

STEPHENS CITY CODE

Chapter 4

BUILDINGS

State Law References: Authority of Town to require removal, repair, etc. of buildings and other structures 15.2-906, removal, repair, etc. of buildings harboring illegal drug use 15.2-907, 54.1-3401, 18.2-258(a), removal or repair of defacement, fencing, 15.2-908, removal, repair of buildings harboring bawdy places 15.2-908.1; local certification to do building-related work; power of Town to regulate the light, ventilation, sanitation and use and occupancy of buildings 15.2-1115, -1117,

(Ord 12/2/08 – Repeal, Revise, Re-enact)

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Sec. 4-1. Virginia Uniform Statewide Building code.

(a) There is hereby adopted by the Town council the Virginia Uniform Statewide Building Code and all amendments thereto, the provisions of which shall control all matters concerning the construction, alteration, repair, removal, demolition, equipment, use and occupancy of all buildings and structures and all other functions which pertain to the installation of plumbing, electrical and mechanical systems vital to all buildings and structures and their service equipment, as defined by such code, including permits and penalties, and such code is hereby incorporated in and made a part of this section as fully as if set out at length herein and the provisions thereof shall be applicable throughout the town.

(b) The provisions of the code adopted by this section shall be enforced by the county building official.

(c) Any person violating any provision of the code adopted by this section shall be guilty of a misdemeanor and, upon conviction thereof, punished by a fine of not more than one thousand dollars (\$1,000.00).

State law references: Uniform Statewide Building Code, Code of Virginia, §36-97 et seq.

Sec. 4-2. County fees for permits, certificates and inspections.

Any fees set by the county for services provided in accordance with the Virginia Uniform Statewide Building Code shall apply within the Town as well. The Town specifically chooses not to regulate or pre-empt the County provisions regarding the Virginia Uniform Statewide Building Code.

Sec. 4-3. Approval of building permits by zoning administrator.

Each permit issued by the county for construction within the Town shall be approved by the Town zoning administrator for compliance with the zoning ordinance of the Town.

Sec. 4-4. Unsafe Structures.

(a) *Reporting.* The town manager or, upon direction by the town council, the town clerk or the mayor, shall advise the building official, in writing, of any building or other structure which might endanger public health and welfare or be an unsafe building or structure, and of all remnants of fires and abandoned buildings and in this report give the building official all pertinent information as to the location of the building or structure and the owner or person in charge thereof.

(b) *“Unsafe building or structure”*; *defined*; *right of condemnation.* All buildings or structures that are unsafe, unsanitary or deficient in adequate exitway facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which by reason of illegal or improper use, occupancy or maintenance become so, shall be deemed “unsafe buildings or structures” and shall be condemned by the building official. All unsafe structures shall be taken down and removed or made safe and secure, as the building official may

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deem necessary and as provided for in this section. A vacant building, unsecured or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this section.

(c) *Examination and report of damaged structures.* The building official shall examine every building or structure reported as dangerous, unsanitary, unsafe structurally or constituting a fire hazard, and he shall cause a report to be filed in the docket of unsafe structures and premises, stating the use of the structure and the nature and estimated amount of damages, if any, caused by collapse or failure.

(d) *Notice.* If an unsafe condition is found in a building or structure, the building official shall serve notice on the owner, agent or person in control of the building or structure deemed unsafe, specifying the required repairs or improvements to be made to render the building or structure safe and secure or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the thus person notified to immediately declare to the building official his acceptance or rejection of the terms of the order.

(e) *Restoration.* A building or structure condemned by the building official may be restored to a safe condition, provided change of use of occupancy is not contemplated or compelled by reason of such reconstruction or restoration, and the cost thereof is not in excess of 50 percent of its replacement value, exclusive of foundations. Such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures as otherwise required.

(f) *Serving or posting unsafe notice.* If the person addressed with an unsafe notice cannot be found within the town after diligent search, such notice shall be sent by certified mail, return receipt requested, to the last known address of such person or personally served on the owner by a person authorized to serve process under the Code of Virginia and a copy of the unsafe notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal service.

