

# TOWN OF JARRATT VIRGINIA



*Property Maintenance code*

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**Guidelines for  
Property Maintenance  
In the Town of  
Jarratt, Virginia**

Whereas, the Town Council of Jarratt having held a public hearing on the 4<sup>th</sup> day of March 2014, due notice of this public hearing having been published pursuant to applicable law and after the receipt of citizen comments, if any, and further debate and deliberations.

The Town Council of Jarratt, Virginia on this day \_\_\_\_\_Month of \_\_\_\_\_2014 adopts the following codes for the maintenance of properties within the Town limits; to be called The Property Maintenance Code of the Town of Jarratt, pursuant to the authority granted by the Virginia Code section 15.2-906 and other applicable provisions of the Code of Virginia.

It is the intent of the town council in adopting this Code that all provisions and sections of this Code be liberally construed to protect and preserve the health, safety and welfare of the residents of the town. These codes may be modified or amended from time to time.

**The following Property Maintenance Code will be fully implemented twelve (12) months from the adoption date. For twelve (12) months from the adoption date the council will educate the residents about the code and allow them the opportunity to get their property in compliance. The twelve (12) month education period will not include anything that is a safety issue, dangerous or unsafe building.**

**Mission Statement**

It is the mission of the Town of Jarratt to require adherence to the following Town Ordinance by Continuing on-going Property Maintenance inspections, education and addressing problems identified by citizens in an appropriate manner.

**Purpose of the Property Maintenance Program**

- In accordance with Section 36-99 of the Code of Virginia, the purpose of this code is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be maintained at the least possible cost consistent with recognized standards of health, safety, rodent and insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.
- Reduce the number of structure fires.

## SUMMARY

1. Application of code – general – applies to all existing buildings.
2. Maintenance requirements – all buildings shall be maintained and kept in good repair.
3. Continued approval – alterations shall not be required to be made to existing buildings which are up to standards of the USBC at which time said building was built.
4. Grading and Drainage/Standing Water – water standing next to a structure can cause damage to the foundation. Yards should be graded to drain water away from the building foundation or slab and prevent the accumulation of stagnant water.
5. Sidewalks and Driveways – sidewalks, driveways, stairs, decks and porches should be kept in a proper state of repair and be kept free of trip/slip hazards.
6. Rodent Harborage – Trash stored outside should be stored in approved, leak proof, covered containers. Accumulation of rubbish such as ashes, paper, cartons, boxes, tree branches, yard trimmings, tin cans, metals, discarded appliances, and inoperable mechanical equipment are required to be disposed of properly and in a timely manner, because all of these things attract rodents, wild animals, and running dogs.
7. Roofs and Drainage – to include roofs, flashing and gutters – all should be maintained in good repair.
8. Insect Screens – required between April 1 and December 1 on windows and doors that will be used for ventilation.
9. Infestation – All structures in which insects/rodents are found shall be promptly exterminated.
10. General – your buildings should be kept in good repair with no holes or openings to allow moisture to penetrate said building. There should be no peeling or popping paint and no rotting materials.
11. Grass – grass on all lots should be kept in a well-manicured condition not to exceed (12) twelve inches on any lot, vacant or inhabited.
12. Inoperable/Abandoned Vehicles – you cannot keep within the Town limits any vehicle that is wrecked, disabled, partially dismantled or junked on your property unless concealed from public view.
13. Swimming pools – all gates, fences and locking hardware must be maintained to prevent unauthorized entry and accidental drowning.
14. Defacement of property – if your property has been defaced, it is the property owner that is responsible to correct the issue.
15. Address numbers – All buildings shall have posted on the structure the assigned address number.
16. Vacant Structures – Vacant structures are not exempt from the property maintenance code.
17. General Enforcement section 104 – this section explains fees, records, inspections, notices, reports, orders, powers of the code enforcement official, penalties
18. Section 105 – unsafe structures – this section explains inspections, unsafe conditions, notice of unsafe structures, vacating unsafe structure, posting of notice for unsafe structure, emergency repairs and demolition, boarding exterior openings, time limit to secure structure. Closing of streets to protect the general public, dangerous buildings
19. Section 106 – Appeals – this section explains the appeals process

Section 103  
Application of Code

**VMC 103.1; General:** This code describes regulations for the maintenance of all existing buildings and structures and associated equipment, including regulations for unsafe buildings and structures.

