

## Chapter 6 - BUILDINGS

\***Cross reference** – Erosion and sediment control, § 10-27 et seq.; noise regulations, § 10-67 et seq.; weeds and grass, § 10-135 et seq.; rat control, § 10-164 et seq.; stormwater management, § 10-196 et seq.; fire prevention and protection, ch. 11; approval of installation of culvert pipes for walkways, driveways or other purposes required, § 18-4; subdivisions, ch. 19; zoning, ch. 24.

\***State law reference** – Authority to require removal, repairs, etc. of buildings and other structures, Code of Virginia, § 15.2-906; Virginia Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.

### ARTICLE I. - IN GENERAL

#### Sec. 6-1. - Enforcement of building code.

(a) The building official shall administer and interpret the Virginia Uniform Statewide Building Code, which regulates the construction and maintenance of buildings and structures and provides procedures for its administration and enforcement.

(b) For the purposes of this Code and other ordinances and resolutions of the board of supervisors, the Virginia Uniform Statewide Building Code may be referred to as the "building code." A copy is on file in the office of the building construction and inspections.

*(Code 1980, § 5-1; Code 1995, § 6-1; Ord. No. 914, § 1, 3-27-1996)*

**State law reference** – Enforcement of building code by local official and authority of local governing bodies to levy fees, Code of Virginia, § 36-105.

#### Sec. 6-2. - Appeals from decisions of building official.

Appeals from decisions of the building official applying the building code shall be heard by the county board of code appeals.

*(Code 1980, § 5-15; Code 1995, § 6-2; Ord. No. 914, § 2, 3-27-1996)*

**State law reference** – Appeals, Code of Virginia, § 36-105.

#### Sec. 6-3. - Permit fees.

(a) *Payment required prior to issuance of permit.* No permit or permit amendment for new construction, alteration, removal, demolition or other building operations shall be issued until the required fees have been paid to the office of building construction and inspections.

(b) *Payment of other fees.* The payment of fees for a building permit or permit amendment shall not relieve any person from the payment of other fees that may be prescribed by law or ordinance, including fees for water connections, sewer connections, and erection of signs, display structures, marquees or other appurtenant structures.

(c) *Accounting.* The building official shall keep an accurate account of all fees collected for building permits and shall deposit all fees collected into the county treasury.

(d) *Refunds after permit is issued.* If an issued permit expires or is abandoned or revoked, or if a building project is discontinued, the estimated cost of the work completed shall be computed by the building official and the amount attributable to work not completed shall be returned to the permit holder, less plan review and administrative fees, if a written request for refund is received by the building official within six months of expiration, abandonment, revocation or discontinuance. For purposes of this chapter, plan review and

administrative fees shall be 25 percent of the permit fee.

**(e)** *Additional fee when work commenced prior to approval of permit.* Upon the building official's discovery and investigation of unauthorized work commenced before a permit application has been approved, a fee of ten percent of the permit fee, or \$20.00, whichever is greater, shall be added to the permit fee to cover investigation costs.

**(f)** *Inspection surcharge fee.* There shall be a fee of \$75.00 for each inspection of a new attached or detached one- or two-family dwelling that exceeds the average number of inspections performed for such structures. Any surcharge fee shall be paid prior to issuance of the certificate of occupancy.

**(g)** *Building permit fee schedule.*

**(1)** *One- and two-family dwellings.* The fee for building attached or detached one- or two-family dwellings shall be \$680.00.

**(2)** *Appurtenances.* The fee for building attached or detached garages, utility buildings appurtenant to attached or detached one- or two-family dwellings, and any demolition, moving, addition or alteration to existing attached or detached one- or two-family dwellings shall be \$100.00 plus \$6.00 per \$1,000.00 or fraction thereof of value over \$5,000.00, except that no such fee for any permit shall exceed that charged for a new one-family dwelling. The fee shall be based upon the cost of labor and material to the owner for the installation, alteration, replacement or repair.

**(3)** *Other permits.* The permit fee for all other building permits shall be \$100.00 plus \$7.00 per \$1,000.00 or fraction thereof of value over \$5,000.00. This rate shall also apply to permits for signs and the moving or demolition of buildings other than for one- or two-family dwellings. The fee shall be based upon the cost of labor and material to the owner for the installation, alteration, replacement or repair.

