

*Town of Mineral, VA
Tuesday, August 27, 2024*

Chapter 155. Buildings and Structures, Unsafe

[HISTORY: Adopted by the Town Council of the Town of Mineral effective 1-1-1982 as Ch. 5, Art. I and § 5-4 of the 1982 Code; amended in its entirety 9-14-2009 by Ord. No. 2009-05. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. **150**.

Nuisances — See Ch. **293**.

Property maintenance — See Ch. **324**.

Real estate tax abatement program — See Ch. **389**, Art. **VI**.

Article I. General Authority to Remove or Repair Dangerous Buildings

§ 155-1. Structures rendering public ways and places dangerous for travel or use.

It shall be unlawful for any person knowingly to have, own, occupy, keep, maintain or permit any building, porch, awning, wall, chimney, pole, wire or any other structure owned, occupied or controlled by him to be or remain in such condition as to render any street, alley or other public way or any public place dangerous for travel or other public use by the citizens of the Town or any other person lawfully using such streets, alleys or other public ways or places.

§ 155-2. Removal or repair of dangerous buildings, walls or other structures.

- A. The owners of property in the Town shall, at such time or times as the Town Council may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the Town.
- B. The Council, through its own agents or employees, may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the Town, wherein the owner of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure said building, wall or other structure.
- C. In the event that the Council, through its own agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, 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.
- D. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

Article II. Special Authority to Order Demolition or Renovation of Derelict Buildings Eligible for Tax Abatement Program

[1] *Editor's Note: See Ch. 389, Taxation, Art. VI, Real Estate Tax Abatement Program.*

§ 155-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DERELICT BUILDING

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 which, for a continuous period in excess of six months, has been vacant, boarded up in accordance with the building code and 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.

§ 155-4. Authority to order demolition or renovation of derelict buildings.

Because the Town has enacted a tax abatement ordinance that enables it to abate the property tax attributable to derelict buildings, it is authorized by Code of Virginia, § 15.2-907.1 to enact this article for the demolition or renovation of derelict buildings.

§ 155-5. Procedure for ordering demolition or renovation of derelict buildings.

- A. Upon declaring that a particular building or structure is a derelict building, as defined in this article, the Town shall notify the owner of such derelict building of its declaration. Alternatively, the owner of a building may apply to the Town and request that such building be declared a derelict building for the purposes of this article.
- B. Upon the declaration that a building is a derelict building within the meaning of this article, the Town shall notify the owner of such building, in writing, that he is required to submit to the Town within 90 days of the date of such declaration a plan to demolish or renovate the building to address the items that endanger the public's health, safety or welfare as listed in said notification. Such notification shall be delivered to the address listed on the real estate tax assessment record of the Town and may be sent by first-class mail so long as the Town obtains a certificate of mailing from the U.S. Postal Service. Such a mailing shall constitute delivery pursuant to this section.
- C. Within 90 days of delivery of the declaration referred to in Subsection **B**, the owners of the property referred to therein shall submit a plan to demolish or renovate any building that has been declared a derelict building. The plan may be on a form developed by the Town 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.
- D. If the Town delivers written notice and the owner of the derelict building has not submitted a plan to the Town within 90 days, as provided in Subsection **C**, the Town may exercise such remedies as provided in this section or as otherwise provided by law.

- E. The plan developed pursuant to this article shall be subject to approval by the Town. Upon receipt of the plan and at the request of the owner, the Town shall meet with the owner and provide information to the owner on land use and permitting requirements for demolition or renovation.
- F. 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 Town shall refund any building and demolition permit fees. This section shall not supersede any ordinance adopted pursuant to Code of Virginia, § 15.2-2306, relative to historic districts.
- G. 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% 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% of the standard fees established by the ordinance for building permit applications for the proposed use of the property, or \$5,000 per property.
- H. 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.

§ 155-6. Other remedies preserved.

Notwithstanding the provisions of this section, the Town may proceed to make repairs and secure the building under Code of Virginia, § 15.2-906, or the Town may proceed to abate or remove a nuisance under Code of Virginia § 15.2-900. In addition, the Town may exercise such remedies as may exist under the Uniform Statewide Building Code^[1] and may exercise such other remedies available under general and special law.

[1] *Editor's Note: See Code of Virginia § 36-97 et seq.*