**VMC103.2; Maintenance requirements:** Buildings and structures shall be maintained and kept in good repair in accordance with the requirements of this code and when applicable in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building or structure or to equipment unless conditions are present which meet the definition of an unsafe structure or a structure unfit for human occupancy.

**VMC103.3:** Continued approval. Notwithstanding any provision of this code to the contrary, alterations shall not be required to be made to existing buildings or structures which are occupied in accordance with a certificate of occupancy issued under any edition of the USBC.

**CHAPTER 2**  
**DEFINITIONS**

**VMC 201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or NFPA 70, such terms shall have the meanings ascribed to them in those codes, except that terms defined in the Virginia Construction Code shall be used for this code and shall take precedence over other definitions.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code or any duly authorized representative.

**Condemn.** To consider unfit for occupancy.

**DHCD** – Virginia Department of Housing and Community Development

**Exterior property.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**Hazard or hazardous.** A condition which may potentially result in the death, injury or illness of a human or in severe damage to real or personal property.

**Imminent danger.** A condition which could cause serious or life-threatening injury, or death at any time.

**Inoperable/abandoned vehicle.** Any motor vehicle unable to move under its own power, or part of any motor vehicle or other conveyance which is wrecked, disabled, partially dismantled, junked, or abandoned. A motor vehicle that is not in operating condition and has not been in operating condition for ninety (90) days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle.

**LBBCA** – Local Board of Building Code Appeals

**Litter:** means all waste material including, but not limited to bottles, glass, crockery, cans, scrap metal (i.e. abandoned automobiles, etc.), paper, plastic, rubber, garbage, waste building materials at construction sites, disposable packages or litter receptacles thrown or deposited as prohibited herein, but not including the disposed waste of the primary processes of logging, saw-milling, farming or manufacturing.

**NFPA 70** – National Electrical Code

**Owner.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Person:** means any single person, corporation, partnership, association, firm, receiver, guardian trustee, executor, administrator, or representative, or group of individuals or entities of any kind.

**Private property:** means property owned by any person as defined herein, including by not limited to yards, grounds, driveways, entrance or passageways, parking areas, storage areas, any body of water, vacant land, and recreational facilities.

**Public property:** means any area that is used or held out for use by the public, whether owned or operated by public or private interests, including, but not limited to highways, streets, alleys, parks, recreation areas, sidewalks, medians, lakes, rivers, streams, ponds or other bodies of water.

**RDP** – Reconstruction and development program

**STRUCTURE UNFIT FOR HUMAN OCCUPANCY.** An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

**UNSAFE EQUIPMENT.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment that is in such disrepair or condition that such equipment is determined by the code official to be dangerous to the health, safety and welfare of the occupants of a structure or the public.

**UNSAFE STRUCTURE/DANGEROUS BUILDING.** An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

**USBC** – Virginia Uniform Statewide Building Code

**YARD.** An open space on the same lot with a structure.

**VEHICLE.** Means every device capable of being moved upon a public highway or public waterway, and in, upon, or by which any person or property may be transported or drawn upon a public highway or public waterway, and shall also include any watercraft, boat, ship, barge, or other floating craft, except devices moved by human power, or use exclusively upon stationary rails or tracks, and not licensed pursuant to state law, which is not operated on any public highway for purposes other than crossing such public highway, or along such highway between two tracts of the owner's land.



## CHAPTER 3

### GENERAL REQUIREMENTS

**VMC 302.2 Grading and drainage.** All premises shall be graded and maintained to protect the foundation walls or slab of the structure from the accumulation and drainage of surface or stagnant water in accordance with the Virginia Construction Code.

**VMC 302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the Virginia Construction Code shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702.

- Deposit of ice or snow.

