

# CHAPTER 4 BUILDINGS

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### **Sec. 4.1..... Adoption of Virginia Uniform Statewide Building Code Part I**

4.1.1 For the purpose of ensuring public safety, health and welfare, insofar as they are affected by building construction, to ensure public safety, health and welfare through proper use and continued compliance with minimum standards of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility, and in general, to secure safety to life and property from all hazards incidental to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises, that certain regulations the town council hereby adopts the Virginia Uniform Statewide Building Code, 2006 Edition, Part I, Construction. All future editions of the Virginia Uniform Statewide Building Code and all amendments thereto are hereby automatically adopted and incorporated into the Town Code. Such code is hereby incorporated in and made a part of this section as fully as if set out at length herein and the provisions thereof shall be applicable throughout the town. Two (2) copies of such code shall remain on file in the office of the town clerk and one (1) copy shall remain on file in the office of the building official.

*(For State laws as to authority of town to adopt building code by reference, see Code of Virginia, Section 27-51. As to statutory provisions of Uniform Statewide Building Code, see Code of Virginia, Section 36-97 et seq.)*

### **Sec. 4.2..... Joint Operation of Building Inspection Department**

- (a) The building inspection department as established by the Scott County Board of Supervisors shall have full authority and responsibility for the enforcement of the provisions of the Virginia Uniform Statewide Building Code Part I within the town.
- (b) All fees under Part I of the USBC shall be collected by and all expenses borne by the County of Scott.
- (c) A record of permits issued by the building inspector for construction within the limits of the town shall be duplicated and a copy forwarded to the office of the town manager.

### **Sec. 4.3..... Fee Schedules**

The cost of enforcement of Part I of the Virginia Uniform Statewide Building Code within the town shall be defrayed through the levying of fees by the Scott County Board of Supervisors as provided in Section 36-105 of the Code of Virginia, 1950, as amended, and the ordinances of the Supervisors.

#### **Sec. 4.4..... Board of Appeals**

The board of appeals as provided for in the ordinance duly adopted by the Scott County Board of Supervisors shall have full authority and responsibility to function within the town limits of the town in conformance with Section 127 of the BOCA Basic Building Code and the administrative amendments.

#### **Sec. 4.5..... Removal, Repair, Etc., of Buildings and Other Structures**

In order to provide for the well being and safety of the general public, the town council provides under the provisions of Title 15 of the Code of Virginia, 1950, as amended, and any future amendments thereto:

- 4.5.1 That the owners of property therein, shall at such time or times as the town council may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town.
- 4.5.2 That the town council through its own agents or employees may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town, wherein the owner of such property after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the locality. No action shall be taken by the town to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the locality may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice;
- 4.5.3 That in the event the town council, through its own agents or employees removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected.
- 4.5.4 That every charge authorized by this section, with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property. Town council may waive such liens in order to facilitate the sale of the property only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

*(Code of Virginia, Sec. 15.2-906)*

**Sec. 4.6..... Violations and Penalties**

Pursuant to 36.106 it shall be unlawful for any owner or any other person, firm, or corporation to violate any provisions of this Ordinance. Any such violation shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500.00.

In addition, each day the violation continues after conviction of the court-ordered abatement period has expired, shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the Court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court ordered abatement period has ended shall constitute a separate offense.

Any person convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by a fine of not less than \$1,000.00 or more than \$2,500.00. Any person convicted of a second offense committed within a period of five to ten years of a first offense under this chapter shall be punished by a fine of not less than \$500.00 or more than \$2,500.00.

Any person convicted of a third or subsequent offense involving the same property committed within ten years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than ten days and a fine of not less than \$2,500.00 or more than \$5,000.00, either or both.

No portion of the fine imposed for such third or subsequent offense committed within ten years of an offense under this chapter shall be suspended.

*(Code of Virginia, Sec. 36-106)*

**Sec. 4.7..... Continuation of Existing Ordinances**

The provisions appearing in this Code, as far as they are the same as those of the ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

**Sec. 4.8..... Saving Clause**

Nothing in this ordinance or in the maintenance of existing structures provisions hereby referenced for enforcement shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, notices given, or any cause or causes of action acquired or existing, under Chapters 4, 14, and/or 15 of the Gate City Code of Ordinances; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance. Any notice given under Chapter 4 (2008) and earlier, and any amendments, shall be notice under this Ordinance.

**Sec. 4.9..... Severability**

Should any provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**Sec. 4.10..... Effective Date and Future Amendments**

4.10.1 The Clerk of Council shall certify to the adoption of this Ordinance. This Ordinance shall take effect and be in force from and after 11:59 p.m. of November 10, 2009.

