

AN ORDINANCE TO AMEND AND RE-ADOPT PROVISIONS OF
SECTION 22 OF THE CITY CODE TO AUTHORIZE THE UISE OF
CIVIL PENALTIES IN ADDITION TO EXISTING CRIMINAL
PENALTIES FOR VIOLATIONS OF TI-m BUILDING CODE.

WHEREAS, the City has previously adopted Building Code regulations punishable by criminal penalties under Section 22 of the City Code; and

WHEREAS, the State Code authorizes localities to use Civil Penalties upon the adoption of applicable ordinance provisions including but not limited to a schedule of civil penalties; and

WHEREAS, the City's Administration believes that the use of such civil penalties in addition to existing criminal penalties will serve as a valuable tool in helping to eradicate blighted and dilapidated properties throughout the City; and

WHEREAS, City Council wishes to provide the City's Administration with all necessary tools to address problems with blighted and dilapidated properties.

NOW therefore be it ORDAINED, that City Council hereby ANIENDS and RE-ADOPTS the following provisions of Section 22 of the City Code as follows:

Sec. 22-1. - Purpose of chapter.

In order to preserve the health, safety and general welfare of the residents of the city and to assure the proper construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment within the city, the enactrment of this chapter is deemed necessary.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-2. - Violations of chapter.

(a) Except as otherwise specifically provided, a violation of any provision of this chapter, including any portion of the building code adopted by section 22-31 below, shall constitute a misdemeanor. 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 or 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. 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 courtordered 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 nor 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 nor 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 nor 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.

(b) The imposition of a penalty for a violation of this chapter or any lawful order issued hereunder shall not preclude the city attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or prevent illegal occupancy of a building, structure or premises, or stop an illegal act, conduct, business or use of a building or structure in or about any premises.

(c) Any owner or any other person, firm or corporation, or agent who shall retaliate against a tenant by increasing rent or decreasing services or by terminating a rental agreement because the tenant reported a violation of the provisions of this chapter to either the building code official or the building maintenance code official or because the tenant cooperated with either the building code official or the building maintenance code official in an investigation shall be guilty of a violation of this chapter and shall be punished as provided in this chapter.

(d) In lieu of any criminal penalty otherwise chargeable under the Virginia Uniform Statewide Building Code or by Section 36-106 of the Code of Virginia, 1950 as amended, and pursuant to Section 15.2-2209 and section 22-2(a) of this chapter, civil penalties may be levied for certain violations of the Virginia Uniform Statewide Building Code in accordance with this section.

1. Violations subject to civil penalty. Every violation of Part III of the Virginia Uniform Statewide Building Code, known as the Virginia Maintenance Code, shall be subject to civil penalty in accordance with this section, however, that any violation of Section 105 of the Virginia Maintenance Code relating to unfit structures or structures unfit for human habitation shall be prosecuted as a misdemeanor offense as is otherwise provided by this Code.

(e) Any person who, having been served with a notice of violation to abate or remedy a violation of a kind provided in subparagraph (d) of this section, shall fail to comply with such order within ten days after such service or shall continue the violation with respect to the violation named in such notice shall be subject to a civil penalty of \$100.00 for the initial summons or violation, and \$150.00 for each additional summons or violation. Each day during which the violation is found to have existed shall constitute a separate offense. Specified violations arising from the same operative set of facts shall not be charged more

frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$3,000.00. Utilization of the civil penalty provided by this subsection shall preclude criminal sanctions for the same offense. (Ord. No. 07-53, 6-19-2007) Sec. 22-3. - Notice of order to abate violations of chapter.

The building code official, building maintenance code official and any of their technical assistants who are assisting them in the administration and enforcement of the USBBC shall have the authority to serve a notice of violation and to order the abatement of such violation. Such written notices of violation and orders to abate violations of this chapter shall be served by delivering a copy to the person by mail to the last known post office address, or by delivering it in person, or by delivering it to and leaving it in the possession of any person in charge of the premises, or by posting it in a conspicuous place at the entrance door or access way if such persons cannot be found on the premises. The building code official, and the building maintenance code official are each hereby granted the authority to issue a summons to the general district court to any person in the city who shall fail to obey a lawful order contained in such notice of violation or order to abate such violations. The building code official and the building maintenance code official are further authorized to issue a civil summons or other civil process to any person in the city who shall fail to obey a lawful order contained in such notice of violation or order to abate such violations for those violations specifically identified as civil violations in this chapter.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-4. - Abatement by city; assessment of costs.

(a) Except as otherwise provided herein, wherever this chapter authorizes the city to take action to remedy, abate, repair, remove or take other action to correct a condition which exists on property located within the city, in violation of a provision of this chapter, the costs and expenses incurred by the city in taking such action shall be assessed and billed to, and paid by, the owner of the property. The city may take such action through any employees or agents, subject to applicable public procurement laws.

(b) Except as provided in section 143(g) of this chapter, amounts in excess of \$200.00 which have been assessed and billed to a property owner and which remain unpaid for 30 days shall constitute a lien against such property ranking on a priority with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3895 et seq.) of Chapter 39, Title 58.1 of the Code of Virginia (1950), as amended. The city may waive such liens in order to facilitate a sale of such property; however, such liens may be waived 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.

(c) The remedies set forth within this chapter may be cumulative and shall be in addition to any other remedies that may be authorized by law.

(Ord. No. 07-53, 6-19-2007)

i Sec. 22-5. - Conflict of chapter with certain ordinances.

Ordinances or parts thereof in force at the time this chapter shall take effect and inconsistent with this chapter are hereby repealed; provided, however, that the zoning ordinance shall in no way be nullified by the provisions of this chapter, except as may be specifically required by the provisions of the Virginia Uniform Statewide Building Code as hereinafter adopted.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-61 Interdepartmental Coordination

The Code Official may request from and shall be provided by the several divisions of the Department of Community Development, the Health Department, the Fire Department, the Department of Police, the Department of Public Works, and such other departments, divisions and agencies of the City as the City Manager shall direct, such assistance as may be necessary to enforce the provisions of the Virginia Uniform Statewide Building Code relating to the maintenance of existing buildings and, for that purpose, may enter into agreements with such departments and agencies providing for the delegation and performance of the required duties. Secs 22-7- Waiver of Trial; Admission of Liability

Any violator issued a summons for a violation identified above may make an appearance prior to the date fixed for trial in court, in person or in writing by mail, to the Department of Billing and Collections. Any violator who so appears may enter a waiver of trial, admit liability for the cited violation or violations, and pay the civil penalty for the violation charged. Any such person waiving trial and admitting liability shall be informed of their right to stand trial, and that a signature to an admission of liability will have the same effect as a judgment of court. As a condition of waiving trial and admitting liability, the violator and a representative of the Department of Billing and Collections shall agree in writing to the terms of abatement or remediation of the violation or violations admitted within six (6) months of the date liability is admitted and the civil penalty is paid. 22-8- Trial

If a person issued a summons for any violation identified above does not elect to enter a waiver of trial and admit liability, the violation shall be tried in general district court in the same manner, and with the same rights of appeal, as provided by law. In any such trial, it shall be the burden of the City to show liability for any cited violation by a preponderance of the evidence.

a. Abatement period for residential structures, if liability is found for any violation concerning a residential unit, and such violation remains uncorrected at the time of trial, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation to comply with the Virginia Uniform Statewide Building Code, Except as otherwise provided by the court for good cause shown, the court shall order such violator to conduct such abatement or hazard control within six (6) months of the date liability is found.

b. Abatement period for non-residential structures, if liability is found for any violation concerning a non-residential building or structure, and such violation remains uncorrected at the time of trial, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation to comply with the Virginia Uniform Statewide Building Code within a time specified by the court.

