

Ordinance #002-21
Unsafe Building Ordinance
Adopted September 9, 2021 (Reenacted from April 5, 1982)
Code of Virginia 15.2-906

WHEREAS, buildings and structures may from time to time become unsafe or unfit for human habitation, and thus a danger to the health, safety, and general welfare of citizens of the Town of Onley,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Onley, Virginia, that the following regulations shall apply to buildings and structures which are or hereafter may be determined to be unsafe under the terms of this Ordinance, notwithstanding that buildings and structures erected after the enactment of the Uniform Statewide Building Code shall be regulated under the provisions of that Code, except that if the construction of such buildings or structures were exempt from that Code then the provisions of this Ordinance shall apply.

SECTION I – All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exit way 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, shall be deemed unsafe buildings or structures. All unsafe buildings shall be taken down and removed or made safe and secure, as the Town Building and Zoning Administrator (hereinafter, “TBZA”) may deem necessary and as provided in this Ordinance. A vacant building, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this Ordinance.

SECTION II – Whenever the TBZA shall find any building or structure or portion thereof to be unsafe, they shall give the owner, agent, or person in control of such building or structure written notice documenting the defects thereof. This notice shall require the owner either to complete specified repairs or improvements or to demolish or remove the building or structure or portion thereof within a stated time. Such notice shall require the person thus notified to immediately declare to the TBZA their acceptance or rejection of the terms of the order. In the event no such person can be found within the Town, then such notice shall be sent by registered or certified mail to the owner of such real estate, as shown on the Town tax records, or in the event the property is not assessed for taxation, to the last known address of the owner, agent or person in control of such building or structure, and a copy of such notice shall be posted in a conspicuous place on the premises, and such procedure shall be equivalent to personal notice.

SECTION III – If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected, and approved by the TBZA. The TBZA shall cause a notice to be posted at each entrance to such building, reading “This building is unsafe, and its use or occupancy has been prohibited by the Town Building and Zoning Administrator”. Simultaneously, the TBZA shall notify such public safety entities as the Town Police Department, Accomack County Sheriff’s Dept., Accomack County EMS & Fire Department(s), VDOT and ANEC. Such notice shall remain posted on the property until the required repairs are made, or demolition is completed. It shall be unlawful for any person, firm or corporation or

their agents, to remove such notice without written permission of the TBZA, or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

SECTION IV – The owner, agent or person in control of said property shall have the right, except in cases of emergency, as described below in Section VI, to appeal the decision of the TBZA, as provided hereinafter and to appear before the Onley Board of Zoning Appeals at a specified time and place to show cause why they should not comply with said notice. Such appeal shall be made within thirty (30) days of receipt of notice required by this Ordinance, or within thirty (30) days of the mailing of such notice in the event the owner, agent or person in control cannot be found by notification in writing to the TBZA.

SECTION V – In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the TBZA, after having ascertained the cost, shall cause such building or structure or portion thereof to be demolished, secured or required to remain vacant.

SECTION VI – The decision of the TBZA shall be final in cases of emergency which, in their opinion, involve imminent danger to human life or health. They shall promptly cause such building, structure, or portion thereof to be made safe or removed. For this purpose, they may immediately enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as they may deem advisable. The TBZA may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

SECTION VII – Any costs or expenses in connection with the enforcement of this Ordinance shall be the responsibility of the owner of such real estate, and any portion which shall have been billed to such owner and which remains unpaid after having been billed for thirty (30) days shall constitute a lien against such real estate and may be collected by the Town in the same manner as real estate taxes are collected. A bill mailed to the last mailing address of the owner shall constitute billing for purpose of this Section.

SECTION VIII – Should any section or provision of this Ordinance be found unconstitutional or declared invalid by the Courts, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

This Ordinance shall become re-enacted effective September 9, 2021.

Signed: _____

Matthew D. Hart, Mayor

Attest: _____

Jamye L. Salazar, Clerk

VOTE:

yes

Corbin

yes

Custis

yes

Ferguson

yes

Harmon

yes

Pierson

yes

Zember