

## **ORDINANCE 2014-14**

### **An Ordinance amending and reenacting Chapter 19 (Housing Code), of the Code of the City of Hopewell, by adding new Article VI (Spot Blight Abatement).**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Chapter 19 (Housing Code), of the Code of the City of Hopewell, be amended and reenacted by adding new Article VI (Spot Blight Abatement) as follows:

#### **Chapter 19 HOUSING CODE\***

#### **ARTICLE VI. RESERVED SPOT BLIGHT ABATEMENT**

##### **DIVISION 1. GENERALLY**

##### **Sec. 19-131. Purpose.**

The purpose of this article is to provide for the city to acquire or repair any blighted property by purchase or through the exercise of the power of eminent domain, and further to hold, clear, repair, manage or dispose of such property for purposes and in a manner consistent with general law and the authority set forth in section 36-49.1:1 (Spot blight abatement authorized; procedure), of the Code of Virginia (1950), as amended.

##### **Sec. 19-132. Adoption of state law by reference.**

All of the provisions and requirements of the laws of the Commonwealth of Virginia contained in sections 36-49.1:1 (Spot blight abatement authorized; procedure), 25.1-200 through 25.1-251 (Condemnation Procedures) and 36-27(B) (Eminent domain) of the Code of Virginia (1950), as amended, and all future amendments to such laws, are hereby adopted and incorporated into this article by reference.

##### **Sec. 19-133. Definitions.**

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

*Blighted property* means any individual commercial, industrial or residential structure or improvement that endangers the public's health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant

to 36-49.1:1 (Spot blight abatement authorized; procedure), under the process for determination of “spot blight.”

*City Blight Abatement Plan* means the plan prepared by the city to address spot blight if the owner(s) fail to respond with an acceptable Spot Blight Abatement Plan.

*City Manager* means the City Manager, or a person designated by the City Manager to perform the duties and responsibilities that this article places on the City Manager.

*Spot blight* means a structure or improvement that is a blighted property as defined in this section.

*Spot Blight Abatement Plan* means the written plan prepared by the owner or owners of record of the real property to address spot blight.

In addition, some terms not defined herein are defined in section 36-3 (Definitions) of Title 36 (Housing) of the Code of Virginia (1950), as amended, and are incorporated by reference herein

## **DIVISION 2. PROCEDURE**

### **Sec. 19-134. Procedure - Preliminary determination of blight.**

(a) The City Manager shall make a preliminary determination that a property is a blighted property in accordance with this article. The City Manager shall send by certified mail, postage prepaid, written notice to the owner or owners of record of such property, at their last known address as contained in the records of the treasurer, specifying the reasons why the property is blighted.

(b) The owner or owners of record shall have thirty (30) days from the date the notice is sent in which to respond in writing with a Spot Blight Abatement Plan to address the blight within a reasonable time consistent with the authority set forth in section 36-49.1:1 (Spot blight abatement authorized; procedure.), of Title 36 (Housing) of the Code of Virginia (1950), as amended.

### **Sec. 19-135. Failure to eliminate blight and/or submit Spot Blight Abatement Plan**

If after thirty (30) days notice, the owner or owners of record fails to respond in writing with a Spot Blight Abatement Plan, acceptable to the City Manager, to address the blight within a reasonable time, the City Manager may request the Council of the City of Hopewell to declare the property as blighted and to approve his recommended Spot Blight Abatement Plan, which declaration and approval shall be by ordinance adopted by the Council of the City of Hopewell.

No spot blight abatement plan shall be effective until notice has been sent to the property owner or owners of record and an ordinance has been adopted by the Council of the City of Hopewell.

#### **Sec. 19-136. Council action.**

If the City Manager's findings and spot blight abatement plan recommendations are approved by the Council of the City of Hopewell, written notice, together with a copy of such spot blight abatement plan shall be sent by regular mail to the last address listed for the owner on the city's assessment records for the property. The City Manager may cause the approved plan to be implemented to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and the applicable law. If the ordinance is adopted by the Council of the City of Hopewell, the city shall have a lien on all property so repaired or acquired under an approved spot blight abatement plan to recover the cost of (i) improvements made by the city to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any, as provided by section 36-49.1:1(E) (Spot blight abatement authorized; procedure.), of Title 36 (Housing) of the Code of Virginia (1950), as amended.