No person, in removing snow, ice or slush from private property, or from public property under his control such as a driveway or approach, shall dump or deposit, or cause to be dumped or deposited, such snow, ice or slush, either temporarily or permanently, on any sidewalk, path, street or other public property within the township without the express written authorization of the town mayor.

**TOJO** – Stairs, decks and porches – shall be maintained, structurally sound, in good repair, with proper anchorage and capable of supporting imposed weights. Handrails and guards shall be firmly attached and capable of supporting imposed weights.

### TOJO Litter Control

#### **Section 4. Keeping Sidewalks Clean.**

Each owner, agent, occupant, or lease whose property faces a sidewalk, or strip between a sidewalk and street, shall be responsible for keeping said sidewalk and strip free of litter.

**VMC 302.5 Rodent harborage.** All structures and adjacent premises shall be kept free from rodent harborage and infestation where such harborage or infestation adversely affects the structures.

**VMC 304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

**VMC 304.14 Insect screens.** During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as mechanical ventilation, air curtains or insect repellent fans, are used.

**VMC 309.1 Infestation.** This section shall apply to the extent that insect and rodent infestation adversely affects a structure. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**VMC 310.1 General.** Interior and exterior painted surfaces of dwellings and child care facilities, including fences and outbuildings, that contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50% lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by an approved warning as to the lead content of such surface.

**TOJO General. Foundation walls** should be free from cracks, openings and breaks. Small cracks (settling cracks) are common in older houses and are typically acceptable. Large cracks, missing bricks and deteriorated mortar must be sealed or repaired. Foundations must properly support the building. **Exterior walls and trim** should be free of holes, breaks, loose and rotting materials, weatherproof and properly surface coated to prevent deterioration. This includes window and door frames. Siding brick veneer and other wall finishes should not have any openings that allow rain or moisture inside.

**TOJO Grass** was adopted on August 17, 1987, amended September 13, 2005 and August 14, 2012; this ordinance is still enforce and included in the Property Maintenance Ordinance. "Owners of any property within the Town, and the owner of any vacant property, at all times to cut and remove all grass, weeds, undergrowth, or vegetation that may be detrimental to the health, comfort or general welfare of other residents of the Town, or which is standing on such property in such a condition as will likely catch fire and endanger property or life." The height restriction on improved and vacant lots is twelve (12) inches.

## **TOJO Inoperable Vehicles: Article III: Stationary Violations**

### **Section 2 – Open storage of Inoperative/Abandoned Vehicles**

It shall be unlawful for any person to keep, or allow to be kept, on any property in the town any vehicle that is inoperative, unless the same is kept within a fully enclosed building or structure or is otherwise shielded or screened from public view. Once a letter has been sent to the owner of the property where the inoperative/abandoned vehicle is located, said owner has ten (10) days to

screen/garage/move said vehicle. If the vehicle is not screened/garaged/moved the Town will remove, or cause to be removed, and collect the costs from the owner. Such costs shall be a lien on the real estate and collected as taxes and levies are collected.

**Swimming Pools: § 15.2-921. Ordinances requiring fencing of swimming pools.**

For the purposes of this section:

**"Swimming pool"** includes any outdoor man-made structure constructed from material other than natural earth or soil designed or used to hold water for the purpose of providing a swimming or bathing place for any person or any such structure for the purpose of impounding water therein to a depth of more than (2) two feet.

**"Fence"** means a close type vertical barrier not less than four feet in height above ground surface. A woven steel wire, chain link, picket or solid board type fence or a fence of similar construction which will prevent the smallest of children from getting through shall be construed as within this definition. Any locality may adopt ordinances making it unlawful for any person to construct, maintain, use, possess or control any pool on any property in such locality, without having a fence completely around such swimming pool. Such ordinances also may provide that every gate in such fence shall be capable of being securely fastened at a height of not less than four feet above ground level; that it shall be unlawful for any such gate to be allowed to remain unfastened while the pool is not in use; and that such fence shall be constructed so as to come within two inches of the ground at the bottom and shall be at least five feet from the edge of the pool at any point. Violation of any such ordinance may be made punishable by a fine of not more than \$300 or confinement in jail for not more than thirty days, either or both. Each day's violation may be construed as a separate offense. Any such ordinance may be made applicable to swimming pools constructed before, as well as those constructed after, the adoption thereof. No such ordinance shall take effect less than ninety days from the adoption thereof, nor shall any such ordinance apply to any swimming pool operated by or in conjunction with any hotel located on a government reservation.