22-9-22-30. - Reserved.

ARTICLE 11. - BUILDING CODE DIVISION 1. - GENERALLY

Sec. 22-31. - Uniform Statewide Building Code adopted

The Uniform Statewide Building Code, including the property maintenance provisions, as adopted and promulgated by the Virginia Board of Housing and Community Development pursuant to the provisions of Code of Virginia (1950), 36-98, as amended, along with its associated referenced standards hereby are adopted by the City of Petersburg as a comprehensive body of law which is and shall hereafter be cited as the Virginia Uniform Statewide Building Code, USBC, or the Building Code of the City of Petersburg. Pursuant to Code of Virginia (1950), 1-220, as amended, all future additions and amendments to the Virginia Uniform Statewide Building Code shall be automatically adopted into City Code.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-32. - Availability of copies.

Copies of the Virginia Uniform Statewide Building Code adopted by this article may be obtained at the Virginia Department of Housing and Community Development, Richmond, Virginia.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-33. - Responsibility of building code official, and building maintenance code official

(a) The building code official shall be responsible for the administration and enforcement of the Virginia Uniform Statewide Building Code and all regulations adopted as part of the building code of the city. The building maintenance code official shall be responsible for the administration and enforcement of the property maintenance provisions of the Virginia Uniform Statewide Building Code. , The building code official, and the building maintenance code official shall each have the qualifications, experience and certifications required by the Virginia Uniform Statewide Building Code as amended and shall be appointed by the city manager. (b) The building code official and building maintenance code official shall be responsible for the appointment of technical assistants and other employees in order to assist them in the administration and enforcement of the USBC. Such technical assistants and employees shall have the qualifications, experience and certifications required by the Virginia Uniform Statewide Building Code, as amended. (c) The building code official and the building maintenance code official are authorized to establish regulations and procedures as required to aid in the implementation and enforcement of the USBC.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-34. - Restrictions on employees.

No official or employee connected with the division of code enforcement, except one whose only connection is as a member of the board established by this chapter, shall be financially interested in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or in the making of plans or specifications therefore, unless they are the sole owner of such building. No such official or employee shall engage in any work which is inconsistent with his duties or with the best interest of the division of code enforcement

(Ord. No. 07-53, 6-19-2007)

Sec. 22-35. - Annual written report.

The building code official and the building maintenance code official shall submit to the city manager, in the month of July of each year, a joint written statement of the operations of the city's division of code enforcement during the previous fiscal year and shall forward a copy of such report to the city council and the Virginia Department of Housing and Community Development. Such report shall set forth, in concise tabular form, at least the following information:

- (1) Number of each type or kind of permit issued.
- (2) Number of plan reviews conducted.
- (3) Number of inspections made.
- (4) Number of certificates of occupancy issued.
- (5) Number of complaints of violations received.
- (6) Number of violations found.
- (7) Number of notices of violations issued.
- (8) Number of appeals to the board of building code appeals.
- (9) Number of modifications issued by the board of building code appeals.
- (10) Number of modifications granted by the building code official.
- (11) Total amount of fees collected.
- (12) Total amount of fees refunded.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-36. - Fee schedules.

As provided for by Code of Virginia (1950), 36-105, as amended, a fee schedule, which shall include, but not be limited to, fees for plan examination, permits, inspections and appeals shall be established and amended by the city manager with the approval of the city council. Fee schedules shall be published and available to the public.

(Ord. No. 07-53, 6-19-2007)

Secs. 22-37—22-45. - Reserved.

DIVISION 2. - ENFORCEMENT AUTHORITY

Sec. 22-46. - Notice of violation—Failure to comply.

If any person fails to comply with a properly issued notice of violations, either the building code official, or the building maintenance code official is authorized by the city to obtain a summons or warrant for failure to correct the violation(s) as allowed by the Virginia Uniform Statewide Building Code, as amended,

(Ord. No. 07-53, 6-19-2007)

Sec. 22-47. - Refusal to issue certificate of occupancy.

The building code official shall have the authority to refuse a certificate of occupancy to any person who fails to correct any violation of this chapter within the time prescribed in a written notice from the building code official. If such violation shall continue beyond the time specified in said notice, the building code official shall have authority to revoke all licenses and permits of such person.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-48. - Revocation of certificate of occupancy.

The building maintenance code official shall have the authority to revoke a permanent or temporary certificate of occupancy for the repeated failure to correct property maintenance violations.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-49. - Emergency repairs.

The building maintenance code official shall have the authority to make emergency repairs to existing structures as expeditiously as possible and bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such unsafe structure.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-50. - Public removal.

Whenever the owner of a structure fails to comply with the requirements of the notice of unsafe structure, the building maintenance code official may cause the structure to be razed or removed. If the unsafe structure presents an imminent and immediate threat to life or property, then the building maintenance code official may abate, raze, or remove such unsafe structure, and bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such unsafe structure.

(Ord. No. 07-53, 6-19-2007)

Secs. 22-51—22-60. - Reserved.

DIVISION 3. - PERMITS AND INSPECTIONS

Sec. 22-61. - Requisite permits and fees.

- (a) Application for any permits required pursuant to the USBC ("requisite permit") shall be made to the building code official. At the time an application or other request for approval is submitted to the city, it shall be accompanied by the required fees and charges as designated in the most recent fee schedule approved by city council. Fees shall be made payable to the collector of city taxes. No requisite permit shall be issued until all required fees have been paid.
- (b) The fee for issuance of a permit issued pursuant to this chapter shall have added to it any surcharge levied by the Virginia Department of Housing and Community Development pursuant to Code of Virginia (1950), 36-137, as amended, as set forth within the Virginia

Uniform Statewide Building Code, which surcharge shall be remitted to the Virginia Department of Housing and Community Development on a quarterly basis.

- (c) If any person commences any work on a building or structure before obtaining the necessary permit from the city, he shall be subject to the penalty prescribed herein.

(Ord. No. 07-53, 6-19-2007; Ord. No. 17-30, 7-11-2017)

Sec. 22-62. - Building valuations.

- (a) The owner or his duly authorized agent shall, upon making application for a building permit, furnish the building code official with his best estimate of the total cost of the construction. Upon the completion of the work, the owner, or his duly authorized agent, shall report to the building code official on a form furnished by the division of code enforcement the final total cost of construction, including heating, plumbing and lighting of said structure, alteration, addition, improvement or repair. This final cost shall be submitted prior to receiving the certificate of occupancy for the structure.
- (b) Total cost of construction is defined as the actual cost incurred by the owner, all contractors, subcontractors and other parties for labor, material, equipment, profit, and incidental expenses for the entire project. This does not include the cost of design services unless those services are included in a construction contract.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-63. - Demolition permits.