**(4)** *Basis of fee for moving of buildings.* The fee for a permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be based on the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location.

**(5)** *Basis of fee for demolition.* The fee for a permit for the demolition of a building or structure shall be based on the estimated cost of demolition.

**(6)** *Basis of fee for signs.* The fee for signs, billboards and other display structures for which permits are required under the provisions of the building code shall be based on their estimated cost.

**(h)** *Annual certificate of compliance for elevators, escalators, dumbwaiters and manlifts.*

**(1)** Fees for annual certificates of compliance shall be paid to the county on or before December 31 of each year for the following year. For passenger elevators, freight elevators and manlifts, the fee is \$40.00 for elevators of ten stories or less plus \$4.00 for each additional ten stories or fraction thereof. For escalators, the fee is \$40.00 per floor. For dumbwaiters, the fee is \$25.00 for ten stories or less plus \$4.00 for each additional ten stories or fraction thereof.

**(2)** If the initial certificate of compliance is issued between January 1 and June 30 of a year, the fee for that year is one-half the amount shown. If the initial certificate is issued after June 30 of a year, there is no charge for the initial certificate of compliance for that year.

**(i)** *Plumbing, mechanical, electrical, fire protection equipment and systems permit fee schedule.*

**(1)** Except for attached or detached one- or two-family dwellings, the permit fee for plumbing, mechanical, electrical and fire protection equipment and systems shall be \$100.00 plus \$7.00 per \$1,000.00 or fraction thereof of value over \$5,000.00, based upon the cost of labor and material to the owner for the installation, alteration, replacement or repair.

(2) The permit fee for the installation of plumbing, mechanical, electrical, and fire protection equipment and systems for new attached or detached one- or two-family dwellings shall be \$100.00.

(3) The permit fee for the installation, alteration, replacement or repair of any plumbing, mechanical, electrical, and fire protection equipment and systems for existing attached or detached one- or two-family dwellings shall be \$100.00 plus \$6.00 per \$1,000.00 or fraction thereof of value over \$5,000.00. The fee shall be based upon the cost of labor and material to the owner for the installation, alteration, replacement or repair.

(j) *Amusement Devices.* The permit fee for amusement devices shall be as prescribed by the Virginia Amusement Device Regulations.

(k) *Plan amendment and re-review fee.* There shall be a fee of \$25.00 for each plan review after the office of building construction and inspections has reviewed the plan twice because of plan deficiencies or plan amendments.

(l) *Temporary certificate of occupancy fee.* There shall be a fee of \$25.00 for each request for a temporary certificate of occupancy or extension of a temporary certificate of occupancy.

(m) *Waiver of fees in Virginia Enterprise Zones.* The fees in subsections (g)(3) through (g)(6), (i)1, (k), and (l) of this section shall be waived for property located in areas in the county designated as Virginia Enterprise Zones for the life of the enterprise zone.

(Code 1980, § 5-2; Code 1995, § 6-3; Ord. No. 1001, § 1, 7-11-2000; Ord. No. 1045, § 1, 6-24-2003)

**State law reference** – Authority to adopt permit fees, Code of Virginia, § 36-105.

**Secs. 6-4 – 6-24.** - Reserved.

## **ARTICLE II. - UNSAFE BUILDINGS**

\***Cross reference** – Environment, ch. 10.

### **Sec. 6-25.** - Abatement of public nuisance.

(a) If a public nuisance presents an imminent and immediate threat to life or property, the building official may abate, raze, or remove such public nuisance, and the county attorney may bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate the public nuisance. If a public nuisance does not present an imminent and immediate threat to life or property, the county attorney may bring an action to compel a responsible party to abate, raze or remove the public nuisance.

(b) The term "nuisance" shall include, but not be limited to, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public. The term "responsible party" shall include, but not be limited to, the owner, occupier, or possessor of the premises where the nuisance is located, the owner or agent of the owner of the material which escaped, spilled, or was released, and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence caused such public nuisance.

