ORDINANCE REGARDING THE REQUIREMENT OF PROPERTY OWNERS TO MAINTAIN THE APPEARANCE AND STRUCTURAL INTEGRITY OF ALL BUILDINGS WITHIN THE TOWN OF PARKSLEY

At a regular meeting of the Council of the Town of Parksley, Virginia, held on June 14, 2021, at which the Mayor and all members of the council were present, the following ordinance was unanimously adopted:

AYES: Nicholson, Taylor, Layne, Welch, Matthews, and Hamlin

 NAYS: None

 BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PARKSLEY AS FOLLOWS:

That the owners of property within the Corporate Limits of the Town of Parksley shall, at all times, ensure that all structures on said property are physically maintained so as not to endanger the health or safety of other residents of the Town, or to fall into a state of disrepair such that outside elements can freely enter the structure and contribute to the structure’s deterioration, or generally diminish the overall appearance of the surrounding properties and the Town of Parksley as a whole.

To this end, owners of property within the Corporate Limits of the Town of Parksley shall ensure that all structures on said property, whether occupied, vacant, or abandoned, both residential and commercial, be kept in good repair.

 1 (a) That property owners ensure that all structures be equipped with proper windows and doors, in all pertinent locations on the structure where doors or windows are required.

 (b) That the property owner, if proper windows or doors are not readily available, must ensure all window and door openings on all structures are otherwise covered/closed/boarded up to prevent entrance into the structure of people, animals, and/or weather conditions.

 (b-1) In the event of damage to / removal of existing windows or doors on a given structure, the property owner must ensure that the openings are covered/closed/boarded up within 10 (ten) days of damage/removal, and that said covering/boarding be replaced with proper windows or doors within 30 (thirty) days of damage/removal.

 (b-2) In the event that a structure is in a state of being repaired or restored, the owners may be granted a temporary exemption from this ordinance to as to complete their work. This exemption may be granted - at the consent of the Town of Parksley and/or its agents - following a written request submitted by the property owner. Such exemptions would last for 30 (thirty) days upon approval, unless the necessary work on said structure(s) is completed before such time. In the event that work/repairs on the property would extend beyond the initial 30 (thirty) day exemption, the property owner may request, in writing, and extension, to again be granted at the discretion of the Town of Parksley and/or its agents.

 (c) That whenever the governing body deems necessary, it may, after 30 (thirty) days notice, have such window and door openings covered/closed/boarded up by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes and levies are collected.

2 (a) That property owners ensure that all structures are clear of weeds, ivy, vines, or other foreign growth that is physically attached to a structure to prevent deterioration of structural integrity and general appearance, and that any existing shrubbery, trees, and/or landscaping in close proximity to any structure be maintained for appearance, structural integrity, public safety, and to ensure they do not encroach on public walkways or utilities.

 (b) That whenever the governing body deems necessary, it may, after 30 (thirty) days notice, have such weeds, ivy, vines, or other foreign growth that is physically attached to a structure, and/or have any existing shrubbery, trees, and/or landscaping in close proximity to any structure removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes and levies are collected.

3 (a) That it shall be unlawful for any person to violate or permit the violation of any section of this Ordinance, and any person, corporation or entity that violates or permits the violation shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Three Hundred Dollars ($300.00) for each offense.

 (b) Any person, corporation or entity that violates or permits violation of this Ordinance shall be deemed guilty of a separate offense for each and every day that such violation is committed, continued, or permitted by such person, corporation or entity and shall be punishable as hereinabove provided.

4 It is hereby declared that an emergency exists and this Ordinance shall be effective immediately.

Code of Virginia

Title 36. Housing

Chapter 1. Housing Authorities Law

Article 7. Redevelopment Projects

§ 36-49.1:1. Spot blight abatement authorized; procedure

A. Notwithstanding any other provision of this chapter, an authority, or any locality, shall havethe power to acquire or repair any blighted property, as defined in § 36-3, whether inside or outside of a conservation or redevelopment area, by purchase or through the exercise of the power of eminent domain provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, and, further, shall have the power to hold, clear, repair, manage or dispose of such property for purposes consistent with this chapter. In addition, the authority and locality shall have the power to recover the costs of any repair or disposal of such property from the owner or owners of record, determined in accordance with subsection B of § 36-27. This power shall be exercised only in accordance with the procedures set forth in this section.

B. The chief executive or designee of the locality or authority shall make a preliminary determination that a property is blighted in accordance with this chapter. It shall send notice to the owner or owners of record determined in accordance with subsection B of § 36-27, specifying the reasons why the property is blighted. The owner or owners of record shall have 30 days from the date the notice is sent in which to respond in writing with a spot blight abatement plan to address the blight within a reasonable time.

C. If the owner or owners of record fail to respond within the 30-day period with a written spot blight abatement plan that is acceptable to the chief executive of the agency, authority or locality, the agency, authority or locality may request the locality to declare the property as blighted, which declaration shall be by ordinance adopted by the governing body.

D. No spot blight abatement plan shall be effective until notice has been sent to the propertyowner or owners of record and an ordinance has been adopted by the local governing body.

Written notice to the property owner shall be sent by regular mail to the last address listed for the owner on the locality's assessment records for the property, together with a copy of such spot blight abatement plan prepared by the agency, authority, or locality. If the repair or other disposition of the property is approved, the authority, agency, or locality may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and the applicable law.