**- Defacement of property.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

**Building Address Numbers - all** buildings shall have posted on the structure the assigned address number. These numbers should contrast with their background and be (4) four inches high.

**Vacant Structures** – vacant structures are not exempt from proper maintenance of the exterior.

## SECTION 104 GENERAL ENFORCEMENT

**VMC 104.1; Scope of enforcement** this section establishes the requirements for enforcement of this code in accordance with Section 36-105 of the Code of Virginia. The local governing body may also inspect and enforce the provisions of the USBC for existing buildings and structures, whether occupied or not. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

**VMC 104.1.1 Transfer of ownership.** In accordance with Section 36-105 of the Code of Virginia, if the local building department has initiated an enforcement action against the owner of a building or structure and such owner subsequently transfers the ownership of the building or structure to an entity in which the owner holds an ownership interest greater than 50%, the pending enforcement action shall continue to be enforced against the owner.

**VMC 104.2 Fees** In accordance with Section 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by resolution of the town council. Such administrative fees shall include, but not be limited to, the following:

- (1) Late annual rental dwelling registration;
- (2) Condemnation of human occupancy;
- (3) Notice to vacate;
- (4) Notice to abate;
- (5) Search warrant;
- (6) Attorney warning letter;
- (7) Vehicle removal;
- (8) Denied entry;
- (9) Complaint investigation (if validated).

**VMC 104.4.6 Records.** The local enforcing agency shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspections in accordance with The Library of Virginia's General Schedule Number Six.

**VMC 104.5 Powers and duties, generally.** The code official shall enforce this code as set out herein and as interpreted by the State Review Board and shall issue all necessary notices or orders to ensure compliance with the code.

**VMC 104.5.1 Delegation of authority.** The code official may delegate powers and duties except where such authority is limited by the local government. When such delegations are made, the code

official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

**VMC 104.5.3 Inspections.** The code official may inspect buildings or structures to determine compliance with this code and shall carry proper credentials when performing such inspections.

**VMC 104.5.4 Notices, reports and orders.** Upon findings by the code official that violations of this code exist, the code official shall issue a correction notice or notice of violation to the owner or the person responsible for the maintenance of the structure. Work done to correct violations of this code subject to the permit, inspection and approval provisions of the Virginia Construction Code shall not be construed as authorization to extend the time limits established for compliance with this code.

**VMC 104.5.4.1 Correction notice.** The correction notice shall be a written notice of the defective conditions. The correction notice shall require correction of the violation or violations within a reasonable time unless an emergency condition exists as provided under the unsafe building provisions of Section 105. Upon request, the correction notice shall reference the code section that serves as the basis for the defects and shall state that such defects shall be corrected and reinspected in a reasonable time designated by the code official.

**VMC 104.5.4.2 Notice of violation.** If the code official determines there are violations of this code other than those for unsafe structures, unsafe equipment or structures unfit for human occupancy under Section 105, the code official may issue a notice of violation to be communicated promptly in writing to the owner or the person responsible for the maintenance or use of the building or structure in lieu of a correction notice as provided for in Section 104.5.4.1. In addition, the code official shall issue a notice of violation for any uncorrected violation remaining from a correction notice established in Section 104.5.4.1. A notice of violation shall be issued by the code official before initiating legal proceedings unless the conditions violate the unsafe building conditions of Section 105 and the provisions established therein are followed. The code official shall provide the section numbers to the owner for any code provision cited in the notice of violation. The notice shall require correction of the violation or violations within a reasonable time unless an emergency condition exists as provided under the building provisions of Section 105. The owner or person to whom the notice of violation has been issued shall be responsible for contacting the code official within the time frame established for any reinspections to assure the violations have been corrected. The code official will be responsible for making such inspection and verifying the violations have been corrected. In addition, the notice of violation shall indicate the right of appeal by referencing the appeals section of this code.

