



County of King William, Virginia

**BOARD OF SUPERVISORS
WORK SESSION MEETING OF AUGUST 8, 2022 - 7:00 PM
KING WILLIAM COUNTY ADMINISTRATION BUILDING
KING WILLIAM, VIRGINIA**

A G E N D A

- 1. Call to Order**
- 2. Roll Call**
- 3. Review and Adoption of Meeting Agenda**
- 4. Presentation**
 - a. Adopting **Resolution 22-60** - Congratulating the King William Little League State Softball Champions
 - b. Presentation of **Resolution 22-60** to King William County Little League Softball Champions
- 5. Work Session Matters**
 - a. Virginia Risk Sharing Association (VRSA) Presentation - Nora Pierre, Account Executive & Peter Stephenson, Local Government Specialist
 - b. Online Budget Tracking Software - Vendor Demo (Clear Gov)
 - c. **Draft Ordinance 22-XX** - Amend Property Tax Levies Upon Tangible Personal Property for the Classifications of Vehicles Created by House Bill 1239 - Natasha Joranlien, Director of Financial Services
 - d. Update Property Maintenance Ordinance to Comply with State Code - Sherry Graham, Director of Planning
 - e. Budget Amendment - State Salary Adjustments - Natasha Joranlien, Director of Financial Services
 - f. DSS Budget Amendment - Natasha Joranlien, Director of Financial Services
 - g. Sheriff's Deputy Starting Salaries - Jeff Walton, Sheriff
 - h. Exercising the Renewal Term Agreement For Middle Peninsula Solid Waste System Operating Agreement Between VPPSA and KWC - Steve Hudgins, Deputy County Administrator
 - i. CIP Adjustments (Parking Lot Improvements) - Steve Hudgins, Deputy County Administrator

- j. Open Burning Regulations - Percy C. Ashcraft, County Administrator
- k. Amend King William County Code Chapter 34 - Fire Prevention and Protection - Percy C. Ashcraft, County Administrator
- l. Youth Sports Facility Upgrades at Hamilton-Holmes Middle School - Percy C. Ashcraft, County Administrator

6. Board of Supervisors' Requests

7. Closed Meeting (if needed)

- a. Motion to Convene Closed Meeting
- b. Motion to Reconvene in Open Session
- c. Certification of Closed Meeting
- d. Action on Closed Meeting (if necessary)

8. Adjourn or Recess

NOTES REGARDING AGENDA:

This agenda is tentative only and subject to change by the Board of Supervisors.

There is no Public Comment Period during Work Sessions.

During any Public Hearings, speakers shall be provided one opportunity of three minutes per individual or five minutes per group. Speakers shall provide their name, district of residence, and if applicable, the group they are representing. The Board of Supervisors may modify and/or set other rules governing the conduct of Public Hearings.

Detailed instructions for viewing live-streams of meetings, signing up to speak via Zoom (registration required by noon on the day of the meeting), and general guidelines for Public Comment & Public Hearings are available from the [King William County website](#).

AGENDA ITEM 4.a.

Adopting **Resolution 22-60** - Congratulating the King William Little League State Softball Champions

RESOLUTION 22-60

**HONORING THE KING WILLIAM LITTLE LEAGUE 8-10 YEAR-OLD GIRLS SOFTBALL
TEAM ON WINNING THE 2022 STATE CHAMPIONSHIP TITLE**

WHEREAS the King William County Board of Supervisors commends exceptional athletic achievement and gives special honor and commendation to those athletic teams who pursue such excellence that they become examples for the youth of this County; and

WHEREAS the King William Little League 8-10 year-old girls softball team achieved such excellence on July 19, 2022, when they defeated Westmoreland Little League to win the 2022 Virginia District 15 8-10 Year Old Division Softball Championship in Coeburn, Virginia; and

WHEREAS the team earned the first State Championship Title in softball for District 15 Little League in its history and is the first King William Little League team to win a state tournament; and

