nausoks, 6410 Cavalier Drive, Potomac Riverkeeper, spoke in opposition to the plan, noting that there is a hole in the plan in 01 that puts raw sewage into the river.

6. Skip Maginnis, 604 Johnston Place, chair of the Stakeholder Group, spoke in support of the plan.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Wilson and carried unanimously, City Council closed the public hearing. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

Mr. Skrabak, along with Mr. Lambert, and Mr. Jinks, City Manager, responded to questions of City Council about the plan.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Long Term Control Plan Update framework and authorized the City Manager to submit the final LTCPU document to the Virginia Department of Environmental Quality no later than August 23, 2016, and directed staff to prepare planning options for the acceleration of the remediation of the 001 outfall. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

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City Council recessed for lunch at 11:47 and reconvened at 12:22 p.m.

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

7. Development Special Use Permit #2014-0043

Special Use Permit #2015-0096 (restaurant)

Transportation Management Plan SUP #2015-0095

1101 North Washington Street - Old Colony Inn

Public Hearing and Consideration of requests for: (A) a Development Special Use Permit and Site Plan with modifications for renovation of and addition to an existing hotel with accessory restaurant/meeting room, and a request for a parking and loading reduction; (B) a Special Use Permit for a restaurant use in the CD zone; and (C) a Special Use Permit for a transportation management plan; zoned CD/Commercial Downtown. Applicant: CIA Colony Inn LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 14, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 5/14/16, and is incorporated as part of this record by reference.)

Mr. Geratz, Planning and Zoning, along with Mr. Swidrak, Planning and Zoning, made a presentation of the staff report and they responded to questions of City Council.

The following persons participated in the public hearing on this item:

1. Dale Bosley, 528 Bellvue Place, spoke in opposition to the request and asked Council to support having a three-story site.
2. Jim Herring, 525 Bellvue Place, spoke in opposition to the request.
3. Andrea Haslinger, 522 Bellvue Place, spoke in opposition to the request.
4. Ken Adami, 1178 N. Pitt Street, spoke in opposition to the request.
5. Elizabeth Sproul, 1128 N. Pitt Street, spoke in opposition to the request.
6. Elizabeth Chimento, 1200 N. Pitt Street, spoke in opposition to the request.
7. Martha Johnson, 1166 N. Pitt Street, spoke in opposition to the request.
8. Gary Solis, 522 Bellvue Place, spoke in opposition to the request.
9. Matthew Hennesey, 501 Slaters Lane, #219, representing North Old Town Independent Citizens Association, spoke in opposition to the request.
10. John Sander, 1126 N. Pitt Street, spoke in opposition to the request.
11. Joan Drury, 1030 N. Royal Street, representing VISION, Volunteers in Service, spoke in opposition to the request.
12. Jonathan Sheiner, 510 Bellvue Place, spoke in opposition to the request.
13. Katy Cannady, 20 E. Oak Street, said she is the Old Town Civic on the waterfront monitoring group, and she spoke in opposition to the request, noting that construction workers at the Indigo Hotel parked on the street when they were not allowed to do so.
14. M. Catharine Puskar, 2200 Clarendon Blvd., Arlington, attorney for CIA Colony Inn, LLC, spoke in support of the request and responded to questions from City Council about conditions associated with the request.

Ms. Lyman, Chair of the Planning Commission, responded to questions of City Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

Mr. Geratz, along with Mr. Swidrak, Mr. Moritz, Director, Planning and Zoning, Ms. Puskar, attorney for the applicant, and Ms. Anderson, Deputy City Attorney, responded to questions of City Council about the request and condition language.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilmember Lovain and carried unanimously, City Council approved the Planning Commission recommendation, with the following amendments:

- Condition 91 and 106: to narrow the hours from 8:00 p.m. to 7:00 p.m. for loading times.
- Add a new condition related to the alley language: Subject to the consent of the Canal Way Homeowners Association and the granting of any necessary easements, the applicant shall install a decorative paving treatment in the alley along its frontage and shall maintain that portion of the alley. If the applicant is unable to obtain consent prior to release of the final site plan, they may proceed in accordance with the preliminary plan dated December 31, 2015. Subject to the consent of the Canal Way Homeowners Association and the granting of any necessary easements, the applicant shall reduce the width of the alley from 26 feet to a minimum of 22 feet in order to provide additional landscaping on the rear of the building. If the applicant is unable to obtain consent prior to release of the final site plan, they may proceed in accordance with the preliminary plan dated December 31, 2015.
- Condition 109: to add language about the shuttle, the applicant shall be required and shall publicize the running of a shuttle from 6:00 a.m. to 12:00 a.m.
- Condition 99: the restaurant entrance on Second Street will be operational from 8:00 a.m. to 9:00 p.m.
- Condition 72: Motor coaches: to add the following: "and motor coaches shall not park for any extended period beyond drop off and pick up, not to exceed 30 minutes total."
- Condition 21: to read: the back entry door/east entrance to the hotel will be locked 24 hours a day, so that the only people that go in and out of the door are hotel patrons.
- Condition 27: the parking condition, to add the words: "and shall make best efforts to obtain spaces as close to the hotel as possible."
- Condition 108A in the restaurant SUP: To provide that there will be complimentary parking for the restaurant patrons.
- Condition 16: Add to the second sentence: The applicant shall work with staff to modify the portico and pediment on the alley side to minimize visual impact while maintaining the architectural character of the building.
- To add a new condition 26a on parking: The parking spaces at the rear of the hotel shall be clearly marked for hotel use and the applicant shall post a sign at the registration desk informing patrons that parking across the alley is reserved for residents of Canal Way.

The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

8. Special Use Permit #2016-0009

322 North Alfred Street (parcel address: 326 North Alfred Street) - Bright Mind Daycare
Public Hearing and Consideration of a request to operate a daycare business; zoned: RB/Residential Medium-Townhouse. Applicant: Bright Mind Daycare
Planning Commission Action: Recommend Approval 5-0 as amended

(A copy of the Planning Commission report dated May 14, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/14/16, and is incorporated as part of this record by reference.)

Ms. Horowitz, Planning and Zoning, made a presentation of the staff report and she, along with Mr. Jinks, City Manager, responded to questions of City Council concerning the application to the Department of Recreation for scheduling time to use the Recreation Center.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council approved the Planning Commission recommendation, with an amendment to condition 13 to read: "The applicant shall apply to the Department of Recreation to establish times and schedules to use the Recreation Center play areas." The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

9. Special Use Permit #2016-0018

2503 Taylor Ave

Public Hearing and Consideration of a request to construct a single-family dwelling on a substandard lot; zoned: R-8/Residential Low Single-Family. Applicant: Matt Heckel

Planning Commission Action: Recommend Approval 5-0

(A copy of the Planning Commission report dated May 14, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

10. Text Amendment #2016-0002

Sign Regulations

Public Hearing and Consideration of a Text Amendment to Article IX of the Zoning Ordinance regarding regulations for signs allowed on properties in each zone. Staff: Department of Planning and Zoning

Planning Commission Action: Initiated the Text Amendment and Recommend Approval 7-0

(A copy of the Planning Commission report dated May 14, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 5/14/16, and is incorporated as part of this record by reference.)

Mr. Dambach, Division Chief, Planning and Zoning, made a presentation of the staff report and responded to questions of City Council.

The following persons participated in the public hearing on this item:

1. Pete Benavage, 5066 Fairbanks Avenue, member of the ad-hoc sign committee, spoke in support of having a six month review and he spoke to specific language in the item.

2. Brian Gordon, 1050 17th Street, NW, Suite 300, Washington, D.C., representing the Apartment and Office Building Association, spoke in support of the request.

3. Steve Milone, 907 Prince Street, said he served on the ad-hoc sign committee, and he spoke to the flags and asked that it reduce or eliminate the change that would allow flag shaped signs that are currently prohibited and to enforcement of the signs regulations.

Councilwoman Pepper noted that Brian Gordan owns property at 4600 Duke Street and she rents storage bins at that location but does not have a conflict of interest and will participate in the item.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

Mr. Dambach, along with Mr. Moritz, Director, Planning and Zoning, responded to questions of City Council about the proposed sign regulations.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with the addition of an additional review at six and 12 months. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

ORDINANCES AND RESOLUTIONS

Items 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 were considered as one motion.

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11. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Article G (Posting of Signs in the Right of Way) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as Amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 4, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 5/14/16, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 5/14/16, and is

incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance on posting of signs in the right of way. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5004

AN ORDINANCE to amend and reordain Article G (Posting of Signs in the Right of Way) of Chapter 2 (STREETS AND SIDEWALKS) of Title 5 (TRANSPORATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article G of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

ARTICLE G - Posting of Signs in the Right-of-way

Sec. 5-2-173 - Removal and collection of costs.

Any violation of this article is hereby declared to be a nuisance and may be forthwith removed, obliterated, or abated by the Director of the Department of Planning and Zoning or his representatives without notice. No person shall have any legal right to the continued presence of a sign in a public way in violation of this article. ~~nor shall there be any legal remedy against any person solely for the removal from a public way of a sign which is in violation of this article. Any person may abate the nuisance created by a violation of this article without liability for doing so. If abatement is made by the city, I~~the reasonable costs incurred in removal may be assessed against any person responsible for or benefited by the violation, and such costs shall be collected in the same manner as city taxes. For a willful violation, the city shall be entitled to recover costs, the reasonable value of attorney's fees, and punitive damages in any proceeding which it may bring to enjoin future violations.

Sec. 5-2-174 – Enforcement of Article and Penalty for violation.

The Director of the Department of Planning and Zoning, or his designee, shall be

responsible for the enforcement of this Article. Violation of this article shall be a class four civil violation which shall be enforced through the levying of a civil penalty pursuant to section 1-1-11 of this code, provided, that the penalty for the first violation shall be \$100, for a second violation of the same regulation or requirement the penalty shall be \$250, and for each additional violation of the same regulation or requirement the penalty shall be \$500. Each individual sign shall be deemed a separate offense. Each day during which any such violation is continued may be treated for all purposes as a separate offense.

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

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

12. Public Hearing, Second Reading, and Final Passage of an Ordinance to Bring the Sewer Line Maintenance Charge Set Forth Therein into Conformity with the Previously Adopted Resolution Setting the Fee at \$1.40 per 1,000 Gallons of Water Supplied. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 4, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 5/14/16, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance to bring the sewer line maintenance charge set forth therein into conformity with the previously adopted resolution setting the fee at \$1.40 per 1,000 gallons of water supplied. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5005

AN ORDINANCE to amend and reordain Section 5-6-26 (SEWER LINE MAINTENANCE CHARGE IMPOSED; PROVISIONS FOR COLLECTION; LIENS AND CESSATION OF WATER SERVICE FOR DELINQUENT CHARGES) of Division 1 (GENERAL PROVISION), Article B (SEWAGE DISPOSAL AND DRAIN), Chapter 6 (WATER AND SEWER), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-6-26 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and same hereby is amended and reordained to read as follows:

Sec. 5-6-26 Sewer line maintenance charge imposed; provisions for collection; liens and cessation of water service for delinquent charges.

(a) There is hereby imposed, upon all parcels of real estate from which sewerage is discharged into lines maintained by the city, a sewer line maintenance charge of \$1.20 per quarter or \$1.2540 for every 1,000 gallons of water supplied per quarter to such parcel by the Virginia-American Water Company, whichever is the greater sum; provided, that if the charge for water supplied to any parcel is billed on a monthly basis, the sewer line maintenance charge imposed on the parcel shall be \$0.40 per month or \$1.2540 for every 1,000 gallons of water supplied per month to such parcel, whichever is greater; and provided, further, that for any parcel of real estate having more than one meter for the measurement of water consumption attributable to that parcel, one or more of which meters measures only water which will not be discharged into the sanitary sewer lines of the city, that parcel shall be charged as provided herein on the total water consumption attributable to that parcel after subtracting the amount of water not discharged into the sanitary sewer lines of the city.

(b) For the purpose of this article, bills shall be considered monthly bills if submitted 12 times per year for periods of approximately one month each and quarterly bills if submitted four times per year for periods of approximately three months each.

(c) The sewer line maintenance charge shall in every case be collected by the Alexandria sanitation authority or its designee from the owner, lessee or tenant of each parcel, or some or all of them, and remitted by the Alexandria sanitation authority or its designee to the city in such manner and on such terms as shall be agreed upon by the water company and the city council, consistent with the provisions of this section. In the event any such charges are unpaid 30 days after the date they are billed by the Alexandria sanitation authority or its designee as hereinabove provided, interest shall at that time begin to accrue thereon at the rate of one percent per month, and the owner, lessee or tenant, as the case may be, of the parcel of real estate on which the charge was imposed shall, until such charges shall be paid with interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewer line maintained by the city, and if such owner, lessee or tenant shall not cease disposal within two months thereafter, the water company shall cease supplying water thereto unless the Director of the Alexandria Health Department shall certify that the shutting off of the water will endanger the health of the occupants of the premises or the health of others. Such charges and interest thereon shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

Section 2. That this ordinance shall become effective on July 1, 2016.

13. Public Hearing, Second Reading, and Final Passage of an Ordinance to Adopt Fee Increases for Courthouse Filings to be Charged to the General Public for FY 2017.

[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 4, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 5/14/16, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance to adopt the fee increases for courthouse filings to be charged to the general public for FY 2017. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5006

AN ORDINANCE to amend and reordain Section 3-2-52 (ASSESSMENT OF FEE FORE COURTHOUSE AND JAIL) of Article E (ASSESSMENT OF COURT COSTS AND FEES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-52 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended and reordained to read as follows:

Sec. 3-2-52 Assessment of fee for courthouse and jail.

In addition to any other fee or cost prescribed by law, there is hereby assessed a fee of \$25, for the support of the courthouse and jail, as part of the fees taxed as costs in each civil action filed in the Alexandria Circuit and General District Courts, in each criminal and traffic case in the Alexandria Circuit and General District Courts, and in each adult criminal and juvenile traffic case in the Juvenile and Domestic Relations District Court, in which the defendant is charged with a violation of any statute or ordinance. In any civil action where the amount in controversy is \$500 or less, the fee hereby assessed is only \$2.

Section 2. That this ordinance shall become effective on July 1, 2016.

14. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend Section 3-2-183 of the City Code Related to Delinquent Taxes, Penalty and Interest. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 4, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 5/14/16, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 14; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance to amend the City Code relating to delinquent taxes, penalty and interest. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5007

AN ORDINANCE to amend and reordain Section 3-2-183 (DELINQUENT TAXES; PENALTY AND INTEREST) of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-183 of The Code of the City of Alexandria, Virginia, 1981 as amended, be, and the same hereby is amended and reordained to read as follows:

Sec. 3-2-183 Delinquent taxes; penalty and interest.

(a) Whenever any taxpayer shall fail, neglect or refuse to pay the first one-half installment of his taxes on or before June 15 of the current year, the amount of that installment shall be delinquent as of that date, and if the second installment is not paid on or before November 15 of the current year, the amount of the second installment shall be delinquent as of that date. Any payment made on real estate taxes after penalty has accrued on the first one-half installment shall be applied first to the payment of the said first one-half installment.

(b) To all real estate taxes that are delinquent there shall be added and collected as a part thereof a penalty as follows: On the first one-half installment, a penalty of ~~40~~5 percent of the installment or \$10, whichever is greater, if not paid on or before June 15 of the tax year for which the tax is levied and if any tax remains unpaid in whole or in part 15 days after the payment date an additional penalty of 5 percent or \$10, whichever is greater; and on the second one-half installment, a penalty of ~~40~~5 percent of that installment or \$10, whichever is greater, if not paid on or before November 15 of the tax year and if any tax remains unpaid in whole or in part 15 days after the payment date an additional penalty of 5 percent or \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of tax due. In addition thereto, interest on the taxes and penalty shall commence on the first day following the day such taxes are due and shall continue until all such taxes and penalty are paid. Such interest shall accrue at the rate of 10 percent per annum for the first year such taxes and penalty remain unpaid and thereafter at the rate of five percent per annum.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

15. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Section 3-2-102 (Levy and Rate) of Article I (Tax on Sale of Cigarettes) of Chapter 2 (Taxation) of Title 3 (Finance, Taxation and Procurement) of the Code of the City of Alexandria, Virginia, 1981, as Amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 4, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 5/14/16, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 15; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance pertaining to the tax on the sale of cigarettes. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5008

AN ORDINANCE to amend and reordain Section 3-2-102 (LEVY AND RATE) of Article I (TAX ON SALE OF CIGARETTES) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-102 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-102 Levy and rate.

(a) In addition to all other taxes of every kind now or hereinafter imposed by law, there is hereby levied and imposed by the city, upon every person who sells or uses cigarettes within the city, from and after the effective date of this article an excise tax equivalent to \$1.45~~26~~ for each package of cigarettes sold or used within the city. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette package sold or used within the city shall be paid but once.

Section 2. That this ordinance shall become effective on July 1, 2016.

16. Public Hearing, Second Reading and Passage of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Capital Projects. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 4, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 5/14/16, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 16; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance authorizing and empowering the issuance, sale and delivery of general obligations bonds to finance various capital projects. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT
BONDS IN THE ESTIMATED MAXIMUM AMOUNT OF

\$80,535,000 AND PROVIDING FOR REIMBURSEMENT TO THE CITY OF
ALEXANDRIA FROM BOND PROCEEDS; AND AUTHORIZING THE
ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

WHEREAS, the City Council of the City of Alexandria, Virginia ("City") has determined that it is advisable to issue (a) up to \$80,535,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below (the "Projects") and (b) general obligation refunding bonds of the City to refund in advance of their maturities certain bonds previously issued by the City in order to achieve debt service savings.

1. Authorization of New Money Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$80,535,000 (the "New Money Bonds"). The issuance and sale of the New Money Bonds are hereby authorized. The proceeds from the issuance and sale of the New Money Bonds shall be used to pay all or a portion of the costs of the Projects as described below and the City Manager of the City and the Director of Finance of the City, or either one of them acting alone (the "Authorized Officer"), is authorized and directed to determine the portion of the cost of each Project to be financed with New Money Bond proceeds and to reallocate New Money Bond proceeds among the Projects if necessary or desirable.

General Project DescriptionEstimated Maximum Cost

Schools \$41,127,000

Construction, remodeling and repairing of school buildings and acquisition of necessary equipment (includes projects contained in the capital improvement program under "Alexandria City Public Schools").

City Parks and Public Buildings\$31,849,000

Construction, renovation and improvement of existing and new City buildings and park facilities and acquisition of necessary land and equipment (includes projects contained in the capital improvement program under "Recreation and Parks," "Public Buildings," and Information Technology Plan").

Transportation Improvements\$3,525,000

Maintenance and upgrade of the City's transportation infrastructure, transit infrastructure and traffic control infrastructure (includes projects contained in the capital improvement program under "Transportation & Transit Infrastructure," and including, without limitation, payment of the City's share of certain Washington Metropolitan Area Transit Authority (i.e., "METRO") capital improvements).

Infrastructure \$2,656,000

Construction, renovation and improvement of City storm

sewers and waterways and acquisition of necessary equipment (includes projects contained in the capital improvement program under "Community Development," and " Stormwater Management").

Fire Department Vehicles and Apparatus\$1,378,000

Acquisition of Fire Department vehicles and apparatus contained in the capital improvement program under "Community Development."

Total:\$80,535,000

2. Authorization of Refunding Bonds; Refunding of Prior Bonds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell, in addition to the New Money Bonds authorized in paragraph 1 of this Ordinance, general obligation refunding bonds (the "Refunding Bonds" and, together with the New Money Bonds, the "Bonds") on the terms determined in the manner set forth in this Ordinance. The proceeds from the issuance and sale of the Refunding Bonds shall be used to refund, redeem and/or defease certain outstanding bonds issued by the City (the "Refunded Bonds"). The specific bonds to be refunded shall be determined by the Authorized Officer pursuant to the criteria set forth in this paragraph. The Authorized Officer is authorized to determine the series, maturities and amounts of the Refunded Bonds as such officer determines to be in the best interest of the City, as long as the minimum savings achieved by the issuance of the Refunding Bonds is not less than 3% savings on a present value basis compared to the existing debt service on the Refunded Bonds. The Authorized Office is authorized to enter into an escrow agreement providing for the deposit of proceeds of the Refunding Bonds and the refunding and redemption of the Refunded Bonds with such escrow agent as the Authorized Officer may select.

3. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

4. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The Bonds shall be issued in one or more taxable or tax-exempt series, in fully registered form, shall be dated such date or dates as the Authorized Officer, may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the Authorized Officer may approve, provided that: (a) the final maturity of any New Money Bond is not more from its date and the aggregate principal amount of the New Money Bonds is not more than \$80,535,000; and (b) the final maturity of the Refunding Bonds is not later than one year after the final maturity of the Refunded Bonds and the aggregate principal amount of the Refunding Bonds is not more than the amount needed to pay principal of and premium, if any, and interest on the Refunded Bonds to their redemption

date and to pay the costs of issuing the Refunding Bonds. The Bonds may be sold pursuant to a public or private placement and may be sold on a negotiated or competitive bid basis, all as may be determined by the Authorized Officer. The Authorized Officer is authorized and directed, at his or her option, to accept a bid or bids for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or bids so accepted, or, if he or she deems it to be in the City's financial interest, to forego such competitive bidding and negotiate the sale of the Bonds to one or more initial purchasers; provided that (a) the true interest cost of the New Money Bonds shall not exceed 6.5% per annum and (b) the debt savings criteria set forth in paragraph 2 of this Ordinance is satisfied with respect to the Refunding Bonds. The Authorized Officer is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City. The City Council may provide for additional or other terms of the Bonds by subsequent resolution.