The lien on such property shall bear interest at the legal rate of interest established in § 6.2-301(Legal rate of interest; when legal rate implied.), beginning on the date the repairs are completed through the date on which the lien is paid. The lien authorized by this section may be recorded as a lien among the land records of the circuit court, which lien shall be treated in all respects as a tax lien and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) (Limitation on collection of local taxes.) and 4 (§ 58.1-3965 et seq.) (When land may be sold for delinquent taxes; notice of sale; owner's right of redemption.) of Chapter 39 of Title 58.1 (Enforcement, Collection, Refunds, Remedies and Review of Local Taxes). The governing body may recover its costs of repair from the owner or owners of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner or owners. If the property is acquired by the governing body through eminent domain, the cost of repair may be recovered when the governing body sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.

Notwithstanding the other provisions of this section, unless otherwise provided for in Title 36 (Housing), if the blighted property is occupied for personal residential purposes, the city, in approving the spot blight abatement plan, shall not acquire by eminent domain such property if it would result in a displacement of the person or persons living in the premises. The provisions of this section shall not apply to acquisitions, under an approved spot blight abatement plan, by the city of property which has been condemned for human habitation for more than one year. In addition, the city exercising the powers of eminent domain in accordance with Title 25.1 (Eminent Domain), may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such person.

#### **Sec. 19-137. Policies and regulations.**

The City Manager may issue policies and regulations, which may be revised from time to time, for implementation of this article and consistent with the purpose and intent of section

36-49.1:1 (Spot blight abatement authorized; procedure.), of Title 36 (Housing) of the Code of Virginia (1950), as amended.

**Sec. 19-138. - Other laws and ordinances.**

Nothing in this article shall be construed to relieve an owner of blighted property, or any other person or entity from complying with other applicable laws related to the development, use, rehabilitation, condition, maintenance or taxation of real property. The provisions of this article shall be in addition to any other remedies for blight abatement set out in general law or this Code.

**State law references:** Authority for above sections, Code of Virginia, §36-3 (Definitions) and §36-49.1:1 (Spot blight abatement authorized; procedure.), of Title 36 (Housing) of the Code of Virginia (1950), as amended.

(Ord. No. 2014-14, adopted September 9, 2014, amended and re-enacted Chapter 19 (Housing Code), by adding new Article VI, Spot Blight Abatement.

I, Cynthia Y. Ames, City Clerk of the City of Hopewell, Virginia, do certify the foregoing is a true and correct copy of an ordinance adopted on second and final reading by Hopewell City Council at its meeting held on September 9, 2014.

Given under my hand and the Corporate Seal of the City of Hopewell, Virginia this 19<sup>th</sup> day of February 2015.

SEAL

\_\_\_\_\_  
City Clerk

**--00000--**

The undersigned City Clerk of the City of Hopewell, Virginia (the "City"), certifies as follows:

**A regular meeting of the Council of the City was held on September 9, 2014, at the time and place established by the Council for its regular meetings, at which the following members were present and absent during the voting on the ordinance referred to below:**

**PRESENT:** [Michael C. Bujakowski]  
[Roosevelt Edwards, Jr.]

[Jasmine E. Gore]  
[Christina J. Luman-Bailey]  
[Brenda S. Pelham]  
[Jackie M. Shornak]  
[Wayne Walton]

**ABSENT:** [None]

**Ordinance No. 2014-\_\_ entitled “An Ordinance Authorizing the Issuance of Sewer System Revenue Bonds of the City of Hopewell, Virginia, in the Maximum Principal Amount of \$10,000,000,” having been introduced at a regular meeting held on September 9, 2014, and having been the subject of a public hearing held on September 9, 2014, in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, was duly adopted at a regular meeting held on September 9, 2014, by an affirmative roll-call vote of a majority of all members of the Council, the ayes and nays being recorded in the minutes of the meeting as shown below:**

**MEMBER**

**VOTE**

[Michael C. Bujakowski]  
[Roosevelt Edwards, Jr.]  
[Jasmine E. Gore]  
[Christina J. Luman-Bailey]  
[Brenda S. Pelham]  
[Jackie M. Shornak]  
[Wayne Walton]

**Attached hereto is a true, correct and complete copy of such ordinance as adopted at such meeting.**

**The foregoing ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.**

WITNESS my signature and the seal of the City of Hopewell, Virginia, this \_\_\_\_ day of September, 2014.

(SEAL)

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City Clerk, City of Hopewell, Virginia