WHEREAS each member of the King William Little League 8-10 year-old softball team is an excellent young athlete, and together, they have demonstrated remarkable energy, enthusiasm, teamwork, and dedication in the pursuit of their goals; and

WHEREAS many contributed to the team's outstanding success including their coaches, parents, and the King William County community as a whole; and

WHEREAS in an educational system that seeks to teach the future leaders of our County, State, and Nation the fundamentals of self-reliance and the rewards of individual and group effort, athletic competition has become a valuable tool. Through their participation in

22 sports, the members of the King William Little League 8-10 year-old softball team have
23 learned lessons of good sportsmanship that will undoubtedly be of great benefit to them
24 throughout their lives;

25 **NOW, THEREFORE, BE IT RESOLVED** that the members of the King William County Board
26 of Supervisors, both individually and collectively, hereby commend and congratulate the
27 King William Little League 8-10 year-old softball team upon their 2022 Virginia District 15
28 8-10 Year Old Division Softball Championship triumph and congratulate each member of the
29 team and their coaches; and

30 **BE IT FURTHER RESOLVED** that a copy of this Resolution expressing the sense of this Board
31 of Supervisors shall be conveyed to King William Little League and shall be spread upon the
32 meeting minutes of said Board of Supervisors.

33 **DONE** this 8th day of August, 2022.

AGENDA ITEM 5.c.

Draft Ordinance 22-XX - Amend Property Tax Levies Upon Tangible Personal Property for the Classifications of Vehicles Created by House Bill 1239 - Natasha Joranlien, Director of Financial Services



Natasha L. Joranlien
Director of Financial Services

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

MEMORANDUM

DATE: July 27, 2022
TO: Percy Ashcraft, County Administrator
Karena Funkhouser/Commissioner of Revenue
FROM: Natasha L. Joranlien, Director of Financial Services
SUBJECT: 2022 Vehicle Tax Rate Options

The Commissioner of Revenue and I have reviewed the below Options for the King William County Board of Supervisors Vehicle Tax Rate:

	<u>Tax Rate Option</u>	<u>Additional Revenue More than Anticipated</u>
Districts 2-5	\$ 3.00/\$100	\$ 990,506
District 1	\$ 1.35/\$100	\$ 83,641
Districts 2-5	\$ 2.80/\$100	\$ 600,156
District 1	\$1.26/\$100	\$ 50,075
Districts 2-5	\$2.66/\$100	\$ 326,911
District 1	\$1.20/\$100	\$ 27,697

When comparing the count of vehicles from 2021 to 2022, please note below:

Districts 2-5 Increase of 446 vehicles at \$20,000 per vehicle results in tax increase of \$ 325,580 that would need to be captured in the overall Revenue for 2022 Vehicle tax
District 1 Increase of 92 vehicles at \$20,000 per vehicle results in tax increase of \$ 30,360 that would need to be captured in the overall Revenue for 2022 Vehicle tax

New Class & Different Rates - County

Property Class	2021 Values	2021 Tax		Count	2022 Values	Tax Rate Per \$100				Count
		Assessed				Current				
		0.0365				0.0365	0.03	0.028	0.0266	
BK - Bike	\$ 2,596,620	\$ 94,776.63		525	\$ 3,240,115	\$ 118,264.20	\$ 97,203.45	\$ 90,723.22	\$ 86,187.06	574
CR - Car	\$ 30,189,668	\$ 1,101,922.88		5,718	\$ 110,587,584	\$ 4,036,446.82	\$ 3,317,627.52	\$ 3,096,452.35	\$ 2,941,629.73	10,233
TK - Truck	\$ 96,887,118	\$ 3,536,379.81		9,644	\$ 78,155,854	\$ 2,852,688.67	\$ 2,344,675.62	\$ 2,188,363.91	\$ 2,078,945.72	5,704
VN - Van	\$ 3,607,302	\$ 131,666.52		671	\$ 3,191,515	\$ 116,490.30	\$ 95,745.45	\$ 89,362.42	\$ 84,894.30	493
Totals:	\$ 133,280,708.00	\$ 4,864,745.84		16,558	\$ 195,175,068	\$ 7,123,889.98	\$ 5,855,252.04	\$ 5,464,901.90	\$ 5,191,656.81	17,004

additional revenue

\$ 2,259,144.14	\$ 990,506.20	\$ 600,156.06	\$ 326,910.97
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PPTRA 2021	\$ 1,107,725.01
PPTRA 2022	\$ 1,070,225.55