5. Form of Bonds. The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

6. Book-Entry-Only-Form. The Bonds may be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and may be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds may be registered to Cede & Co. In such event, beneficial owners of the Bonds shall not receive physical delivery of the Bonds and principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds may be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. In such event, the City shall notify DTC of any notice required to be given pursuant to this Ordinance or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given and the City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

In the event the Bonds are issued in book-entry-only form and registered in the name of DTC's nominee as permitted above, replacement Bonds (the "Replacement Bonds") may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

- (i) DTC determines not to continue to act as securities depository for the Bonds;
or

- (ii) The City has advised DTC of its determination not to use DTC as a securities depository; or
- (iii) The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of an event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Ordinance and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 10 and 11 of this Ordinance and the Bonds.

7. Appointment of Bond Registrar and Paying Agent. The Authorized Officer is authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds, and as long as the Bonds are in book-entry form, any of such officers may serve as Paying Agent.

The Authorized Officer may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

8. Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

9. CUSIP Numbers. The Bonds may have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

10. Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for

transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, and shall be secured by this Ordinance and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

11. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

12. Non-Arbitrage Certificate and Tax Covenants. The Authorized Officer and such officers and agents of the City the Authorized Officer may designate are authorized and directed to execute with respect to the Bonds a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Tax Code, including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants relating to such Bonds, to be delivered simultaneously with the issuance and delivery of such Bonds and that the City shall comply with the other covenants and representations contained therein.

13. Defeasance. Bonds may be defeased pursuant to Section 15.2-2623 of the Code of Virginia of 1950, as amended, or any successor statute and shall be deemed no longer outstanding upon the establishment of an escrow or sinking fund for such Bonds meeting the requirements of, and the satisfaction of other conditions, if any, to defeasance, set forth in such Section 15.2-2623 or successor statute.

14. Disclosure Documents. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Authorized Officer shall determine. The Authorized Officer is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

15. Further Actions. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds including the execution and delivery of such bond purchase agreement or agreements as may be required in connection with any negotiated sale of the Bonds and the execution and delivery of any such other documents, agreements and certificates (including applications

for tax credits) as they may deem necessary or desirable and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

16. Reimbursement. The City Council adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The City Council reasonably expects to reimburse advances made or to be made by the City to pay the costs of the Projects from the proceeds of its debt. The maximum amount of debt expected to be issued for the Projects is set forth in paragraph 1 above. The City hereby authorizes the Authorized Officer, on behalf of the City, to specifically declare the City's official intent to reimburse portions of the cost of the Projects with New Money Bond proceeds.

17. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Ordinance shall take effect at the time of its enactment.

17. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Title 11, Chapter 11 of the City Code to Keep Current With the Latest Aquatic Health Science Technologies. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 4, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 117 5/14/16, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 17; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance to keep current with the latest aquatic health science technologies. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5010

AN ORDINANCE to repeal and reordain Chapter 11 (AQUATIC HEALTH ORDINANCE) of Title 11 of The Code of The City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 11 of Title 11 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, repealed and reordained to read as follows:

ARTICLE A

General Provisions

Sec. 11-11-5 Definitions.

For the purposes of this Ordinance, the following words and terms shall have the following meaning, unless the context clearly indicates otherwise.

Above-ground pool means any pool having the pool tank above ground level.

Activity pool means a pool which features recreational water activities which may include, but is not limited to, one or more of the following: climbable bars, ropes, chutes, bubblers, fountains, anchored floating play components or other similar devices.

ANSI means American National Standards Institute.

Aquatic facility means a facility for water recreation or water therapy including, but not limited to, a public pool facility, spa pool facility, a waterpark facility, a limited access pool, or an interactive water feature facility.

ASME means American Society of Mechanical Engineers.

ASTM means American Society for Testing and Materials.

Attendant means a person at a waterpark facility trained to operate an attraction and control the patrons in a safe and orderly manner.

Attraction or ride means any of the specific types of features at waterpark facilities involving partial or total immersion of the patron.

Backwashing means the process of thoroughly cleaning the filter media or elements by reversing flow, dislodging the filter aid, and/or removing accumulated debris and discharging it to waste.

Bathhouse facility means the enclosed structure and related areas, used by patrons of an aquatic facility prior to entering the pool(s), which contain the dressing rooms, showers, toilets, lavatories, saunas, and steamrooms.

Bed and Breakfast is a transient lodging facility permitted by the Director as defined by the City of Alexandria Zoning Ordinance.

Breakpoint chlorination means the addition of a sufficient amount of chlorine to water to destroy the combined chlorine present. Breakpoint chlorination is

approximated by the addition of chlorine sufficient to obtain a total chlorine residual ten times the original combined chlorine residual.

Center line means the path defined by geometric midpoints of a component or structure, generally used for consideration of the slide path in flume rides and the separation of diving boards or platforms in a diving area.

Child care facility means any child care home, day care center, or nursery school, as defined by the City of Alexandria Zoning Ordinance.

Children's activity pool means an activity pool, designed primarily for the use of children, having a maximum depth of 24 inches.

Chute means a structure which contains and directs the path of travel and rate of descent of a patron. A chute may be tubular, trough-like, curved or flat-bottomed. A chute generally uses water only as a lubricant.

Combined residual disinfectant means the amount of halogen or other approved disinfectant which has chemically combined with organic nitrogen compounds (e.g., combined chlorine).

Competitive diving board means any diving board recommended by the manufacturer for diving competition.

Control fence means a woven steel wire, chain link, picket, solid board type fence, wall or equivalent barrier capable of directing bathers through the appropriate entry onto the pool deck or to a specific location within the pool facility's perimeter fence.

Cross-ventilation means the movement of air from an outside source into and out of a filter/chemical storage room, sufficient to prevent the accumulation of chemical vapors or dust. The cross-ventilation shall be provided by a mechanical exhaust fan.

CT value means the concentration in ppm of a disinfectant (C) multiplied by time in minutes (T) needed for inactivation of a particular contaminant. The concentration and time are inversely proportional, therefore, the higher the concentration of a disinfectant, the shorter the contact time required for inactivation. The CT value can vary with pH or temperature change so these values must also be supplied.

Deck means the smooth, impervious, non-slip walking surface located within the perimeter enclosure and around the aquatic facility.

Diaper changing station means an easily cleanable unit that meets the requirements of the Consumer Safety Performance Specifications for Diaper Changing Tables for Commercial use including Americans with Disabilities Act (ADA) Standards and Product Safety Signs and Labels.

Director means the Health Director of the Alexandria Health Department or his/her designee.

Disinfectant means an agent that disinfects by destroying, neutralizing, or inhibiting the growth of harmful organisms.

Diving area means the minimum dimensions of an area within the pool necessary to provide safe entry from a diving board or platform.

Diving board means the mechanism used for entering a swimming pool, consisting of a semi-rigid board, that derives its elasticity through the use of a fulcrum mounted below the board, and the stand that supports the semi-rigid board.

Diving platform means the raised rigid stage used for diving.

Drop slide means a sloped chute or flume exiting the user above the pool operating water level into a receiving pool.

Fence means a closed-type vertical barrier which completely encloses and secures the pool area and prevents unauthorized entry.

Filter means a device that separates solid particles from water by circulating water through a porous substance, the filter media or element.

FINA means the Federation Internationale de Natation Amateur.

Flume means a trough-like or tubular structure which uses a significant volume of water to transport the user.

Free available residual disinfectant means the amount of disinfectant which is available to inactivate microorganisms and oxidize organic matter (e.g. free chlorine), and which has not reacted with organic nitrogen compounds or any other material in pool water.

Foothold means areas that are greater than one and three-quarter inches wide as measured horizontally that expose horizontal surfaces whose top planes are separated by a vertical distance that is less than 45 inches.

GFCI means Ground Fault Circuit Interrupter.

Handhold means the same as foothold.

Hard-wired telephone means a telephone that has a direct wire handset and connection to the main telephone system.

Hydrojet Hydrotherapy Jet means a fitting which blends air and water creating a high velocity, turbulent stream of air enriched water.

Hydrostatic pressure relief valve means any valve which, when properly installed, will relieve underground water pressure caused by high water tables under and/or around the pool shell.

Industry standards mean the American National Standards Institute (ANSI), or similar national standards, as approved by the Director.

In-ground pool means any pool constructed with the pool tank below ground level.

Injury or illness report means the written record of all facts regarding any death, near drowning, injury or illness associated with any regulated aquatic facility.

Inner-tube ride means an attraction where users ride inner tube-like floatation devices through a series of chutes, channels, flumes, and/or pools.

Interactive Water Feature Facility (IWFF) means a structure or area designed to allow contact with water, but having standing water less than or equal to one inch, including but not limited to water sprays, dancing water jets, waterfalls, and dumping buckets. An IWFF is not an aquatic facility provided there is both:

- (i) A visible barrier, at least 15 inches in height, surrounding the entire feature, and
- (ii) Signage facing approaches to the IWFF, with letters at least 1 inch in height, stating "Do Not Enter – Untreated Water"

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

Lazy River means a circuitous stream of pool water, moved by booster pumps or other means, providing a continuous current in which patrons are transported by flotation devices or other means.

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

Lifeguard stand means an elevated lifeguard station, which complies with OSHA standards for elevated platforms, and includes a seat and platform. An umbrella emplacement sleeve or alternative shade producing structure is required for outdoor stands. The stand may be portable, and shall be located to allow full visual coverage of the lifeguard's assigned area of responsibility.

Lifeguard station means a lifeguard stand or other designated work station of a lifeguard.

Light color means any color which has a Munsell Value (V) notation of 6.5 or greater and a Munsell Chroma (C) notation of 7.0 or less.

Limited access pool means a pool that does not serve an apartment complex and (i) serves 65 or fewer members of a homeowners association or condominium association, (ii) only allows access to their facility to association members, their guests, families and/or owners' lessees, (iii) does not allow access by the general public, and (iv) determines

annually, by majority of voting members of the association, to be designated as a limited access pool for that year.

MSDS means Material Safety Data Sheets.

Make-up water means potable water which is added to a pool to bring the water level up to the waterline.

Maximum facility load means the maximum number of patrons permitted in any aquatic facility at any one time. The maximum facility load is limited by the sum total of the maximum individual swimming pool and individual spa pool bather loads, bathhouse plumbing fixture restrictions, or other restrictions imposed by the Director.

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

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

NSF means National Sanitation Foundation.

ORP means Oxidation Reduction Potential.

OSHA means the Occupational Safety and Health Administration.

Overflow trough or gutter means the surface water collection system designed to remove surface water through pool overflow.

Owner means any person, or legally authorized representative of any person, who owns or leases an aquatic facility and in whose name the owner's annual or seasonal permit is issued. The person in charge of the aquatic facility shall be deemed to be the designee of the owner.

Perimeter means the distance around the swimming pool, spa, wading pool or other body of water measured where the normal water surface under operating conditions meets the sidewall of the facility shell.

Person means any and all entities, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or public or private corporations organized under the laws of this Commonwealth or any other state or country.

~~*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, outdoors, or both, containing a body of water with sufficient depth for complete or partial immersion of the body.

Pool area means a pool and all decks, grounds, and other areas located within the perimeter enclosure.

Pool facility means any pool(s), together with the buildings, equipment and appurtenances pertaining to such a body of water including, but not limited to, all areas located within the perimeter enclosure.

Pool management company means any person, firm, corporation or association contracting to manage or operate an aquatic facility.

Pool operator means a person, sixteen years of age or older, trained to conduct the operation of an aquatic facility.

Pool operator's certificate means the document issued to a person who has successfully passed a pool operator's exam recognized by the Director and administered by an exam proctor that is approved by the Director.

ppm means parts per million.

psi means pounds per square inch.

Public pool means any pool, other than a residential pool serving a single family dwelling or duplex residence that is not a bed and breakfast, a child care facility, or a limited access pool which is intended to be used collectively by a number of persons for swimming, recreation, fitness, relaxation, or therapeutic purposes. Man-made structures such as plastic and/or inflatable wading pools designed for the temporary impoundment of uncirculated and/or undisinfected water will not be permitted as a public pool.

Radius of curvature means the radius arc which denotes the curved surface from the point of departure from the vertical sidewall (springline) of the pool to the pool bottom (e.g. coving).

Receiving pool means a pool located at the end of a water slide or drop slide that is designed to safely receive the rider of an attraction.

Recessed stairs means a step or series of steps that do not protrude beyond the pool wall. Recessed stairs extend down from the deck with the riser of the bottom step terminating at the pool wall and bottom.

Recreational diving board means any diving board that is not recommended by the manufacturer for diving competition.

Remodel means to change, rearrange, or modify an aquatic facility's structure, circulation system and/or appurtenances, such that the design, configuration and/or operating characteristics are different from the original design, configuration, and/or operating characteristics. The term "remodel" does not include normal maintenance and repair.

Repair means the replacement of existing construction with equivalent materials for the purpose of maintenance and the replacement of a previously approved piece of equipment with an equivalent unit having the same specifications, operating characteristics, and certifications.

Skimmer means a mechanical device connected to the pool water recirculation piping which is used to drain the pool water surface and is equipped with a weir, a flow adjustment device, and a removable and cleanable basket designed to trap small solids.

Slide means a drop slide or waterslide as defined herein.

~~*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 or therapeutic use which may include a water jet and/or aeration system, may be heated or cooled, and is not drained, cleaned or refilled after each individual use. The term includes, but is not limited to, units designed for ~~hydrojet~~ hydrotherapy jet recirculation, hot water, cold water, mineral bath, air induction bubbles, or any combination thereof. Common terminology for a spa pool includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, and hot tub. The term spa pool excludes spa pools used by or under the direct supervision and control of licensed medical personnel located in a medical facility and spa pools serving a single family dwelling or duplex residence that is not a bed and breakfast or a child care facility.

Springline means the point from which the pool wall breaks from vertical and begins its arc in the radius of curvature to the pool bottom.

Superchlorinate means to achieve a rapid increase in the chlorine residual within the pool water to oxidize organic impurities, destroy algae and/or achieve breakpoint chlorination.

Swimming pool means any pool intended to be used for public recreational swimming and/or public recreational diving, and means the same as public pool.

Total residual disinfectant means the arithmetic sum of free available residual disinfectant and combined residual disinfectant.

Turnover time or period means the time required to recirculate the equivalent of the total volume of pool water through the filter system.

UL means Underwriters Laboratory.

VUSBC means the Virginia Uniform Statewide Building Code.

Wading pool means a swimming pool designed primarily for use by small children which is separate from any other swimming pool within a pool area. A wading pool shall have a depth greater than one inch but not exceeding eighteen inches.

Waterline means the midpoint of the operating range of the skimmers when there are no users in the pool. For overflow systems, the waterline is defined as the top of the overflow rim.

Waterpark facility means a water contact facility with design and operational features which provide recreational activities that are different from those associated with a conventional swimming pool and purposefully involve the immersion of the body either partially or totally in the water. Such recreational activities include, but are not limited to: water chutes, water flumes, slow rivers, activity pools, receiving pools, sprinklers, fountains, decorative showers, and wave pools.

Water slide means a chute or flume that discharges the user at or below the pool operating water level.

Wave pool means a pool producing waves which usually begin at the deep end and proceed toward and dissipate at the shallow end.

Sec. 11-11-6 Permits for Construction, and Remodeling, Resurfacing, Modifications, and other changes; Plan Review and Construction and Pre-Operational Inspections.

(a) Building and other applicable permits shall be obtained before any aquatic facility regulated under this Ordinance may be constructed. A building permit or other applicable permits may be required from the appropriate official(s) before the remodeling of an aquatic facility regulated under this Ordinance. Plans and specifications shall have been approved by the Director prior to the issuance of such permits.

(b) If a building permit is not required, plans and specifications for the remodeling of an aquatic facility regulated under this Ordinance shall be submitted to the Director for review and approval. Duplicate copies of the plans and specifications shall be submitted to the Director.

(c) The approval of any plans or specifications shall not be viewed to be a determination that the said plans or specifications are free from error. The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation.

(d) A plan review fee shall be paid. The fees for the review of plans and associated construction inspections are as established in Sec. 11-11-25.

(e) The requirements of this 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 prevention.

(f) Prior to being put into service for the public, the construction of each aquatic facility shall be inspected for compliance with this Ordinance and approved by the Director.

(g) A pre-operational inspection shall be conducted annually on each seasonal aquatic facility. Where more than one annual pre-operational inspection is required for a facility before it can be approved for operation, the Director shall assess a reinspection fee for each additional inspection after the initial inspection. The fees for pre-operational reinspections are as established in Sec. 11-11-25 and shall be set by the City Council. Reinspection fees shall be paid before a reinspection is conducted.

(h) The Director or their designee shall be notified in writing of any proposed changes to the pool, pool equipment, or deck are that are not like for like at least 10 days prior to commencement of work. The notification shall include an itemized list of all proposed work that is to be performed, including a statement that all work will comply with the requirements stated in this code.

Sec. 11-11-7 Owner's Permit Required; Fee for Same.

(a) No owner shall allow an aquatic facility to be operated unless the owner has secured an annual or seasonal permit(s) from the Director. The permit(s) shall be posted in a location conspicuous to the public on the premises of the facility. Prior to issuing the permit(s), the Director shall determine that the aquatic facility is in compliance with the requirements of this Ordinance, that all required application fees in Sec. 11-11-25 have been paid, and that the aquatic facility has been approved by the building official. The permit shall be issued in the name of the owner for the calendar year, or if a seasonal pool, for the period during the calendar year the facility will be in operation. A permit(s) may not be transferred from one person or owner to another person or owner. In the event the owner is operating a facility without the required annual or seasonal permit(s), the Director shall order the immediate closure of the facility. An order of closure shall be effective upon delivery of a written notice to the owner or person in charge of the facility and shall remain in effect until such time as the owner secures the annual or seasonal permit(s).

(b) The fees for the permit(s) required by Sec. 11-11-7 (A) are as established in Sec. 11-11-25 of this Ordinance.

(c) The owner and the pool management company, if applicable, of any aquatic facility are responsible for the facility being operated, maintained, and managed in accordance with the requirements of this Ordinance.

Sec. 11-11-8 Facility Closure and Suspension of the Owner's Permit.

(a) The Director shall order the immediate closure and permit suspension of any aquatic facility upon finding that a substantial hazard exists to the health or safety of those who utilize the facility. No person shall operate any aquatic facility subject to an order of facility closure and permit suspension.

(b) An order of facility closure and permit suspension shall be effective upon delivery of a written notice to the permit holder or his/her designee or to the person in charge of the aquatic facility at the time the substantial hazard is discovered. The order shall remain in effect until such time as the Director, or his designee, by written determination, finds that the facility meets the requirements of this Ordinance, including a determination that the hazard no longer exists.

(c) The holder of a permit for a facility subject to an order of facility closure and permit suspension may appeal such determination by requesting a hearing as described in Sec. 11-11-15.

Sec. 11-11-9 Revocation of an Owner's Permit.

The Director may revoke an owner's permit(s) upon the finding of serious, repeated, or flagrant violations of any of the requirements of this Ordinance or interference with the performance of the Director's duties. No person shall operate any aquatic facility subject to an order of permit revocation. An owner's permit(s) may not be revoked unless the permit holder has been served with written notice of the Director's intent to revoke the permit(s) at least thirty calendar days prior to the date of proposed revocation, stating the reason the permit(s) is subject to revocation and informing the permit holder of the opportunity for a hearing before the Director. The holder of an owner's permit subject to an order of permit revocation may appeal such determination by requesting a hearing as described in Sec. 11-11-15.

Sec. 11-11-10 Pool Operator Requirements.

(a) It shall be unlawful to operate a swimming pool or waterpark facility unless it is under the immediate control of a person trained in the basics of swimming pool operation. Such pool operator shall possess a valid pool operator's certificate accepted by the Director, have immediately available for inspection a valid photo identification and be on the premises during operation of the swimming pool or waterpark facility.

(b) A spa pool or interactive water feature facility shall not be in violation of this subsection if it is under the control of a person who possesses a valid pool operator's certificate accepted by the Director, and have immediately available for inspection a valid photo identification. That person need not be on the premises during the operation of the spa/interactive water feature provided that he is available on-call, the on-call telephone number is posted in view of the patrons, and the operator can return to the facility within thirty (30) minutes.

(c) The pool operator shall have the original pool operator's certificate, and valid photo identification available for inspection during the operation of the aquatic facility.

(d) A pool operator shall be at least 16 years of age and shall have successfully passed a pool operator's examination approved by the Director and administered by an exam proctor that is approved by the Director within 30 days of the time application for the pool operator's certificate. Reasonable fees may be charged for the proctoring of a pool operator's exam and issuance of a pool operator's certificate by the Director or a third party approved by the Director.

(e) A pool operator's certificate shall be issued only to a person who has passed the pool operator's examination, shall not be assignable or transferable, and shall be valid only for a period not to exceed three years from the date of issuance. Expired certificates must be reissued in accordance with Sec. 11-11-10 (D).

(f) Swimming pools or waterpark facilities operating without a trained pool operator, holding a valid pool operator's certificate, on the premises, with an operator unable to satisfactorily demonstrate basic knowledge of swimming pool operation, or in a manner that adversely impacts the public health and safety are subject to immediate closure and permit suspension.

Sec. 11-11-11 Issuance of a License to Pool Management Companies.