(Code 1980, § 5-7; Code 1995, § 6-61; Ord. No. 914, § 3, 3-27-1996)

### **Sec. 6-26.** - Corrective action by county.

(a) *Authorized; procedure.* In addition to authority granted by the Virginia Uniform Statewide Building Code, the building official shall remove, repair or secure any building, wall or other structure which might

endanger the public health or safety of other residents of the county if the owner and lienholder of the property have failed to remove, repair or secure such building, wall or other structure after reasonable notice and a reasonable time to do so. The building official shall comply with the notice requirements set forth in state law.

**(b) *Costs to constitute lien.*** The cost or expenses of removal, repair or securing of such structure by the building official shall be charged to and paid by the owner of such property. Such charges may be collected by the county as taxes and levies are collected. Every charge authorized by this section which the owner of the property is assessed and which remains unpaid shall constitute a lien against the property.

*(Code 1980, § 5-8; Code 1995, § 6-62)*

**State law reference** – Authority to abate nuisances, Code of Virginia, § 15.2-906.

**Secs. 6-27 – 6-55.** - Reserved.

### **ARTICLE III. - SMOKE ALARMS**

**\*Cross reference** – Fire prevention and protection, ch. 11.

**\*State law reference** – Smoke detectors, Code of Virginia, § 15.2-922.

**Sec. 6-56.** - Required in certain buildings.

Smoke alarms shall be installed in the following structures or buildings if smoke alarms have not been installed in accordance with the building code:

- (1) Any building containing one or more dwelling units;
- (2) Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons; and
- (3) Any rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

*(Code 1980, § 5-10(a); Code 1995, § 6-81)*

**State law reference** – Authority to so provide, Code of Virginia, § 15.2-922.

**Sec. 6-57.** - Installation standards.

Smoke alarms required by this article shall be installed only in conformance with the provisions of the building code. Smoke alarms may be either battery operated or powered by alternating current. Such installation shall not require new or additional wiring and shall be maintained in accordance with the Virginia Statewide Fire Prevention Code and Part III of the building code.

*(Code 1980, § 5-10(b); Code 1995, § 6-82)*

**State law reference** – Similar provisions, Code of Virginia, § 15.2-922.

**Sec. 6-58.** - Inspections.

The owner of any building, hotel, motel or rooming house required to install smoke alarms under this article shall inspect each alarm annually to ensure it is operating properly and shall maintain a record of such inspection, which shall be available for inspection by the building official, the fire chief or the designee of either.

*(Code 1980, § 5-10(c); Code 1995, § 6-83)*

**Sec. 6-59. - Maintenance.**

The owner of any rental unit shall provide the tenant a certificate that all smoke alarms are present, have been inspected by the owner, his employee, or an independent contractor, and are in good working order no more than once every 12 months. Except for smoke alarms located in public or common areas of multifamily buildings, interim testing, repair and maintenance of smoke alarms in rented or leased dwelling units shall be the responsibility of the tenant in accordance with Code of Virginia, §§ 55-225.4 or 55-248.16, as applicable.

*(Code 1980, § 5-10(d); Code 1995, § 6-84)*

**State law reference**— Similar provisions, Code of Virginia, § 15.2-922.

**Secs. 6-60—6-76. - Reserved.**

**ARTICLE IV. - PROPERTY NUMBERING AND STREET NAMING SYSTEM**

**\*Cross reference**— Streets, sidewalks and other public property, ch. 18.

**\*State law reference**— Authority to require building numbers, Code of Virginia, § 15.2-2024.

**Sec. 6-77. - Penalty; additional remedies.**

Any person who fails to comply with section 6-80 and the regulations adopted under this article shall be guilty of a misdemeanor. In addition to the criminal penalties for misdemeanor violations, the director of planning may invoke any other lawful procedure available to correct such violation, including an action for injunctive relief.

*(Code 1980, § 5-14; Code 1995, § 6-111)*

**Sec. 6-78. - System established.**

**(a) Purpose.** In order to provide for more efficient delivery of emergency and other services, uniformity in street naming and assignment of property numbers, elimination of inconsistencies and duplication of street names, a property numbering and street naming system for the county is hereby established.

**(b) Adoption of standards.** The county shall use the system of numbering properties and principal buildings and naming streets shown in the property numbering and street naming manual filed in the county planning office. The property numbering and street naming manual, including all numbering maps, plats, naming and numbering procedures and explanatory matters therein, is hereby adopted and made a part of this article.