4.10.2 Pursuant to Virginia Code Section 1-220, future amendments by the Virginia Board of Housing and Community Development (VBHCD) to the provisions of the Virginia Uniform Statewide Building Code shall be effective under this Ordinance on the date prescribed by the VBHCD.

Mayor \_\_\_\_\_ Date \_\_\_\_\_

Clerk \_\_\_\_\_ Date \_\_\_\_\_

Seal

# CHAPTER 4A PROPERTY MAINTENANCE CODE

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### **Sec. 4A.1..... Adoption and enforcement of Part III of the Virginia Uniform Statewide Building Code**

A certain document, a copy of which is on file in the office of the Town Manager of the Town of Gate City, Virginia, being marked and designated as The Maintenance of Existing Structures Provisions of the Virginia Uniform Statewide Building Code (Part III, Chapter 1) (as adopted by the Virginia Board of Housing and Community Development) shall be known as The Property Maintenance Code of the Town of Gate City, Virginia. The Town of Gate City elects to enforce the maintenance of existing structures provisions thereof for the maintenance of existing structures and equipment. The provisions contained in Part III, Chapter 1 (USBC) are elected to be enforced and this Ordinance requires compliances with any and all maintenances provisions of this part of this chapter of the USBC. Each and all of the regulations, provisions, penalties, conditions, model codes and standards, and terms of same are hereby referred to and elected to be enforced.

### **Sec. 4A.2..... Intent: Full Election**

It is the intent of this Ordinance to elect to enforce all the maintenance of existing structures provisions as contained in the Virginia Uniform Statewide Building Code as adopted by the Virginia Board of Housing and Community Development.

### **Sec. 4A.3..... Intent: Other Ordinances and Provisions**

It is the intent of this Ordinance that the provisions of this Ordinance shall be enforced together with, separate from, or in addition to, all other building and nuisance state statutes and town Ordinances. For example, without limitation, Virginia Code Section 15.2-900, 15.2-906, or 15.2-1115.

- 4A.3.1 (302.1) SANITATION. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.
- 4A.3.2 (302.4) WEEDS. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds

shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers, gardens, or ornamental grasses.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 of the USBC and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

4A.3.3 (302.8) MOTOR VEHICLES. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

#### **Sec. 4A.4..... Continuation of Existing Ordinances**

The provisions appearing in this Code, as far as they are the same as those of the ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

#### **Sec. 4A.5..... Saving Clause**

Nothing in this ordinance or in the maintenance of existing structures provisions hereby referenced for enforcement shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, notices given, or any cause or causes of action acquired or existing, under Chapters 4, 14, and/or 15 of the Gate City Code of Ordinances; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance. Any notice given under Chapter 4.7 (2008), and any amendments, shall be notice under this Ordinance.

#### **Sec. 4A.6..... Penalties**

Pursuant to 36.106 it shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of this Ordinance, to violate any provisions of this Ordinance. Any such violation shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500.00.

In addition, each day the violation continues after conviction of the court-ordered abatement period has expired, shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the Court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during

which the violation continues after the court ordered abatement period has ended shall constitute a separate offense.

Any person convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by a fine of not less than \$1,000.00 or more than \$2,500.00. Any person convicted of a second offense committed within a period of five to ten years of a first offense under this chapter shall be punished by a fine of not less than \$500.00 or more than \$2,500.00.

Any person convicted of a third or subsequent offense involving the same property committed within ten years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than ten days and a fine of not less than \$2,500.00 or more than \$5,000.00, either or both.

No portion of the fine imposed for such third or subsequent offense committed within ten years of an offense under this chapter shall be suspended.

*(Code of Virginia, Sec. 36-106)*

**Sec. 4A.7..... Code Official**

The Town of Gate City shall be the local enforcing agency and the Building Maintenance Official for the administration, supervision, and enforcement of the provisions of this Ordinance.

**Sec. 4A.8..... Appeal**

The Gate City Board of Appeals for the enforcement of Part III of the Virginia Uniform Statewide Building Code Ordinance shall be the Board of Appeals for this Ordinance.

**Sec. 4A.9..... SEVERABILITY**

Should any provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**Sec. 4A.10..... Effective Date and Future Amendments**

4A.10.1 The Clerk of Council shall certify to the adoption of this Ordinance. This Ordinance shall take effect and be in force from and after 11:59 p.m. of November 10, 2009.

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Mayor \_\_\_\_\_ Date \_\_\_\_\_

Clerk \_\_\_\_\_ Date \_\_\_\_\_

Seal