

Chapter 4  
Article II  
Division IV  
Nelson County Unsafe Buildings and Structures Ordinance

Sec. 4-57. Short title; authority.

a. This article may be known and cited as the "Nelson County Unsafe Buildings and Structures Ordinance."

b. This article has been enacted pursuant to Code of Virginia §15.2-906 (1950, as amended), and shall be administered consistent with the provisions of the Uniform Statewide Building Code and regulations promulgated thereunder, applicable to or adopted by Nelson County.

Sec. 5-58. Definitions.

*Building* shall mean any structure used or intended for supporting or sheltering any use or occupancy.

*Building official* shall mean the person so designated by the Nelson County Board of Supervisors to serve as the code official for administration and enforcement of the provisions of the Virginia Uniform Statewide Building Code, or his designee.

*County* shall mean Nelson County, Virginia.

*Owner* shall mean any person having a legal or equitable interest of record.

*Person* shall mean any individual, firm, partnership, cooperative, corporation, association, estate, trust, trustee in bankruptcy, receiver, club, society, or other group or combination acting as a unit.

*Structure* shall mean that which is built or constructed.

Sec. 4-59. Order to remove, repair, or secure.

The building official may order any owner of property in the county to remove, repair, or secure any building, wall, or other structure which he determines might endanger the public health or safety of other residents of the county.

a. The order shall be contained in a notice issued by the building official to the owner and to the lien holder. The notice shall be in writing and shall identify the condition of the building, wall, or other structure that constitute a danger to the public health or safety, specify the measures that

must be taken to eliminate the danger, and state a reasonable time within which the measures must be taken.

b. The notice shall be mailed by certified or registered mail, return receipt requested and be sent to the last known address of the property owner. The notice shall also be published once a week for two successive weeks in a newspaper having general circulation in the county.

c. For purposes of the section, "repair" includes maintenance work to the exterior of a building to prevent deterioration of the building, wall, or structure, or adjacent buildings.

#### Sec. 4-60. Authority of building official to remove, repair, or secure.

Upon the issuance by the building official of an order to remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents of the county, the County Administrator, through the county's agents or employees, is authorized to remove, repair, or secure any building, wall or any other structure, if:

a. Notice has been provided to the owner of the property and the lienholder as provided in Section 4-59;

b. At least 30 days have passed since the later of either the return of the receipt or newspaper publication, as provided in section 4-59(b,) 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; and,

c. The owner and the lien holder of the property have failed to remove, repair, or secure the building, wall, or other structure within the time period specified in the notice.

#### Sec. 4-61. Recovery of costs if the county removes, repairs, or secures; lien.

a. If the county removes, repairs, or secures a building, wall or other structure pursuant to Section 4-59, the cost or expenses thereof shall be chargeable to and paid by the owner of the property.

b. Every charge authorized by this section may be collected by the county as taxes are collected.

c. Every charge authorized by this section with which the owner of the property has been assessed and which remains unpaid shall constitute a lien against the property. The lien shall rank on a parity with liens for unpaid local taxes and shall be enforceable in the same manner as provided in Virginia Code §§ 58.1-3940 *et seq.* and 58.1-3965 *et seq.*

Sec. 4-62. Written consent.

Notwithstanding the foregoing, with the written consent of the property owner, the county may, through its agents or employees, demolish or remove a derelict nonresidential building or structure provided that such building or structure is neither located within or determined to be a contributing property within a state or local historic district nor individually designated in the Virginia Landmarks Register. The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent. The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder or the first lienholder's authorized agent is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided in Section 4-61. In the event the consent of the first lienholder or the first lienholder's authorized agent is not obtained, such lien shall be subordinate to that first lien but shall otherwise be subject to Section 4-61.

Sec. 4-63. Civil penalty.

If the owner of the property should fail to remove, repair, or secure the building, wall, or other structure within the time period specified in the notice the owner shall be liable for a civil penalty of \$1,000.00.

Sec. 4-64. Remedies of this article not exclusive.

The remedies authorized by this article shall not be exclusive of any other remedy provided by law, including any remedy to abate, raze, or remove an unsafe structure or equipment as provided in the building code, or any remedy to abate, raze, or remove a building, wall, or structure that constitutes a public nuisance as provided in Virginia Code §§ 15.2-900, 15.2-1115, and 48-1 *et seq.*

State Law Reference: *Va. Code* §15.2-906