(a) Any person or company that contracts to operate any aquatic facility owned by another person must obtain a license from the Director to operate a pool management company. A copy of the license shall be posted in a location conspicuous to the public on the premises of each pool facility managed by the pool management company. It shall be the responsibility of the Pool Management Company to notify the Director when the aquatic facility changes pPool Mmanagement Ccompanies.

(b) The application fee for the license required in Sec. 11-11-11(A) are as established in Sec. 11-11-25.

(c) The owner and the pool management company of any aquatic facility are responsible for the facility being operated, maintained, and managed in accordance with the requirements of this Ordinance.

(d) In the event a pool management company is operating an aquatic facility without the required annual license, the Director, or his designee, shall order the immediate closure of the facility. An order of closure shall be effective upon delivery of a written notice to the owner of the facility or his/her designee and shall remain in effect until the Director, or his designee, by written determination, finds that the facility meets the requirements of this Ordinance, including either that the pool management company secures the required annual pool management company license or the aquatic pool facility owner employs a properly licensed pool management company or assumes full and active managerial control of the facility.

Sec. 11-11-12 Requirements for Pool Management Companies.

(a) Any person desiring to obtain a pool management company license as required by Sec. 11-11-11(A) shall apply in writing on an application approved by the Director.

(b) A pool management company license shall only be issued to a company that employs at least one person who has a pool operator's certificate approved by the Director and who can provide proof of at least 5 years of experience as a certified pool operator within the previous 7 years.

(c) The fee required in Sec. 11-11-11(B) shall be paid to the Director upon application for a pool management company license.

(d) A pool management company license shall be valid for a period of three years from the date of issuance.

Sec. 11-11-13 Revocation of a Pool Management Company License.

(a) The Director may order the revocation of a pool management company license issued under this Ordinance for serious, flagrant and repeated violations of any of the requirements of this Ordinance, or for interference with the Director in the performance of his duty.

(b) The Director shall notify the pool management company in writing, at least sixty calendar days prior to the date of proposed revocation, of the specific reasons for which the license is to be revoked and the procedure for requesting an appeals hearing as described in Sec. 11-11-15.

Sec. 11-11-14 Delivery of Notices.

A notice of owner's permit or pool management company license suspension or revocation required by this Ordinance is properly delivered when it is hand-delivered to the owner, owner's agent, or pool management company, posted at the facility, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner or pool management company. A copy of the notice shall also be filed with the records of the Health Department.

Sec. 11-11-15 Hearings.

Any owner or pool management company who has been denied an owner's permit or pool management company license, or any holder of an owner's permit or pool management company license who has received an order of suspension or revocation, may request a hearing by filing a written request in the office of the Director, within ten business days of the delivery of the order of permit/license denial, suspension or revocation. The Director shall conduct a hearing within ten business days of receipt of a hearing request and render a decision in writing to the appellant with five business days after the hearing is held. If a written request for a hearing is not filed within the time permitted, the permit denial or order is sustained.

Sec. 11-11-16 Variances.

(a) The Director may grant a variance to the requirements of this Ordinance

(b) Any owner who seeks a variance shall apply in writing to the Director ~~Theby~~ completing an application that shall include:

1. a citation of the Ordinance section to which the variance is requested;
2. a statement as to why the applicant is unable to comply with the Ordinance section to which the variance is requested;
3. the nature and duration of the variance requested;

4. a statement of the reasons(s) why ~~the~~ public health or safety would not be jeopardized if the variance was granted, and

5. a full description of any policies, procedures or equipment that the applicant proposes to use to ameliorate any potential increase in health or safety risks(s) created by granting the variance, and-

6. the hardship to the applicant that would result if the variance were denied.

(c) The Director shall complete review a variance application and act on it within twenty business days from the receipt of the written application. If variance application is incomplete or the Director requests additional information from the applicant, the Director shall act on the variance application within twenty business days after the complete application or requested additional information is submitted. In evaluating the variance application, the Director shall consider the following factors:

1. information contained in the application;

~~2.~~ unusual circumstances unique to the applicant's facility;

~~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 aquatic facility;

~~4. any proposed policies, procedures or equipment that could ameliorate any potential increase in health or safety risks created by granting the variance and,~~

~~5.~~ 4. other health or safety factors as determined by the Director.

(d) Disposition of a variance request

1. If the Director or his/her agent approves a variance request, the applicant shall be notified in writing of the decision. Such notice shall identify the aquatic facility and its location, the nature of the variance, and shall specify the period of time for which the variance will be effective and any conditions attached to the variance. Failure to comply with the specified conditions will result in the immediate revocation of the variance. The effective date of the variance shall be the date of the Director's determination or another designated date acceptable to the applicant and the Director.

2. The Director or his designated agent may deny any application for a variance by delivering a written variance denial notice to the applicant. The applicant may petition the Director for a hearing within ten business days, from receipt of the variance denial notice, to challenge the variance denial.

3. No permit holder or applicant may challenge the terms or conditions set forth in the variance after ten business days have elapsed from the date of issuance.

4. Each variance shall be posted in a conspicuous place for the public to view. Each variance is revoked when the permit attached to it is revoked. A variance is not transferable unless otherwise provided in writing at the time the variance is granted.

Sec. 11-11-17 Condition of Equipment and Premises.

All equipment shall be maintained in satisfactory condition during the operation of any aquatic facility. In addition, the premises, including the pool(s) and deck(s), of any aquatic facility shall be maintained in a clean and sanitary condition and shall be kept in good repair.

Sec. 11-11-18 Animals.

(a) No animal shall be permitted within any aquatic facility except as provided herein; provided, however, this section shall not apply to support animals that provide assistance to the physically challenged. Support animals that provide such assistance shall not enter the pool water.

(b) Dogs may be allowed to enter swimming pools on the final day of the season provided that humans may not swim during or after the time that the dogs swim, and provided that the pool is drained, cleaned and refilled before humans use the pool again.

Sec. 11-11-19 Bathing Attire.

(a) Bathers shall not be permitted to wear street clothing in a pool, spa or waterpark facility.

(b) Clothing that may restrict a person's ability to swim shall not be allowed.

Sec. 11-11-20 Water Supply.

A public water supply shall be used at all aquatic facilities unless other sources of water are approved by the Director.

Sec. 11-11-21 Sewage Disposal.

All sewage generated from the plumbing fixtures within an aquatic facility shall be discharged into an approved sewage treatment works.

Sec. 11-11-22 Inspections.

Upon presentation of the appropriate credentials, the Director, or his designee, shall have the power to enter, at reasonable times, any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

Sec. 11-11-23 Emergency Order.

If an emergency exists, the Director may issue an emergency order necessary for the preservation of public health and safety or for the protection of patrons and personnel using any aquatic facility. The emergency order shall state the reasons and precise factual

basis upon which it is issued, the actions which an owner, pool operator and/or pool management company are required to take, and the time period for which it is effective. A copy of the emergency order shall be delivered to the owner of the facility or his/her designee and may be publicized in any manner deemed appropriate by the Director.

Sec. 11-11-24 Grandfather Clause.

(a) Except as provided in this section, the requirements of this Ordinance governing design or construction of permanent physical facilities shall not apply to any aquatic facility that was constructed prior to the effective date of this Ordinance in accordance with the requirements of the ordinance in effect at the time construction was completed (hereinafter referred to as an "existing facility") and that continues to meet those requirements.

(b) The design and construction requirements of this Ordinance, shall apply to the remodeling of an existing facility unless the Director determines, in writing, that alternate requirements, including, but not limited to, the design and construction requirements in effect at the time of construction shall apply to the remodeling of the existing facility.

(c) Each separate body of water at an aquatic facility shall have a separate circulation, filtration and disinfection system.

(d) Swimming pools constructed prior to the effective date of this ordinance shall have a main drain outlet system that incorporates a method that prevents suction outlet body entrapment and injury that is approved under this code or by the Director. ~~one or more of the following measures to prevent entrapment:~~

~~1. A minimum of two interconnected main drain outlets, that cannot be isolated by valves or other means, for each recirculation pump system. Main drain outlets shall be located in the deepest part of the pool. All piping associated with the main drain outlets shall be of equal diameter and each main drain shall be of equal size. Main drain outlets and associated piping shall be hydraulically designed to provide equal flow through each main drain outlet. A main drain outlet shall be no less than three feet and no more than twenty feet from another main drain outlet, and no more than fifteen feet from a pool side wall;~~

~~2. One unblockable main drain outlet for each recirculation pump system. An unblockable main drain outlet shall be a minimum of 18 inches by 23 inches in size. Unblockable main drain outlets with sizes other than 18 inches by 23 inches may be used provided that they are approved by the Director.~~

~~3. A safety vacuum release system for each recirculation pump system. These systems shall be tested on an annual basis by the owner, and documentation shall be provided in the pump room near the device specifying who performed the test, when the test was performed, how the test was performed, and whether the system passed the test. Additionally, these systems shall be maintained and calibrated according to the manufacturer's specifications.~~

~~4. Alternative methods that prevent suction outlet body entrapment and injury may be approved by the Director.~~

(e) The Director shall order modifications to the design or construction of an existing facility if he/she finds that any condition exists that endangers the health or safety of the facility's patrons or personnel.

Sec. 11-11-25 Fee Schedule.

The following fees shall be assessed by the Director and the amount of these fees shall be set by the City Council:

1. Owner's permit application fee required by Sec. 11-11-7(A). This fee shall be paid to the Director (i) annually by December 31st for facilities operating twelve months a year, or (ii) prior to the issuance of the owner's permit for facilities operating on a seasonal schedule,
2. Plan review and construction inspection fee required by Sec. 11-11-6(D),
3. Management company license application fee required by Sec. 11-11-11(B),
4. Pre-operational reinspection fee required by Sec. 11-11-6(G),
5. Pool operator's certificate proctoring fee as provided for in 11-11-10 (E), if the pool operator's exam is proctored by the Director, and
6. Pool operator's certificate issuance fee as provided for in 11-11-10 (E), if the pool operator's certificate is issued by the Director,

Sec. 11-11-26 Civil Penalties for Violations;

(a) It shall be unlawful for any person to fail to comply with any of the regulations promulgated pursuant to this chapter. Any person who fails to comply with any such regulation shall be in violation of this chapter and, for each such violation, shall be liable for a civil penalty. Each day, or any part thereof, during which a violation of this chapter exists or persists shall constitute a separate violation of this chapter.

(b) Falsifying or presenting to the Health Department a falsified pool operator's certificate, CPR certificate, lifeguard certificate or electrical inspection shall be a class one civil violation as specified in Title 1, Chapter 1, Sec. 1-1-11. Violation of Sec. 11-11-7(A) or Sec. 11-11-11(A) of this chapter shall be a class two civil violation as specified in Title 1, Chapter 1, Sec. 1-1-11. Any other violation of this chapter shall be a class four civil violation as specified in Title 1, Chapter 1, Sec. 1-1-11.

1. The civil penalty for a class one civil violation shall be issued to the pool management company.

2. In the event that the facility is self-managed by the owner, or the owner submits the electrical inspection, the civil penalty for a class one civil violation shall be issued to the owner.

(c) Upon determining that one or more violations of this chapter exists, the Director, or his/her delegate, shall cause a written notice of the violation or violations to be delivered to the owner or operator of the aquatic facility that is in violation of this chapter, or to the person in charge of the aquatic facility. The notice shall, with respect to each violation, contain the following information:

1. a description of the violation, with a citation to the regulation that has been violated;
2. a statement of the amount of the civil penalty to be assessed;
3. a statement that the person in violation may elect to make an appearance in person, or in writing by mail, to the Treasurer of the City, and admit liability for or plead no contest to the violation, abate the violation, and pay the civil penalty established for the violation, and a statement of the date by which such penalty shall be paid; and
4. a statement that, in the alternative, the person in violation may elect to contest the violation by filing with the Director, within ten days of receipt of the notice of violation, a written notice of the person's election to ~~contest~~appeal the violation, and further that, in the event the person elects to contest the violation, the person shall be entitled to an administrative hearing on the violation before the Director, or a designee of the Director.

(d) If, after a hearing held pursuant to 11-11-26(c)(4), the director or the designee of the director finds that a violation of this chapter has occurred, the person found to be in violation shall, within ten days of the finding, pay the civil penalty originally assessed.

(e) If a person charged with a violation of this chapter does not elect to admit liability or plead no contest and to pay the assessed penalty, or, following a hearing under subsection 11-11-26(c)(4) which results in a finding that the person has violated the chapter, does not pay the assessed penalty, the violation shall be tried in the Alexandria General District Court upon a warrant in debt, with the same right of appeal as provided in civil actions at law.

(f) A plea of no contest to, or a finding or admission of liability to, a violation of this chapter shall not be deemed a criminal conviction.

(g) The remedies provided in this section are cumulative and not exclusive. The designation of a violation of this chapter as a civil violation shall not be construed as prohibiting city officials from initiating appropriate administrative, criminal civil procedures to prevent, correct, restrain or abate violations of the chapter.

ARTICLE B

Swimming Pools; Design and Construction

Sec. 11-11-27 Location.

The location of a swimming pool shall in no way hinder the operations for which it is designed nor adversely affect patron safety or water quality. Public pools shall not be located in areas subject to flooding or inundation by ground water drainage.

Sec. 11-11-28 Access.

(a) *Outdoor pools.* Direct and unobstructed access to any swimming pool area shall be provided for the admission of emergency and service vehicles, equipment and personnel. An emergency access lane providing direct access for emergency vehicles shall terminate at each pool facility's emergency gate required in Sec. 11-11-50. Emergency access lanes shall be kept clear and unobstructed.

(b) *Indoor pools.* Emergency access to indoor or elevated swimming pools shall be provided at the entrance nearest the pool or the elevator or stairway leading to the pool. Permanent and conspicuous signs shall be posted indicating the most direct route to an indoor or elevated pool. An emergency access lane providing direct access for emergency vehicles shall terminate at the entrance nearest the indoor or elevated swimming pool, or the elevator or stairway leading to the indoor or elevated swimming pool. Emergency access lanes shall be kept clear and unobstructed.

Sec. 11-11-29 Construction materials and 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. If used, lines on the bottom of the pool used to designate swimming lanes should be constructed in a color and of a width that allows for quick and easy identification of a swimmer in distress. Materials other than those described in this section may be approved by the Director.

Sec. 11-11-30 Design.

Swimming pools may be of any dimension or shape provided that the satisfactory recirculation of pool water can be obtained and no undue hazards to patrons are created by the dimensions or shape of the pool.

Sec. 11-11-31 Hydrostatic pressure relief valve.

In all in-ground swimming pools with water depths exceeding 18 inches, 1 or more hydrostatic pressure relief valve(s), or other hydrostatic relief system as approved by the Director, shall be installed.

Sec. 11-11-32 Slope of bottom.

In water depths of less than 5 feet, the maximum slope of any swimming pool, shall not exceed 1 to 12. In depths greater than 5 feet, the slope shall not exceed 1 to 3.

Sec. 11-11-33 Vertical Walls and Coving.

(a) All corners formed by the intersection of pool walls, floors, or other pool walls shall be coved.

(b) Vertical walls shall not be greater than 11 degrees from plumb.

Sec. 11-11-34 Diving Area, Diving Boards, and Diving Platforms; Minimum Requirements.

(a) Diving boards and diving platforms may be installed in a diving area, alone or in combination, provided that the minimum requirements set forth in this section are met.

(b) Side rails, including safety netting or other safety restraints may be required by the Director for diving boards one meter in height or greater.

(c) At least 16 feet and 5 inches of free and unobstructed head room shall be provided above every diving board and diving platform.

(d) When a recreational diving board is installed in a diving area, the minimum dimensions and water depths within the diving area shall meet the requirements specified in Table I and Table II. Diving board height measurements falling in between two categories of Table I and Table II shall comply with the more stringent requirement.

(e) When a diving platform or competitive diving board is installed in a diving area, the minimum dimensions and water depths in the diving area shall meet the applicable FINA standards and/or the standards required by the Director.

(f) When a diving board is installed in combination with a diving platform, the minimum distance between the center line of the diving board or edge of the diving platform and the center line of an adjacent diving board, the edge of an adjacent diving platform, and/or the pool sidewall edge shall meet the applicable FINA Standards or the requirements specified in Table I, whichever is more stringent.

Table I. Diving Board Height and Separation Distance Requirements

TABLE INSET:

Height of Diving Board Above the Water Line	Minimum Distance of Board Center Line to Adjacent Board Center Line of Equal or Lesser Height	Minimum Distance of Board Center Line to Sidewall
0 to 0.61 meter	10'	10'
0.62 to 0.77 meter	11'	11'
0.78 to 1.00 meters	11'	11'
1.01 to 2.0 meters	12'	12'
2.01 to 3.0 meters	12'	12'
>3.0 meters	*	*

*As required by the Director and/or the applicable FINA standard.

Table II: Minimum Dimensions and Depths Relative to Board Height

TABLE INSET:

Height of Diving Board Above the Water Line	Minimum Depth of Water at Plummets	Minimum Distance Ahead of Plummets	Minimum Depth of Water at Distance L From Plummets	Minimum Overhang of Diving Board Beyond Pool Edge
H	D 1	L	D 2	O h
0 to 0.61 meter	8'6"	11'	8'6"	3'
0.62 to 0.77 meter	9'	11'6"	8'10"	4'
0.78 to 1.00 meter	11'	12'	10'9"	5'
1.01 to 2.00 meters	12'	16'5"	11'10"	6'1"
2.01 to 3.00 meters	12'6"	19'9"	12'2"	6'1"
>3.00 meters	*	*	*	*

*As required by the applicable FINA Standards or the Director.

Figure 1: Cross-Sectional Diagram of Swimming Pool Illustrating Distances Referenced in Table II.

3. The top and leading edge of all stair treads and bench seats shall be marked by a permanent, non-slip band of contrasting color tile that is a minimum of ~~one~~ two inches in width and is located within one ~~two~~ 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 inches, a minimum tread length of twelve inches, a minimum height of five inches, and shall drain into the pool to prevent the accumulation of dirt. Each set of recessed step holes shall be provided with handrails on both sides of recessed step holes to fully service all treads and risers.

5. Below the water level, there shall be a clearance of not more than six inches nor less than three inches between any ladder tread edge, measured from the pool wall side of the tread, and the pool wall.

6. The top surface of the uppermost stair tread shall be located not more than 12 inches below the pool coping or deck.

7. The upper railing surface of ladder handrails shall extend a minimum of 28 inches above the pool coping or deck. a minimum of 28 inches. Ladder bottom braces shall have end caps or bumpers that rest firmly against the pool wall. The top rung of the ladder shall not be more than 12 inches below the pool deck.

Sec. 11-11-37 Recirculation System.

(a) All swimming pools shall be equipped with a recirculation system which, at a minimum, consists of a pump, a filter, connecting piping, fittings, valves, disinfecting equipment, necessary pipe connections to the inlets and outlets, a skimmer and/or overflow gutter and main drains. A separate recirculation system shall be provided for each swimming pool.

(b) The recirculation system shall be designed to accommodate the following required maximum turnover time:

1. Wading pool, two hours;
2. Any other swimming pool, six hours.

(c) Adequate provisions shall be made for backwashing and/or cleaning of all filters.

Sec. 11-11-38 Filter Room.

(a) Swimming pool facilities shall have a room(s) or structure which encloses the filtration equipment, pumps, electrical equipment, chemical feed equipment, and other recirculation and filtration system appurtenances. The room(s) or structure shall provide working area and access above and around all equipment no less than that specified by the manufacturer and sufficient to permit routine maintenance. The room(s) or structure shall be provided with a lockable door(s) of sufficient width to permit the removal of equipment. The entrance to the filter room(s) shall be easily accessible from the deck so the pool operator can enter the room(s) without having to exit the enclosed pool area. The room(s) or structure shall be impervious to water and resistant to the chemicals necessary for the operation of the facility.

(b) The floor of the filter room(s) or structure shall be designed to provide adequate drainage with a minimum floor slope of 1 to 48 and a maximum floor slope of 1 to 24 to a floor drain and shall be kept dry at all times, particularly in the vicinity of electrical panels. Discharging filter backwash water onto the floor is prohibited.

(c) The filter room and chemical shall be equipped with mechanical cross-ventilation that provides one air change per minute.

(d) Illumination of at least thirty foot-candles, measured 24 inches above the floor, shall be provided above equipment and working areas. A minimum of two light fixtures shall be installed, and all light fixtures shall be shielded.

Sec. 11-11-39 Filters and Gauges.

(a) The recirculation system shall be equipped with a filtration system that is NSF listed, or the equivalent, and will filter the entire water volume of the swimming pool within the required turnover time specified in Sec. 11-11-37(B). Filtration equipment shall be operated continuously, 24 hours per day. Valves shall be provided at appropriate locations to allow the isolation and maintenance of equipment. Filter components which require servicing shall be accessible for inspection and repair and installed according to the manufacturer's specifications and recommendations. All pressure systems shall be provided with a manual or automatic means to permit the release of air which may accumulate within the filter tank. Design criteria for the indicated type of filters shall be as follows:

1. *High-rate filter.* A filter utilizing a media capable of filtration at a high rate of flow. The rate of flow shall not be less than five gallons per minute per square foot of filter surface area, nor greater than twenty gallons per minute per square foot of filter surface area. The backwash rate of flow shall be at the rate specified by the manufacturer.

2. *Diatomaceous earth filter.* A filter utilizing diatomaceous earth as a filter media.

(a) *Pressure or vacuum type.* A diatomaceous earth filter through which the rate of flow does not exceed two gallons per minute per square foot of filter surface area.

