

ORDINANCE NO. 8 , 2002

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA
PURSUANT TO VIRGINIA CODE SECTION 15.2-906 FINDING CERTAIN PROPERTY
IS A DANGER TO PUBLIC HEALTH, ETC., AND ORDERING THE OWNERS AND
LIENHOLDERS TO REMOVE, REPAIR, OR SECURE THE BUILDING

WHEREAS, a citizen complaint has been brought against a certain building on property in the Town of Wise on the old Wise-Coeburn Road being known locally as the Steffey property and consisting of approximately .171 acres with brick house; and

WHEREAS, the property is owned, at least in part, by Mayo B. Steffey and the house may overlap onto an adjoining parcel owned by Harry C. Roberts, Jr. and Charlotte S. Roberts, and may overlap onto another adjoining parcel owned by David Adkins; and

WHEREAS, Bank of America is a lienholder thereon; and

WHEREAS, Virginia Code Section 15.2-906, under the authority of which this ordinance is made, provides as follows:

Authority to require removal, repair, etc., of buildings and other structures. Any locality may, by ordinance, provide that:

1. *The owners of property therein, shall at such time or times as the governing body 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 such locality;*
2. *The locality 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 such locality, if the owner and lien holder of such property after reasonable notice and a reasonable time to do so, 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 locality. No action shall be taken by the locality 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;*
3. *In the event the locality, 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 locality 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 local taxes 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. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed; and*

WHEREAS, the Town has requested that the property be inspected by the appropriate authorities; and

WHEREAS, the inspecting official has filed his report confirming that the property is blighted under Virginia Code Section 36-49 and that same constitutes a nuisance under Virginia Code Section 15.2-906; and

WHEREAS, Council now finds that the brick building on the property is a danger to the public health or safety of other residents of the locality; NOW, THEREFORE:

BE IT ORDAINED AND ENACTED that the owners and lienholders of the property shall, no later than August 31, 2002, remove, repair or secure the brick building on the property; and

BE IT FURTHER ORDAINED AND ENACTED that if the owners and lienholders of such property, after reasonable notice and a reasonable time to do so, fail to remove, repair, or secure the building, that the Town, through its own agents or employees, shall remove, repair, or secure the building which so endangers the public health or safety of other residents of the locality; and

BE IT FURTHER ORDAINED AND ENACTED that the Town shall comply with all notice provisions contained in 15.2-906 before taking action to remove, repair, or secure the building and that a copy of this ordinance be mailed, certified or registered mail, to the following:

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| 1. Mayo B. Steffey
c/o Danny Gray
10524 Coeburn Mountain Road
Wise, Virginia 24293 | 2. David J. Adkins
716 Gracewood Way
Knoxville, Tennessee 37922 |
| 3. Harry C. Roberts, Jr. and Charlotte S. Roberts
128 Modoc Avenue, NE
Wise, Virginia 24293 | 4. Bank of America
702 Park Avenue
Norton, Virginia 24273 |

VOTING "AYE": Clifton Carson, Luther Adkins, Roscoe Archer,
Steve Blankenbecler, Caynor Smith, Jr.

VOTING "NAY": _____

ABSENT: _____

ADOPTED AND EFFECTIVE this the 25th day of June, 2002.

TOWN OF WISE, VIRGINIA


MAYOR

ATTEST:


CLERK OF COUNCIL