**VMC 104.5.6 further action when violation not corrected.** If the responsible party has not complied with the notice of violation, the code official shall submit a written request to the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved. In cases where the locality so authorizes, the code official may issue or obtain a summons or warrant.

**VMC 104.5.7 Penalties and abatement.** Penalties for violations of this code shall be as set out in Section 36-106 of the Code of Virginia. The successful prosecution of a violation of the code shall not preclude the institution of appropriate legal action to require correction or abatement of a violation.

**TOJO 100.00; Code Enforcement** seeks to work with residents in gaining compliance as much as possible. The division does grant extensions in the time allowed for correction of violations when necessary repairs are temporarily delayed due to practical difficulties. A written request addressed to

the code inspector, including the address of the property, a brief explanation of the difficulty and a reasonable timeframe for repairs must be received before the time allowed for compliance has expired. All extension requests must be approved by a code supervisor. A written confirmation will be issued if the extension is granted and mailed to the property owner.

**TOJO 100.00A: Liability.**

The code official, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the town, in good faith and without malice in the discharge of the duties required by this code or other law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the township until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**SECTION 105  
UNSAFE STRUCTURES OR STRUCTURES UNFIT FOR HUMAN OCCUPANCY**

**VMC 105.1; General** this section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

**Note:** Structures which become unsafe during construction are regulated under the Virginia Construction Code.

**VMC 105.2; Inspection of unsafe or unfit structures** The code official shall inspect any structure reported or discovered as unsafe or unfit for human habitation and shall prepare a report to be filed in the records of the local enforcing agency and a copy issued to the owner. The report shall include the use of the structure and a description of the nature and extent of any conditions found.

**VMC 105.3; Unsafe conditions not related to maintenance** When the code official finds a condition that constitutes a serious and dangerous hazard to life or health in a structure constructed prior to the initial edition of the USBC and when that condition is of a cause other than improper maintenance or failure to comply with state or local building codes that were in effect when the structure was constructed, then the code official shall be permitted to order those minimum changes to the design or construction of the structure to remedy the condition.

**VMC 105.3.1; Limitation to requirements for retrofitting** In accordance with Section 103.2, this code does not generally provide for requiring the retrofitting of any structure. However, conditions may exist in structures constructed prior to the initial edition of the USBC because of faulty design or equipment that constitute a danger to life or health or a serious hazard. Any changes to the design or construction required by the code official under this section shall be only to remedy the serious hazard or danger to life or health and such changes shall not be required to fully comply with the requirements of the Virginia Construction Code applicable to newly constructed buildings or structures.

**VMC 105.4 Notice of unsafe structure or structure unfit for human occupancy** When a structure is determined to be unsafe or unfit for human occupancy by the code official, a written notice of unsafe structure or structure unfit for human occupancy shall be issued by personal service to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 104.5.4 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section.

**Note:** Whenever possible, the notice should also be given to any tenants of the affected structure.

**VMC 105.4.1 Vacating unsafe structure** if the code official determines there is actual and immediate danger to the occupants or public, or when life is endangered by the occupancy of an unsafe structure, the code official shall be authorized to order the occupants to immediately vacate the unsafe structure. When an unsafe structure is ordered to be vacated, the code official shall post a notice with the following wording at each entrance: "THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY (OR USE) IS PROHIBITED BY THE CODE OFFICIAL." After posting, occupancy or use of the unsafe structure shall be prohibited except when authorized to enter to conduct inspections, make required repairs or as necessary to demolish the structure.

