

## CHAPTER 4 BUILDINGS

### ARTICLE III. - BUILDING MAINTENANCE CODE

#### § 4-300. - Adoption.

~~Volume II, Building Maintenance Code of the Virginia Uniform Statewide Building Code, 1993 edition, effective April 1, 1994, (Part III) of the Virginia Uniform Statewide Building Code~~ is hereby adopted by reference, including but not limited to, ~~The BOCA National Property Maintenance Code/1993 edition amended by sections 101.2 and 101.3~~ the 2018 Virginia Property Maintenance Code (Part III), in its entirety, in effect July 1, 2021, and all amendments thereto hereafter enacted under the provisions of Code of Virginia, § 36-97 ~~98~~ et seq., and adopted therein for the purpose of ensuring public safety, health and welfare through proper building maintenance and use and continued compliance with minimum standards, including the elimination of conditions that render buildings unsafe and thereby constituted serious and dangerous to life and health or to public welfare.

#### § 4-301. - Code official.

Pursuant to section 36-105 of the Code of Virginia, 1950, as amended, the Town of Port Royal does not elect to administer and enforce the Building Code, recognizing that Caroline County shall administer and enforce the Building Code. Pursuant to section 104.4.1 of the Virginia Property Maintenance Code the Town of Port Royal will provide Technical Assistants to assist the Building Official in enforcement of the Code.

#### § 4-302. - Appeals.

The Local Building Board Code of Appeals of/for the ~~town~~ County of Caroline is hereby designated as the appeals board to hear appeals arising from the code official's application of the Building Maintenance Code or refusal to grant a modification to the provisions of the Building Maintenance Code covering the manner of maintenance or use or the materials to be used in the maintenance or repair of that building or structure.

#### §s. 4-303—4-306. - Reserved.

### ARTICLE IV. - UNSAFE BUILDINGS

#### § 4-400. - When examination required.

Whenever the town manager or his duly appointed designee shall be informed that any building or structure or part thereof in the town is dangerous or unsafe, by reason of dilapidation or otherwise, to the occupants or to persons passing in the vicinity thereof or to adjoining property, he shall cause to be made an examination of such building or structure.

#### **§ 4-401. - Notice to owner, etc., to show cause as to removal.**

- A. If upon examination as provided in section 4-61, it shall appear that the building or structure in question, or part thereof, is in such condition as is indicated in section 4-61, the town manager or his duly appointed designee shall issue a notice to the owner of the property or to his agent, if he is a nonresident, or to his guardian or other legal representative, as the case may be, requiring him to appear at the town planning and zoning office at a specified time, to show cause why such building or structure should not be removed or put in a safe condition.
- B. The notice provided for in subsection (a) of this section shall be served personally if possible but if the person upon whom personal service is to be made cannot be found in the town, such notice shall be sent by certified mail to the last known post office address of such person and proof thereof shall be taken and accepted in lieu of personal service.

#### **§ 4-402. - Order to remove or repair.**

If after hearing the case, pursuant to notice as provided in section 4-62 it shall appear that a building or structure, or part thereof, is in such condition as is indicated in section 4-61, the town manager or his duly appointed designee shall issue an order directing the owner or his agent or legal representative, within a specified time, to remove such building or structure or part thereof or to put such building or structure or part thereof in safe condition.

#### **§ 4-403. - Procedure in event of noncompliance.**

If the building or structure or part thereof in question is not removed or put in a safe condition within the time specified in the order provided for in section 4-63, the town attorney shall cause a summons to be issued by the judge of the general district court, directing the owner or his agent or legal representative failing to comply with the order in question to appear before the general district court to show cause why the building or structure or part thereof in question should not be removed or put in a safe condition, at the expense of the owner.

#### **§ 4-404. - Court order to comply.**

If, at a hearing before the general district court, held pursuant to a summons issued as provided in section 4-64, no sufficient cause be shown for failure to comply with the order in question, the owner of the building or structure or part thereof in question shall be guilty of a violation of this article for each day his failure to comply with such order has continued, and the general district court shall require such building or structure or part thereof in question to be removed or put in a safe condition at the expense of the owner thereof.

#### **§ 4-405. - Removal, etc. by town manager.**

If the requirement of the general district court relative to the removal or putting in a safe condition of a building or structure or part thereof authorized by section 4-65, is not properly complied with, the town manager or his duly appointed designee shall have the building or structure or part thereof, in question removed or put in a safe condition and the costs thereof shall

be a lien upon the real estate of the owner and may be collected as taxes or other claims due the town are collected. A suit in chancery may be brought in the circuit court of the county for the purpose of subjecting the property to the payment of such debt.