

AN ORDINANCE REQUIRING PROPERTY OWNERS TO REMOVE, REPAIR
OR SECURE BUILDINGS OR OTHER STRUCTURES ENDANGERING THE PUBLIC
HEALTH AND SAFETY

WHEREAS, it is the intent to adopt as COUNTY ORDINANCE 15.1-11.2 of Article 2, Title 15.1, Code of Virginia 1950, as may be amended from time to time.

WHEREAS, Section 1-13-17 of the Code of Virginia requires that such ordinances be not inconsistent with the constitution and laws of the United States or of this Commonwealth;

WHEREAS, by virtue of the powers extended under Section 15.1-11.2, Code of Virginia 1950, Wythe County is authorized to adopt an ordinance to regulate the removal, repair or securing of any building, wall or other structure which might endanger the public health and safety.

WHEREAS, the advertising of the public hearing as required by Section 15.1-504, Code of Virginia 1950, was had in the SOUTHWEST VIRGINIA ENTERPRISE on Thursday, May 30, 1974 and Tuesday, June 4, 1974.

NOW THEREFORE, be it and it is hereby ordained by the Board of Supervisors of Wythe County, Virginia, as follows:

Section 1. Permitting condition dangerous to life, health, etc., or constituting a fire hazard.

It shall be unlawful for any person owning or having charge of any building or structure in the county to permit such building or structure to be or remain in such condition as to endanger the life, health, safety or property of any other person or to constitute a fire hazard.

Section 2. Notice as to correction of condition in violation of Section 1 generally.

Whenever it appears to the agent of the Board that any building or structure in the county is in such condition as to be in violation of Section 1, the county administrator shall cause a notice to be served, as provided in Section 3, upon the person owning or having charge of such property, notifying such person that the offending condition of the building or structure owned by him or in his charge must be fully corrected within the sixty-day period next following the date of the notice and that, unless such offending condition is so corrected, such person must show cause before the Board of Supervisors at its next regular meeting following the expiration of such sixty-day period why the building or structure subject to the offending condition should not be condemned, dismantled and removed. Such notice shall state the location of the property subject to the condition complained of an outline in detail the exact nature of the complaint against it.

Section 3. Service of notice as to correction of condition in violation of Section 1.

The notice provided for in Section 2, shall be served by a law enforcement officer upon the person owning or having charge of the building or structure in question; provided, however, that should the person owning or having charge of such property be a non-resident of the county or should such person be unknown, then such notice shall be served by publishing the same once a week for two consecutive weeks in a newspaper published in the county and by serving a copy of such notice upon the tenant or person occupying the premises in question or a member of his household over the age of sixteen years and by mailing a copy of such notice to the last known address of the person owning or having charge of such property.

Section 4. Order of condemnation, etc.

When a notice, as provided for in Section 2, has been served, as provided in Section 3, if the person to whom such notice is directed and upon whom such service has been had shall fail, neglect or refuse to correct the condition complained of within the period specified in the notice or to show cause before the Board of Supervisors at the next regular meeting following the expiration of such sixty-day period why the property should not be condemned, the Board of Supervisors may order the property condemned and direct the agent to proceed to have the building dismantled and removed.

Section 5. Sale of materials from condemned building or structure

Should any condemned building or structure contain materials which can be sold, the agent shall sell the same for the highest price obtainable and out of the proceeds of sale, pay such expenses as may be incurred in connection with the execution of the order of the Board of Supervisors issued as provided in Section 4 and pay over the residue, if any, to the owner of the property condemned. Should the amount of the expenses incurred by the agent in connection with the execution of such an order of the Board of Supervisors exceed the amount realized by a sale of the materials contained in the condemned building or structure, the amount of such excess shall be assessed against the owner or person having charge of the property and collected in the same manner as other assessments against the citizens of the county are collected.

Section 6. Appeal from decisions of the Wythe County Board of Supervisors

Any person aggrieved by a decision of the Board of Supervisors made under the provisions of this ordinance may within thirty days from the date of such decision, file an appeal in the circuit court of the county.

Section 7. Should any portion of this ordinance be declared by a Court of competent jurisdiction to be invalid or unconstitutional such decision shall not effect the validity or constitutionality of this ordinance as a whole or any part thereof rather than the part so declared to be invalid or unconstitutional.

Section 8. This ordinance shall be effective commencing 12:01
A. M., DST, July 1, 1974.

J. Addison Jones, as a member of the Board moved for the adoption of said ordinance, motion was seconded by George F. James, as a member of the Board, and after due consideration thereof, the Chairman put the question on said motion and the roll being called for the following members of the Board voted:

J. Elmo Davis
James E. Dunkley
Dr. C. D. Moore, Jr.
George F. James
J. Addison Jones
John King, Jr.

None

Absent - None

WHEREUPON, the Chairman declared said ordinance duly adopted by the Board of Supervisors of Wythe County, Virginia, and that a copy be forwarded immediately to the Honorable Judges of the Wythe County and Circuit Courts, to the Sheriff of Wythe County, County Police Chief, WYVE Radio Station, the Southwest Virginia Enterprise and the Roanoke Times Bureau.