(b) *Pressure or vacuum with slurry feeder.* A filter that is equipped with a feeder that continuously feeds a diatomaceous earth suspension and has a rate of flow not exceeding three gallons per minute per square foot of filter surface area.

(c) Separation tanks or a sump pit with a stand pipe shall be installed to collect spent diatomaceous earth so that it can be collected and disposed of in an approved manner. Alternative methods for diatomaceous earth collection may be approved by the Director. When using diatomaceous earth filters with separation tanks, the separation tank shall be provided with a means of release or a lid which provides a slow and safe release of pressure and shall have a readily visible precautionary statement affixed that warns the user that the air release must be opened before opening the separation tank.

(d) Piping and valves shall be provided for all diatomaceous earth filters to allow for a pre-coat cycle that re-circulates water directly from the outlet to the inlet of the filter without returning to the swimming pool.

3. *Rapid sand filters.* A filter utilizing sand as the filter media, with a filtration flow rate not exceeding three gallons per minute per square foot of filter area. The backwash rate of flow shall be four times the filtration rate.

4. Other filtration systems whose performance equals or exceeds those described above may be used in a pool recirculation system with the approval of the Director.

5. *Filter cartridges.* The flow rate through a filter cartridge shall not exceed the design rate or a maximum of 0.375 gallon per minute per square foot of filter surface area. Cleaning of filter cartridges must be in accordance with the manufacturer's recommendations. One complete extra set of filter cartridges shall be available at all times to facilitate cleaning.

(b) *Gauges and flow meters.* The filter system shall be provided with a minimum of one influent pressure gauge for each filter and one effluent pressure gauge following the filter system. Recirculation system pumps shall be fitted with a vacuum and pressure gauge installed as near as practical to the pump suction and discharge pipe connections. All pressure gauges shall measure pressure directly in pounds per square inch (psi). Vacuum gauges shall measure in inches of mercury. The system shall have a flow meter on the return line to measure the flow of filtered water being returned to the swimming pool. The flow meter shall be of fixed calibration, shall measure in gallons per minute, and shall be properly sized to indicate the design rate of flow at approximately mid-scale. Gauges and flow meters shall be readily accessible and clearly visible, shall be in good repair, and shall be located and installed according to the manufacturer's specifications and recommendations.

Sec. 11-11-40 Pumps and Strainers.

(a) *Pump.* A removable and reinstallable pump(s) shall be installed with adequate capacity for the required turnover time specified in Sec. 11-11-37(B). Whenever possible, the pump(s) shall be so located as to eliminate the need for priming. If the pump(s) or suction piping is located above the overflow level of the swimming pool, the

pump(s) shall be self-priming. The pump(s) shall be capable of providing a flow adequate for the backwashing of filters. Pumps shall be securely supported.

(b) *Hair and lint strainer.* All pump systems shall have a hair and lint strainer. The hair and lint strainer baskets shall be corrosion resistant with openings not exceeding 1/8 inch in size, which provide a free flow area of at least four times the area of the pump suction line at the strainer connection, and shall be accessible for frequent cleaning. An extra hair and lint strainer basket shall be provided for each hair and lint strainer.

Sec. 11-11-41 Piping System.

(a) The piping system for swimming pools shall be composed of NSF listed materials or their equivalent designed for the following operations:

1. filling the swimming pool;
2. re-circulating the pool water through the treatment equipment;
3. backwashing or washing each filter to waste;
4. operating a suction cleaner (if provided);
5. emptying the pool; and
6. draining the system.

In addition, the piping system of any swimming pool containing a hydro-jet system or water conditioning system shall be composed of NSF listed materials, or equivalent, which are capable of supporting such systems.

(b) There shall be no direct connections between the swimming pool recirculation system and the sewer or potable water supply. Fill spouts, when installed, shall be located under diving boards, under guard chairs, adjacent to pool ladder handrails, or otherwise protected to preclude a tripping hazard and shall be properly supported if not inherently self-supporting. Fill spouts shall not project into the space above the pool water surface by more than two inches beyond the edge of the pool. Other means of filling the pool shall comply with the VUSBC and be approved by the Director. Cross-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 gap shall not be less than two fill spout pipe diameters or less than six inches. An approved backflow prevention device may substitute for the air gap.

(c) The system shall have a means of discharging filter backwash or other pool water to waste as follows:

1. Waste from backwashing or draining of a pool shall be discharged in a manner approved by the Director. When only a sanitary sewer is available to a swimming pool, the rate of discharge is subject to the approval of the appropriate authority for sanitary sewers and treatment facilities.
2. An air gap to prevent a cross-connection between waste discharge piping and recirculation piping shall be provided.
3. Discharge receptor and piping of sufficient size to accept backwash water and prevent backflooding.

4. A sight glass in the backwash discharge line in a readily observable location.

5. In the event the backwash waste pipe will not accommodate the backwash flow, the design and installation of a holding tank shall be required. The holding tank shall be sized to contain 110 percent of the volume of water required to adequately clean the filter(s) at the backwash flow rate and length of time specified by the filter manufacturer.

(d) The piping system shall be securely anchored, supported or braced, unless inherently self-supporting. Visible piping shall be marked with permanent tags, labels or markings to clearly identify the direction of flow and shall be color coded as follows:

1. Freshwater blue (to check valve)
2. Backwash black
3. Influent yellow
4. Effluent white
5. Suction cleaner orange (to control valve)
6. Recirculation green (Auxiliary recirculation not part of the filtration system; such as, but not limited to, water features, jets, fountains, water falls, aeration systems or similar features)
7. Heater piping red (to nearest isolation valves)

(e) All piping shall be designed to minimize friction losses and to carry the required quantity of water at a velocity not to exceed eight feet per second for copper discharge piping, and ten feet per second for discharge piping other than copper. Suction velocity for all piping shall not exceed six feet per second. Pipe suction velocity may also be limited by the maximum flow rate specified by the manufacturer of the suction outlet covers installed in the swimming pool.

(f) All piping and appurtenances included in the recirculation and filtration system shall be inspected and approved by the Director prior to covering. All plastic pipe connections and fittings shall be joined using the type primer and cement recommended by the pipe manufacturer. The primer and cement shall be of different colors so that they can be easily identified by visual inspection. All piping shall be tested at the time of inspection to at least 25 psi of pressure. All subsurface pool piping shall be imbedded in and covered with sand or an approved equivalent.

(g) All valves shall be clearly identified with permanent markings or tags which are referenced by a pool water recirculation system operation manual and/or placard.

Sec. 11-11-42 Main Drain Outlets.

(a) Swimming pools ~~shall that~~ employ a main drain outlet system that must comply with (1), or (2) or (3) of this section. In addition, pools designed without a main drain must install additional inlets and skimmers to ensure adequate circulation. The number of inlets and skimmers may be in excess of that stated in 11-11-43 and 11-11-45 depending on the design of the system.

1. A minimum of two interconnected main drain outlets, that cannot be isolated by valves or other means, for each recirculation pump system. Main drain outlets shall be located in the deepest part of the pool. All piping associated with the main drain outlets shall be of equal diameter and each main drain shall be of equal size. Main drain outlets and associated piping shall be hydraulically designed to provide equal flow through each main drain outlet. A main drain outlet shall be no less than three feet and no more than twenty feet from another main drain outlet, and no more than fifteen feet from a pool side wall;

2. One unblockable main drain outlet for each recirculation pump system that meets the requirements of ANSI/APSP-16 2011. ~~An unblockable main drain outlet shall be a minimum of 18 inches by 23 inches in size. Unblockable main drain outlets with sizes other than 18 inches by 23 inches may be used provided that they are approved by the Director.~~

(b) A main drain outlet opening and other suction outlet openings shall be covered with a protective grate or anti-vortex cover which is not hazardous to patrons, is anchored in accordance with the manufacturer's specifications and recommendations, and is designed to prevent body entrapment or injury. Main drain grates or covers shall be secured so that their removal requires the use of tools. Main drain covers shall be manufactured and installed according to the specifications set forth by the ASME/ANSI and NSF International standards for suction fittings. The cover, frame, and all components shall be corrosion resistant and shall be designed to withstand the maximum anticipated forces generated by active use.

(c) The design of a main drain outlet or outlets, and the components of main drains outlets shall comply with ~~ANSI/ASME A112.19.8-2007~~ ANSI/APSP-16 2011.

(d) The water velocity through a main drain outlet shall not exceed the maximum water velocity specified by the manufacturer. The maximum flow rate possible at the manufacturer's specified velocity shall meet or exceed the total system flow.

(3) Other main drainage system as approved by the Health Director or their designee.

Sec. 11-11-43 Inlets.

All inlets located in pool walls shall be spaced not more than twenty feet on center around the pool perimeter. When inlets are located in the pool bottom, the number of inlets and their location shall be designed to ensure the proper distribution of filtered water. The minimum number of bottom inlets shall be determined by dividing the perimeter of the pool, in feet, by twenty. All wall inlets, except makeup water inlets and wading pool inlets shall be at least fifteen inches below the operating water level of the pool, except for prefabricated gutters with 45 degree angle inlets in the bottom. Each inlet shall be provided with a means of adjusting flow, through a range of at least fifty percent of its design capacity. Inlet flow controls shall be readily accessible.

Sec. 11-11-44 Pool Suction 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 30 psi or greater and the water service line is provided with an approved backflow preventer.

Sec. 11-11-45 Overflow Gutters and Skimmers.

Overflow gutters or skimmers shall be provided on the vertical wall(s) of all swimming pools, and designed to adequately skim the pool surface. The overflow gutter or skimming system shall be capable of continuously removing eighty percent or more of the re-circulated water and returning it to the filter.

(a) Where overflow gutters are used, they shall extend completely around the swimming pool except at steps, recessed ladders, ramps, and stairs. The overflow gutter shall be designed to serve as a handhold. Overflow gutters having a surge capacity less than one cubic foot per linear foot of pool perimeter shall be indirectly connected to the recirculating system through a properly sized and designed surge tank/balancing tank with a minimum surge capacity of one gallon per square foot of water surface area. Overflow gutters having a surge capacity of one cubic foot, or greater, per linear foot of pool perimeter shall be connected to a properly sized and designed balancing tank. The gutter, drains and piping draining to the surge tank/balancing tank shall be designed to rapidly remove overflow water caused by recirculation, displacement, wave action or other causes produced during the maximum swimming pool load. The opening into the gutter beneath the coping shall not be less than four inches and the interior width of the gutter shall not be less than three inches. Where gutters are used, they shall be designed to prevent patron entrapment or injury. The overflow edge or lip shall be rounded and not greater than 2 ½ inches thick for the top two inches. The overflow outlets shall be provided with outlet pipes at least two inches in diameter. The outlet fittings shall have a clear opening in the grating at least equal to 1½ times the cross-sectional area of the outlet pipe.

(b) Where skimmers are used they shall be provided at the rate of one skimmer per forty feet of pool perimeter or fraction thereof, or one per 400 square feet of pool water surface area or fraction thereof, whichever is greater. They shall be spaced so as to provide maximum skimming action of the pool surface.

1. Skimmer throats shall be no greater than the width required for ten-inch weirs.
2. Skimmer weirs shall be automatically adjustable to variations in water level over a minimum range of four inches.
3. A removable basket or screen to entrap large matter shall be provided in each skimmer.
4. The flow rate through the skimmer shall not be less than twenty gallons per minute, nor greater than 35 gallons per minute. Each skimmer shall be provided with a means of adjusting the flow through the skimmer.
5. Skimmer systems shall be designed so that all skimmers are interconnected.

6. Skimmer lids shall be securely in place at all times.

Sec. 11-11-46 Decks.

(a) All swimming pools shall have a continuous deck at least five feet wide, including the width of the coping, extending around the entire perimeter of the pool. In addition, there shall be at least three feet of clear, unobstructed deck behind any diving stand, guard stand, or other deck mounted equipment. All decks shall be constructed of continuous poured concrete or other approved smooth, impervious material which shall have a smooth, non-slip finish. All decks shall have a slope of not less than 1 to 48 or more than 1 to 24 and shall be designed to conduct drainage away from the swimming pool in a manner that will not create a slip hazard or contribute to the ponding of water. All decks shall be properly supported and any fill under the decks shall be properly compacted to prevent decks from settling. Roof run-off or other drainage shall not be wasted onto the deck. All areas surrounding the deck shall have surface drainage directed away from the pool deck area or be served by a drainage system approved by the Director.

(b) Deck risers and steps shall comply with the VUSBC.

Sec. 11-11-47 Lighting.

(a) An indoor swimming pool or an outdoor swimming pool used after dark shall be equipped with lighting fixtures to light all parts of the pool, the pool water, and the swimming pool area. A sufficient number of light fixtures shall be installed to supply a minimum of ten foot candles for the pool surface area and thirty foot candles for the pool deck area measured six inches above the pool deck and water surface. The lighting fixtures shall be designed and installed so that the lifeguard(s) and patrons can clearly see every part of the swimming pool, including decks, diving boards, and other appurtenances, without interference from glare. Lighting fixtures shall be installed in a manner which creates no hazard to patrons or employees. All lighting fixtures shall be prohibited directly above the water surface area or within three feet horizontally of the pool rim except as permitted by the VUSBC. All light fixtures shall be shielded.

(b) Underwater pool lighting, when installed, shall provide at least one watt per square foot of water surface area, or the equivalent, and shall be equipped with GFCI(s) as required by the VUSBC.

(c) When using LED lighting for outdoor pools, the minimum intensity shall be not less than 108 lux or 10 lumens per square foot, at the water surface (measured horizontally). For indoor pools maintained illumination shall be not less than 323 lux or 30 lumens per square foot, at the water surface (measured horizontally). Deck area lighting for both indoor and outdoor pools shall provide maintained illumination of not less than 108 lux or 10 lumens per square foot, at the walking surface of the deck (measured horizontally). Underwater lighting shall provide no less than 86 lux or 8 lumens per square foot, at the water surface area (measured horizontally).

Sec. 11-11-48 Safety Requirements.

(a) Swimming pools equipped with pool water heaters shall have a fixed thermometer installed in the main return line. The thermometer shall be located sufficiently downstream from where the water heater effluent pipe connects to the main return line to allow the mixing of the heated and unheated water. The thermometer shall be designed and located so that it may be easily read. A thermometer shall also be provided in a skimmer, or another easily accessible location.

(b) A separate room or designated area shall be provided for the care and isolation of victims of injury, illness, or accident which is directly accessible from the pool deck. The room shall be well lighted and ventilated, and shall be large enough to permit unrestricted movement of both the victim and first-aid providers. The room shall be located so a clear and unobstructed view of the pool(s) is provided.

(c) A direct dial, hard-wired telephone that is fully operational shall be provided within the swimming pool area. The phone shall be immediately accessible from the pool deck. The phone shall be located so a clear and unobstructed view of the pool(s) is provided. Emergency telephone numbers and the facility's name and address shall be posted by the telephone.

(d) Permanent depth markings shall be installed in a minimum 4 inch high number and be of contrasting color of the pool walls and deck. The full or abbreviated words "feet", "FT", or "inches", "IN" shall be a minimum of 1 inch high and may be located on the same tile surface as the depth number. The depth of water in swimming pools shall be marked at every one foot increment of depth and at least every twenty feet of swimming pool perimeter on both the horizontal surface of the deck and the vertical surface of the pool wall. Horizontal depth markings shall be positioned to be read while standing on the deck facing the water. Depth markings on deck surfaces shall be non-slip. ~~All numbers and letters shall be at least five 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 inches between the water surface and the underside of the platform or be provided with a barrier system at the perimeter of the device to prevent access under the device.

(f) There shall be a minimum of one lifeguard stand provided for every 2,000 square feet of water surface area ~~of the pool, 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. Facilities with less than 2,000 square feet of water surface area shall not be required to provide a fixed or installed elevated lifeguard stand unless the Health Director or Designee deems it necessary due to the configuration of the pool.

(g) A transition line shall be provided in all pools that are deeper than 5 feet. The line shall be on the bottom of the pool and continue up to the waterline of the pool ~~and a floating life line shall be provided at the five-foot water depth between the shallow and deep portions of the swimming pool.~~ The transition line shall be constructed of tile that is of a dark and high contrasting color. Tile located on the pool floor shall be non-slip. The life line ~~and transition line~~ shall be located within six inches of ~~either the shallow side of the~~ break in slope to water greater than five feet in depth. The life line shall have clearly visible

floats set at not greater than five-foot intervals. The transition line shall be a minimum of two inches wide. The life line shall be securely fastened to wall anchors of corrosion resistant materials which shall be recessed and shall have no projections into the pool. The line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by swimmers. The floating lifeline may be temporarily removed from the pool to facilitate lap swimming if:

1. There are no children in the pool not swimming laps,
 2. There are no more than five adults in the pool not swimming laps and each has been informed by the lifeguard that the floating lifeline has been removed, and
 3. The floating lifeline is immediately put back in place when lap swimming concludes.
- (h) There shall be no protrusions, extensions, means of entanglement, or obstructions which can cause entrapment or injury.

Sec. 11-11-49 Disinfection Equipment.

(a) All swimming pools shall be provided with approved mechanically operated, positive displacement disinfectant feeding equipment, or other disinfection equipment approved by the Director, which:

1. shall be in good working order and shall be capable of providing a continuous and effective residual of disinfectant within the swimming pool water 24 hours per day;
2. shall have a design feed rate which will provide effective disinfection levels when the swimming pool is in peak demand conditions;
3. shall be capable of applying a dose the equivalent to maintain a concentration of at least 1 ppm free chlorine throughout the swimming pool at all times of operation.

4. chlorine generation equipment will only be approved as secondary disinfection unless the chlorine generation equipment is sized to provide a minimum of 2ppm free chlorine, or enough free chlorine to meet peak demands. Electrolytic generators shall have a TDS or salt (NaCl) readout and a low salt indicator. The feed rate shall be adjustable from zero (0) to full range. The generation unit shall be listed and labeled to UL 1081 by an ANSI-accredited certification organization and shall be interlocked with an automatic means to be disabled. The generator unit(s) shall be installed according to the manufacturer's instructions.

(b) The use of chlorine gas as a disinfectant is prohibited ~~shall not adversely affect the safety and health of patrons, pool personnel, or the public; shall comply with OSHA and the City of Alexandria Fire Prevention Code; 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 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 City of Alexandria 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 ~~2 ppm~~ 4.0-6.0ppm bromine residual shall be maintained throughout the pool water at all times. A maximum of ~~4ppm~~ 10 ppm bromine residual shall be permitted in any swimming pool during use.

3. Solid stick or tablet type bromine shall be used with NSF certified commercial feed equipment.

4. Erosion feeders shall be equipped with a flow meter.

Sec. 11-11-50 Fencing and Barriers.

(a) All outdoor pool areas shall be completely enclosed with a perimeter fence, or equivalent barrier, at least six feet in height, measured from the highest ground elevation within three feet adjacent to the outside of the barrier. If horizontal surfaces are used, top planes must be separated by a vertical distance that is no less than 45 inches and shall prohibit the passage of a sphere larger than 1.75 inches in diameter through any opening in the fence or barrier. The fence or barrier shall be non-climbable from the outside of the enclosure. Non-climbable shall mean no handholds, footholds, horizontal members, or other features that are available, which would aid in climbing the fence from outside of the barrier. There shall be no objects within a six-foot arc from the top of the perimeter fence or barrier and no closer than three feet to any part of the fence or barrier. The material used to construct the fence or barrier shall be approved by the Director. If the fence or

barrier does not have horizontal surfaces, it shall be constructed so as to prohibit the passage of a sphere larger than four inches in diameter through any opening in or under the fence or barrier. Access gates installed in the perimeter fence or barrier shall have latches and locks at least 48 inches above the deck or ground surface. Emergency gate(s) having a minimum horizontal opening of four feet shall be provided for outdoor pools.

(b) Where grassed areas are provided for patrons within the pool enclosure, they shall be separated from the pool deck by a three (3) foot high control fence or equivalent barrier except where the pool deck is at least fifteen feet wide.

(c) Pools may be permitted to use the space adjacent to the pool when the pool is closed and not under the control of a lifeguard, provided that a barrier, approved by the Health Director or designee, is installed and used.

Sec. 11-11-51 Spectator Areas.

Spectators at swimming or diving meets and other special events shall not have access to and shall be separated from the portions of the pool area used by swimmers or divers. Spectator balconies shall not overhang within five feet of any portion of the pool water surface.

Sec. 11-11-52 Drinking Fountains.

Each swimming facility shall have at least one source of cold (less than 75°F) potable water readily accessible to all patrons within the pool facility.

Sec. 11-11-53 Wading Pools.

Wading pools shall meet all applicable requirements of this Ordinance, and the following additional requirements:

(a) The slope of the bottom of any wading pool shall be no greater than 1 to 12 nor less than 1 to 40.

(b) Wading pools shall be separated from any other swimming pool or spa pool by a fence approved by the Director. The fence shall be at least three feet in height with a self-latching, self-closing, three foot high gate that opens outward or away from the wading pool. The gate width and maneuverability area shall comply with ADA requirements.

(c) A separate recirculation system shall be provided exclusively for the wading pool.

(d) Wading pool skimmers and main drain outlets shall be interconnected with equal diameter piping.

(e) The distance from the deck to the water level shall be six inches or less.

Sec. 11-11-54 Slides, Sprinklers, Fountains, Activity Pools and Other Pool Equipment.

(a) Slides, sprinklers, fountains, activity pools, and other pool equipment for which design standards are not contained in this Article shall meet the design standards in Article F of this Ordinance or shall meet design standards approved by the Director.

