

ORDINANCE NO. 12, 1999

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA ELECTING TO ENFORCE THE MAINTENANCE PROVISIONS OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE (USBC) ESTABLISHING THE REGULATIONS GOVERNING THE MAINTENANCE OF ALL EXISTING BUILDINGS AND STRUCTURES; TO BE KNOWN AS THE PROPERTY MAINTENANCE CODE OF THE TOWN OF WISE, VIRGINIA; REPEAL OF PREVIOUS ORDINANCE NO. 11, 1998 ADOPTED OCTOBER 27, 1998

Pursuant to Virginia Code Sections 36-103 and 36-105, be it ordained and enacted by the Town Council of the Town of Wise, Virginia as follows:

SECTION 1. MAINTENANCE PROVISIONS OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE AND ELECTION FOR ITS ENFORCEMENT.

That a certain document, a copy of which is on file in the office of the Town Manager of the Town of Wise, Virginia, being marked and designated as *The Maintenance Provisions of the Uniform Statewide Building Code* (as adopted by the Virginia Board of Housing and Community Development) be known as *The Maintenance Provisions of the Town of Wise, Virginia*. The Town of Wise elects to enforce the maintenance provisions thereof (pursuant to the authority of Virginia Code Sections 36-103 and 36-105) for the maintenance of existing buildings and structures and elevators as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of same are hereby referred to and elected to be enforced.

SECTION 2. ORDINANCE REPEALED.

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OF THE TOWN OF WISE, VIRGINIA ADOPTING THE BOCA BUILDING MAINTENANCE CODE" enacted November 24, 1986 is hereby repealed.

SECTION 3. INCONSISTENT REGULATIONS.

It is the intent of this ordinance to elect to enforce the Maintenance Provisions as contained in the Virginia Uniform Statewide Building Code as adopted by the Virginia Board of Housing and Community Development.

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 other building and nuisance ordinances...for example, Ordinance No. 12, 1998, pursuant to Virginia Code Section 15.2-906.

SECTION 5. SAVING CLAUSE.

That nothing in this ordinance or in the Maintenance Provisions hereby referenced for enforcement shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, notices given, or any cause or causes of action acquired or existing, under the ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance. Any notice given under Ordinance No. 11, 1998 shall be notice under this ordinance.

SECTION 6. DATE OF EFFECT.

That the Clerk of Council shall certify to the adoption of this ordinance. This ordinance shall take effect and be in force from and after its adoption. Future amendments by the Virginia Board of Housing and Community Development (VBHCD) to the Maintenance Provisions of the Uniform Statewide Building Code shall be effective under this ordinance on the date prescribed by the VBHCD.

SECTION 7. APPEAL.

The Wise County Board of Appeals for the enforcement of the Virginia Uniform Statewide Building Code Ordinance shall be the Board of Appeals for this ordinance.

SECTION 8. CODE OFFICIAL.

The Wise County Building Department shall be the local enforcing agency for the administration, supervision, and enforcement of the provisions of this ordinance and the Building Maintenance Code Official shall be the Wise County Building Inspector as may be appointed from time to time.

SECTION 9. SEVERABILITY.

Should any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

VOTING "AYE":

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

VOTING "NAY":

ADOPTED AND ENACTED this the 27th day of July, 1999.

TOWN OF WISE, VIRGINIA

Caynor A. Smith Jr.
MAYOR

ATTEST:

Rebecca M. Bryant
CLERK OF COUNCIL