**VMC 105.5 Posting of notice** if the notice is unable to be issued by personal service as required by Section 105.4, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

**VMC 105.6 Posting of placard** In the case of a structure unfit for human habitation, at the time the notice is issued, a placard with the following wording shall be posted at the entrance to the structure: "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." In the case of an unsafe structure, if the notice is not complied with, a placard with the above wording shall be posted at the entrance to the structure. After a structure is placarded, entering the structure shall be prohibited except as authorized by the code

official to make inspections, to perform required repairs or to demolish the structure. In addition, the placard shall not be removed until the structure is determined by the code official to be safe to occupy, nor shall the placard be defaced.

**VMC 105.7 Revocation of certificate of occupancy** if a notice of unsafe structure or structure unfit for human habitation is not complied with within the time period stipulated on the notice, the code official shall be permitted to request the local building department to revoke the certificate of occupancy issued under the Virginia Construction Code.

**VMC 105.8 Vacant and open structures** When an unsafe structure or a structure unfit for human habitation is open for public entry at the time a placard is issued under Section 105.6, the code official shall be permitted to authorize the necessary work to make such structure secure against public entry whether or not legal action to compel compliance has been instituted.

**VMC 105.9 Emergency repairs and demolition** To the extent permitted by the locality, the code official may authorize emergency repairs to unsafe structures or structures unfit for human habitation when it is determined that there is an immediate danger of any portion of the unsafe structure or structure unfit for human habitation collapsing or falling and when life is endangered. Emergency repairs may also be authorized where there is a code violation resulting in the immediate serious and imminent threat to the life and safety of the occupants. **The code official shall be permitted to authorize the necessary work to make the structure temporarily safe whether or not legal action to compel compliance has been instituted. In addition, whenever an owner of an unsafe structure or structure unfit for human habitation fails to comply with a notice to demolish issued under Section 105.4 in the time period stipulated, the code official shall be permitted to cause the structure to be demolished.** In accordance with Sections 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the locality may be requested to institute appropriate action against the property owner to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be enforceable in the same manner as provided in Articles 3 (Section 58.1-3490 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

Note: Code officials and local governing bodies should be aware that other statutes and court decisions may impact on matters relating to demolition, in particular whether newspaper publication is required if the owner cannot be located and whether the demolition order must be delayed until the owner has been given the opportunity for a hearing.

**- Boarding exterior openings.**

Boarding shall be secured by use of exterior grade plywood of at least three-eighths inch thickness, cut to the size of the opening and secured by use of Phillips headed two-inch long screws on all first story or ground accessible points of entry or by use of 16d common nails which are permitted only on entry points being secured above the first story or where not accessible from the ground level. Boards may be placed over all points of entry. Open holes, overlapping and extensions beyond the frame which allow prying are not permitted. Boarding shall be painted white, grey or a color similar to that of the boarded building.

**- Time limit to secure structure.**

A town order to board or secure a property shall be complied with in not more than 72 hours. If the securing has not been commenced, is incomplete, or does not comply with the



requirements for boarding, the town shall secure the structure and the township shall bill the owner of record for all costs incurred, including service fees and administrative costs. The amount so billed shall constitute a personal debt of the owner and may be assessed as a lien against the cited property.

**VMC 105.10; Closing of streets** When necessary for public safety, the code official shall be permitted to order the temporary closing of sidewalks, streets, public ways or premises adjacent to unsafe or unfit structures and prohibit the use of such spaces.

### **Town of Jarratt Ordinance (TOJO)**

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

TOJO 100.10 (a) ***Dangerous building*** means any building or structure, residential or otherwise that has one or more of the following defects or is in one or more of the following conditions:

- (1) A door, aisle, passageway, stairway or other means of exit does not conform to the town fire code, town maintenance code or town building code.
- (2) A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing and Community Development.
- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
- (4) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind.
- (5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (6) The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the enforcement officer of the town determines is likely to cause sickness or

disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

(9) A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker, or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:

a. A building or structure as to which the owner or agent does both of the following:

1. Notifies the county sheriff's department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

2. Maintains the exterior of the building or structure and adjoining grounds in accordance with this Ordinance or the town building code.

b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the county sheriff's department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the county sheriff's department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home that is occupied by the owner or a member of the owner's family during part of year.

(b) *Enforcing agency* means the town, through the town building official and/or such other official(s) or agency as may be designated by the town council to enforce this article.