(b) The construction of filter room shall meet the requirements of Sec. 11-11-38. The collector tank or reservoir shall be installed in accordance to manufacturer's specifications.

(c) The disinfectant residual, pH, total alkalinity, and calcium hardness shall be continuously maintained within the minimum and maximum ranges specified in the table in 11-11-69 (c)(1).

Sec. 11-11-55 Ventilation in Indoor Swimming Facilities.

Indoor swimming facilities shall be equipped with mechanical ventilation that provides for 0.5 cfm of outdoor air per square feet of pool and deck area.

ARTICLE C: Swimming Pools; Operation and Maintenance

Sec. 11-11-56 General Operation and Maintenance.

Swimming pool facilities shall be operated and maintained in a manner which will not create a nuisance or hazard to the public's safety or health. The pool shall be adequately secured to prevent unauthorized entry when not in use. Water in the pool and that standing on or in pool covers or other pool equipment shall at all times be treated in a manner to prevent the growth of algae and the breeding of mosquitoes or other insects.

Sec. 11-11-57 Water Operating Levels.

The water level shall be maintained within the operating range of the skimmers or at the top of the overflow rim of a gutter system at all times the swimming pool is open for use.

Sec. 11-11-58 Monitoring, Reporting, and Record Keeping.

The following information shall be recorded and maintained by the owner for a minimum of one year from the date of the recording, occurrence, or incident; and shall be available for inspection at all times while the swimming pool is in operation:

(a) *Water Quality Parameters and Maintenance.*

1. The disinfectant residual and pH shall be tested and the results recorded at least once every two hours while the pool is in use. ORP readings, if applicable, shall also be recorded every two hours while the pool is in use. The water temperature, for heated pools, and the total chlorine residual, for pools utilizing chlorine, shall be tested and recorded a minimum of once a day.

2. Influent and effluent pressure gauge readings and the flow rate shall be observed every two hours and be recorded at least two times per day; at least once prior to opening

to the public and during the last hour of operation. The date and time of each backwash or filter cleaning shall be recorded.

3. Total alkalinity and calcium hardness tests shall be performed and recorded weekly, or more often as necessary to provide proper chemical balance of the pool water. Cyanuric acid tests shall be performed and recorded weekly at all pools utilizing cyanuric acid or chlorinated cyanurates.

4. The date, time, type, and amount of any chemicals added to the pool water shall be recorded. However, for chemicals added continuously with a chemical feeder, only the type of chemical shall be documented.

(b) *Other Records.*

1. The owner shall immediately notify the Director of all drownings, near drownings, injuries, water- related illness or deaths which have occurred. Notification of minor injuries, such as minor abrasions or superficial cuts, shall not be required. Owners shall submit a complete written drowning and injury report, containing all relevant facts and information related to the incident, to the Director within seven days of an incident. The following information must be included in the report of all drownings, near drownings, injuries, water-related illnesses, or deaths which have occurred:

(a) Name, address and phone number of pool operator on duty at time of incident;

(b) Date, time and exact location of incident;

(c) Name, age, certifications, address and phone number of persons responding during the incident;

(d) Name address and phone number for all lifeguards on duty at time of incident;

(e) Exact locations of all lifeguards on duty at the time of the incident;

(f) Pool and/or spa water clarity at the time of the incident;

(g) Number of bathers in the pool at the time of the incident;

(h) Number of patrons in the facility at the time of the incident;

(i) Police Case number (if available);

(j) Injury description;

(k) Names, addresses and phone numbers of witnesses; and

l. Detailed description of incident;

2. Owners and/or the pool management company shall have available at the aquatic facility proof of the credentials, training, and/or certifications required for personnel as detailed in Sec. 11-11-10 and Sec. 11-11-63.

3. Material Safety Data Sheets (MSDS) for all chemicals used at a swimming pool facility shall be provided in a location readily accessible to all employees. MSDS shall not be located in the filter room and/or other rooms where chemicals are stored and/or used.

Sec. 11-11-59 Placards.

(a) The water test results specified in Sec. 11-11-58(A)(1) shall be legibly and conspicuously posted on a permanent, water-proof, and durable placard in a location where it is readily observable by the patrons. The most recent required water quality test results, including the date and time of day tested, shall be posted. The minimum and maximum standards for these parameters, as specified in Sec. 11-11-69 Table III, shall be included on the placard. Water temperature shall also be posted for heated pools.

(b) A conspicuously posted placard shall include the following statement: "This facility is inspected regularly by the Environmental Health Division of the Alexandria Health Department. They may be contacted at (703) ~~838-4400~~746-4910 or at www.alexhealth.com".

(c) Areas restricted to operating personnel only shall be prominently identified with a permanent, legible placard stating "Authorized Personnel Only" including, but not limited to, the filter and chemical storage rooms. The placards shall be conspicuously located on the exterior of the doors to the restricted areas.

(d) A permanent, legible, placard(s) specifying facility rules and regulations regarding personal health and safety shall be posted in plain view of patrons within the facility.

(e) A permanent, legible, engraved plastic or laminated paper specification placard shall be conspicuously displayed within the filter room(s) and shall be adequately lighted. The following information shall be included on the placard:

1. name and address of the facility;
2. volume in gallons of each pool or spa or water park feature;
3. water surface area in square feet of each pool or spa or water park feature;
4. minimum turnover time in hours of each pool or spa or water park feature;
5. minimum rate of flow in gallons per minute to provide the required turnover time of each pool or spa or water park feature; and
6. maximum facility load, and maximum pool load(s) of each pool or spa or water park feature.

(f) Legible placards shall be posted in an appropriate location within the filter room(s) to describe the following pool operating procedures:

1. Instructions on the proper operation of pumps and filters including the valve line-ups for filtration; and

2. instructions on proper backwashing or cleaning procedures and valve positions for backwashing.

(g) A separate, permanent, legible placard clearly indicating the maximum facility load and individual swimming pool load(s) shall be conspicuously posted at the main entrance to the swimming pool facility. The letters and numbers indicating the load(s) shall be a minimum of 2 inches in height.

Sec. 11-11-60 Precautions Relative to Communicable Disease.

Any person having an obvious skin disease, nasal or ear discharge, inflamed eye, or any communicable disease with symptoms of diarrhea or vomiting shall be excluded from the facility. Any person with a chronic disease that may pose a hazard to other swimmers may be excluded from the facility by the Director.

Sec. 11-11-61 Food Service.

(a) No area or physical facility for the preparation, service, or consumption of food and/or drinks may be located less than ten feet from the rim of a swimming pool.

(b) Any area or physical facility for the preparation, service, or consumption of food or drinks shall be enclosed by a suitable fence or barrier.

(c) A physical facility for the preparation, service, or consumption of food and/or drinks at a pool owned by a condominium association does not have to meet the requirements of Subsections A. and B. above if said facility is located at least twenty feet from the rim of the condominium swimming pool.

(d) Any person engaged in eating or drinking shall remain in the area designated for the consumption of food and drink. However, at a condominium swimming pool, food and drink may be consumed up to the pool rim, but not in the swimming pool if the rules and regulations adopted by the condominium association allow it.

(e) Water in an unbreakable plastic container is exempt from the requirements contained in Subsection D. above.

(f) Glass containers are not permitted in the pool area.

Sec. 11-11-62 Boisterous and Rough Play.

Boisterous and/or rough play and running is prohibited at any swimming pool facility.

Sec. 11-11-63 Lifeguards and Pool Operators.

(a) There shall be at least one lifeguard at all pool facilities. A minimum of one lifeguard shall be required pool-side for every 25 patrons or fraction thereof in the pool enclosure. Additional lifeguards may be required by the Director when deemed necessary for complete visual coverage of the pool or when conditions exist that may compromise the health or safety of pool patrons. Waterparks shall be required to position lifeguards based on the recommendation of a national waterpark lifeguard accrediting institution, to include a

system of zone management based on recognition time and response times. Additional lifeguards may be required by the Director when deemed necessary for complete visual coverage of the pool or when conditions exist that may compromise the health or safety of pool patrons. Lifeguards shall wear distinguishing emblems on their clothing clearly identifying them as lifeguards while on-duty.

(b) Lifeguards shall be at least fifteen years of age and shall be properly trained and certified in accordance with nationally recognized standards equivalent to or exceeding those set by the American Red Cross. Lifeguards shall also be trained and currently certified in 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. Waterpark lifeguards shall be required to attend a minimum of four hours of in-service training per month covering such specific operational aspects as guest service, scanning & vigilance techniques, safe water entry/exit, incident recognition, and rescue procedures, plus physical conditioning drills. Waterpark lifeguards will also be subject to performance audits from their accrediting institution and participate in emergency simulations, including periodic practice with local first-response authorities. Lifeguards shall have their original document of current certification and valid photo identification at the pool facility during operation of the pool facility.

(c) In order to maintain the level of alertness and vigilance necessary for lifeguarding, lifeguards shall be required to take a continuous ten minute break after every 50 minutes of continuous lifeguarding and a continuous thirty-minute break after four hours of lifeguarding . While the lifeguard is not stationed poolside during this break period, all patrons shall remain out of the pool and wading pool.

(d) Lifeguards shall not be subject to, or engage in, duties that would distract their attention from the proper observation of patrons in the pool area or that would prevent immediate assistance to patrons in distress.

(e) The Director, or his designee, may require lifeguards to demonstrate skills through verbal questioning, written questions, and/or active demonstration. These skills include, but are not limited to, the following:

1. Ability to swim two pool lengths,
2. Knowledge of basic lifesaving skills as taught in Red Cross lifeguarding courses,
3. Knowledge of CPR, and
4. Knowledge of how and when to report accidents, injuries, near drownings, and deaths.

(f) The Director, or his designee, may require pool operators to demonstrate skills through verbal questioning, written questions, and/or active demonstration. These skills include, but are not limited to, the following:

1. Knowledge of how to handle a fecal contamination incident,
2. Ability to conduct water quality tests of the pool as required in Sec. 11-11-58,
3. Knowledge of how and when to backwash or clean the filters,
4. Knowledge of what the required water chemistry parameters are contained in

11-11-69,

5. Knowledge of how to adjust the disinfectant and pH levels of the pool, and
6. Knowledge of what health or safety conditions should cause a swimming pool to be immediately closed to the public.

Sec. 11-11-64 Safety and Rescue Equipment; Other Safety Features.

(a) Every swimming pool facility shall be equipped with the following readily accessible safety and rescue aids:

1. A minimum of one rescue tube shall be provided immediately adjacent to each lifeguard stationed poolside. The rescue tube shall measure at least 45 inches in length and shall provide adequate buoyancy to keep two persons afloat in the water.

~~2. 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 first aid kit shall be readily available. The first aid kit shall contain, at a minimum, all items stipulated by the Health Department.

3. A full-length backboard with straps shall be provided. The backboard shall be buoyant, and capable of supporting a minimum of 350 pounds, center loaded, with minimal deflection. The backboard shall have an impervious surface and be provided with runners, numerous hand/strap holes, and a minimum of three backboard straps.

4. Provide one or more light, but strong, non-telescopic poles with blunted ends not less than twelve feet in length including a body hook.

5. A blood-borne pathogen kit which meets OSHA 29 CFR 1910.1030(d)(3)(i) standards shall be provided.

6. Each lifeguard shall be equipped with a CPR pocket mask.

(b) *Other Safety Features.*

1. The room designated for emergency care of casualties shall, at a minimum, be equipped with an approved first aid kit, a cot, and two blankets. Filter or chemical storage rooms shall not be used as emergency care rooms.

2. All chemicals associated with the facility shall be stored and utilized in a safe and approved manner in accordance with manufacturer's recommendations. Incompatible chemicals shall not be stored in close proximity to each other. Cleaning chemicals and supplies shall be stored in a safe manner, separate from swimming pool chemicals. Chemicals shall be stored in properly labeled containers which shall be kept covered at all times.

3. Chemical vats shall be covered with proper lids and shall be provided with an approved means of secondary containment such as an outer spill control container or a spill pallet adequate in size and capacity to contain spills and leaks.

4. Protective equipment, including but not limited to goggles or full face shields; neoprene rubber gloves; and rubber aprons shall be provided and used by personnel handling hazardous chemical compounds.

5. Plugs or caps shall be installed at all pool suction cleaner outlet ports when the suction cleaner is not in use. The main valve controlling the water flow from the pool suction cleaner outlet ports shall be closed when the pool suction cleaner is not in use.

6. All safety equipment and features required in this Ordinance shall be maintained in good condition and repair.

7. Pool water temperature shall not exceed 104 degrees Fahrenheit.

8. Safety signs shall be displayed in a prominent location warning against diving into water less than five feet deep without specific supervision. The letterings of the safety signs must be a minimum of five inches in height.

~~9. Outdoor swimming pool facilities and indoor swimming pool facilities with windows overlooking the pool shall close for 30 minutes following thunder or lightning.~~

9. Outdoor swimming pool facilities shall close immediately during thunder or lightning, and remain closed for 30 minutes following the end of the thunder or lightning.

10. Indoor swimming pool facilities within buildings that do not have appropriate electrical protection shall close immediately during thunder or lightning, and remain closed for 30 minutes following the end of the thunder or lightning.

Sec. 11-11-65 Laundering.

Bathing suits, towels and other reusable materials furnished by a swimming pool facility shall be properly cleaned or laundered and disinfected before being issued to patrons.

Sec. 11-11-66 Water contamination.

(a) The following information shall be posted at the entrance of every pool:

1. If you have or have had diarrhea in the past two weeks, please do not use the pool.

2. Shower your child and yourself before entering the pool or after using the toilet.

3. Bathers who are not toilet trained or who are incontinent must wear a swim diaper.

4. Do not drink pool water.

(b) The introduction of body waste including sputum or vomitus, into a pool is prohibited. Patrons wearing cloth or disposable diapers are prohibited from entering the pool water. A pool contaminated by human feces or vomit shall be cleared immediately. The following actions shall be taken prior to reopening the pool:

1. In the event of well-formed stool or vomitus contamination:
 - a. Clear the pool of all patrons;
 - b. Remove as much of the contaminating material as possible using a net or scoop. Vacuuming is not permitted unless it discharges directly to waste;
 - c. Raise the pool chlorine level to a minimum of 3.0 ppm for at least twenty minutes;
 - d. Adjust the pH of the pool water to a level of 7.5 or less; and
 - e. Prohibit patrons from entering the pool for at least twenty minutes after the chlorine level reaches 3.0 ppm.
2. In the event of diarrheal contamination:
 - a. Clear the pool of all patrons;
 - b. Remove as much contaminating material as possible from the water using a net or scoop. Vacuuming is not permitted unless it discharges directly to waste;
 - c. Raise the pool chlorine level to a minimum of 40 ppm for 6.5 hours or twenty ppm for 13.0 hours.
 - d. Adjust the pH of the pool water to a level of 7.5 or less;;
 - e. Prohibit patrons from entering the pool during the time period specified in (c); and
 - d. Achieve acceptable disinfectant residuals and chemical balance as specified in Sec. 11-11-69 Table III. Chemical Water Quality Standards for Swimming Pools prior to allowing patrons to enter the pool.
3. Pools using stabilizer should follow these steps in the event of diarrheal contamination:
 - a. Clear the pool of all patrons;
 - b. Remove as much of the contaminating material as possible from the pool water. Vacuuming is not permitted unless it discharges directly to waste;
 - c. Raise pool disinfectant level to a minimum of 40 ppm and adjust pH to a level of 6.5 or less for 48 hours;
 - d. Patrons are prohibited from entering the pool during this time period; and
 - e. Achieve acceptable disinfectant residuals and chemical balance as specified in Sec. 11-11-69 Table III. Chemical Water Quality Standards for Swimming Pools prior to allowing patrons to enter the pool.
4. The Director shall be notified within 1 hour if the pool is contaminated with feces and/or vomit.
5. The instructions in 11-11-66 B shall be maintained on site in allocation that is easily accessible to the pool operator.

6. In the event that CDC recommends a longer contact time, the CDC recommendation should be followed.

Sec. 11-11-67 Deck contamination.

(a) In the event that body fluids such as blood, vomit, or feces contaminate the deck, the following procedures shall be followed:

1. Block off the area of the spill from patrons until clean-up and disinfection is complete.
2. Put on disposable latex gloves to prevent contamination of hands.
3. Wipe up the spill using paper towels or absorbent material and place in a plastic garbage bag.
4. Gently pour bleach solution (5,000 ppm) onto all contaminated areas of the surface.
5. Let the bleach solution remain on the contaminated area for twenty minutes.
6. Wipe up the remaining bleach solution.
7. All non-disposable cleaning materials used such as mops and scrub brushes should be disinfected by saturating with bleach solution and air dried.
8. Remove gloves and place in plastic garbage bag with all soiled cleaning materials.
9. Double-bag and securely tie-up plastic garbage bags and discard.
- 10 Thoroughly wash hands with soap and water.

(b) In the event that vomitus or fecal contamination contaminating the deck enters the pool, the pool operator shall follow the procedures in Sec. 11-11-66 (B).

Sec. 11-11-68 Water Clarity.

When a swimming pool is open for use, the water shall be considered sufficiently clear when the main drain grates are clearly visible.

Sec. 11-11-69 Water Treatment and Test Equipment.

(a) The following chemicals may be used to treat swimming pool water: aluminum sulfate, calcium chloride, calcium hypochlorite, carbon dioxide, cyanuric acid, lime, muriatic acid, polyaluminum chloride, sodium bicarbonate, sodium bisulfate, sodium carbonate, sodium hypochlorite, sodium thiosulphate, approved algaecides, approved bromine compounds, and approved chelating, sequestering, and clarifying agents. No other chemicals shall be used to treat swimming pool water without prior written authorization from the Director.

(b) Aluminum sulfate and polyaluminum chloride shall not be fed continuously into a recirculation system using rapid sand filters. Formation of the floc shall be achieved separately and applied directly to the filter influent during the rewash and continuing into the early part of the filter cycle.

(c) Chemical water quality standards for swimming pools, except for pools that use Cyanuric acid or chlorinated cyanurates, shall be as follows:

1. Except as noted below, disinfectant residual, pH, total alkalinity, and calcium hardness shall be continuously maintained within the minimum and maximum ranges specified in Table III. If the swimming pool is equipped with automatic chemical controllers utilizing ORP measurements, ORP shall be maintained within the ranges specified in Table III. Disinfectant residual limits specified in Table III may be exceeded in pools with automatic chemical controllers, which utilize ORP measurements and continually analyze and automatically control pH and the disinfectant residual, only if necessary to maintain the ORP specified in Table III. However, the disinfectant residual shall not exceed 5 ppm in such pools. The use of ORP sensing equipment does not eliminate the requirement for routine water testing specified in Sec. 11-11-58. Disinfectant residual limits specified in Table III may be exceeded when superchlorinating a swimming pool provided that no patrons are present in the swimming pool water and that the disinfectant level is returned to the acceptable range prior to allowing patrons to enter the swimming pool water. Table III.

Chemical Water Quality Standards for Swimming Pools

TABLE INSET:

Parameter	Minimum	Ideal	Maximum
Outdoor Pool Free Chlorine Residual (ppm)	1.0	2.0 <u>4.0</u>	5.0 10.0
Indoor Pool Free Chlorine Residual (ppm)	1.0	2.0 <u>3.0</u>	5.0
Combined Chlorine Residual (ppm)	0.0	0.0	0.2 0.4
Bromine Residual (ppm)	2.0	3.0 <u>4.0-6.0</u>	4.0 10.0
Oxidation Reduction Potential (ORP) (millivolts)	650	750 - 900	N/A
pH	7.2	7.4 - 7.6	7.8
Total Alkalinity (ppm)	60	80 - 120	180
Calcium Hardness (ppm)	150	200 - 400	1000
Total Dissolved Solids	0		1600

2. Except as noted in Sec. 11-11-69(C)(1) &(D), disinfectant residuals shall be maintained within the ranges specified in Table III, 24 hours per day, through the use of automatic disinfection equipment specified in Sec. 11-11-49. For swimming pools that backwash/clean filters to storm drains, streams, lakes or other bodies of water, disinfectant levels may be temporarily reduced immediately prior to the

backwashing/cleaning of filters, provided the swimming pool facility is not open for patron use.

(d) If Cyanuric acid or chlorinated cyanurates is used in an outdoor swimming pool, the Cyanuric acid levels and disinfectant residuals shall be maintained within the following ranges:

1. A minimum free chlorine residual of at least 2 ppm shall be maintained in pools ~~using for Cyanuric acid levels from 0 to 50 ppm.~~
2. The concentration of Cyanuric acid shall not exceed 50 ppm.
3. The use of Cyanuric acid or other chlorine stabilizers is prohibited in indoor swimming pools and in wading pools.

(e) An approved water quality test kit for determining free and total chlorine or total bromine residuals, pH, total alkalinity, and calcium hardness shall be provided and maintained. Provisions shall be made for checking superchlorination levels. Diethyl-p-phenylene diamine (DPD), or other testing reagent approved by the Director, is required for determining free halogen residual. If another disinfectant has been approved by the Director for use at a swimming pool, an appropriate test kit approved by the Director shall be provided and maintained. A test kit for measuring the concentration of Cyanuric acid, accurate within 5 ppm, shall be provided at each swimming pool using Cyanuric acid or chlorinated cyanurates.

(f) Hand-feeding of chemicals shall not be permitted during hours of operation or within thirty minutes prior to opening.

(g) Chemical Water Quality Standards for wading pools shall comply with Sec. 11-11-103 Table IV.

Sec. 11-11-70 Design Load.

