

AN ORDINANCE No. 86-243-220

ADOPTED OCT. 13 1986

To amend the Code of the City of Richmond, 1985, by adding therein in Chapter 6, Buildings and Building Regulations, a new article entitled: "Article VIII. Building Maintenance Code", consisting of Sections 6-320 and 6-321, and to repeal Section 6-4, unsafe buildings, of said Chapter.

Patron - City Manager

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Code of the City of Richmond, 1985, be and is hereby amended by adding therein in Chapter 6, a new article, entitled: "Article VIII. Building Maintenance Code", consisting of Sections 6-320 and 6-321 as follows:

ARTICLE VIII. BUILDING MAINTENANCE CODE

Sec. 6-320. Adoption of Virginia Uniform Statewide Building Maintenance Code.

The maintenance of all buildings within the city shall be governed by the provisions of the Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code, as promulgated by the state board of housing and community development. All provisions of the building maintenance code shall be enforced within the city.

Sec. 6-321. Enforcement.

The city manager shall be the code official for the purposes of enforcing the building maintenance code. The city manager is hereby authorized to assign responsibility for administration and enforcement of the building maintenance code to an enforcing agency or agencies. The city manager is further authorized to appoint as code official in his stead the head of an enforcing agency.

§ 2. That Section 6-4 of the Code of the City of Richmond, 1985, as follows, be and is hereby repealed:

Sec. 6-4. Unsafe buildings.

All buildings or structures, construction of which was commenced pursuant to issuance of a permit issued pursuant to laws in force prior to September 1, 1973, and which have not by virtue of reconstruction, improvements, or other activity become subject to the terms of the statewide building code, which are unsanitary, or are not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, including by way of illustration, but not limitation, being continuously or intermittently but repeatedly open, *i. e.*, having missing windows or doors, or portions thereof, or openings in exterior walls admitting free access to such building, or which because of dilapidation, obsolescence or abandonment, are severally in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and the unsafe condition or conditions shall be abated by repair and rehabilitation or by demolition in accordance with the procedure hereinafter set out.

- (1) Whenever the commissioner of buildings shall find any building or structure or portion thereof to be unsafe, as defined in this section, he shall either by the personal service of a written notice, made by the sheriff or by other person authorized by law of the

state to make service, by substituted service of such written notice in a manner provided in section 8.01-296 of the Code of Virginia, or by any other method of service of a notice as may be prescribed by the council in a manner authorized pursuant

to the charter, or by general law, give the owner, agent, or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time not to exceed thirty (30) days either to complete specified repairs or rehabilitation, or to demolish and remove the building or structure or portion thereof. The commissioner of buildings may for good cause extend such period, but in no case shall the total time given to make such repairs exceed six (6) months.

- (2) The notice, when the commissioner determines it is necessary, shall also require the building, structure or portion thereof to be vacated forthwith and direct that it not be reoccupied until the specified repairs and rehabilitation are completed and the work inspected and approved by the commissioner of buildings. The commissioner of buildings, should he require a building to be vacated, shall cause to be posted at each entrance to such building a notice: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE COMMISSIONER OF BUILDINGS." Such notice shall remain posted until the required repairs and rehabilitation are made or demolition completed. It shall be unlawful for any person, firm or corporation or their agents, or servants, to remove such notice without the written permission of the commissioner of buildings, or for any person to enter the building except for the purpose of making required repairs or in connection with the demolition of same.
- (3) The owner, agent or person in control of an allegedly unsafe building or structure shall have the right, except in cases of emergency, to note an appeal from the ruling of the commissioner of buildings to the building code board of appeals, such appeal to be noted no later than ten (10) days after service of notice. When an appeal is perfected, the building code board of appeals shall

schedule a hearing for a specified time and place. At the hearing, after hearing such testimony and examining such exhibits as

it deems necessary, shall determine if the person noting such appeal shall be required to comply with the notice as served, if the directions contained in the notice shall be modified, or if the person appealing shall be relieved from obligation of complying with the notice.

- (4) In case the owner, agent or person in control cannot be found, or if such owner, agent or person in control shall fail, neglect or refuse to comply with a notice to repair, rehabilitate or demolish and remove the building or structure or portion thereof, the commissioner of buildings, after having ascertained the cost, shall cause such building or structure or portion thereof, to be demolished, or to be secured, or may in his discretion order that the building remain vacant and unoccupied.
- (5) The decision of the commissioner of buildings in any case which, in his opinion, involves imminent danger to human life or health shall be final. He shall promptly cause such building, structure, or portion thereof to be made safe or removed. For this purpose the commissioner may enter such structure or land on which it stands, or abutting land or structures at once, and with such assistants as the commissioner deems necessary. The commissioner may order and cause adjacent structures to be vacated and also may cause to be erected appropriate fence or use such other means as he may deem necessary for protection of the public. To accomplish this purpose the commissioner may order public or private ways to be closed.
- (6) Costs incurred by the city acting pursuant to subsections (4) and (5) of this section shall be chargeable to and payable by the owner of any such property and may be collected as taxes and levies are collected. Nothing herein shall be construed to prohibit the city from collecting such expenses in any other manner provided by law.

§ 3. That references to Section 6-4 of the Code of the City of Richmond, 1985, repealed pursuant to adoption of § 2 of this ordinance, shall hereafter refer to corresponding sections of the building maintenance code.

§ 4. This ordinance shall be in force and effect as of October 1, 1986.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

<p>Resolution Ordinance No. 86-243</p> <p>Requested by City Manager</p> <p>Received City Manager's Office --</p> <p>Summarized 10/7/86</p>	<p>Subject</p> <p>To Amend Code Add Sections 6-320 and 6-321 and to Repeal Section 6-4.</p>
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SUMMARY

This Ordinance would amend the Code of the City of Richmond, 1985, by adding therein in Chapter 6, Buildings and Building Regulations, a new article entitled:

Article VIII. Building Maintenance Code

Section 6-320 - Adoption of Virginia Uniform Statewide Building Maintenance Code

Section 6-321 - Enforcement.

This Ordinance would also repeal Section 6-4, UNSAFE BUILDINGS, of Chapter 6.

COUNCIL ACTION

	<p>On Docket 10/13/86</p> <p>Amended</p> <p>Adopted</p> <p>Rejected</p>
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