A demolition permit shall carry with it the following requirements:

- (a) Demolition projects shall be commenced without undue delay and shall be diligently carried on to satisfactory completion and, in any event, shall be completed within 90 days from the date the permit is issued.
- (b) When a building has been demolished and no building operation has been projected or approved, the vacant lot shall be cleared of all rubbish and materials, and all excavations shall be filled to existing grade at the original building site so that the premises are left in a safe and sanitary condition. The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public; and provision shall be made to prevent the accumulation of water or damage to any foundation on the premises or the adjoining property.
- (c) All sewer lines or connections must be permanently sealed by plugging them with concrete or concrete mortar, and all gas, water and electric services shall be disconnected at the property lines.
- (d) It shall be the duty of every person who shall make contracts for the demolition of buildings for which a permit is required to give good and sufficient bond as required by section 22-106 herein.

It is required that the division of code enforcement be notified upon completion of the demolition project in order that the premises be inspected for compliance with the above requirements.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-64. - Master tradesman in control of work.

Where any electrical, plumbing, mechanical, gas or other trades work requiring a permit is being done, a master tradesman in the appropriate trade who holds a valid and current trades card recognized by the Commonwealth of Virginia, shall at all times be in control of the work being performed. Homeowners are exempt if they comply with section 22-101 of the City Code and demonstrate a working knowledge of the trade being performed. The building code official may require a homeowner to obtain the services of a master tradesman where work has been repeatedly rejected for non-compliance.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-65. - Building code official may refuse permits for non-compliance.

If any contractor fails to comply with the rules and regulations of this article or any other rules and regulations governing the work which from time to time may be enacted by the city council, then he shall be notified in writing by the building code official wherein the rules and regulations are not being observed, and if after the notice has been sent to the contractor, a recurrence of noncompliance to the rules and regulations exists, the building code official shall file an official complaint with the Virginia Department of Professional and Occupational Regulation and the Virginia Board for Contractors and may, after consultation with the city attorney, refuse any permits for future work to be done by the contractor.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-66. - When issuance prohibited.

No permit shall be issued to any person while he refuses to comply with any lawful requirements of the city's division of code enforcement nor while he refuses to pay any fees or charges lawfully assessed against him by the city's division of code enforcement.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-67. - Permits not transferable; responsibility for work.

No work authorized by a permit shall be undertaken except by the person to whom such permit is issued or by authorized persons in his employ. The person in whose name the permit is issued shall assume complete responsibility for the work.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-68. - Permits and inspections in historical areas within the city.

No permit required under this article shall be issued for any building or structure subject to view from any public street, right-of-way, or place within a historic area established pursuant to article 35 of the city's zoning ordinance, as amended, until the zoning administrator has certified to the building code official that such exterior alteration either does not require the issuance of a certificate of appropriateness pursuant to article 35, section 6 of the city's zoning ordinance, or that such certificate has been issued by the architectural review board or, on appeal, by the city council.

- (b) No final inspection involving a permit required under this article for any building or structure subject to view from any public street, right-of-way, or place within a historic area established pursuant to article 35 of the city's zoning ordinance, as amended, or any certificate of occupancy for such building or structure, for which a certificate of appropriateness has been approved by the architectural review board or, on appeal, by the city council, shall be approved by the building code official until the zoning administrator has inspected the exterior alterations covered by the permit or certificate of occupancy to determine whether they comply with the applicable provisions of the certificate of appropriateness.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-69. - Miscellaneous conditions of permits—Curb, gutter and sidewalk construction required.

- (a) Before any building permit is issued for the erection of a building or the alteration of a building which will increase the fair market value of the building by more than 50 percent, the applicant shall be required to provide for the installation of, at his own expense, the curbs, gutters and sidewalks, where they do not exist, in the streets abutting the property subject to the building permit. The installation of the curbs, gutters and sidewalks shall conform to the applicable requirements of the City Code. The above-mentioned values shall be ascertained by the city assessor and shall be computed as of the time of application. This section shall not apply when curb, gutter and sidewalk construction is required by any other law of the city.

(b) The director of public works may waive the application of this section whenever he finds that curb, gutter or sidewalk construction will not be compatible with the character of the neighborhood or serve a substantial useful purpose.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-70. - Inspections under building code generally.

- (a) Either the building code official or one or more of his certified technical assistants, or a third party designated by the building code official shall, upon notification from the permit holder or such holder's agent, make the following inspections of buildings and such other inspections as may be required under the provisions of the USBC, and shall either approve that portion of the work as completed or shall notify the permit holder or such holder's agent where such work fails to comply with the USBC or Building Code of the City of Petersburg:

- (1) Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
- (2) Inspection of foundation systems during phases of construction necessary to assure compliance with the building code.
- (3) Inspection of structural members and fasteners (framing) prior to concealment.
- (4) Inspection of electrical, mechanical and plumbing materials and systems prior to concealment.

- (5) Inspection of energy conservation material (insulation) prior to concealment.
- (6) Final inspection to be made and approved after the building, or portion thereof to be occupied under a temporary certificate of occupancy, is ready for occupancy.

The building code official may designate additional inspections and tests for the above enumerated items to be conducted during the construction or repair of a structure and so notify the permit holder.

- (b) No work shall be done on any part of a building or structure beyond the point indicated above in each successive inspection, without first verifying that either the building code official or at least one of his technical assistants has approved the work in place.
- (c) No reinforcing steel, structural framework, plumbing, electrical wiring, gas piping, standpipe or sprinkler system piping, ductwork, or required insulation or fire-proofing material shall be covered or concealed in any manner whatsoever, first verifying that such work or materials have been inspected and approved by an inspector employed by the city authorized to perform such inspection.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-71. - Plumbing inspections.

- (a) Inspections of plumbing work covered by the provisions of the USBC and required under this section shall be performed by a certified plumbing inspector, upon notification from the permit holder or such holder's agent. Such inspector shall either approve that portion of the plumbing work as completed or shall notify the permit holder or such holder's agent wherein such work fails to comply with the USBC.
- (b) Completion of a final inspection of the plumbing system within a building shall not constitute final approval of such system where sanitary sewer or septic tank system connections have not been inspected and approved, or where the public sanitary sewer serving the premises has not been accepted for service by the department of public works

(Ord. No. 07-53, 6-19-2007)

Sec. 22-72. - Electrical inspections.

- (a) Inspections of electrical work covered by the provisions of the USBC and required under this section shall be performed by a certified electrical inspector, upon notification from the permit holder or such holder's agent. Such inspector shall either approve that portion of the electrical work as completed or shall notify the permit holder or holder's agent wherein such work fails to comply with the USBC.
- (b) As a minimum, the following inspections of electrical work shall be required.
 - (1) Rough inspection. To be made after wiring and electrical equipment has been installed but not yet covered or concealed.
 - (2) Service inspection. To be made after the electrical work is ready to be energized. The certificate of inspection provided for in section 22-73 shall be based on this inspection.

(3) Final inspection. To be made after all electrical work, including the installation of all electrical fixtures has been completed. The certificate of inspection provided for in section 22-73 below shall be based on this inspection.