(g) *Failure to comply with unsafe notice.* Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the legal counsel of the jurisdiction shall be advised of all the facts, and he may institute the appropriate action to compel compliance or take any other action permitted by law, upon direction to do so by the town council.

(h) *Vacating Structures.* When, in the opinion of the building official, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the building official is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows: "This structure is unsafe and its use or occupancy has been prohibited by the building official, and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same."

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(i) *Temporary safeguards.* When, in the opinion of the building official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, he shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been instituted.

(j) *Closing streets, etc.* When necessary for the public safety, the building official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structure and prohibit the same from being used.

(k) *Building official to cause repairs to be made expeditiously.* For the purpose of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(l) *Failure of property owner to act.* If the property owner or person in charge of the property shall fail to remove, repair or secure the building or other structure within the time period designated by the building official, the town, through its agents or employees, shall have the right to remove, repair or secure the building or structure after advertising for bids for such removal, repair or securing of such building or structure once each week for two successive weeks in a newspaper of general circulation in the area where such building or structure is located. The provisions of this subsection shall not be construed to restrict the right of the town or the building official to make emergency repairs provided for elsewhere in this chapter.

(m) *Costs and expenses incurred by town.* All costs and expenses incurred by the town or building official for removal or repair of any building or structure and the procedures prescribed by this section related thereto shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes or levies are collected or in any other manner authorized by law.

(n) *Lien on real property.* Every cost, charge and expense authorized by this section with the owner of any property shall have been assessed and which remains unpaid for a period of ten days after notice thereof has been mailed to the owner, if his location is known, or posted on the property in a conspicuous place shall constitute a special assessment and a lien on such property.

(o) *Cumulative remedies.* The provisions of this section shall be cumulative and not exclusive of any other provisions or remedies provided for by this Code.

Sec. 4-5. Occupied buildings required to have water supply.

(a) All buildings and structures intended for human habitation or occupancy shall be provided with a supply of potable water. Where connection to the Town water supply is reasonably available, all buildings and structures shall connect to the Town system. No building may have a water supply that is deemed unsafe by the building officials nor shall the building have a water supply cross connected to the drainage system.

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(b) All buildings and structures having, or required to have, water closets shall ensure piping conveying the water is of sufficient size to supply the water at a rate required for adequate flushing.
State law references 15.2-1115, -1117; 15.2-2143;

Sec. 4-6. Violations and penalties.

It shall be unlawful for any person within the Town to violate or fail to comply with any provision of the building code. Any violation shall be punished as a class two misdemeanor.

Sec. 4-7. Hotels, Motels, Campgrounds.

(a) Every person operating a rooming house, motel, hotel (any house or place of more than four bedrooms or separate houses or cottages where transient guests are housed or lodged for compensation), in the Town, or any campground where camping spaces are provided, shall at all times keep and maintain a guest register in which shall be inscribed in a legible form the name and home address of the guest or person renting or occupying a room or camping space, as well as the guest's vehicle description and license plate information. Such register shall be signed by the person renting the room or camping space.

Until the registry is complete, no guest shall be permitted to occupy a room or camping space.

The proprietor of the rooming house, lodging house, tourist court, motel, hotel, or campground shall maintain for one year a record of the guest registry.

(b) The register required by this section shall be subject to inspection at any and all reasonable times by any Town police officer in the performance of his duties without a search warrant.

(c) The guest vehicle parking area of every rooming house, lodging house, tourist court, motel, hotel and campground shall be accessible at all times to any Town police officer in the performance of his duties without a search warrant.

State law reference Virginia Code Sections §35.1-9.

Sec. 4-8. Structure numbering.

(a) *Intent.* This section is intended to promote the health, safety and general welfare of the public and to enhance the effective and efficient provision of emergency services to the citizens of the Town of Stephens City.

(b) *Purpose of Section.* The purpose of this section is to provide for a uniform, town wide system for assigning street address numbers to all dwellings, buildings and habitable structures in the town; to assist fire and rescue service providers, law enforcement agencies, the United States Postal Service and other organizations in the timely and efficient provision of their services to the residents and businesses of the town.

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(c) *Administration and interpretation.* The town manager/zoning administrator or his designated agent is hereby designated as the agent responsible for the administration, implementation and enforcement of this section.

