



Legislation Text

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City of Alexandria, Virginia

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MEMORANDUM

DATE: FEBRUARY 7, 2018

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

**DOCKET TITLE:**

Public Hearing, Second Reading, and Final Passage of an ordinance to amend and reordain Chapter 13 (Environmental Offenses) of Title 11 (Health, Environmental and Sanitary Regulations) of the Code of the City of Alexandria, Virginia, 1981, as amended.

**ISSUE:** Consideration of an amendment to the Environmental Offenses Ordinance to provide for civil enforcement of some less severe environmental infractions in the Chapter and reserve criminal enforcement for egregious or repeated environmental infractions.

**RECOMMENDATION:** That City Council hold a public hearing, second reading and final passage of the ordinance on Saturday, February 24, 2018.

**BACKGROUND:** Chapter 13 of the City Code enumerates penalties and enforcement mechanisms for illegal dumping, unlawful storage or accumulation of waste, and failure to keep property free from accumulation of waste. The current ordinance makes any violation of the Chapter a criminal violation. This ordinance amendment is part of the comprehensive effort to update the City Code and to make its provisions more effective.

The proposed amendment provides for civil enforcement of some environmental infractions in the Chapter and reserves criminal enforcement for egregious or repeated environmental infractions. This amendment would also make Alexandria's Code consistent with how neighboring localities (Fairfax County, Arlington County, City of Falls Church, Washington, DC, and Prince Georges County) enforce illegal dumping.

**DISCUSSION:** The proposed amendment would continue to have dumping of hazardous waste, household hazardous waste, bulk waste, or industrial waste remains a criminal violation. However, it proposes to make dumping of yard waste or solid waste a civil violation. The proposed amendment also includes the ability to escalate enforcement by making repeated civil infractions (three citations for the same or similar violation within a 24-month period) a criminal violation.

There are few criminal prosecutions occurring under the current ordinance, especially for less severe infractions. The proposed ordinance amendment provides a milder form of enforcement for less severe violations, allowing staff to address minor offenses with a combination of enforcement through a civil penalty and education to meet the goals of changed behavior. The proposed amendment would also make the enforcement process more efficient for these less severe infractions since not all offenders would be required to go to court.

The proposed amendment also provides updates and clarifications to definitions and language in Sections 11-13-1, 11-13-2, 11-13-7, and 11-13-8.

**FISCAL IMPACT:** The proposed amendment to the adopted ordinance is anticipated to have a negligible fiscal impact.

**ATTACHMENTS:**

1. Ordinance Cover
2. Ordinance

**STAFF:**

Emily A. Baker, P.E., Deputy City Manager  
Yon Lambert, AICP, Director, T&ES  
William Skrabak, Deputy Director, T&ES  
Jesse Maines, Division Chief, Stormwater Management  
Russel Furr, Chief Deputy Fire Marshal