(c) *Town maintenance code* means the maintenance code administered and enforced in the Town Code.

#### **TOJO 100.20 - Prohibition of dangerous buildings**

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

#### **TOJO 100.30 - Notice of dangerous building**

##### **Additional information in conjunction with VMC 105.4**

(a) *Notice requirement.* Notwithstanding any other provision of this article, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

(b) *Parties entitled to notice.* The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the town.

(c) *Contents of notice.* The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

(d) *Service of notice.* The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

#### **TOJO 100.40 - Implementation and enforcement of remedies**

(a) *Implementation of order by town.* In the event of the failure or refusal of the owner or party in interest to comply with the decision of the town council, or code enforcement officer, the town council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

(b) *Reimbursement of costs.* The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the town to bring the property into conformance with this ordinance shall be reimbursed to the town by the owner or party in interest in whose name the property appears.

(c) *Notice of costs.* The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the town clerk of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the town records.

(d) *Lien for unpaid costs.* If the owner or party in interest fails to pay the costs within 30 days after mailing by the clerk of the notice of the amount of the cost, the town shall have a lien for the costs incurred by the town to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act.

(e) *Court judgment for unpaid costs.* In addition to other remedies under this ordinance, the town may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure... The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

## **TOJO 100.50 - Sanction for nonconformance with order.**

Any person or other entity who fails or refuses to comply with an order approved or modified by the town council as applicable in the above ordinances within the time prescribed is responsible for a municipal civil infraction as defined by Virginia law and subject to a civil fine of not more than \$1000.00, plus costs, which may include all direct or indirect expenses to which the town has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Virginia law. Each day a violation of this article continues to exist constitutes a separate violation.

## **SECTION 106**

### **APPEALS**

**VMC 106.1 Establishment of appeals board** In accordance with Section 36-105 of the Code of Virginia, there shall be established within each local enforcing agency a LBBCA. Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such appeals resulting there from. Fees may be levied by the local governing body in order to defray the cost of such appeals. The LBBCA for hearing appeals under the Virginia Construction Code shall be permitted to serve as the appeals board required by this section.

**VMC 106.2 Membership of board** The LBBCA shall consist of at least five members appointed by the locality for a specific term of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the locality. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any one-year period. The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary and receive such training on the code as may be appropriate or necessary from staff of the locality.

**VMC 106.3 Officers and qualifications of members** The LBBCA shall annually select one of its regular members to serve as chairman. When the chairman is not present at an appeal hearing, the members present shall select an acting chairman. The locality or the chief executive officer of the locality shall appoint a secretary to the LBBCA to maintain a detailed record of all proceedings. Members of the LBBCA shall be selected by the locality on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be an RDP, and at least one member should be an experienced property manager. Employees or officials of the locality shall not serve as members of the LBBCA.

**VMC 106.4 Conduct of members** No member shall hear an appeal in which that member has a conflict of interest in accordance with the State and Local Government Conflict of Interests Act (Section 2.2-3100 et seq. of the Code of Virginia). Members shall not discuss the substance of an appeal with any other party or their representatives prior to any hearings.

**VMC 106.5 Right of appeal; filing of appeal application** any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision.

**VMC 106.6 Meetings and postponements** The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal. A notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBBCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBBCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

106.7 Hearings and decision. All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the code official's decision in question shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings. The LBBCA shall have the power to uphold, reverse or modify the decision of the official by a concurring vote of a majority of those present. Decisions of the LBBCA shall be final if no further appeal is made. The decision of the LBBCA shall be by resolution signed by the chairman and retained as part of the record of the appeal. Copies of the resolution shall be sent to all parties by certified mail. In addition, the resolution shall contain the following wording:

"Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, and (804) 371-7150."

**VMC 106.8 Appeals to the State Review Board** After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with Section 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the code official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made

to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the code official's decision. For appeals from a LBBCA, a copy of the code official's decision and the resolution of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the Office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or structures, the involved state agency shall submit a copy of the code official's decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (Section 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

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