

ORDINANCE NO. 2024-11

**AN ORDINANCE AMENDING ARTICLES 777.09 AND 777.11 OF THE CODIFIED
ORDINANCES OF THE TOWN OF NUTTER FORT
RELATING TO LANDLORD REGISTRATION**

WHEREAS, the Town of Nutter Fort adopted a Rental Registration Program effective January 1, 2024; and

WHEREAS, the Town of Nutter Fort Town Council has determined that timeframes for filing certain documentation pursuant to Articles 777.09(A) and 777.11(C) are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NUTTER FORT THAT ARTICLES 777.09(A) AND 777.11(C) ARE HEREBY REVISED TO READ AS FOLLOWS:

ARTICLE 777: RENTAL DWELLING UNITS

§ 777.09 EXEMPTIONS.

All single, duplex and multi-family rental units and structures, including boarding and/or rooming houses as defined in the Town Zoning Ordinance, located within the Town shall comply with the requirements of this article except as specifically exempted below:

(A) All residential rental units and/or complexes owned and inspected by the Federal Housing and Urban Development Department (HUD) or the Federal Housing Administration (FHA). Proof of inspection and compliance must be provided within 30 days of inspection.

(B) Hotels, motels, and bed and breakfast establishments as classified in the West Virginia Building Code, as amended.

§ 777.11 NOTICE OF VIOLATION.

(A) When, in the course of the inspection required under this article, violations are discovered on the premises which do not affect the habitability or safety of a rental dwelling, such violations shall be cited in accordance with the administrative provisions of the applicable code or ordinance. Such violations shall not be construed as grounds to withhold or revoke the certificate of use and occupancy.

(B) Where conditions exist which affect the habitability of the dwelling but which do not pose an imminent hazard to the occupants, a certificate of use and occupancy shall be issued along with a notice of violation. The notice of violation shall be in writing, shall be served to the owner or agent, shall contain a description of the property sufficient for identification, and shall include:

- (1) A statement of the reason(s) for which it was issued;
- (2) A correction order specifying repairs to be made;
- (3) A reasonable time in which repairs are to be completed; and
- (4) A statement of the owner's right of appeal.

(C) The owner shall, within 30 days of notice of violation, correct all deficiencies cited in violation of the State Building Code and Town codes. The certificate of use and occupancy shall

be revoked and a notice to vacate issued if the dwelling unit is not in compliance within the time specified in the notice of violation. However, the Code Official may, upon written request, extend the period for compliance where the work has been delayed despite good-faith efforts to comply and where such extension presents no immediate threat to the health or safety of the occupants of the dwelling unit or other units or properties. A notice of violation shall not be construed to verify substandard housing except where conditions exist which require the vacation of the dwelling or dwelling unit.

(D) Where violations are found which, in the judgment of the Code Official, are sufficient to withhold or revoke the certificate of use and occupancy, the Code Official shall issue a notice to vacate. The notice to vacate shall:

- (1) Be in writing;
- (2) Be served to the owner or owner's agent;
- (3) Contain a description of the property sufficient for identification;
- (4) State the reasons therefor;
- (5) Include a copy of any relevant notice(s) of violation; and
- (6) Include notification of the owner's right of appeal.

(E) Nothing in this article shall be construed to prevent the Code Official from ordering the immediate vacation of any dwelling or dwelling unit where violations are discovered which pose an imminent threat to the health or safety of the occupants. Appeal shall not stay an order to vacate under such conditions.

(F) Occupancy of any rental dwelling unit in violation of a notice to vacate shall subject the owner/agent and/or the occupants to the penalties prescribed in § 777.99.

This Ordinance shall be effective upon passage.

Passed by Council of the Town of Nutter Fort on FIRST READING on this 10th day of September, 2024.

Passed by Council of the Town of Nutter Fort on SECOND READING on this 24th day of September, 2024.

MAYOR

ATTEST:

TOWN RECORDER