E. If the ordinance is adopted by the governing body of the locality, the locality shall have a lien on all property so repaired or acquired under an approved spot blight abatement plan to recover the cost of (i) improvements made by such locality to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien on such property shall bear interest at the legal rate of interest established in § 6.2-301, beginning on the date the repairs are completed through the date on which the lien is paid. The lien authorized by this subsection may be recorded as a lien among the land records of the circuit court, which lien shall be treated in all respects as a tax lien and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. The governing body may recover its costs of repair from the owner or owners of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner or owners. If the property is acquired by the governing body through eminent domain, the cost of repair may be recovered when the governing body sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.

F. Notwithstanding the other provisions of this section, unless otherwise provided for in Title 36, if the blighted property is occupied for personal residential purposes, the governing body, in approving the spot blight abatement plan, shall not acquire by eminent domain such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisitions, under an approved spot blight abatement plan, by any locality of property which has been condemned for human habitation for more than one year. In addition, such locality exercising the powers of eminent domain in accordance with Title

25.1, may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such person.

G. In lieu of the acquisition of blighted property by the exercise of eminent domain, and in lieu of the exercise of other powers granted in subsections A through H, any locality may, by ordinance, declare any blighted property as defined in § 36-3 to constitute a nuisance, and thereupon abate the nuisance pursuant to § 15.2-900 or § 15.2-1115. Such ordinance shall be adopted only after written notice by certified mail to the owner or owners at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records. If the owner does not abate or remove the nuisance and the locality abates or removes the nuisance at its expense, the costs of the removal or abatement of the nuisance shall be a lien on the property and such lien shall bear interest at the legal rate of interest established in § 6.2- 301, beginning on the date the removal or abatement is completed through the date on which the lien is paid.

H. The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

1994, 2nd Sp. Sess., cc. 5, 10;1995, cc. 702, 827;1996, c. 847;1997, c. 572;1998, cc. 690, 898;1999, cc. 39, 410, 418;2001, c. 482;2003, c. 940;2006, c. 784;2007, c. 763;2009, cc. 181, 551.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia

Title 15.2. Counties, Cities and Towns

Subtitle II. Powers of Local Government

Chapter 9. General Powers of Local Governments

Article 1. Public Health and Safety; Nuisances

§ 15.2-907.1. Authority to require removal, repair, etc., of buildings that are declared to be derelict; civil penalty

Any locality that has a real estate tax abatement program in accordance with this section may, by ordinance, provide that:

1. The owners of property therein shall at such time or times as the governing body may prescribe submit a plan to demolish or renovate any building that has been declared a "derelict building." For purposes of this section, "derelict building" shall mean a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.

2. If a building qualifies as a derelict building pursuant to the ordinance, the locality shall notify the owner of the derelict building that the owner is required to submit to the locality a plan, within 90 days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in a written notification provided by the locality. Such plan may be on a form developed by the locality and shall include a proposed time within which the plan will be commenced and completed. The plan may include one or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The plan shall be subject to approval by the locality. The locality shall deliver the written notice to the address listed on the real estate tax assessment records of the locality. Written notice sent by first-class mail, with the locality obtaining a U.S. Postal Service Certificate of Mailing shall constitute delivery pursuant to this section.

3. If a locality delivers written notice and the owner of the derelict building has not submitted a plan to the locality within 90 days as provided in subdivision 2, the locality may exercise such remedies as provided in this section or as otherwise provided by law; for residential property, such remedy may include imposition of a civil penalty not exceeding $500 per month until such time as the owner has submitted a plan in accordance with this section; however, the total civil penalty imposed shall not exceed the cost to demolish the derelict building. Any such civil penalty shall be paid into the treasury of the locality.

4. The owner of a building may apply to the locality and request that such building be declared a derelict building for purposes of this section.

5. The locality, upon receipt of the plan to demolish or renovate the building, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permitting requirements for demolition or renovation.

6. If the property owner's plan is to demolish the derelict building, the building permit application of such owner shall be expedited. If the owner has completed the demolition within 90 days of the date of the building permit issuance, the locality shall refund any building and demolition permit fees. This section shall not supersede any ordinance adopted pursuant to § 15.2-2306 relative to historic districts.

7. If the property owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, the site plan or subdivision application and the building permit, as applicable, shall be expedited. The site plan or subdivision fees may be refunded, all or in part, but in no event shall the site plan or subdivision fees exceed the lesser of 50 percent of the standard fees established by the ordinance for site plan or subdivision applications for the proposed use of the property, or $5,000 per property. The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of 50 percent of the standard fees established by the ordinance for building permit applications for the proposed use of the property, or $5,000 per property.

8. Prior to commencement of a plan to demolish or renovate the derelict building, at the request of the property owner, the real estate assessor shall make an assessment of the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the property owner, after demolition or renovation of the derelict building, the real estate

assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated for a period of not less than 15 years, and is transferable with the property. The abatement of taxes for demolition shall not apply if the structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district. However, if the locality has an existing tax abatement program for less than 15 years, as of July 1, 2009, the locality may provide for a tax abatement period of not less than five years.

9. Notwithstanding the provisions of this section, the locality may proceed to make repairs and secure the building under § 15.2-906, or the locality may proceed to abate or remove a nuisance under § 15.2-900. In addition, the locality may exercise such remedies as may exist under the Uniform Statewide Building Code and may exercise such other remedies available under general and special law.

2009, cc. 181, 551;2020, c. 9.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.