**(c) Identification of properties.** All properties or parcels of land within the limits of the county shall be identified as provided by the adopted system.

*(Code 1980, § 5-11; Code 1995, § 6-112)*

**Sec. 6-79. - Responsibility for administration and enforcement; amendments.**

The director of planning shall be responsible for enforcement and maintenance of the numbering ordinance and the manual adopted by this article and is authorized to promulgate amendments to the manual.

*(Code 1980, § 5-12; Code 1995, § 6-113)*

**Sec. 6-80. - Display of numbers.**

It shall be unlawful for the owner of, or other person responsible for, each building in the county that fronts on a right-of-way to fail to display the assigned number on the primary or accompanying building or in a manner that is easily readable from the right-of-way on which the property is located.

*(Code 1980, § 5-13; Code 1995, § 6-114; Ord. No. 950, § 1, 7-9-1997)*

**State law reference** – Authority to require display of building numbers, Code of Virginia, § 15.2-2024.

**Secs. 6-81 – 6-103. - Reserved.**

**ARTICLE V. - SPOT BLIGHT ABATEMENT**

\***Cross reference** – Environment, ch. 10.

\***State law reference** – Spot blight abatement, Code of Virginia, § 36-49.1:1.

**Sec. 6-104. - Purpose.**

The board of supervisors finds that deteriorating properties, including the improvements and the land on which they are built, have a deleterious effect on property values and the quality of life in the area surrounding them. This article is enacted to provide for the abatement of blight which threatens the health, safety, morals and welfare of the community.

*(Code 1995, § 6-115; Ord. No. 1015, § 1, 8-14-2001)*

**Sec. 6-105. - Blight abatement authorized.**

The county may clear or repair any blighted property as defined in this article in order to abate blight. In addition, the county may recover the cost of any clearing or repair of such property from the owner.

*(Code 1995, § 6-116; Ord. No. 1015, § 1, 8-14-2001)*

**Sec. 6-106. - Blighted property defined.**

The term "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 under the process for determination of "spot blight."

*(Code 1995, § 6-117; Ord. No. 1015, § 1, 8-14-2001; Ord. No. 1135, § 1, 10-13-2009)*

**State law reference** – Similar provisions, Code of Virginia, §§ 36-3, 36-49.1:1I(A).

**Sec. 6-107. - Procedures for declaring blight; notification of owner; public hearing.**

(a) The county manager or his designee shall make a preliminary determination that a property is blighted in accordance with section 6-106. The county manager or his designee shall notify the owner by regular and certified mail sent to the last address shown on the county's assessment records, specifying the reasons why

the property is blighted. The owner shall have 30 days within which to respond in writing with a plan to cure the blight within a reasonable time.

(b) If the owner fails to respond within the 30-day period with a plan that is acceptable to the county manager or his designee, the county manager or his designee may prepare a proposed plan to abate the spot blight, request the board of supervisors to declare the property is blighted by ordinance, and request the board of supervisors to approve the proposed plan to abate the spot blight. The county manager or his designee shall send written notice and the proposed plan to the owner before the board of supervisors acts on the ordinance and proposed plan.

(c) If the board of supervisors declares the property is blighted by ordinance and approves the proposed plan, the county may carry out the approved plan to clear or repair the property in accordance with the approved plan, the provisions of this section, and applicable law. The county shall have a lien on all property so cleared or repaired under an approved plan to recover the cost of demolition or improvements made by the county to bring the blighted property into compliance with applicable building codes. The lien on such property shall bear interest at the legal rate of interest established in Code of Virginia, § 6.1-330.53, beginning on the date the repairs are completed through the date on which the lien is paid. The lien shall be filed in the circuit court and shall be treated in all respects as a tax lien and enforceable in the same manner as provided by law. The county may recover its costs of clearing or repair from the owner of record of the property when the clearing or repairs were made at such time as the property is sold or disposed of by such owner. The costs of clearing or repair shall be recovered from the proceeds of any such sale.