(c) Additional inspections may be required by the electrical inspector where, in such inspector's judgment, such inspections are necessary because of the scope or complexity of the electrical work to be installed.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-73. - Certificate of electrical inspection.

The certificate of inspection required by the building code shall be issued by an electrical inspector. Notice of the issuance of such certificate shall be furnished to the electric power company providing service to the premises.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-74. - Mechanical inspections.

(a) Inspections of mechanical work covered by the provisions of the USBC and required under this section shall be performed by a certified mechanical inspector, upon notification from the permit holder or such holder's agent. Such inspector shall either approve that portion of the mechanical work as completed or shall notify the permit holder or such holder's agent wherein such work fails to comply with the building regulations.

(b) Additional inspections may be required by a mechanical inspector where, in such inspector's judgment, such inspections are necessary because of the scope or complexity of the mechanical work to be installed.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-75. - Certificate of mechanical inspection for gas piping.

A mechanical inspector or plumbing inspector shall issue a certificate of inspection after a final inspection has determined that all gas piping on any premises has been found to be in compliance with the building regulations. Notice of the issuance of such certificate shall be furnished to the gas company providing service to the premises.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-76. - Inspection and approval of electrical and gas installations prerequisite to service.

It shall be unlawful for any public utility company to furnish electricity or gas and to make or permit to be made any connections with its electric or gas supply lines to any building, unless such electrical or gas piping installation in such building has been inspected and a certificate of inspection has been issued, as provided for in this division, or to reconnect such services when they have been disconnected for a period of 90 days or more, until a permit has been obtained for such reinspection, and the electrical or gas installation has been reinspected and approved by an authorized city inspector. If such public utility company shall disconnect its electric supply lines from the building upon the request of the owner of such building, for the purpose of performing electrical work in or

upon such building, such company shall not reconnect its electric supply lines until such electrical work has been inspected and approved by a city electrical inspector.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-77. - Notification or request for inspection; inspector's access.

It shall be the duty of every person to whom a permit has been issued under the several provisions of the building code to arrange for each inspection as may be required in this division. Such person may designate an agent in his or her employ to notify an appropriate inspector that specific construction work is ready for inspection. Receipt of such notification or request for a specific type of inspection shall be taken to mean that such work to be inspected has been completed to the degree required for such inspection, and that reasonable access to the work has been provided to the inspector. Reasonable access for inspection of an attic space shall be taken to mean the placement of a ladder to access hatches, unless a pennant means for such access has been installed.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-78. - Service charge for additional inspections due to faulty work, premature inspection requests, etc.

Whenever the building code official, certified electrical inspector, certified plumbing inspector or certified mechanical inspector shall determine that inspections, in addition to those required in this division, are necessary, due to the failure of a contractor to properly correct faulty work, or where a contractor has requested an inspection before the work to be inspected has been completed to the degree required, or where the inspector cannot obtain reasonable access to the work to be inspected, the inspector shall assess a service charge. Such charge shall be chargeable to the holder of the permit covering such work and shall be paid to the collector of city taxes prior to final approval of such work.

(Ord. No. 07-53, 6-19-2007; Ord. No. 17-30, 7-11-2017)

Sec. 22-79. - Inspections in addition to those required by division.

The building code official shall prescribe such inspections, in addition to those provided for in this division, as may be necessary to secure compliance with the USBC, the Virginia Industrialized Building and Manufactured Home Safety Regulations or its successor, the zoning provisions of the City Code and such other regulations as shall properly fall within the enforcement responsibility of the division of codes compliance.

(Ord. No. 07-53, 6-19-2007)

Secs. 22-80—22-90. - Reserved.

DIVISION 4. - BOARD OF APPEALS

sec. 22-91. - Established.

There is hereby established a board of building code appeals in accordance with Code of Virginia (1950), 36-105, as amended, and pursuant to USBC, Part I, Chapter 1, Section 119, as amended. It shall have such powers and duties as set forth in the USBC and the Virginia

Fire Protection Code, as amended from time to time. The board shall have the power to set time and place for meetings. (Ord. No. 07-53, 6-19-2007)

Sec. 22-92. - Appointment.

Board members shall be selected by city council on the basis of their ability to render fair and competent decisions regarding application of the code. The board shall consist of five members and three alternates. Members shall be qualified in one of building related trades as directed by USBC, Part I, Chapter I, Section 119, as amended from time to time, to the extent such persons are available. Members and alternate members of the board shall be appointed to serve for a term of four years and shall remain in office until their successors are appointed. They shall be appointed in accordance with the USBC. No member shall be appointed to serve more than two consecutive four-year terms.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-93. - Expert opinions on technical matters.

On any appeal case forwarded to the board established by this article, the chairperson shall have the authority to secure expert opinion from any recognized person, authority, or agency on any technical matter relevant to the subject of the appeal. Nominal fees or stipends shall be authorized to be paid by the city for such purposes in any amount not to exceed a total of \$100.00 in any particular appeal case. Any expert opinion secured by the board under this section shall be given during the conduct of the public hearing required in the USBC and shall be made part of the record of proceedings of the board.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-94. - Application for appeal; filing fee.

Applications for appeal to the board shall be made at the office of the division of code compliance and shall be accepted upon proper completion and payment of a filing fee of \$100.00.

(Ord. No. 07-53, 6-19-2007)

Secs. 22-95—22-100. - Reserved.

ARTICLE 111. - CONTRACTOR AND BONDING REQUIREMENTS

Sec. 22-101. - Applicability of article provisions to homeowners.

Nothing contained within this article shall prevent any homeowner from construction, repair, improvements, or re-improvements on his own residence or a residence of his immediate family, provided the owner does the work himself or with his own employees and the homeowner complies with the requirements of Code of Virginia (1950), 54.1-1100 and 54.1-1101, as amended, and signs an owner/builder affidavit as provided by the city's division of code enforcement when obtaining a permit. This provision does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any property owner from obtaining a permit and having the work inspected nor from paying the required fees.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-102. - Required registration by contractors; information required.

Every contractor, builder or subcontractor who desires to make contracts for the erection, construction, alteration, addition or repair of buildings, structures or service equipment located therein on any premises in the city shall register annually with the building code official. Such registration shall be renewed not later than June 30 of each year and shall not be renewable until the contractor has paid all applicable city business license fees for such year.

Such registration shall be recorded on a form provided by the building code official. Information required shall include:

- (1) Name of the contractor including proprietary or corporate identification if any.
- (2) Current business address and telephone number.
- (3) Jurisdiction in the state in which a current business license has been issued.
- (4) Registration number issued by the state registration board for contractors, if any.
- (5) Type or class of contract services to be performed.
- (6) Names of persons authorized to apply for and obtain permits for the contractors.
- (7) Names of persons holding current certificates of qualification as a master electrician or as a master plumber or as a qualified pipe layer, to include the jurisdiction in which such person was examined for qualification.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-103. - Expiration of registration; invalidation.

Registration of any contractor, builder or subcontractor pursuant to section 22-102 herein shall expire as of June 29 of the year following the year in which such registration was filed. The building official shall have the power to declare invalid any registration of any contractor at any such time that he shall determine that:

- (1) There exists a false statement or misrepresentation as to a material fact in the application upon which such registration was based;
- (2) A contractor has failed to renew his business license, state registration, or local registration. The failure of any contractor to accomplish such renewal shall be sufficient reason for the building official to deny issuance of permits to such contractor until such renewal is accomplished.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-104. - Licenses required.

