

ORDINANCE NO. 11, 1998

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA ADOPTING THE 1996 BOCA NATIONAL PROPERTY MAINTENANCE CODE, FIFTH EDITION, 1996 WITH VIRGINIA AMENDMENTS, IF ANY, ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES, BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE**

**BE IT ORDAINED** by the Town Council of the Town of Wise, Virginia as follows:

**SECTION 1. ADOPTION OF PROPERTY MAINTENANCE CODE.**

That a certain document, three (3) copies of which are on file in the office of the Town Manager of the Town of Wise, Virginia, being marked and designated as "The BOCA National Property Maintenance Code, Fifth Edition, 1996" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the Town of Wise, in the State of Virginia; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this ordinance.

**SECTION 2. INCONSISTENT ORDINANCES REPEALED.**

The previous "AN ORDINANCE OF THE TOWN OF WISE, VIRGINIA ADOPTING THE BOCA BUILDING MAINTENANCE CODE" enacted November 24, 1986 is hereby repealed.

**SECTION 3. ADDITIONS, INSERTIONS AND CHANGES.**

That the BOCA National Property Maintenance Code is amended and revised in the following respects:

Section PM-101.1 (page 1, second line). Insert: *Town of Wise, Virginia*

Section PM-106.2 (page 2, third line). Insert: *\$250.00* (in two locations)

Section PM-106.2 (page 2, fourth line). Insert: *0*

Section PM-304.15 (page 11, first & second lines). Insert: *May 1 to November 1*

Section PM-602.2.1 (page 17, fifth line). Insert: *September 15 to June 15*

Section PM-602.3 (page 17, third line). Insert: *September 15 to June 15*

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**SECTION 4. OTHER ORDINANCES.**

It is the intent of this ordinance that the provisions of this ordinance shall be enforced together with, separate from, or in addition to said other ordinances.

**SECTION 5. SAVING CLAUSE.**

That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 6. DATE OF EFFECT.**

That the Clerk shall certify to the adoption of this Ordinance. This Ordinance shall take effect and be in force from and after its adoption.

**SECTION 7. APPEAL.**

The Board of Appeals for this Ordinance shall be:

- 1) Dick Houchins - Term: Five years from the date hereof
- 2) Jay Blevins - Term: Four years from the date hereof
- 3) Bill Wampler - Term: Three years from the date hereof
- 4) Walter Lawson, Jr. - Term: Two years from the date hereof
- 5) Dan McCoy - Term: One year from the date hereof

Thereafter, each new member or any member re-appointed shall serve for five years or until a successor has been appointed.

Alternate members of said board shall be Connie Clark and Steve Brooks, and they are hereby appointed for a term of five years from the date hereof or until a successor has been appointed.

**SECTION 8. CODE OFFICIAL.**

The Wise County Building Inspector, Robert Mullins, is hereby appointed to be the Code Official for enforcement of this ordinance and the Maintenance Code adopted hereby.

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**SECTION 9. AUTHORITY.**

Authority for adoption of this ordinance is contained in Virginia Code Sections 36-97 through 36-111.1, 15.2-900 through 15.2-973, 15.2-204, 15.2-1429, and 18.2-11.

**VOTING "AYE":**

Caynor Smith, Jr., Mayor  
Clifton Carson, Vice-Mayor  
Luther Adkins  
Roscoe Archer  
Harold Belcher

**VOTING "NAY":**

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**ENACTED, ADOPTED, AND EFFECTIVE** this the 27th day of October, 1998.

**TOWN OF WISE, VIRGINIA**

Caynor A. Smith, Jr.  
**MAYOR**

**ATTEST:**

Rolind M. Bryant  
**CLERK OF COUNCIL**