*(Code 1995, § 6-118; Ord. No. 1015, § 1, 8-14-2001; Ord. No. 1135, § 3, 10-13-2009)*

**State law reference**—Similar provisions, Code of Virginia, § 36-49.1:1(B)–(H).

#### **Sec. 6-108. - Declaration of nuisance.**

In lieu of the exercise of powers granted in sections 6-105 through 6-107, the board of supervisors, by ordinance, may declare any blighted property to constitute a nuisance, and thereupon abate the nuisance pursuant to state law. Such ordinance shall be adopted only after written notice by certified mail to the owner at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records. If the owner does not abate or remove the nuisance and the county abates or removes the nuisance at its expense, the costs of abatement or removal shall be a lien on the property and the lien shall bear interest at the legal rate of interest established in Code of Virginia, § 6.1-330.53, beginning on the date the abatement or removal is completed through the date on which the lien is paid.

*(Code 1995, § 6-119; Ord. No. 1015, § 1, 8-14-2001; Ord. No. 1135, § 1, 10-13-2009)*

**State law reference**—Similar provisions, Code of Virginia, § 36-49.1:1(I).

#### **Sec. 6-109. - Provisions cumulative.**

The provisions of this article shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

*(Code 1995, § 6-120; Ord. No. 1015, § 1, 8-14-2001)*

**State law reference**—Similar provisions, Code of Virginia, § 36-49.1:1(J).

**ARTICLE VI. - REPAIR OR REMOVAL OF DERELICT BUILDINGS****Sec. 6-135. Purpose.**

The purpose of this article is to encourage the repair or removal of derelict buildings in the county by providing procedures and tax abatement for such activity.

**Sec. 6-136. Definitions.**

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

*Derelict building* means 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 has been:

- (1) vacant;
- (2) boarded up in accordance with the building code; and
- (3) 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.

*Plan* means the plan submitted by the owner of a derelict building to the building official in accordance with section 6-138.

**Sec. 6-137. Declaration of derelict property; notice.**

(a) The building official may determine that a building qualifies as a derelict building or the owner of a building may apply to the building official and request that the building be declared a derelict building for the purposes of this article.

(b) If a building qualifies as a derelict building, the building official shall give written notice to the owner at the address listed on the county's assessment records. Such notice shall be delivered by first-class mail, and the building official shall obtain a U.S. Postal Service Certificate of Mailing, which shall constitute delivery for purposes of this section.

(c) The building official's written notice shall state that the owner of the derelict building is required to submit to the building official 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 notice.

**Sec. 6-138. Submission of plan by property owner; approval by building official.**

(a) Any owner of a derelict building to whom the building official has sent a written notice as provided in section 6-137 shall submit to the building official within 90 days a plan to demolish or renovate such building. The building official may require that such plan be submitted on forms provided by the building official. The plan filed by the owner 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 have been declared derelict buildings.

(b) The plan shall be subject to approval by the building official. Upon receipt of the plan, the building official shall meet with the owner at the owner's request and provide information to the owner about the land use and permitting requirements for demolition or renovation.



**Sec. 6-139. Plan completion; permit fees.**

(a) If the owner's plan is to demolish the derelict building, the building permit application for demolition shall be expedited. The building official shall refund any building and demolition permit fees upon the owner's submission of proof of demolition within 90 days of the date of the building permit issuance.

(b) If the owner's plan is to renovate the derelict building and no rezoning is required for the owner's intended use of the property, the plan of development or subdivision application and the building permit application shall be expedited.

(c) The plan of development or subdivision application fees shall be the lesser of 50 percent of the standard fees established for plan of development or subdivision applications for the proposed use of the property, or \$5,000 per property;

(d) The building permit application fees shall be the lesser of 50 percent of the standard fees established for building permit applications for the proposed use of the property, or \$5,000 per property.

**Sec. 6-140. Remedies for noncompliance.**

(a) An owner's failure to submit a plan required under this article or failure to comply with an approved plan or the dates for commencement and completion of an approved plan shall be a violation of this Code as provided in section 1-13(a)(2) and shall be punishable as provided in that section.

(b) Notwithstanding the provisions of this article, the building official may proceed to make repairs and secure the derelict building under section 6-26, or to abate or remove a nuisance under section 6-25. In addition, the building official may exercise remedies that exist under the building code and may exercise such other remedies available under general and special law.