Notwithstanding section 22-102 herein, all contractors shall, in order to obtain permits in the city, provide the building code official with proof of licensure by the state board of contractors and proof of having obtained a business license either in the city or other locality unless the contractor is headquartered in a locality without business licensing provisions; provided, however, that the contractor shall obtain a city business license if the total revenue for work done in the city shall exceed \$15,000.00 in any calendar year.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-105. - Use of name or license by other persons prohibited.

No licensed contractor shall allow the use of his name or license by any person, directly or indirectly, either for the purpose of obtaining a permit, or to do any work under his license, unless the person is regularly employed by the licensed contractor.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-106. - Surety bond required.

It shall further be the duty of every such person holding a Class "C" or Class "B" contractor's license to give good and sufficient bond in the sum of \$5,000.00 to be approved by the city attorney or his designee, conditioned to conform to the Virginia Uniform Statewide Building Code regulations, the regulations of this Section, and other ordinances of the city in reference to buildings. Class "A" contractors are exempt from the requirements of this section.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-107. - Bond renewal.

The city attorney or his designee, through the division of code enforcement, shall require that all bonds as required by section 22-106 above shall be renewed upon the expiration of the term for which they may be given and the failure on the part of any person to renew such bond immediately upon the expiration of such term shall have the same effect as if no bond had been given.

(Ord. No. 07-53, 6-19-2007)

sec. 22-108. - Limit of liability.

Nothing contained in section 22-106 above shall be construed to limit the liability of the principal obligor in any bond as referred to in such section to the amount named as the penalty therein, either to any person injured or to the city. Nothing contained in such sections shall be construed as recognizing on the part of the city any claim or right of action against the city growing out of this section in favor of any person.

(Ord. No. 07-53, 6-19-2007)

Secs. 22-109 22-115. - Reserved.

ARTICLE V. - BLIGHTED PROPERTY

DIVISION 1. - VACANT, ABANDONED AND UNSAFE STRUCTURES

AND PROPERTY sec. 22-140. - Vacant building registration.

(a) The owner of a building which has been continuously vacant for a period of 12 months or more must register the building with the building code official; provided, that a building shall be deemed "continuously vacant," as that term is used in this subsection, even if it is sporadically or intermittently occupied during the twelve-month period.

(b) To register a building, the owner, or the owner's agent for the building, shall provide the following information to the building code official:

- (1) The address of the vacant building;

- (2) The name, address and telephone number of the owner and the owner's agent;
 - (3) A detailed statement which estimates how long the building is likely to remain vacant, and the reasons for it remaining vacant during that period;
 - (4) A description of the measures that will be taken while the building is vacant to ensure that the property is maintained in compliance with all applicable building and health codes;
 - (5) Proof that the owner or agent has implemented an on-going rodent abatement and prevention plan for the interior and exterior of the building; and
 - (6) If the building is located in an historic area established pursuant to article 35 of the city's zoning ordinance, as amended, or in any conservation or rehabilitation district established by city council, or in an area that has been declared blighted by city council, a description of the measures that will be taken to ensure that the building does not sustain significant structural damage due to neglect.
- (c) The building owner shall pay an annual registration fee of \$100.00. The fee shall be paid at the time that the building is initially registered. For each subsequent year, or any part of such year, that the building remains continuously vacant, an annual and non-refundable fee of \$100.00 shall be paid within 15 days of the anniversary date of the building's initial registration.
- (d) The building code official shall develop and make available a standardized form for registration. Completed forms shall be filed with and maintained by the building code official.

(Ord. No. 07-53, 6-19-2007; Ord. No. 13-38, 5-21-2013)

Sec. 22-141. - Violations and penalties.

- (a) Failure to register a vacant building as required by this article shall be a civil violation punishable by a civil penalty of \$200.00; provided, that failure to register a vacant building in an historic area established pursuant to article 35 of the city's zoning ordinance, or in a conservation or rehabilitation district established by city council, or in an area that has been designated as blighted by city council, shall be punishable by a civil penalty of \$400.00.
- (b) The building code official shall mail to the owner of a registered vacant building notice of the upcoming anniversary of the initial registration date and of the need to renew the registration of the building if it remains vacant. The notice shall warn the owner that a civil penalty will be imposed pursuant to this section if the owner fails to renew the registration within 15 days of the anniversary of the building's initial registration.
- (c) Notice of the imposition of a civil penalty pursuant to this section shall be mailed to the owner, at the address to which property tax notices are sent, at least 30 days prior to the imposition of the penalty.

(Ord. No. 07-53, 6-19-2007; Ord. No. 13-38, 5-21-2013)

Sec. 22-142. - Sale of abandoned real estate.

- (a) Upon a finding by the court, on real estate with an assessed value of \$50,000.00 or less located within the city, that:

- (1) Any taxes on such real estate are delinquent on December 31 following the second anniversary of the date on which such taxes have become due, and
 - a. The land or structure on it has been declared a nuisance by the building code official due to unresolved code violations, and
 - b. The owner of record of the property has failed to abate the nuisance after proper notice has been given by code enforcement officials, and
 - c. The city has taken steps to abate the nuisance condition and has placed a lien on the property for the cost of such abatement, and the lien has remained unpaid; or
- (2) Any taxes on such real estate are delinquent on December 31 following the fifth anniversary of the date on which such taxes have become due;

then the property shall be deemed abandoned and subject to sale by public auction, through institution by the collector of city taxes of judicial proceedings in accordance with the provisions of Code of Virginia (1950), 58.1-3965, as amended.

- (b) In addition to the authority provided by section 22-142(a) above, the city may also, by ordinance, institute proceedings to sell in accordance with section 106-65 of the City Code any real estate when any taxes on such real estate are delinquent on December 31 following the first anniversary of the date on which such taxes have become due provided proper notice is given in accordance with Code of Virginia (1950), 58.1-3965(A), as amended.
- (c) With respect to any parcel of real estate located within the city which meets all of the following criteria:
 - (1) The parcel has delinquent real estate taxes or the locality has a lien against the parcel for: removal, repair or securing of a building or structure; removal of trash, garbage, refuse, or litter; or the cutting of grass, weeds or other foreign growth;
 - (2) The parcel has an assessed value of \$50,000.00 or less; and
 - (3) Such taxes and liens, together, including penalty and accumulated interest, exceed 50 percent of the assessed value of the parcel or taxes alone exceed 25 percent of the assessed value of the parcel;

The city may petition the circuit court to appoint a special commissioner to execute the necessary deed(s) to convey such parcel of real estate to the city in lieu of a sale at public auction. All such judicial proceedings initiated by the city shall be brought in accordance with the provisions of Code of Virginia (1950), 58.1-3970.1, as amended.

(Ord. No. 07-53, 6-19-2007; Ord. No. 17-30, 7-11-2017)

Sec. 22-143. - Unsafe structures.