The maximum individual swimming pool bather load shall be determined by dividing the total water surface area in square feet of each swimming pool within the swimming pool facility by 27 square feet. The designated maximum individual swimming pool bather load and the maximum facility load shall not be exceeded. The pool operator shall be responsible for enforcing the maximum individual swimming pool bather load and the maximum facility load. The maximum facility load may be temporarily exceeded to allow for spectators of special events, such as recreational swimming meets or other water sport activities, provided that the spectators shall not have access to and shall be separated from the pool(s) both during and after the event.

Sec. 11-11-71 Spectators.

No person in street shoes shall be allowed on the deck of a swimming pool within five feet of the pool edge. Exceptions may be made for participants and spectators of swimming meets or other water sport activities, operating personnel, personnel engaged in repair work or the Director.

ARTICLE D

Spa Pools; Design and Construction

Sec. 11-11-72 Location.

The location of a spa pool shall in no way hinder the operations for which it is designed, nor adversely affect patron safety or water quality.

Sec. 11-11-73 Access.

Direct and unobstructed access to any spa pool area shall be provided as specified in Sec. 11-11-28(A). Emergency access to indoor or elevated spa pools shall be provided as specified in Sec. 11-11-28(B).

Sec. 11-11-74 Construction Materials.

Spa pools shall be constructed of materials specified in Sec. 11-11-29.

Sec. 11-11-75 Design.

Subject to the provisions below, a spa pool may be of any dimension or shape, provided that satisfactory recirculation of water can be obtained and that no undue hazards to patrons are created. The dimension or shape shall comply with the following specifications:

- (a) The maximum water depth shall be four feet measured from the water line.
- (b) The maximum depth of any seat or sitting bench shall not be more than 24 inches below the water line.
- (c) All corners shall be coved as specified in Sec. 11-11-33.
- (d) The slope of the floor shall not exceed a ratio of 1 to 12.

Sec. 11-11-76 Hydrostatic Pressure Relief Valve.

Hydrostatic pressure relief valves shall be installed as specified in Sec. 11-11-31 unless it can be demonstrated that the spa pool will not be displaced by hydrostatic pressure.

Sec. 11-11-77 Handholds.

Spa pools shall be provided with suitable handholds as specified in Sec. 11-11-35.

Sec. 11-11-78 Stairs and Bench Seats.

- (a) Spa pool stairs shall be provided where water depths are greater than 24 inches.

(b) The design and construction of spa pool stairs and bench seats shall conform to the following specifications:

1. Step treads shall have a minimum unobstructed horizontal depth of ten inches and a minimum continuous width of 24 inches.
2. Riser heights shall not be less than seven inches nor greater than twelve inches. The bottom tread shall not serve as a bench or seat.
3. Each set of stairs shall be provided with a minimum of one handrail to fully service all treads and risers.
4. The top and leading edge of all stair treads shall be marked on the horizontal surface as specified in Sec. 11-11-36(B)(3).
5. The step treads of all stairs shall be of non-slip construction.
6. A minimum of one means of egress shall be provided for spa pools with a perimeter of fifty feet or less. One additional means of egress shall be provided for each additional fifty feet of spa pool perimeter, or fraction thereof. Additional means of egress may be required as determined by the Director. The location of the means of egress shall be determined by the design of the spa pool.

Sec. 11-11-79 Decks.

All spa pools shall have a continuous deck, at least five feet in width, extending around at least fifty percent of the spa pool. Except as provided above, decks shall comply with the requirements specified in Sec. 11-11-46.

Sec. 11-11-80 Lighting.

Lighting shall be provided according to all applicable specifications of Sec. 11-11-47.

Sec. 11-11-81 Safety Requirements.

(a) Spa pool depth markings shall comply with the requirements specified in Sec. 11-11-48(D).

(b) There shall be no protrusions, extensions, means of entanglement or obstructions which can cause entrapment or injury.

(c) A timer switch that automatically shuts off the hydrotherapy jets and air blowers shall be provided. The timer switch shall be readily accessible to patrons and be located directly adjacent to the spa pool and shall have a maximum setting which does not exceed fifteen minutes. The timer switch shall not be accessible from within the spa pool.

(d) A prominently identified and conspicuously located spa pool emergency pump cut-off switch shall be provided at each spa pool to be used strictly in the event of an emergency. The emergency switch shall deactivate all spa pool pumps. An "EMERGENCY PUMP CUT-OFF SWITCH" sign shall be posted at the switch, and shall

have letters at least two inches in height which are color contrasted with the background color of the sign. The emergency pump cut-off switch shall not be capable of activating the spa pool pumps.

1. The switch shall be located no more than 25 feet from the edge of the spa pool and shall be located in the same room or enclosure.

(e) A telephone shall be provided as specified in Sec. 11-11-48(C). The facility's name, address, and the emergency numbers, including the phone number for the pool operator, shall be posted by the telephone.

(f) No spa patron shall be permitted in the spa pool area alone.

Sec. 11-11-82 Fencing and Barriers.

Fencing and barriers shall be provided as specified in Sec. 11-11-50. In addition, for indoor spa pool facilities, locked doors or an equivalent barrier acceptable to the Director shall be provided to prevent the entry of unauthorized individuals.

Sec. 11-11-83 Drinking Fountains.

Each spa pool facility shall have at least one source of cold (less than 75°F) potable water readily accessible to all patrons.

Sec. 11-11-84 Inlets, Outlets, Piping, Drains, and Skimmers.

(a) Spa pool inlets and outlets shall be provided and arranged to maintain a uniform circulation of water and disinfectant residual.

(b) All spa pool piping shall comply with the requirements specified in Sec. 11-11-41, except only subsurface spa pool piping which is not integrally included in the manufacture of the spa pool shall be embedded in and covered with sand or an approved equivalent.

(c) All spa pools shall be provided with a minimum of one skimmer. Spa pool skimmers shall comply with the requirements specified in Sec. 11-11-45(B).

(d) Spa pool suction outlets shall be designed so that each pumping system in the spa pool provides one of the following alternatives:

1. Two or more interconnected suction outlets. The system shall be designed so that none of the outlets can be isolated from the suction line by a valve or by any other means. All piping associated with the suction outlets shall be of equal diameter and each suction outlet shall be of equal size. Suction outlets and associated piping shall be hydraulically designed to provide equal flow through each suction outlet. The open area of the suction outlets shall be covered with suitable protective grates or covers that are anchored using manufacturer supplied parts in strict accordance with the manufacturer's specifications and recommendations and shall be designed to prevent body entrapment or injury. The suction outlet covers shall be secured so that their removal requires the use of tools. Suction outlet covers shall be manufactured and installed according to the latest

specifications set forth by the ~~ASME/ANSI/APSP-16 2011~~ and NSF standards for suction fittings. The cover, frame and all components shall be corrosion resistant and shall be designed to withstand the maximum anticipated forces generated by active use. If the suction outlets are main drain outlets, they shall have anti-vortex covers or grates, shall be located in the deepest part of the spa pool, and shall be capable of draining the pool. The total water velocity through suction outlets, with the exception of skimmers, shall not exceed one foot per second and shall not exceed the maximum flow rate specified by the manufacturer of the suction outlet cover.

2. Other methods that prevent suction outlet body entrapment or injury may be approved by the Director.

3. The design of a main drain outlet or outlets, and the components of main drains outlets shall comply with ~~ANSI/ASME A112.19.8-2007~~ ANSI/APSP-16 2011.

4. The water velocity through a main drain outlet shall not exceed the maximum water velocity specified by the manufacturer. The maximum flow rate possible at the manufacturer's specified velocity shall meet or exceed the total system flow.

(e) If fill spouts are used at spa pools, they shall be installed according to applicable requirements specified in Sec. 11-11-41(B).

Sec. 11-11-85 Recirculation System.

(a) All spa pools shall be equipped with a recirculation system consisting of at least a pump, connecting piping, fittings, valves, a filter, disinfecting equipment, necessary pipe connections to the inlets and outlets, skimmer(s) and main drains.

(b) The recirculation system shall be designed for maximum turnover time of fifteen 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.

Sec. 11-11-86 Filters and Gauges.

(a) The recirculation system of a spa pool shall be equipped with a filtration system that will filter the entire volume of the spa pool at the rate specified in Sec. 11-11-85(B).

(b) Only high-rate sand, diatomaceous earth or replaceable cartridge filters shall be used for spa pools. Other filtration systems may be used with the approval of the Director. Except as provided above, filters and associated piping and valves shall comply with the requirements specified in Sec. 11-11-39(A).

(c) Pressure gauges and flow meters shall be installed as specified in Sec. 11-11-39(B).

(d) When cartridge filters are used, an extra set of cartridge filters shall be on-site.

Sec. 11-11-87 Pumps and Strainers.

A pump(s) shall be provided with adequate capacity to recirculate the spa pool water at the rate specified Sec. 11-11-85(B). Pump(s) and strainer(s) shall meet the requirements specified in Sec. 11-11-40(A) and (B), except the turnover time specified in Sec. 11-11-85(B) shall be achieved.

Sec. 11-11-88 Filter Room.

A filter room(s) shall be provided which meets the requirements specified in Sec. 11-11-38.

Sec. 11-11-89 Air induction Systems.

(a) An air induction system, when provided, shall prevent water back-up that could cause electrical shock hazards.

(b) Air intake sources shall be positioned to minimize introduction of contaminants, such as deck water and dirt, into the spa pool.

(c) Integral air passages shall be pressure tested at 1½ times the intended working pressure during the time of installation to ensure airtight integrity.

Sec. 11-11-90 Disinfection Equipment.

(a) All spa pools shall be provided with disinfection equipment meeting the requirements specified in Sec. 11-11-49(A) and (C).

(b) Chlorine gas shall not be used as a disinfectant in spa pools.

(c) Stabilized chlorine products shall not be used as disinfectants in spa pools.

Sec. 11-11-91 Ventilation in Indoor Spa Facilities.

Indoor spa facilities shall be equipped with mechanical ventilation that provides for 0.5 cfm of outdoor air per square feet of spa pool and deck area.

ARTICLE E: Spa Pools; Operation and Maintenance

Sec. 11-11-92 General Operation and Maintenance.

Spa pool facilities shall be operated and maintained as specified in Sec. 11-11-56.

Sec. 11-11-93 Water Operating Levels.

The water level shall be maintained within the operating range of the skimmer or at the top of the overflow rim of a gutter system at all times.

Sec. 11-11-94 Monitoring, Reporting, and Record Keeping.

Spa pool water testing shall be performed as specified in Sec. 11-11-58. In addition, the dates and times the spa pool is drained and cleaned shall be recorded.

Sec. 11-11-95 Placards.

Placards shall be provided as specified in Sec. 11-11-59.

Sec. 11-11-96 Precautions Relative to Communicable Disease.

Precautions relative to communicable disease specified in Sec. 11-11-60 shall be enforced.

Sec. 11-11-97 Food Service.

Food service shall be limited as specified in Sec. 11-11-61

Sec. 11-11-98 Boisterous and rough play.

Boisterous and/or rough play and running at any spa pool facility is prohibited.

Sec. 11-11-99 Temperature Requirements.

Spa pool water temperature shall not exceed 104 degrees Fahrenheit. A thermostat shall be provided for the control of the spa pool water temperature. Spa pools shall have a fixed thermometer installed in the main return line. The thermometer shall be located downstream from where the heater effluent pipe connects to the main return line to allow mixing of the heated and unheated water. The thermometer shall be located so that it may be easily read. ~~A thermometer shall be provided in the heater effluent line.~~ An accurate, impact resistant spa pool thermometer shall be kept in each spa pool skimmer, or another easily accessible location for measuring water temperature.

Sec. 11-11-100 Safety and Rescue Equipment; Other Safety Features.

(a) Every spa pool facility shall be equipped with the following readily accessible safety and rescue aids:

1. A first aid kit shall be provided as specified by the Health Department. ~~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 Sec. 11-11-64(A)(3).

3. A working clock shall be provided which is clearly visible from within the spa pool.

4. A blood-borne pathogen kit which meets OSHA 29 CFR 1910.1030(d)(3)(i) standards.

(b) Other safety features:

1. The following recommendations for safe use of the spa shall be posted at the entrance of every spa pool:

(a) Do not use spa alone.

(b) Pregnant women, elderly persons and persons suffering from heart disease, diabetes or abnormal blood pressure or other at-risk persons should not enter the spa pool without consulting a physician.

(c) Do not use the spa pool while under the influence of alcohol, tranquilizers, or other drugs which may cause drowsiness, alter blood pressure or put the patron at risk.

(d) Do not use at water temperatures above 104 degrees Fahrenheit.

(e) Unsupervised use by children is prohibited.

(f) Enter and exit slowly.

(g) Limit your use of the spa pool to a maximum of fifteen minutes at one time.

(h) Cool down before revisiting.

(i) Long exposure may result in nausea, dehydration, dizziness, fainting or death.

(j) The use of oils, body lotions and mineral bath salts is prohibited.

(k) Patrons with symptoms of a communicable disease are prohibited from entering the spa pool.

(l) Failure to comply with these regulations constitutes grounds for exclusion from the premises or management action as necessary.

2. All chemicals associated with spa pools shall be stored and utilized in a safe and approved manner as specified in Sec. 11-11-64(B)(2).

3. Protective equipment shall be provided for handling hazardous chemicals as specified in Sec. 11-11-64 (B)(4).

4. Filter and chemical storage rooms shall be locked at all times when authorized personnel are not present.

5. Outdoor spa pool facilities and indoor spa pool facilities with windows overlooking the pool shall close for 30 minutes following thunder or lightning.

Sec. 11-11-101 Laundering.

Bathing suits, towels and other reusable materials furnished by a spa pool facility shall be properly cleaned or laundered and disinfected before being issued to patrons.

Sec. 11-11-102 Water Clarity.

When a spa pool is open for use, the water shall be considered sufficiently clear when the main drain grates are clearly visible when jets are off.

Sec. 11-11-103 Water Treatment and Test Equipment.

(a) No chemicals other than those specified in Sec. 11-11-69(A) shall be used to treat spa pool water without written authorization from the Director.

(b) Except as noted below and in Sec. 11-11-103 (-C), disinfectant residual, pH, total alkalinity, and calcium hardness shall be continuously maintained within the minimum and maximum ranges specified in Table IV. If the spa pool is equipped with automatic chemical controllers utilizing ORP measurements, ORP shall be maintained within the ranges specified in Table IV. Disinfectant residual limits specified in Table IV may be exceeded in pools with automatic chemical controllers, which utilize ORP measurements and continually analyze and automatically control pH and the disinfectant residual, only if necessary to maintain the ORP specified in Table IV. However, the disinfectant residual shall not exceed 10 ppm in such spa pools. The use of ORP sensing equipment does not eliminate the requirement for routine water testing specified in Sec. 11-11-94. Disinfectant residual limits specified in Table IV may be exceeded when superchlorinating a spa pool provided that no patrons are present in the spa pool water and that the disinfectant level is returned to the acceptable range prior to allowing patrons to enter the spa pool water.

Table IV

Chemical Water Quality Standards for Spa Pools

TABLE INSET:

Parameter	Minimum	Ideal	Maximum
Free Chlorine Residual (ppm)	2.0	3.0 – 4.0	10.0
Combined Chlorine Residual (ppm)	0.0	0.0	0.2 <u>0.4</u>
Bromine Residual (ppm)	2.0 <u>3.0</u>	3.0-5.0 <u>4.0-6.0</u>	6.0 <u>10.0</u>
Oxidation Reduction Potential (ORP) (millivolts)	650	750 - 900	N/A
pH	7.2	7.4 - 7.6	7.8
Total Alkalinity (ppm)	60	80 - 120	180
Calcium Hardness (ppm)	150	200 - 400	1000
Total Dissolved Solids (ppm)	0		1600

~~———— (c) If cyanuric acid or chlorinated cyanurates are 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 4 ppm shall be maintained for cyanuric acid levels from 0 to 50 ppm. The concentration of cyanuric acid shall not exceed 50 ppm. The use of cyanuric acid or other chlorine stabilizers is prohibited in indoor spa pools.~~

(cd) An approved water quality test kit shall be provided as specified in Sec. 11-11-69(E).

(de) Hand-feeding of chemicals shall not be permitted while the spa pool is open or accessible to patrons and within thirty minutes of opening.

Sec. 11-11-104 Water Contamination.

The introduction of body wastes, including sputum or vomitus, into a spa pool is prohibited. A spa pool contaminated by human feces or vomit shall be closed immediately and the following additional actions shall be taken by the spa pool operator:

- (a) Remove the contaminating material from the pool water.
- (b) Backwash the filters or change the filter cartridge(s).
- (c) Drain the spa pool.
- (d) Clean and disinfect the bottom and sidewalls of the spa pool and skimmers.
- (e) Refill with potable water.

(f) Sanitize contaminated filter cartridge(s) by soaking in a bleach solution of a minimum 20 ppm chlorine for 13.75 hours OR a CT value of 15,300.

Sec. 11-11-105 Deck Contamination.

(a) In the event that body fluids such as blood, vomit, or feces contaminate the deck, follow the procedures indicated in Sec. 11-11-67(A).

(b) In the event that vomitus or fecal contaminating the deck enters the pool, the operator shall follow the procedures indicated in Sec. 11-11-103, Sec. 11-11-66(B)

Sec. 11-11-106 Posting of Water Quality Test Results and Water Quality Standards.

The water tests indicated in Sec. 11-11-94 shall be conducted and the results posted as specified in Sec. 11-11-59(A).

Sec. 11-11-107 Design Load.

The maximum individual spa pool bather load shall be calculated by dividing the total water surface area in square feet of each spa within the spa pool facility by ten square feet or shall be determined by the Director at the time of construction. The designated maximum individual spa pool bather load and the maximum facility load shall not be exceeded. The pool operator shall be responsible for enforcing the maximum individual spa pool bather load and the maximum facility load.

ARTICLE F: Waterpark Facilities; Design, Construction, Operation, and Maintenance

Sec. 11-11-108 Scope.

This Article addresses the special design, construction, operation and maintenance considerations unique to waterpark facilities.

Sec. 11-11-109 Design.

(a) Waterpark facilities shall meet or exceed the following design and construction standards in effect at the time of construction, including but not limited to:

1. Specifications contained in this Ordinance.
2. ASTM F-24 "Standards on Amusement Rides and Devices."
3. "Virginia Amusement Device Regulations."
4. Industry standards and manufacturer's specifications and recommendations.

(b) The proposed design shall be reviewed and approved by a licensed engineer.

(c) Waterpark facilities shall be designed to provide for the safety of the patron and proper recirculation of the waterpark facility's water. The design shall include, but not be limited to the following:

1. Absence of protrusions, pinch hazards, extensions, means of entanglement, or other obstructions which can cause entrapment or injury.

2. Construction tolerances conforming with ANSI public pool standards.

(d) A report, prepared by a licensed engineer, that certifies the design of the waterpark facility is consistent with accepted safety engineering practices, industry standards, manufacturer's specifications and recommendations, and this Ordinance, shall be included with the original plans and specifications submitted to the Director for review.

1. The report shall address issues related to safety design, including the ergonomic aspects of biomechanics for waterpark facilities.

2. The report shall substantiate that a comprehensive risk analysis was made of the waterpark, including a risk analysis of each separate component and of the components interaction with other elements of the water park.

3. The report shall demonstrate that the waterpark design protects the patron, under foreseeable conditions and normal usage and behavior, from exposure to injury. Elements to be considered include, but are not limited to, the following:

- a. The activity shall contain the patron.
- b. The activity shall provide clear and smooth passage of the patron.
- c. The activity shall maintain designed patron speeds.
- d. The activity shall provide smooth transitions in speed and direction.
- e. The activity shall provide for safe landing and/or disembarkation of the patron.
- f. The activity shall accommodate continuous patron surveillance by lifeguards and attendants, except for an enclosed, tubular chute or flume where the patron shall be monitored at the points of entry and exit by qualified operation personnel.

4. The report shall specify the maximum pool loads and the maximum facility load.

5. The report shall be accompanied by a facility operation and maintenance manual which includes manufacturer's specifications and recommendations for each attraction regarding operation and maintenance of the attraction to include, but not be limited to, the following:

- a. Appropriate construction drawings.
- b. Maintenance instructions.
- c. Operation instructions.
- d. Staffing requirements and procedures.
- e. Instructional and warning signage.

6. Upon completion of the waterpark facility and prior to issuance of the owner's seasonal or annual permit, an addendum to the report, prepared by a licensed engineer, shall be submitted to the Director. The report addendum shall certify that each attraction has been tested under normal operating conditions and found to perform satisfactorily. The Director may require that the testing procedure be witnessed by one or more designees of the Director. The addendum shall also certify that the waterpark facility was constructed as detailed in the plans and specifications approved by the Director and consistent with accepted safety engineering practices, industry standards, manufacturer's specifications and recommendations, the report described in ~~Sec. 11-11-108~~ Sec. 11-11.109(D) and this Ordinance.

(g) The following specific types of waterpark facility attractions shall comply with the requirements indicated:

1. Water chutes or flumes and inner-tube rides shall be provided with:

- a. Control of unauthorized patron access at entry and exit areas, and points along the attraction not designed for entry or exit.
- b. Handrails and non-slip walking surfaces at attraction entry and exit areas.
- c. Attendant stations for patron control that have direct line of sight between the entry and exit area of each attraction except as provided in ~~Sec. 11-11-108~~ Sec. 11-11.109(D)(3)(f). Additional attendant stations may be required by the Director to provide complete visual coverage of the attraction.
- d. An effective internal communication system that allows direct communication between the attendants stationed at the entry areas, exit areas, and/or additional locations along the attraction as necessary.
- e. All structure supported attractions shall be designed to prevent water leaks, discharge, and splashout to minimize or eliminate structural deterioration, under structure erosion, loss of structural support or other safety hazards.
- f. Instruments shall be provided to measure the flow of water through each attraction.
- g. Any tethered attractions shall not pose a pinch, puncture, or any other safety hazard.

