

ORDINANCE NO. 12, 1998

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA
PROVIDING FOR THE REMOVAL, REPAIR, OR SECURING OF ANY BUILDING,
WALL OR ANY OTHER STRUCTURE WHICH MIGHT ENDANGER THE PUBLIC
HEALTH OR SAFETY; CHARGES AND LIENS; AUTHORITY OF TOWN MANAGER
TO ADMINISTER, REPEAL OF PREVIOUS ORDINANCE**

WHEREAS, Section 15.2-906 of the Code of Virginia authorizes a locality with authority to provide, by ordinance, for the removal, repair, or securing of any building, wall or other structure which might endanger the public health or safety of other residents of such locality; and

WHEREAS, the Town of Wise wishes to adopt such an ordinance pursuant to the authority contained in said Code Section.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council as follows:

1. 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 of Wise;

2. The Town, through its own agents or employees may remove, repair or secure any building, wall or other structure which might endanger the public health or safety of other residents of the town, if the owner and lien holder of such has failed to remove, repair or secure the building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the town. No action shall be taken by the Town to remove, repair or secure any building, wall or other structure for at least thirty days following the later of the return of the receipt or newspaper publication.

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3. In the event the Town, through its owner agents or employees, removes, repairs or secures any building, wall or 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 are collected;

4. Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid Town taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3490 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1;

5. This ordinance shall in no manner be construed as a limitation or a restriction upon the authority of other Town or public officials who are otherwise vested by law with authority to require the repair, removal or securing of any building, wall or other structure within the town. This ordinance is in addition to all other ordinances, laws, uniform building codes, uniform maintenance codes, and regulations in effect at this time or as may be amended or enacted from time to time, and this ordinance may be enforced together with, separate from, or in addition to same;

6. The "AN ORDINANCE TO REQUIRE REMOVAL, REPAIR, OR SECURE OF ANY BUILDING, WALL OR OTHER STRUCTURE WHICH MIGHT ENDANGER THE PUBLIC HEALTH OR SAFETY OF RESIDENTS" enacted April 27, 1987, is hereby repealed;

7. Nothing contained herein shall be construed to limit the Town's right to proceed under such uniform building codes and uniform maintenance codes as may be in effect from time to time;

8. The Town Manager of the Town is vested with the authority and shall have the responsibility for administering and enforcing this ordinance including, without limitation, authority to cause the Town Attorney to proceed in law or chancery, or by declaratory judgment if, in the discretion of said Town Manager, same is determined to be necessary.

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VOTING "AYE":

Caynor Smith, Jr., Mayor

Clifton Carson, Vice-Mayor

Luther Adkins

Roscoe Archer

Harold Belcher

VOTING "NAY":

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

TOWN OF WISE, VIRGINIA

Caynor A. Smith, Jr.
MAYOR

ATTEST:

Rolinn M. Bryant
CLERK OF COUNCIL