- (a) Definitions. The following words, when used in this section shall have the meanings ascribed to them below:
 - (1) Owner shall mean and include: the owner of record of the freehold of the premises, or Of a lesser estate therein; a mortgagee or vendee in possession of the premises; an assignee of rents; a receiver, executor, or trustee; and a lessee in control of a building or structure.

- (2) USBC shall mean the Uniform Statewide Building Code as adopted and promulgated by the Virginia Board of Housing and Community Development, and any amendments thereto and regulations adopted and promulgated by such board from time to time.
- (3) Unsafe structure shall mean an existing building, wall or other structure which fails to comply with the USBC through damage, deterioration, infestation, improper maintenance, or for other reasons, and which thereby has become unsafe, unsanitary or deficient in adequate exit facilities; or an existing building, wall or other structure which is otherwise dangerous to human life, health or safety, or the public welfare.
- (b) All structures which fall within the definition of an unsafe structure, as defined in subsection (a)(3), above, are hereby declared to be public nuisances and unfit for human habitation. A property owner shall remove, repair or secure any unsafe structure located on his property, as follows:
 - (1) By repairing and making the unsafe structure safe, through compliance with the USBC, or such other means or methods as will abate the conditions that present a danger to human life, health or safety, or the public welfare;
 - (2) By vacating the unsafe structure and securing it against public entry, or
 - (3) By taking down and removing the unsafe structure.
- (c) Whenever it shall come to the attention of the city's building maintenance code official that any building, wall or structure likely constitutes an unsafe structure, the building maintenance code official shall inspect or cause an inspection to be made thereof and shall determine whether the building, wall or other structure is in fact unsafe. The building maintenance code official shall prepare a report, to be filed in the records of the city's division of code enforcement. A copy of such report shall be issued to the property owner. The report shall include the use of the structure, a description of conditions found and the nature and extent of the conditions.
- (d) If a building, wall or other structure is determined by the building maintenance code official to be an unsafe structure, the building maintenance code official shall issue a notice of unsafe structure to the owner of the unsafe building, wall or structure, as well as to any lienholder whose interest is of record in the land records of the Petersburg Circuit Court. The notice shall give the owner and lienholder of record 30 days in which to make the necessary repairs. Whenever possible, notice of an unsafe structure should also be given to the tenants, if any, of the unsafe building. The notice of unsafe structure shall be given as follows:
 - (1) To an individual who can be found within the city, by hand-delivering a copy of the notice to such person. Where hand-delivery is utilized, the building maintenance code official shall prepare an affidavit certifying the hand-delivery. If the person named in the notice cannot be found after a diligent search, then notice shall be sent by certified mail, return receipt requested, to the last known address of such person and a copy of the notice shall also be posted in a conspicuous place on the premises, this latter procedure shall be deemed the equivalent of personal notice.

- (2) To an individual under the age of 18 years ("infant"), or who is otherwise legally incompetent, then notice shall be provided by hand-delivering a copy thereof to such person's parent, guardian or committee. If such parent, guardian or committee cannot be found after a diligent search, the notice shall be sent by certified mail, return receipt requested, to the last known address of such parent, guardian or committee and a copy of the notice shall also be posted in a conspicuous place on the premises. If there be no guardian or committee, notice shall be given by delivering a copy thereof to any person found at the infant's or incompetent's usual place of abode who is a member of his or her family and who is 16 years of age or older. If such infant or incompetent resides at a residential or other treatment facility, adult care facility or nursing home, notice shall be given by delivering a copy to the officer or official who is in charge of such facility. If a family member or an officer or official cannot be located after reasonable efforts to do so, then a copy of the notice shall be posted at the front door of the infant's or incompetent's usual abode and a copy of the notice shall also be posted in a conspicuous place on the unsafe premises. Compliance with the procedure(s) set forth in this paragraph shall be deemed the equivalent of personal notice.
- (3) To a corporation, bank, trust company, or other corporate or business entity, then notice shall be provided by hand-delivering a copy thereof to its president or other officer, director, manager, managing partner or agent thereof who is located in the city; or, if an individual cannot be found at the regular office or place of business in the city, by hand-delivering a copy to any employee thereof found at such office or place of business; or, if no such employee is found at such office or place of business, by leaving a copy of the notice posted at the front door of such office or place of business and sending a copy thereof by certified mail, return receipt requested, to the last known address of the corporate or business entity. A copy of the notice shall also be posted in a conspicuous place on the unsafe premises. Compliance with the procedure(s) set forth in this paragraph shall be deemed the equivalent of personal notice.
- (4) To a person whose identity is unknown or who has no place of abode, office or place of business in the city, and if, after reasonable efforts, the city cannot locate a last known address for such person, notice shall be given by publishing a copy of the notice in a newspaper of general circulation in the city, once per week, for two successive weeks.
- (e) If the owner and lienholder after notice and a reasonable opportunity to act has failed to remove, repair or secure the unsafe structure, then the city may remove, repair or secure the unsafe structure. Where certified mail or notice of publication is utilized, no action shall be taken by the city to remove, repair or secure any unsafe structure for at least 30 days following the later of the return of a certified mailing receipt or newspaper publication.
- (f) When in the opinion of the building maintenance code official there is immediate danger of collapse or failure of an unsafe structure, or any part thereof, which would endanger life, or when a violation of the USBC results in a hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants thereof, then in addition to any other action authorized by the USBC (including, without limitation, issuance of an order requiring occupants to vacate the premises), the building maintenance code official is hereby vested with the authority:

- (1) To take immediate action to secure the unsafe structure, and to make emergency repairs, to the extent reasonably necessary to make such unsafe structure, or part thereof, temporarily safe. Emergency repairs may include maintenance to the exterior of a building to prevent deterioration of the building or of adjacent buildings. If the unsafe structure, or a portion thereof, presents an imminent and immediate threat to life or property, then the corrective action authorized by this section may include the razing or removal of such structure, or a portion thereof. Notice of the emergency action(s) taken shall be given to the owner, in the same manner as provided in section 22-143(d) above, except that the thirty-day advance notice period shall not be applicable where emergency corrective action, securing of the unsafe structure or emergency repairs are necessary; and/or
- (2) To placard the unsafe structure as being unfit or unsafe for human occupancy or use. The placard shall be posted at all normal means of egress to the structure, building or facility. As soon as possible after placarding, the building maintenance code official shall mail or deliver a notice to the owner(s) or occupant(s) of the unsafe structure, informing such person(s) of the reason for placarding and the penalty for occupancy or use while placarded. Notice shall be given in the same manner as provided in section 22-143(d) above. Once an unsafe structure is placarded, the occupancy or use is thereby prohibited. Occupancy or use of a placarded structure shall constitute a misdemeanor punishable as provided by this chapter. Once an unsafe structure is placarded, no occupancy or use shall recommence until the building maintenance code official approves such in writing. Removal of a placard without permission of the building maintenance code official shall constitute a misdemeanor punishable as provided by this chapter.
- (g) In the event the city removes, repairs, or secures any unsafe structure, then all of the costs or expenses incurred by the city shall be assessed and billed to and paid by the owner of the property, and the building maintenance code official shall prepare an affidavit certifying the costs and expenses incurred by the city. If the charges billed to the property owner remain unpaid for more than 30 days, such charges shall constitute a lien against such property enforceable in the same manner as provided by section 22-4 of this chapter.

