

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING DIVISION 2, PERMIT AND INSPECTION FEES, BY ADDING ARTICLE VII, UNSAFE BUILDINGS AND STRUCTURES, SECTION 4-76, UNSAFE BUILDINGS AND STRUCTURES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by adding Article VII, Unsafe Buildings and Structures, Section 4-76, Unsafe buildings and structures.

Chapter 4. Building Regulations

Division 2. Permit and Inspection Fees

*Article VII. Unsafe Buildings and Structures*

***Sec. 4-76. Unsafe buildings and structures.***

*(a) The building official or fire official may require property owners to remove, repair, or secure any building, wall, or other structure which is located on their property and which the building official or fire official has determined poses a danger to public health or safety of other residents of the county.*

*(b) If the building official or fire official determines that a building, wall, or structure poses a danger to public health or safety he shall cause a notice to be served on the owner and any recorded lien holder of the building, wall, or other structure, requiring the owner to remove,*

*repair, or secure the building, wall, or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the county. No action shall be taken by the county to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the county may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.*

*(c) The property owner shall remove, repair, or secure the building, wall, or structure, as required by the notice, within 30 days after notice has been given to the owner and any recorded lien holder of such property as provided in subsection (b), whichever is later. If the owner fails to take the action required in the notice within the 30-day period, the building official or fire official may remove, repair, or secure the building, wall, or structure, as required by the notice.*

*(d) In the event the county, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes are collected.*

*(e) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, title 58.1, chapter 39, article 3 (sections 58.1-3940 et. seq.) and article 4 (sections 58.1-3965 et. seq.), as amended. The county may waive such liens in order to facilitate the sale of the property. 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.*

*(f) In addition to the remedies set forth above, any owner of such property who fails to take the action required in the notice within the 30-day period shall be subject to a civil penalty of \$1,000.00.*

*\* State law reference - Authority to require removal, repair, etc., of buildings and other structures, see Code of Va., § 15.2-906.*

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James G. Kennedy, Chairman  
Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on this 28th day of April,  
2009.

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