2. Receiving pools shall have the minimum clearances detailed in Figure II for flume or chute entrances into pools. Sufficient distance shall be provided between the flumes or chutes to prevent collision. Receiving pools shall also meet the following requirements:

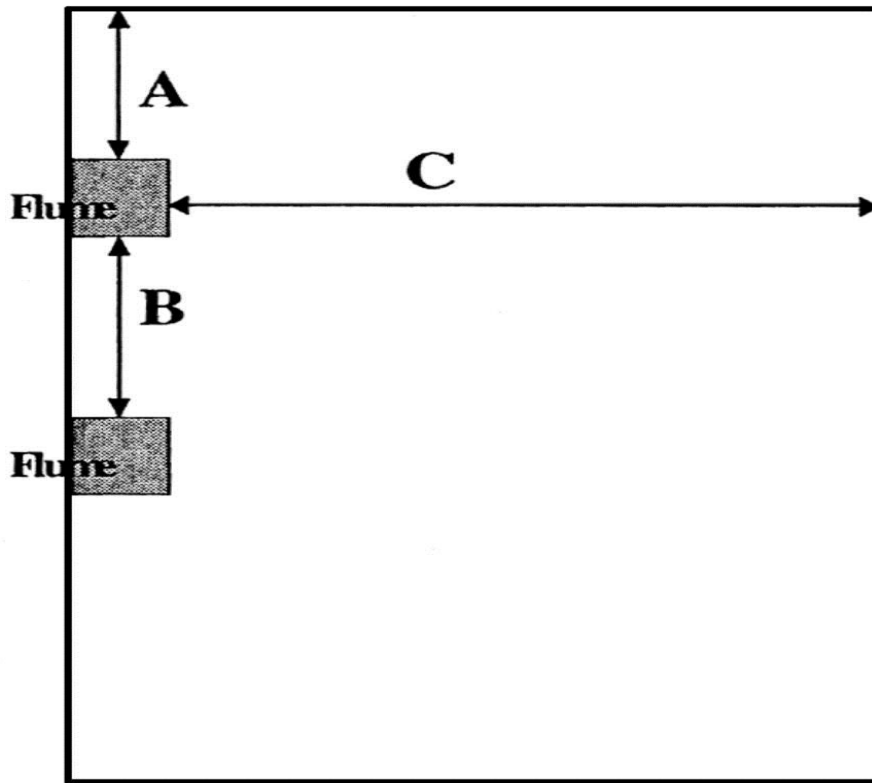
- a. The flume or chute sliding surface of waterslides shall end at or below the pool operating water level.
- b. The flume or chute shall be perpendicular to the wall of entry for a minimum of ten feet.
- c. Receiving pools for drop slides shall comply with the manufacturer's specifications and recommendations.

Figure II: Minimum Clearances for Flume or Chute Entry to Receiving Pools

TABLE INSET:

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

Minimum Clearances for Flume or Chute Entry to Receiving Pools



3. Children's activity pools shall comply with the specifications listed in Sec. 11-11-53 except as specified in this Article, including compliance with the following specifications:

a. A maximum depth of 24 inches.

b. Children's activity pools which are part of a larger pool shall be protected from areas with water depths greater than 24 inches by providing:

(1). A dark, nonslip tile transition line on the bottom of the pool along the entire two foot water depth contour. The transition line shall be a minimum of two inches wide. The transition line shall be of high contrasting color.

(2). A transition zone with a maximum floor slope not exceeding 1 to 12.

c. Where "climb-on" toys and attractions are provided, impact absorption materials shall be provided in areas where ejection or falls can reasonably be expected to occur.

4. Wave pools shall comply with the following specifications:

(a) Walls of wave pools shall be vertical with a minimum six-inch radius of curvature between the wall and pool bottom.

(b) Decks shall have a minimum width of ten feet along the shallow end.

(c) A chainlink fence, or similar restrictive barrier acceptable to the Director, shall be installed to direct patrons to access the wave pool from the shallow area. The fence shall be a minimum of 36 inches in height and at least four feet out from the edge of the coping or pool/deck juncture, and shall be provided adjacent to water depths 24 inches or greater. The fence shall be exclusive of the perimeter fence or barrier. Emergency exit openings in the fence or barrier shall be provided at a minimum of one per fifty feet of pool sidewall and shall be a minimum of four feet in width.

(d) Prominently identified and conspicuously located wave pool emergency cut-off switch(es) that terminate wave action shall be provided at each wave pool. One emergency cut-off switch shall be provided for every 100 feet of pool perimeter or fraction thereof. Cut-off switches shall be immediately accessible to each lifeguard. Cut-off switches are to be used strictly in the event of an emergency. An "EMERGENCY WAVE CUT-OFF SWITCH" sign shall be posted at the switch, and shall have letters at least four inches in height which are color contrasted with the background color of the sign. The emergency cut-off switch shall not be capable of activating the wave action.

(e) A public address system shall be provided for use by authorized personnel, which is clearly audible to all areas of the wave pool.

(f) Pool depths shall be measured without wave action.

(g) A warning horn and flashing light shall be provided that automatically signals prior to the initiation of wave action. Sufficient time shall be allowed between the warning horn/flashing light and the initiation of wave action to allow patrons the option of leaving the wave pool.

5. Slow river attractions shall have a maximum current speed of three miles per hour.

6. For activity pools in which climb-on toys and attractions are provided in water depths less than 36 inches, impact absorption materials shall be provided in areas where ejection or falls can reasonably be expected to occur. Impact absorption materials may also be required in other areas of the facility as determined by the Director.

Sec. 11-11-110 Location.

The location of a waterpark facility shall in no way hinder the operations for which it is designed nor adversely affect patron safety or water quality. Pools within the waterpark facility shall be greater than fifteen feet from any structure, object, or land formation from which a patron could jump into a pool unless, at the discretion of the Director, other measures have been taken that are sufficient to prevent patrons from jumping from the structure, object, or land formation. The Director has the discretion to determine that the minimum fifteen foot distance requirement does not apply to certain segments of attractions or to barriers provided to prevent unauthorized access to pools. The Director may impose additional access restrictions.

Sec. 11-11-111 Access.

Additional emergency access gates and lanes, in excess of those required by Sec. 11-11-28, may be required as determined by the Director to allow immediate access to all areas within the waterpark facility.

Sec. 11-11-112 Slope of Bottom.

The slope of waterpark facility pools shall comply with the requirements specified in Sec. 11-11-32 with the exception of the waterpark facility pools listed below:

- (a) *Receiving or exiting pools.* The maximum slope shall not exceed 1 to 7 where total water depth is less than 48 inches.
- (b) *Activity pools.* The maximum slope shall not exceed 1 to 12 up to a water depth of five feet in activity pools where users enter and participate in extended activities.
- (c) *Wave Pools.* The maximum slope shall not exceed 1 to 12 where water depths range from 0 to 3.5 feet and shall not exceed 1 to 9 where water depths exceed 3.5 feet.

Sec. 11-11-113 Handholds and Handrails.

All pools at waterpark facilities shall be provided with suitable handholds around their perimeter. One handrail for every seven feet, or fraction thereof, of exit area width or perimeter shall be provided at exit steps from receiving pools.

- (a) Handholds may consist of any one or a combination of the following:
 - 1. Coping, gutter ledges or flanges, or decks which have a top edge that provides a suitable slip resistant handhold located not more than twelve inches above the water line.
 - 2. Ladders, steps or handrails.
 - 3. Other methods approved by the Director.

Sec. 11-11-114 Stairs, Steps and Ladders.

Stairs, steps, and ladders shall be constructed as detailed in Sec. 11-11-36 except for the circumstances outlined below.

- (a) The stairs, ramps, and platforms associated with structure supported attractions shall be designed to provide for the safety of the intended users and shall take into account the following:
 - 1. Heavy patron loads.
 - 2. Slip hazards.
 - 3. Properly located and sized handrails.

(b) Wave pools shall be provided with recessed ladders or step holes with vertical grab bars at water depths greater than 3½ feet, for emergency exit only, spaced at intervals of not greater than fifty feet.

(c) Stairs and steps shall be recessed into the pool wall or deck.

(d) Handrails shall extend over the coping or edge of the deck.

(e) Ladders or footholds shall be provided to allow patron exit from pools greater than four feet in water depth, except in receiving pools which bring the user toward a shallow water depth area after entering the water.

(f) A minimum of one exit shall be provided for every fifty feet or fraction thereof of pool perimeter for pools whose water depth is greater than four feet. At least two means of egress/ingress shall be provided for each diving area or drop slide receiving pool. The exits shall be arranged to prevent exit paths from crossing slide discharge paths.

(g) ~~Slow~~ Lazy river attractions shall be provided with properly sized recessed stairwells or rampways with handrails. Entry and exit points shall be sufficiently wide to easily accommodate patrons boarding on or disembarking from flotation devices.

(h) Additional handrails at entry and exit areas may be required as determined by the Director.

Sec. 11-11-115 Recirculation Systems.

The recirculation system shall meet all of the requirements specified in Sec. 11-11-37 except as specified below:

(a) The recirculation system for all pools at a waterpark facility, other than those specified in Sec. 11-11-37 (B), shall be designed to accommodate the following required maximum turnover time:

1. Children's Activity Pool, one hour.
2. Wave pool, two hours.
3. Receiving pool that is completely separate from the main body of the pool, has no more than two attractions, and has a volume of 20,000 gallons or less shall be provided with a turnover time of one hour. The turnover time may be increased by one hour for every additional 20,000 gallons of pool volume up to a maximum of four hours per turnover.
4. All other pools, maximum of four hours.

Sec. 11-11-116 Pumps.

Pumps shall meet the specifications outlined in Sec. 11-11-40 (A). Pumps which drive the water current in slow river attractions shall be designed to produce minimal cross currents at their suction and discharge points. Propulsion pump water intake pipes shall be

installed in a manner to prevent patron entrapment. The propulsion pump water discharge shall be uniform and located in a manner to cause minimal effect on the patron. Booster pumps shall be sized to provide a continuous river-like flow rate no greater than three mph. The number and size of suction outlets serving the booster pump shall be designed so that the water flow through each suction outlet does not exceed a velocity of half foot per second.

Sec. 11-11-117 Overflow Gutters and Skimmers.

Overflow gutters and skimmers shall be provided as specified in Sec. 11-11-45 except that skimmers shall not be used in slow river attractions or any other waterpark facility pools having currents, moving water, or turbulence created by mechanical means or gravity that would prevent efficient skimming action by the skimmers. Alternative means of removing floating debris, which are approved by the Director, shall be provided for such attractions.

Sec. 11-11-118 Fencing and Barriers.

At intermediate pools, which are pools between the entry and exit pools in attractions using a series of pools, barriers shall be designed and constructed to prevent unauthorized entry or access from one attraction to another attraction. Fencing or barriers shall also be provided to prevent unauthorized access to a pool(s) or attraction which has designated entry/exit points.

Sec. 11-11-119 Operation and Maintenance.

(a) Waterparks shall be operated and maintained in accordance with the most restrictive applicable operational standards specified in the following documents:

1. Specifications contained in this Ordinance.
2. ASTM F-24 "Standards on Amusement Rides and Devices."
3. Virginia Amusement Device Regulations."
4. Industry standards and manufacturer's specifications and recommendations.

(b) Personnel.

1. Pool operators shall comply with the requirements specified in Sec. 11-11-10.
2. Lifeguards shall meet the requirements specified in Sec. 11-11-63 and receive training specific to the waterpark facility environment.

3. Attendants shall be trained to operate an attraction and control the patrons in a safe and orderly manner.

Attendants not certified as lifeguards shall not substitute for lifeguards at any waterpark pool or feature.

(c) Safety.

1. For all attractions with flumes or chutes, clearing of the receiving pool entry area prior to allowing another patron to enter is required.
2. Use of certain waterpark facility pools may be limited by an individual's swimming ability. Other restrictions may be imposed as necessary.
3. Attendant and lifeguard stations shall be manned at all times that an attraction is in use.
4. U.S. Coast Guard approved personal floatation devices shall be readily available and accessible for those patrons that choose to use them.
5. Outdoor waterpark facilities and indoor waterpark facilities with windows overlooking the facility shall close for 30 minutes following thunder or lightning.

(d) Design Load.

Individual pool loads and the maximum facility load shall be determined by the Director, with consideration of ~~Sec. 11-11-108~~ Sec. 11-11.109(D)4). At no time shall the designated maximum pool load or the maximum facility load be exceeded. The maximum facility load and the maximum pool loads shall be posted at the main entrance to the waterpark facility. The waterpark facility pool operator shall be responsible for enforcing the maximum facility load and maximum pool loads.

1. The maximum pool loads and the maximum facility loads may be additionally restricted due to the following conditions:
 - a. A congested grouping of patrons, tubes or floatation devices or any other grouping that obstructs the lifeguard's view of the pool bottom.
 - b. Other conditions which may compromise the health or safety of the patrons.

(e) Additional operational procedures.

1. Pool operators shall monitor the water flow rates through flume and attractions to insure that a constant water flow is maintained at rates in accordance with manufacturer's specifications and recommendations.
2. The facility operation and maintenance manual specified in ~~Sec. 11-11-108~~ Sec. 11-11.109(D)(5), shall be maintained at the waterpark facility and be available for inspection at all times.
3. No chemical other than those specified in Sec. 11-11-69 (a) shall be used to treat the water without written authorization from the Director.
4. Chemical water quality standards shall comply with Sec. 11-11-103 Table IV.

Sec. 11-11-120 Ventilation in Indoor Waterpark Facilities.

Indoor waterpark facilities shall be equipped with mechanical ventilation that provides for 0.5 cfm of outdoor air per square feet of pool and deck area. The Director may require additional ventilation for indoor waterpark facilities with features that tend to create water aerosols.

Sec. 11-11-121 Secondary Disinfection.

The Director may require facilities with features that tend to create water mist or spray ~~water aerosols~~ to employ a secondary disinfection method.

Sec. 11-11-122 Water Contamination.

The introduction of body wastes, including sputum or vomitus, into a Waterpark is prohibited. A waterpark facility contaminated by human feces or vomit shall be closed immediately and procedures for clean up in Sec. 11-11-66 (B) followed.

Sec. 11-11-123 Deck Contamination.

(a) In the event that body fluids such as blood, vomit, or feces contaminate the deck, follow the procedures indicated in Sec. 11-11-67(A).

(b) In the event that vomitus or fecal contaminating the deck enters the pool, the operator shall follow the procedures indicated in Sec. 11-11-66(B).

ARTICLE G: Interactive Water Feature Facilities

Sec. 11-11-422 124 Water Depth.

The depth of water in an interactive water feature facility shall not exceed one inch at any point accessible to the public.

Sec. 11-11-423-125 Walking Surfaces.

(a) The walking surfaces of an interactive water feature facility shall be constructed of a non-porous, non-slip material.

(b) The walking surfaces of an interactive water feature facility shall be constructed so as to eliminate trip and fall hazards.

(c) The walking surfaces of an interactive water feature facility shall be maintained so as to prevent the accumulation of algae or any other slippery substance.

(d) Any time the temperature of the walking surface(s) of an interactive water feature facility is predicted to drop below 40°F, the pumps circulating water to the facility shall be shut off and the walking surface allowed to dry.

(e) Should ice or frost form on the walking surface(s) of an interactive water feature facility, barriers shall be erected to prevent the public from entering the area of the facility.

Sec. 11-11-~~424~~ 126 Recirculation System.

(a) Water from the interactive water feature facilities shall be collected by gravity below grade in a collector tank or sump. The water shall then be filtered, disinfected, and then pumped to the feature discharge points. All interactive water feature facilities shall be equipped with a recirculation system which, at a minimum, consists of a pump, a filter, connecting piping, fittings, valves, disinfecting equipment, necessary pipe connections to the inlets and outlets, and drains.

(b) The water in an interactive water feature facility shall be re-circulated, filtered, and treated at least once every thirty minutes. The water disinfection equipment requirements contained in Sec. 11-11-49 and the water treatment and testing equipment requirements contained in Sec. 11-11-69 shall be met.

(c) Adequate provisions shall be made for backwashing and/or cleaning of all filters.

(d) If a pool operator will not be on-site at all times the facility is in operation, the water feature recirculation system shall be designed with a turn-off system that will shut off the water feature if the water quality parameters are outside the requirements in Sec. 11-11-69.

Sec. 11-11-~~425~~ 127 Filter Room.

The filter room for an interactive water feature facility shall meet the requirements contained in Sec. 11-11-38.

Sec. 11-11-~~426~~ 128 Filters and Gauges.

The recirculation system for an interactive water feature facility shall meet the requirements contained in Sec. 11-11-39.

Sec. 11-11-~~427~~ 129 Pumps and Strainers.

(a) *Pump.* A removable and reinstallable pump(s) shall be installed with adequate capacity for the required turnover time. Whenever possible, the pump(s) shall be so located as to eliminate the need for priming. If the pump(s) or suction piping is located above the level of the interactive water feature's surface, the pump(s) shall be self-priming. The pump(s) shall be capable of providing a flow adequate for the backwashing of filters. Pumps shall be securely supported.

(b) *Strainer.* All pressure filter systems shall have a strainer. The strainer baskets shall be corrosion resistant with openings not exceeding 1/8 inch in size, which provide a free flow area of at least four times the area of the pump suction line at the strainer connection, and shall be accessible for frequent cleaning. An extra strainer basket shall be provided for each strainer.

Sec. 11-11-428 130 Piping System.

(a) The piping system for interactive water feature facilities shall be composed of NSF listed materials or their equivalent designed for the following operations:

1. circulating water to the interactive water feature,
2. collecting and re-circulating the water through the treatment equipment,
3. backwashing or washing each filter to waste, and
4. draining the system.

(b) There shall be no direct connections between the recirculation system and the sewer or potable water supply.

(c) The system shall have a means of discharging filter backwash or other water to waste as follows:

1. Waste from backwashing or draining shall be discharged in a manner approved by the Director. When only a sanitary sewer is available, the rate of discharge is subject to the approval of the appropriate authority for sanitary sewers and treatment facilities.

2. An air gap to prevent a cross-connection between waste discharge piping and recirculation piping shall be provided.

3. Discharge receptor and piping of sufficient size to accept backwash water and prevent backflooding.

4. A sight glass in the backwash discharge line in a readily observable location.

5. In the event the backwash waste pipe will not accommodate the backwash flow, the design and installation of a holding tank shall be required. The holding tank shall be sized to contain 110 percent of the volume of water required to adequately clean the filter(s) at the backwash flow rate and length of time specified by the filter manufacturer.

(d) The piping system shall be securely anchored, supported or braced, unless inherently self-supporting. Visible piping shall be marked with permanent tags, labels or markings to clearly identify the direction of flow and shall be color coded as follows:

1. Freshwater blue (to check valve)
2. Backwash black
3. Influent yellow
4. Effluent white

(e) All piping shall be designed to minimize friction losses and to carry the required quantity of water at a velocity not to exceed eight feet per second for copper discharge piping, and ten feet per second for discharge piping other than copper. Suction velocity for all piping shall not exceed six feet per second. Pipe suction velocity may also be limited by the maximum flow rate specified by the manufacturer of the suction outlet covers installed.

(f) All piping and appurtenances included in the recirculation and filtration system shall be inspected and approved by the Director prior to covering. All piping shall be tested at the time of inspection to at least 25 psi of pressure. All subsurface piping shall be imbedded in and covered with sand or an approved equivalent.

(g) All valves shall be clearly identified with permanent markings or tags which are referenced by a water recirculation system operation manual and/or placard.

~~Sec. 11-11-429-131~~ Drains.

Any drains or suction outlets shall comply with Sec. 11-11-42(A) and shall be covered with a protective grate or anti-vortex cover which is not hazardous to patrons, is anchored in accordance with the manufacturer's specifications and recommendations, and is designed to prevent body entrapment or injury.

~~Sec. 11-11-430-132~~ Pool Operator.

All interactive water feature facilities must be operated under the immediate control of a pool operator holding a valid pool operators certificate. An operator is not required by this section to be present at the interactive water feature facility at all times, but must be immediately available to the facility in case of emergency.

~~Sec. 11-11-133~~ Water treatment and Test Equipment.

The Director may require facilities with features that create mist or spray to employ a secondary disinfection method. No chemical other than those specified in Sec. 11-11-69 (a) shall be used to treat the water without written authorization from the Director. Chemical water Quality Standards shall comply with Sec. 11-11-103 Table IV.

~~Sec. 11-11-134~~ Water Contamination.

The introduction of body wastes, including sputum or vomitus, into a Waterpark is prohibited. A waterpark facility contaminated by human feces or vomit shall be closed immediately and procedures for clean up in Sec. 11-11-66 (B) followed.

~~Sec. 11-11-135~~ Deck Contamination.

(a) In the event that body fluids such as blood, vomit, or feces contaminate the deck, follow the procedures indicated in Sec. 11-11-67(A).

(b) In the event that vomitus or fecal contaminating the deck enters the pool, the operator shall follow the procedures indicated in Sec. 11-11-66(B).

ARTICLE H: Bathhouse Facilities; Design, Construction, and Maintenance

~~Sec. 11-11-434-136~~ Establishments Required to Provide Bathhouse Facilities.