(Ord. No. 07-53, 6-19-2007)

Secs. 22-144—22-154. - Reserved.

DIVISION 2. - SPOT BLIGHT

ABATEMENT sec. 22-155. - General.

The city, in accordance with Code of Virginia (1950), 36-49.1 : 1 et seq., as amended, may acquire or repair any blighted property, as defined in section 22-157(a) below, by exercise of the powers of eminent domain provided in Code of Virginia (1950), tit. 25, as amended, and further, shall have the power to hold, clear, repair, manage, or dispose of such property for purposes consistent with this division. In addition, the city may recover the cost of any repair or disposal of such property from the owner, or owners of record at their last known address as contained in the records of the collector of city taxes or the current real estate tax assessment records.

(Ord. No. 07-53, 6-19-2007; Ord. No. 17-30, 7-11-2017)

Sec. 22-156. - Purpose.

The purpose of this division is to set forth the powers of the city and procedures for the acquisition, repair, or other disposal of blighted property, as defined herein, which are located within the city.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-157. - Definition(s).

For the purposes of this division, the following terms shall have the meanings ascribed below:

Blighted property shall mean and refer to any property with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

City manager shall mean and refer to the city manager, or a person designated by the city manager to perform the duties and responsibilities that this division places on the city manager.

Dilapidation shall mean the condition of property resulting from inadequate maintenance that contributes to unsafe site or building conditions, or that gives the appearance of unsafe site or building conditions.

Excessive land coverage shall mean a land development that overly restricts the access of adjacent properties to light and air, or that has extensive impervious surfaces which create stormwater run-off that regularly and adversely impacts adjacent properties.

Lack of ventilation, light and sanitary facilities shall mean the absence from a building of one or more systems that provide ventilation, light and sanitary facilities, as required by the Virginia Uniform Statewide Building Code.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-158. - Preliminary determination of blight.

- (a) The city manager shall make a preliminary determination that a property is a blighted property under this division. The manager shall provide written notice to the owner of such property that the property has been determined to be blighted. The notice shall describe the conditions of the property, and shall provide any other reasons, which form the basis for this determination.
- (b) The owner of property that has been preliminarily determined to be blighted shall have 30 days from the date of the notice in which to present to the city manager a plan to eliminate or otherwise cure, within a reasonable period of time, the conditions and other reasons that form the basis for the determination that the property is blighted.
- (c) If the owner of property that has been preliminarily determined to be blighted fails to respond within the 30 day period with a plan that is acceptable to the city manager, the city shall (i) request the planning commission to conduct a public hearing and make findings and recommendations concerning the repair or other disposition of the property in question; and (ii) in the event a public hearing is scheduled, shall prepare and present to the planning

commission a plan for the repair or other disposal, or for the acquisition and repair or other disposal, of the property.

(Ord. No. 07-53, 6-19-2007) .

Sec. 22-159. - Hearing before planning commission; commission findings.

In the event a public hearing is scheduled by the planning commission:

(1) Notice of public hearing.

- a. Not less than three weeks prior to the date of the public hearing before the planning commission, the city manager shall cause a notice of the date, time, place and purpose of the hearing to be sent, by regular and certified mail, to the owner of the blighted property or the agent designated by him for receipt of service of notices concerning the payment of real estate taxes, to the owners of all properties abutting the blighted property (including the properties located immediately across the street or road from the blighted property), and to the citizens or neighborhood association, if any, for the immediate area. The notice shall include the plan that the city has prepared for the repair or other disposal, or for the acquisition and repair or other disposal, of the property. Any persons affected by the condition of the property or by the acquisition and/or repair or other disposal of the property, as proposed in the city's plan, may present their views at the hearing.
- b. The city manager shall also cause notice of the date, time, place and purpose of the public hearing to be published at least twice, with not less than six days elapsing between the first and second publication, in a newspaper having general circulation in the city. The public hearing shall be held not less than six, nor more than 21, days after the second publication of this notice.
- c. The city manager shall further cause notice of the date, time, place and purpose of the public hearing to be posted on the property.

(2) Following the public hearing, the planning commission shall determine:

- a. Whether the owner of the property has failed to eliminate or otherwise cure the property's blighting conditions or to present a reasonable plan to do so;
- b. Whether the property is blighted, as defined within section 22-157 of this chapter; and
- c. Whether the plan submitted by the city for the repair or other disposal, or for the acquisition and repair or other disposal, of the property is in accordance with the city's comprehensive plan, zoning ordinance and other applicable land use laws and regulations, and should, in whole or part, be implemented.

If the property is located within a historic area established pursuant to article 35 of the city's zoning ordinance, as amended, the planning commission, in determining the appropriateness of the city plan, shall consult with the city's architectural review board regarding the activities described for the property in the plan.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-160. - Review of planning commission findings and recommendations by city council.

The planning commission shall report its findings and recommendations concerning the property to city council. City council, upon receipt of such findings and recommendations, may after an advertised public hearing, affirm, modify or reject the planning commission's findings and recommendations. If the repair or other disposition of the property is approved, the city manager or his designee may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this division, and applicable law.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-161. - Displacement of residents at blighted property.

If the blighted property is occupied for personal residential purposes, city council, 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, if the city is exercising the powers of eminent domain in accordance with Code of Virginia (1950), tit. 25.1, as amended, it may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such person.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-162. - Recovery of city's costs; lien.

The city shall have a lien on all property repaired or acquired under an approved plan, to cover the cost of improvements made by the city to bring the blighted property into compliance with applicable building codes and the cost of disposal, if any. The city manager shall prepare an affidavit certifying the amount of such costs. The lien shall be filed in the circuit court and shall be subordinate to any prior liens of record. The city may recover its costs of repair from the owner of record of the property when the repairs were made, at such time as the property is sold or disposed of by such owner. If the property is acquired by the city through eminent domain, the cost of repair may be recovered when the city council sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any sale of the property.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-163. - Alternative remedies available to the city.

- (a) In lieu of the acquisition of a blighted property by the exercise of the city's powers of eminent domain, and in lieu of the exercise of other powers listed in this division, the city council may, by ordinance, make findings that a property constitutes a blighted property, as defined within City Code section 22-157, declare such blighted property a nuisance and thereupon abate the nuisance pursuant to Code of Virginia (1950), 15.2-900 or 15.2-115, as amended.
- (b) Such ordinance shall be adopted only after written notice by certified mail to the owner(s) of the property, at the last known address of such owner(s) as shown on the

current real estate tax assessment books or current real estate tax assessment records. The notice shall advise the property owner that corrective action must be taken by the property owner by the date(s) on which the ordinance will be considered by council, and a copy of the proposed ordinance shall be attached to the notice. In addition, a copy of such notice and proposed ordinance shall also be sent by certified mail to any lienholder(s) of record. Copies of certified mail receipt(s) shall be sufficient evidence of mailing.

