

Town of Strasburg, VA
Ordinance Change/Addition

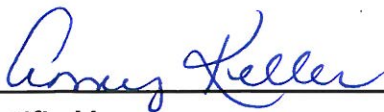
Council Meeting Date: April 10, 2012

Ordinance: Amendment to Chapter 22, Article IV

Attachments: X Yes No
(ordinance wording attached here-to)

The amendment to Chapter 22, *Building and Building Regulations*, addition of Article IV, sections 64 to 69 of the Town Code which adopts by reference the Virginia *Maintenance Code* was passed by the Town Council during its regular meeting on Tuesday, December 13, 2011 with an effective date of April 10, 2012 with the following result:

Council Member Robert Baker	Yes
Council Member John Hall	No
Council Member Donald Le Vine	Yes
Council Member Sarah Mauck	Yes
Council Member Richard Orndorff, Jr.	Yes
Vice Mayor Richard Redmon	Yes
Council Member Justin Ritenour	Yes
Council Member Scott Terndrup	Yes



Certified by:
Amy Keller, CMC
Clerk of Council
Strasburg, VA



Proposed Code Amendment

Chapter 22 Buildings and Building Regulations

Article IV – Property Maintenance Code

Sect. 22-64 Building official.

The county building official shall act as the town building official for purposes of this Code, except for purposes of administering the Maintenance Code as defined in Article IV. The Town Manager shall hire a qualified employee to serve as the Code Official, who shall be responsible for administering the Maintenance Code.

Sect. 22-65 Adoption.

The Property Maintenance provisions, Part III of the Virginia Uniform Statewide Building Code and amendments thereto, as adopted by reference and promulgated by the State Board of Housing and Community Development, are hereby adopted by reference as the official Property Maintenance Code of the Town of Strasburg (the “Maintenance Code”). A copy of the Maintenance Code will be available for review at the Town office.

The Maintenance Code shall be the standard of maintenance, rehabilitation, development, and reuse of existing buildings and structures, and their associated equipment, whether occupied or vacant, after completion of construction, or where not otherwise regulated by the building code.

Sect. 22-66 Enforcement.

Inspections and enforcement shall be conducted by the Code Official and Technical Assistant. The Code Official shall be responsible for assuring that all powers are carried out in accordance with the provisions of the Maintenance Code.

Interior inspections shall not be conducted unless invited into the dwelling by the occupant, or unless authorized by the court. Interior inspections will be used only to ensure adequate living standards are provided to the tenant from the landlord; however, life safety concerns will prevail in all circumstances.

Sect. 22-67 Landlord Tenant Disputes

All tenants reporting property maintenance complaints must first show proof that they have contacted the owner and allowed a reasonable amount of time for repairs to be made. If legal proceedings have begun between the tenant and landlord the Town will not become involved.

Sect. 22-68 Penalties

Whoever violates any provisions of this Chapter, by doing a prohibited act, or failing to perform a required act, or failing to perform permitted acts in the prescribed manner shall be subject to the penalties as specified in the USBC.

A. Criminal

Unless designated otherwise in this Article, violations of this Chapter are misdemeanors and, upon conviction, may be punished by a fine of not more than that amount authorized for violations of the USBC by Code of Virginia, Sect. 106 of Chapter 36; additionally if the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in good order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court ordered abatement period has ended shall constitute a separate offense.

B. Civil Penalties

1. There are hereby established civil penalties for any violation of the provisions of Part III of the USBC, known as the Virginia Maintenance Code (Maintenance Code), excluding the provisions of Section 105 of The Code – Unsafe Structures or Structures Unfit for Human Habitation, which are prosecuted as set forth in Subsection (a) above. Upon failure to abate or remedy pursuant to a notice of violation, the Code Official or designee may issue a civil summons to any person in violation of any of the provisions of the Maintenance Code as enumerated herein. The penalty for any one violation shall be a civil penalty of not more than \$50 for the initial summons, and not more than \$150 for each additional summons. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any forty-five -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.

2. Any person summoned for a scheduled violation may make an appearance in person or in writing by mail to the Department of Finance prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such person shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability and payment of a civil penalty, the violator and a representative of the locality shall agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

3. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the General District Court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

4. If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code.

Sect. 22-69 Appeals.

The Building Code Board of Appeals for the town is hereby designated as the appeals board to hear appeals arising from the code official's application of the Maintenance Code.