All aquatic facilities, except interactive water feature facilities, shall provide bathhouse facilities. Motels and other similar establishments which restrict the use of all

pools to occupant guests are not required to provide bathhouse facilities. Interactive Water Feature Facilities are required to comply with Sec 11-11-140 (B); 11-11-141 (B); 11-11-142 (B); 11-11-143 (B)

Sec. 11-11-~~132~~ 137 Design and Location.

The bathhouse shall be designed so that patrons pass through the rooms containing the dressing areas, showers and toilet fixtures prior to accessing the pool. It shall be provided with an entrance and a separate exit opening directly to the swimming pool, spa pool, or waterpark facility deck; provided, however, the exit shall not be near the deep portion of a swimming pool when the pool depth is greater than five feet.

Sec. 11-11-~~133~~ 138 Floors.

Floors for all showers, toilets and lavatories in a bathhouse shall have a minimum slope of 1 to 48 to the drains with no low spots which will allow water to pond. Such floors shall have a smooth but non-slip, non-absorbent, finish and shall not be carpeted and shall be maintained in a clean and sanitary condition. The room shall be mechanically ventilated.

Sec. 11-11-~~134~~ 139 Dressing Rooms.

Separate dressing rooms shall be provided for each sex. Dressing rooms shall be maintained in a clean and sanitary condition. Clothing hooks shall not present a puncture hazard to patrons.

Sec. 11-11-~~135~~ 140 Showers.

(a) Showers shall be provided in the proportion of one per each forty persons or fraction thereof at each swimming pool, spa pool, or waterpark facility based upon the maximum facility load. Each shower shall supply an adequate quantity of heated water through a device that will prevent scalding. The device that prevents scalding shall be adjusted to provide a maximum hot water temperature at the nozzle head of 110 degrees Fahrenheit, and a minimum hot water temperature at the nozzle head of at least 90 degrees Fahrenheit. Water from each shower shall drain separately or each shower shall be located and have the floor sloped so that waste from one shower shall not flow over the floor serving another. Each shower fixture shall be provided with a liquid soap dispenser and an adequate supply of liquid soap. Showers shall be maintained in a clean and sanitary condition.

(b) Interactive Water Feature Facilities are required to provide a foot shower within 30 feet of the spray pad. The foot shower shall be maintained in a clean and sanitary condition.

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Sec. 11-11-~~136~~ 141 Toilets and Urinals Diaper Changing Facilities.

(a) Diaper changing facilities shall be provided in each restroom that opens onto the pool deck (pool restrooms). For facilities that do not have restrooms that

open onto the pool deck, the diaper changing facilities shall be provided in each mens', ladies' and unisex restroom located closest to the pool.

- (b) Interactive water features facilities shall provide at least one diaper changing facility in each toilet facility provided.

~~Toilet facilities shall be provided in the numbers required by the VUSBC at the time of maximum facility usage. Computations shall be based on the premise that at the time of maximum load half of the patrons will be male and half female unless the facility is exclusively to be used by patrons of one sex. An adequate supply of dispensed toilet paper shall be provided to each water closet. Toilets and urinals shall be maintained in a clean and sanitary condition.~~

Sec. 11-11-~~137~~ 142 Lavatories Toilets and Urinals.

- (a) Toilet facilities shall be provided in the numbers required by the VUSBC at the time of maximum facility usage. Computations shall be based on the premise that at the time of maximum load half of the patrons will be male and half female unless the facility is exclusively to be used by patrons of one sex. An adequate supply of dispensed toilet paper shall be provided to each water closet. Toilets and urinals shall be maintained in a clean and sanitary condition.
- (b) Interactive water features shall provide at least one toilet facility within 500 feet of the feature. This facility may be temporary or seasonal in nature, or of permanent construction. An adequate supply of dispensed toilet paper shall be provided to each water closet. Toilets and urinals shall be maintained in a clean and sanitary condition.

~~Lavatories shall be provided in the numbers required by the VUSBC at the time of maximum facility usage. Each lavatory shall be provided with a liquid soap dispenser and an adequate supply of liquid soap. Each lavatory shall be provided with an adequate supply of dispensed paper towels and/or a mechanical means of hand drying. Lavatories shall be maintained in a clean and sanitary condition.~~

Sec. 11-11-~~138~~ 143 Hose Bibs and Cleaning Equipment Lavatories.

- (a) Lavatories shall be provided in the numbers required by the VUSBC at the time of maximum facility usage. Each lavatory shall be provided with a liquid soap dispenser and an adequate supply of liquid soap. Each lavatory shall be provided with an adequate supply of dispensed paper towels and/or a mechanical means of hand drying. Lavatories shall be maintained in a clean and sanitary condition.
- (b) Interactive water features shall provide at least one lavatory adjacent to or within each toilet facility provided. Each lavatory shall be provided with a liquid soap dispenser and an adequate supply of liquid soap. Each lavatory shall be provided with an adequate supply of dispensed paper towels and/or a mechanical means of hand drying. Lavatories shall be maintained in a clean and sanitary condition.

~~Hose bibs with vacuum breakers or approved backflow preventers shall be provided at convenient locations. A minimum of one hose bib shall be provided in both the female and male sections of the bathhouse. Hoses, brushes and other cleaning equipment as needed to maintain the bathhouse facility shall be kept stored in the bathhouse facility.~~

Sec. 11-11-439-144 Lighting Hose Bibs and Cleaning Equipment.

Hose bibs with vacuum breakers or approved backflow preventers shall be provided at convenient locations. A minimum of one hose bib shall be provided in both the female and male sections of the bathhouse. Hoses, brushes and other cleaning equipment as needed to maintain the bathhouse facility shall be kept stored in the bathhouse facility.

~~All areas within the bathhouse facility shall be illuminated at a minimum of thirty foot-candles measured 24 inches above the floor. All light fixtures shall be shielded.~~

Sec. 11-11-140-145 Saunas and Steam Rooms Lighting.

All areas within the bathhouse facility shall be illuminated at a minimum of thirty foot-candles measured 24 inches above the floor. All light fixtures shall be shielded.

~~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 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.~~

Sec. 11-11-146 Saunas and Steam Rooms

A sauna, steam room, or similar device in which the patron's body is exposed to water, steam, moist or dry heat, that is provided in conjunction with a regulated swimming pool or spa pool facility, shall be installed in accordance with the requirements of the VUSBC, and shall be maintained in a clean and sanitary condition; and shall comply with the following requirements:

- (a) Shielded, vapor-proof lighting fixtures shall be provided.
- (b) Adequate mechanical ventilation shall be provided.
- (c) The doors to all steam rooms and sauna rooms shall have viewing ports fitted with shatterproof glass or plastic, and shall not be capable of being blocked or otherwise secured against opening by pushing from the inside. The door to the sauna or steam room shall open outward.
- (d) A timer switch that automatically shuts off the heat or steam source. The timer switch shall be readily accessible to patrons and be located directly adjacent to the sauna or steam room and shall have a maximum setting which does not exceed fifteen 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.

ARTICLE I: Exemptions and Alternate Provisions to the Aquatic Health Ordinance

Sec. 11-11-441-147 Bed and Breakfast Exemption

Bed and breakfast facilities permitted by the Director may choose to operate an aquatic facility without an aquatic facility permit as required in 11-11-7 and shall be exempt from the provisions of this chapter provided that:

- (a) The bed and breakfast notifies the Director annually in writing that they wish to be exempt from the provisions of this chapter, and
- (b) The bed and breakfast posts a clearly legible sign of a durable, waterproof material at the aquatic facility so that it will be clearly visible to patrons using the facility that says, "This aquatic facility is not permitted or inspected by the Alexandria Health Department. No lifeguard on duty. Swim at your own risk."

Sec. 11-11-442-148 Exemption for Residences Where a Child Care Facility is Located

A swimming pool or spa pool located at a single family home or duplex where a child care facility is located may be operated without an aquatic facility permit as required in 11-11-7 and shall be exempt from the provisions of this chapter provided that the pool facility is secured against entry during the hours of operation of the child care facility by one of the following methods:

- (a) A locked cover, or
- (b) A fence that complies with 11-11-50, or
- (c) Another method approved by the Director.

Sec. 11-11-~~143~~149 Exemption for limited access pools.

A limited access pool shall be exempt from Sections 11-11-10 (pool operator requirements) and 11-11-63 (lifeguards and pool operators) of this chapter provided that the limited access pool:

- (a) Notifies the health director annually in writing that they wish to be exempt from Sections 11-11-10 and 11-11-63, providing documentation of their valid existence as a homeowners or condominium association, and of their annual vote to be deemed a limited access pool. The eligible homeowner's or condominium association shall notify the health director of the days and hours of operation of the pool in order to enable efficient health department inspections;
- (b) Posts a clearly legible sign of a durable, waterproof material at the aquatic facility so that it will be clearly visible to patrons using the facility that says, with a minimum of 2 (two) inch lettering, "No lifeguard on duty. Swim at your own risk. No persons under age 18 are allowed to swim without responsible adult supervision. No one should swim alone.";
- (c) Owners of a limited access pool shall (i) require a pool operator to follow the monitoring, reporting and record keeping requirements of Sec 11-11-58, with the exception that monitoring and recording shall be performed no less than twice daily, if the pool is open, and maintain records of all tests associated with such twice daily inspection at the site of the pool, to be provided to the director or his designee upon demand; (ii) provide signage, in durable, waterproof material, stating the name and on-call phone number of the pool operator such that it is clearly visible to patrons; (iii) assure that the pool operator shall possess a valid pool operator's certificate accepted by the Director; (iv) assure that the pool operator shall be available on-call, and the pool operator be present at the facility within thirty (30) minutes of being called; and (iv) provide the Director with the name, address and on-call phone number of the pool operator at the time of their application under Sec 11-11-7.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

18. Public Hearing, Second Reading and Final Passage of an ordinance to amend and

reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on March 12, 2016 to the Braddock East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0003 to amend the land use and development framework tables pertaining to the Ramsey Homes property and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (ARHA Ramsey Homes) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance for the Braddock East Small Area Plan of the master plan as master plan amendment No. 2015-0003. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5011

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on March 12, 2016 to the Braddock East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0003 to amend the land use and development framework tables pertaining to the Ramsey Homes property and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2015-0003 the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 4, 2016 of an amendment to the Braddock East Chapter of the Master Plan of the City of Alexandria to amend the land use and development framework tables pertaining to the Ramsey Homes property which recommendation was approved by the City Council at public hearing on March 12, 2016;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Braddock East Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending Table 3 on Page 37 and Table 5 on Page 47 as shown on the document labeled Attachment 1 attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

19. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Sheet No. 054.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning the property at 699 North Patrick Street from, RB/Townhouse Zone to CRMU-M/Commercial Residential Mixed Use (Medium) Zone in accordance with the said zoning map amendment approved by city council on March 12, 2016 as Rezoning No. 2015-0003. (ARHA Ramsey Homes) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance by rezoning the property at 699 North Patrick Street from RB townhouse to CRMU-M for rezoning 2015-0003. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5011

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on March 12, 2016 to the Braddock East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0003 to amend the land use and development framework tables pertaining to the Ramsey Homes property and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2015-0003 the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 4, 2016 of an amendment to the Braddock East Chapter of the Master Plan of the City of Alexandria to amend the land use and development framework tables pertaining to the Ramsey Homes property which recommendation was approved by the City Council at public hearing on March 12, 2016;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Braddock East Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending Table 3 on Page 37 and Table 5 on Page 47 as shown on the document labeled Attachment 1 attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

20. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on March 12, 2016 to the Old Town North Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0009 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (ABC/Giant Development Project) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 20; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance for the Old Town North Small Area Plan of the master plan as master plan amendment 2015-0009. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5013

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on March 12, 2016 to the Old Town North Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0009 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2015-0009 the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on March 1, 2016 of an amendment to the Old Town North Small Area Plan Chapter of the Master Plan of the City of Alexandria to amend the land use map and the height map for the parcels located at 530 First Street and 901 North St. Asaph Street, which recommendation was approved by the City Council at public hearing on March 12, 2016;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Old Town North Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending Map 11 and Map 15 as shown on the document labeled as Attachment 1 attached hereto and incorporated fully herein by reference, as a new chapter of the Master Plan of the City of Alexandria, Virginia.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

21. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Section 5-602 (Coordinated development districts created, consistency with master plan, required approvals) of Article V (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment approved by city council on March 12, 2016 as Text Amendment No. 2016-0001 to add CDD #25/ABC Giant Old Town North to the CDD Table. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 5/14/16, and is incorporated as part of this record by reference.)

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey

and carried unanimously by roll-call vote, City Council adopted the ordinance for text amendment 2016-0001 to add CDD #25 to the Giant Old Town North to the CDD table. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5014

AN ORDINANCE to amend and reordain Section 5-602 (Coordinated development districts created, consistency with master plan, required approvals) of Article V (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment approved by city council on March 12, 2016 as Text Amendment No. 2016-0001 to add CDD #25/ABC Giant Old Town North to the CDD Table.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment 2016-0001, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on March 1, 2016 of a text amendment to the Zoning Ordinance to add CDD #25/Coordinated Development District #25/ABC Giant Old Town North to the CDD Table, which recommendation was approved by the City Council at public hearing on March 12, 2016;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-602 of the Zoning Ordinance be, and the same hereby is, amended by adding the section shown below:

CD D #	CDD Nam e	Without a CDD Special Use	With a CDD Special Use Permit		
			Maximum FAR and/or Development Levels	Maximum Height	Uses
2 5	ABC- Giant / Old Town North	CG / Commercial Downtown regulations shall apply	<p>Maximum FAR: 3.5. Properties in this zone are ineligible to request Special Use Permit approval for the affordable housing bonus density provisions of Section 7-700 of the Zoning Ordinance.</p> <p>Minimum open space: Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the Director determines that such space functions as open space for residents to the same extent that ground level open space would. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.</p> <p>Minimum yards: None, except as may be applicable pursuant to the Old Town North Design Guidelines and pursuant to the supplemental yard and setback regulations of Section 7-1000 and the zone transition requirements of Section 7-900.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance does not apply.</p> <p>All proposed development shall conform to the Old Town North Design Guidelines as may be</p>	The maximum heights shall conform to the Old Town North Small Area Plan as may be amended.	Multifamily dwelling; day care center; health and athletic club; light assembly, service and crafts; personal service establishment; massage establishment; outdoor dining; pet supplies, grooming, training with no overnight accommodation; private school, academic or commercial, with more than 20 students on the premises at any one time; restaurant; retail shopping establishment; and valet parking.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 5-602 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning

Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

22. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Sheet No. 054.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning the property at 530 First Street (Parcel address 500 First Street) and 901 North St. Asaph Street from CG/Commercial General to CDD #25/Coordinated Development District #25 in accordance with the said zoning map amendment approved by city council on March 12, 2016 as Rezoning No. 2015-0005. (ABC/GIANT Development Project) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance to rezone the property at 530 First Street and 901 North St. Asaph Street for rezoning 2015-0005. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5015

AN ORDINANCE to amend and reordain Sheet No. 054.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 530 First Street (Parcel address 500 First Street) and 901 North St. Asaph Street from CG/Commercial General to CDD #25/Coordinated Development District #25 in accordance with the said zoning map amendment approved by city council on March 12, 2016 as Rezoning No. 2015-0005. (ABC/GIANT Development Project)

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2015-0005, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require,

recommended approval to the City Council on March 1, 2016 of a rezoning of the property at 530 First Street (Parcel address 500 First Street) and 901 North St. Asaph Street from, CG/Commercial General to CDD #25/Coordinated Development District #25, which recommendation was approved by the City Council at public hearing on March 12, 2016;

2. The said rezoning is in conformity with the Master Plan of the City of Alexandria, Virginia, as amended;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 054.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION:

530 First Street (Parcel address 500 First Street), Tax Map # 054.02-06-02
901 North St. Asaph Street, Tax Map # 054.02-06-03

From: CG/Commercial General

To: CDD #25/Coordinated Development District #25

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 054.02 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

23. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on April 16, 2016 to the Pedestrian and Bicycle Section of the Transportation Master Plan chapter of such master plan as Master Plan Amendment No. 2015-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23; 5/14/16,

and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance for the pedestrian and bicycle section of the Transportation Master Plan chapter as Master Plan Amendment 2015-0005 and to repeal all provisions of the said master plan as may be inconsistent with such amendments. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5016

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on April 16, 2016 to the Pedestrian and Bicycle Section of the Transportation Master Plan chapter of such master plan as Master Plan Amendment No. 2015-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2015-0005, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on April 5, 2016 of an amendment to the Pedestrian and Bicycle Section of the Transportation Master Plan Chapter of the Master Plan of the City of Alexandria to adopt a new Pedestrian and Bicycle Master Plan which recommendation was approved by the City Council at public hearing on April 16, 2016;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Pedestrian and Bicycle Section of the Transportation Master Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by replacing the current Pedestrian and Bicycle Section with the document titled "Transportation Master Plan Pedestrian and Bicycle Chapter" draft dated March 2016 attached hereto and incorporated fully herein by reference with the following changes:

Pedestrian Engineering Strategy #5: Improve crossing conditions, especially in areas with high pedestrian demand or documented safety concerns, and in all new development and future capital improvement projects.

- a. Evaluate current signal timing practices and revise, as needed, to improve safety and minimize pedestrian crossing delay while minimizing the impact on

vehicle throughput. Apply Leading Pedestrian Intervals and eliminate Right Turns on Red when appropriate to improve pedestrian comfort and safety. Provide automatic pedestrian signals where feasible in order to minimize pedestrian delay.

Bicycle Program and Policy Strategy #12: Partner with local bicycle groups and Alexandria City Public Schools to support bicycle education, outreach and promotion amongst underrepresented groups including children, women, senior citizens and non-English speaking communities.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

24. Public Hearing, Second Reading and Final Passage of an ordinance authorizing the owner of the property located at 700 South Pitt Street to construct and maintain an encroachment for a fence at that location for the period of one (1) year. (Approved by City Council on April 16, 2016) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 5/14/16, and is incorporated as part of this record by reference.)

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance authorizing the owner of the property at 700 South Pitt Street to construct and maintain an encroachment for a fence at that location for a period of one year. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5017

AN ORDINANCE authorizing the owner of the property located at 700 South Pitt Street to construct and maintain an encroachment for a fence at that location for the period of one (1) year. (Approved by City Council on April 16, 2016)

WHEREAS, Thomas Campbell is the Owner ("Owner") of the property located at 700 South Pitt Street in the City of Alexandria, Virginia; and

WHEREAS, Owner desire to establish and maintain a fence which will encroach into the public right-of-way at that location; and

WHEREAS, the public right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, in Encroachment No. 2016-0002 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on April 5, 2016, which recommendation was approved by the City Council at its public hearing on April 16, 2016, and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public right-of-way at 700 South Pitt Street in the City of Alexandria as shown in the attached Encroachment Plat, attached hereto and made a part hereof by this reference, said encroachment consisting of a fence, for the period of one (1) year from the date of approval of this ordinance, or until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city, whichever is sooner; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at their own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
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Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate
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This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of their obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
- (c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.
- (d) This encroachment shall be valid for the period of one (1) year from the date of this ordinance at which time it shall terminate automatically and anything that has been constructed on the right of way shall be removed.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The terms "Owner" shall be deemed to include Thomas Campbell and his respective successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.

25. Public Hearing, Second Reading and Final Passage of an ordinance authorizing the Tenant of the property located at 535 East Braddock Road (Parcel address 501 East Braddock Road) to construct and maintain an encroachment for a raised deck and outdoor dining for the Dos Amigos Tex Mex Restaurant on the sidewalk right of way at that location. (Approved by City Council on March 12, 2016) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 5/14/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25; 5/14/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council adopted the ordinance authorizing the tenant of the property at 535 East Braddock Road to construct and maintain an encroachment for a raised deck and outdoor dining for the Dos Amigos Tex Mex Restaurant on the sidewalk right of way at that location. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5018

AN ORDINANCE authorizing the Tenant of the property located at 535 East Braddock Road (Parcel address 501 East Braddock Road) to construct and maintain an encroachment for a raised deck and outdoor dining for the Dos Amigos Tex Mex Restaurant on the sidewalk right of way at that location.

WHEREAS, Cucotan, LLC d/b/a Dos Amigos Tex Mex is the Tenant ("Tenant") of the property located at 535 East Braddock Road (Parcel address 501 East Braddock Road) in the City of Alexandria, Virginia; and

WHEREAS, Tenant desire to establish and maintain a raised deck and outdoor dining which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, in Encroachment No. 2015-0007 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on March 1, 2016 which recommendation was approved by the City Council at its public hearing on March 12, 2016 and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Tenant be, and the same hereby are, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 535 East Braddock Road (Parcel address 501 East Braddock Road) in the City of Alexandria as shown as encroachment area A and Encroachment Area B on the Encroachment Plat attached hereto and made a part hereof by this reference, said encroachment consisting of a raised deck and outdoor dining, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Tenant of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Tenant maintaining, at all times and at their own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

Property Damage:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Tenant as named insureds and shall provide for the indemnification of the City of Alexandria and Tenant against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not

renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Tenant shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Tenant. Nothing in this section shall relieve Tenant of their obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- a. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.
- b. In the event the City shall, in the future, have need or the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.
- c. The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Tenant shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Tenant maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Tenant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Tenant without cost to the city. If Tenant cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense

of Tenant, and shall not be liable to Tenant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The term "Tenant" shall be deemed to include Cucotan, LLC and its respective successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, the public hearing meeting of May 14, 2016, was adjourned at 5:04 p.m. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council