- (c) The abatement process shall be as follows: if the property owner fails to abate the blight prior to the date on which an ordinance is adopted by council, the city manager shall give a final notice to the owner and shall also send a copy of the final notice to any lienholder(s) of record. A copy of the ordinance adopted by council shall be attached to the final notice. The final notice shall state that, no fewer than 15 days from the mailing thereof, the city will commence to abate the blight, taking any corrective action the city deems appropriate, including, without limitation, removal of the building or other structure so as to abate the blight on the property. In the event the city manager determines that a removal of a building or structure is necessary to abate the blight on the property, the final notice shall give the owner and any lienholder of record at least 30 days in which to abate the blight. The property owner shall have the right, upon reasonable notice to the city, to seek equitable relief, and the city shall initiate no corrective action while a proper petition is pending before a court of competent jurisdiction.
- (d) The final notice shall be given to the owner and any lienholder(s) of record, as follows:
 - (1) To an individual who can be found within the city, by hand-delivering a copy of the notice to such person. Where hand-delivery is utilized the city manager shall prepare an affidavit certifying the hand-delivery. If the person named in the notice cannot be found after a diligent search, then notice shall be sent by certified mail, return receipt requested, to the last known address of such person and a copy of the notice shall also be posted in a conspicuous place on the premises; this latter procedure shall be deemed the equivalent of personal notice. Copies of certified mail receipt(s) shall be sufficient evidence of mailing; an affidavit of the city manager shall be sufficient evidence of hand-delivery.
 - (2) To an individual under the age of 18 years ("infant"), or who is otherwise legally incompetent, then notice shall be provided by hand-delivering a copy thereof to such person's parent, guardian or committee. If such parent, guardian or committee cannot be found after a diligent search, the notice shall be sent by certified mail, return receipt requested, to the last known address of such parent, guardian or committee and a copy of the notice shall also be posted in a conspicuous place on the premises. If there be no guardian or committee, notice shall be given by delivering a copy thereof to any person found at the infant's or incompetent's usual place of abode who is a member of his or her family and who is 16 years of age or older. If such infant or incompetent resides at a residential or other treatment facility, adult care facility or nursing home, notice shall be given by delivering a copy to the officer or official who is in charge of such facility. If a family member or an officer or official cannot be located after reasonable efforts to do so, then a copy of the notice shall be posted at the front door of the infant's or incompetent's usual abode and a copy of the notice shall also be posted in a conspicuous place on the premises. Compliance with the procedure(s) set forth in this paragraph shall be deemed the equivalent of personal notice. Copies of certified mail receipt(s) shall be sufficient evidence of mailing; an affidavit of the city manager shall be sufficient evidence of hand-delivery.

(3) To a corporation, bank, trust company, or other corporate or business entity, then notice shall be provided by hand-delivering a copy thereof to its president or other officer, city manager, manager, managing partner or agent thereof who is located in the city; or, if an individual cannot be found at the regular office or place of business in the city, by hand-delivering a copy to any employee thereof found at such office or place of business; or, if no such employee is found at such office or place of business, by leaving a copy of the notice posted at the front door of such office or place of business and sent by certified mail, return receipt requested, to the last known address of the corporate or business entity. A copy of the notice shall also be posted in a conspicuous place on the unsafe premises. Compliance with the procedure(s) set forth in this paragraph shall be deemed the equivalent of personal notice. Copies of certified mail receipt(s) shall be sufficient evidence of mailing; an affidavit of the city manager shall be sufficient evidence of hand-delivery.

(4) To a person whose identity is unknown or who has no place of abode, office or place of business in the city, and if, after reasonable efforts, the city cannot locate a last known address for such person, notice shall be given by publishing a copy of the notice in a newspaper of general circulation in the city, once per week, for two successive weeks, in a newspaper having general circulation within the city. A certificate of publication provided by the newspaper shall be sufficient evidence of the required publication.

(5) Where the final notice is sent by certified mail, or notice of publication is utilized, no action shall be taken by the city to remove any building or structure for at least 30 days following the later of the return of a certified mailing receipt or newspaper publication. (Ord. No. 07-53, 6-19-2007)

Sec. 22-164. - Promulgation of rules and regulations.

The city manager may issue regulations consistent with this division and Code of Virginia (1950), 36-49.1 : 1, as amended; provided, that such regulations are reviewed and approved by city council.

(Ord. No. 07-53, 6-19-2007)

Sec. 22-165. - Other laws and ordinances.

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

(Ord. No. 07-53, 6-19-2007)

Secs. 22-166—22-195. - Reserved.

DIVISION 3 - DERELICT PROPERTY

Sec. 22-196. - Authority to require removal, repair, etc., of buildings that are declared to be derelict.

- (a) Any owner of property located in the City of Petersburg shall, at such time or times as the city may prescribe, submit a plan to demolish or renovate any building that has been declared a "derelict building." For purposes of this section, "derelict building" shall mean a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.
- (b) If a building qualifies as a derelict building pursuant to this section, the city shall notify the owner of the derelict building that the owner is required to submit to the city a plan, within 90 days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in the written notification provided by the city. Such plan shall be on a form provided by the city and shall include a proposed time within which the plan will be commenced and completed. The plan may include one or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The plan shall be subject to approval by the city. The city shall deliver the written notice to the address listed on the real estate tax assessment records of the city. Written notice sent by first-class mail, with the city obtaining a U.S. Postal Service Certificate of Mailing shall constitute delivery pursuant to this section.
- (c) If the city delivers written notice and the owner of the derelict building has not submitted a plan to the city within 90 days as provided in subsection (b), the city may exercise such remedies as provided in this section or as otherwise provided by law.
- (d) The owner of the building may apply to the city and request that such building be declared a derelict building for purposes of this section.
- (e) The city upon receipt of the plan to demolish or renovate the building, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permitting requirements for demolition or renovation.
- (f) If the property owner's plan is to demolish the derelict building, and such plan is approved by the city, the building permit application of such owner shall be expedited. If the owner has completed the demolition within 90 days of the date of the building permit issuance, the city shall refund any building and demolition permit fees. This section shall not supersede any ordinance adopted relative to historic districts.
- (g) If the property owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, and such plan is approved by the city, the site plan or subdivision application and the building permit, as applicable, shall be expedited. The site plan or subdivision fees may be refunded, all or in part, but in no event shall the site plan or subdivision fees exceed the lesser of 50 percent of the standard fees established by the ordinance for site plan or subdivision applications for the proposed use of the property, or \$5,000.00 per property. The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of 50 percent of

the standard fees established by the ordinance for building permit applications for the proposed use of the property, or \$5,000.00 per property.

- (h) Prior to the commencement of a plan to demolish or renovate the derelict building, at the request of the property owner, the real estate assessor shall make an assessment of the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the property owner, after demolition or renovation of the derelict building, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements and reflect such value in the real estate tax assessment records. Real estate taxes on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated for a period of 15 years and is transferrable with the property.
- (i) Notwithstanding the provisions of this section, the city may proceed to make repairs and secure the building under section 50-61 of the City Code, or the city may proceed to abate or remove a nuisance under Code of Virginia, 15.2-900, et seq. In addition, the city may exercise such remedies as may exist under the Uniform ~~Statewide~~ Building Code and such other remedies available under general and special law.

(Ord. No. 12-86, 1, 12-18-2012)

Ordinance 19-ORO-50
adopted by the City of Petersburg Council
of the City of Petersburg on:

12/10/2019


Clerk of City Council

Mayor