The agent shall establish street address numbers according to the provisions set forth in this section including as follows:

- 1) No building permit shall be approved until a street address number has been determined and assigned as provided here.
- 2) No certificate of occupancy may be issued until an assigned address number has been posted as provided here. The property owner shall be responsible for affixing the assigned address numbers and removing any different address numbers if present. The initial cost and continued maintenance of address numbers shall be the responsibility of the property owner.

Henceforth, street addresses shall be assigned as provided herein by the agent to each lot or parcel shown on each master development plan and/or subdivision plat prior to final approval by the town's representative and a copy of the numbered master development plan and/or subdivision plat shall be maintained by the town manager or engineer.

(d) *Determination of street address numbers.* Street address numbers shall be assigned using the same guidelines that are set forth in the Frederick County, Virginia street naming and addressing system principals and criteria and operational manual as well as the county master street guide unless, in the opinion of the town manager or engineer the interests of the citizens of the town are better served by modification to the system or when the circumstances dictate adjustments.

(e) *Size and location of street address numbers.*

- (1) Street address numbers for residences shall not be less than four inches in height and shall be made of durable and clearly visible material. The numbers shall be conspicuously place on, above or at the side of the main entrance so that the number is clearly discernable from the street. Whenever a building is more than 50 feet from the street, or when the entrance is not visible from the street, the number shall also be placed along a walk, driveway, or other suitable location so that the address number is discernable from the street. Where mailboxes are not affixed to the building street address numbers shall be shown on the mailbox in accordance with postal regulations.
- (2) Street address numbers or letters shall be of a contrasting color to the background on which they are mounted. Those addresses within the historic district shall not consist of a lurid display.
- (3) Whenever possible, the number shall be displayed over the main entrance to the structure.

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- (4) There shall be no other numbers within two feet of the building number.
- (5) Apartments, townhouses, shopping centers, or other similar groupings where only one number is assigned shall display such a number at the main entrance way. Such address numbers shall have a minimum height of eight inches. Numbers for individual units or establishments within the complex shall be displayed on, above or to the side of the main doorway of each unit or establishment.

(f) *Enforcement/penalties.*

- (1) Whenever the town manager or engineer has reason to believe there has been a violation of any provision of this article, he or she shall give notice of such violation to the person failing to comply and order the person to take corrective measures within 30 days from the date of notification.
- (2) If such person fails to comply with the duly issued order, the town manager or engineer shall initiate necessary actions to terminate the violation through criminal and/or civil measures.
- (3) Any violation of any provision of this section shall constitute a class four misdemeanor. Subsequent to the thirty-day period following notification of violation, each day of violation shall constitute a separate violation.

State law reference 15.2-2024.

Sec. 4-9. Building Maintenance.

(a) Standards adopted and enforcement:

The Frederick County Department of Building Inspections is hereby designated to act as the local enforcing agency and is authorized to enforce the Virginia Maintenance code provisions of the Virginia Uniform Statewide Building Code for commercial and industrial buildings and those portions of such provisions as relate to unsafe structure and/or occupancy limitations for residential buildings, under the authority of §§36-99 and 36-105, Code of Virginia 1950, as amended. The Chief Building Code Official is designated as the “Building Maintenance Official” to enforce such provisions.

(b) Enforcement procedures:

The enforcement procedure of the Virginia Uniform Statewide Building Code, The Virginia Maintenance Code, shall be instituted by the Building Maintenance Official when a written complaint is filed with the Building Maintenance Official.

(c) Appeals Board:

The Frederick County Board of Building Appeals is hereby designated as the Appeals Board to hear appeals arising from the application of the provision of the Building Maintenance Code.

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(d) Administrative procedures:

The Building Maintenance Official shall establish such procedures or requirements as may be necessary for administration, abatement of unsafe conditions, and enforcement of this section. The procedures are to be approved by the Board of Supervisors.

(e) Violations and penalties:

Any person, firm or corporation who shall violate any of the provisions of this section shall, upon conviction, be punishable as provided in §36-106 of the Code of Virginia.
(Ord 5/6/14)