Increase in number of Vehicles	446	8,920,000.00	325,580.00	average \$20k per vehicle tax revenue
Increase In Value from 2021 to 2022	\$ 61,894,360.00			
Increase in Tax from 2021 to 2022 at rate of \$3.65 per \$100	\$ 2,259,144.14			

Additional Tax Rates	\$ Result
2.70	404,980.99
2.68	365,945.98

New Class & Different Rates - West Point

Property Class	2021 Values	2021 Tax Assessed	Count	2022 Values	Tax Rate per				Count
					\$100				
					Current				
		0.0165			0.0165	0.0135	0.0126	0.012	
WPBK - Bike (WP)	\$ 456,978.00	\$ 7,540.14	76	\$ 566,879.00	\$ 9,353.50	\$ 7,652.87	\$ 7,142.68	\$ 6,802.55	85
WPCR - Car (WP)	\$ 7,074,045.00	\$ 116,721.74	1205	\$ 25,282,859.00	\$ 417,167.17	\$ 341,318.60	\$ 318,564.02	\$ 303,394.31	2,140
WPTK - Truck (WP)	\$ 17,029,528.00	\$ 280,987.21	1605	\$ 10,844,548.00	\$ 178,935.04	\$ 146,401.40	\$ 136,641.30	\$ 130,134.58	791
WPVN - Van (WP)	\$ 885,462.00	\$ 14,610.12	151	\$ 602,055.00	\$ 9,933.91	\$ 8,127.74	\$ 7,585.89	\$ 7,224.66	113
Totals:	\$ 25,446,013.00	\$ 419,859.21	3,037	\$ 37,296,341.00	\$ 615,389.63	\$ 503,500.60	\$ 469,933.90	\$ 447,556.09	3,129
				additional revenue	\$ 195,530.41	\$ 83,641.39	\$ 50,074.68	\$ 27,696.88	

Additional Tax Rate	Split	\$ Result
\$ 2.70	1.22	35,156.15
\$ 2.68	1.21	31,426.51

Amount of PPTRA 2021 \$ 96,048.14
Amount of PPTRA 2022 \$ 91,795.64

Increase in number of Vehicles 92 **1,840,000.00** **30,360.00 average \$20k per vehicle tax revenue**

Increase in Value from 2021 to 2022 \$ 11,850,328.00

Increase in Tax from 2021 to 2022 \$ 195,530.42
at rate of \$1.65 per \$100

Split Ratio	1.65	1.35	1.26	1.20
45%	3.65	3	2.8	2.66

ORDINANCE XX-22

AN ORDINANCE TO AMEND PROPERTY TAX LEVIES UPON TANGIBLE PERSONAL PROPERTY FOR THE CLASSIFICATIONS OF VEHICLES AS LISTED IN § 58.1-3503(A)(3-5, 9-10) OF THE CODE OF VIRGINIA FOR THE CALENDAR YEAR 2022

WHEREAS the King William County Board of Supervisors passed Ordinance 04-22R establishing real estate and personal property tax levies for King William County for calendar year 2022 on April 25, 2022 with the intention to provide additional tangible personal property relief; and

WHEREAS, effective March 22, 2022, House Bill 1239 (Chapter 30, 2022 Acts of Assembly) creates a new class of tangible personal property for local personal property tax purposes which includes the following types of vehicles:

- a. Automobiles as described in Va. Code 58.1-3503(A)(3);
- b. Passenger trucks as described in Va. Code 58.1-3503(A)(4)-(5);
- c. Motor vehicles with specially designed equipment for use by the handicapped as described in Va. Code 58.1-3503(A)(9); and
- d. Motorcycles, mopeds, all-terrain vehicles, and off-road motorcycles, campers, and other recreational vehicles as described in Va. Code 58.1-3503(A)(10).; and

WHEREAS the Board of Supervisors desires to assign a rate of tax to this class different from the rate applicable to the general class of tangible personal property for the taxable year beginning January 1, 2022 and ending December 31, 2022, as allowed by House Bill 1239; and

WHEREAS, the Board duly advertised and held a public hearing on August 22, 2022 on the subject of such tax levies;

24 **NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the King William County Board of
25 Supervisors that the following County tax levies be, and they hereby are, imposed on all
26 tangible personal property for the above-referenced classifications of vehicles, as listed in
27 House Bill 1239 and described in Va. Code 58.1-3503(A)(3-5, 9-10), not exempted by law
28 and located within King William County for the calendar year 2022; and

29 **General Fund Levy**

30 **TAX RATES PER \$100 OF ASSESSED VALUES**
31 **FOR ALL DISTRICTS**

General Fund

Vehicles as listed in § 58.1-
3506(A)(48) of the Code of Virginia \$
and named above.

32 **School Fund Levy** – (Applies only to geographic areas of the County within the King William
33 County School Division – does not include the Town of West Point)

34 **TAX RATES PER \$100 OF ASSESSED VALUES**

School Fund

Vehicles as listed in § 58.1-
3506(A)(48) of the Code of \$
Virginia and named above.

35 **BE IT FURTHER ORDAINED AND ENACTED** by the King William County Board of
36 Supervisors that the County tax levies imposed via Ordinance 04-22R remain in effect for all
37 other classes of tangible personal property, real estate, mobile homes, public service
38 corporation property, machinery and tools, and aircraft other than those listed herein.

39 **ADOPTED** this the 22nd day of August, 2022.

AGENDA ITEM 5.d.

Update Property Maintenance Ordinance to Comply with State Code - Sherry Graham, Director of Planning



King William County
Est. 1702

Board of Supervisors

County Administrator

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

DATE: July 11, 2022
TO: King William County Board of Supervisors
FROM: Sherry Graham, Director of Planning
SUBJECT: Changes to the Property Maintenance Code

REQUEST FOR ACTION

- Provide guidance as to whether to move forward with the amendments to the current Ordinance relating to weeds, debris, and inoperative vehicles and the adoption of the 2018 Virginia Maintenance Code.

SUMMARY

The County Ordinance has not been updated since 2000; therefore, updates need to be made to incorporate the changes made by the Virginia Department of Housing and Community Development and with the adoption of the 2018 Virginia Maintenance Code. Attached are the changes which are noted in red. The changes are made due to the USBC changes. The enforcement time has also been changed from 60 days to 30 days for the first notice and 15 days for the second and final notice. Staff will make every effort possible to work with someone that is working and progressing on the abatement of a violation.

BACKGROUND

On July 1, 2021, Virginia adopted the 2018 Uniform Statewide Building Code (USBC), which references the 2018 International Property Maintenance Code that incorporates Virginia-specific provisions. The administrative provisions and technical amendments of the USBC have been adopted and are available in the 2018 Virginia Maintenance Code.



King William County
Est. 1702

Board of Supervisors

County Administrator

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ATTACHMENTS

- Current Property Maintenance Ordinance with Proposed Changes
- 2018 Virginia Maintenance Code
- Code of Virginia, §36-106, §36-97

**CURRENT
KING WILLIAM COUNTY
PROPERTY MAINTENANCE CODE
WITH PROPOSED CHANGES**

Secs. 14-103—14-120. Reserved.

ARTICLE III. PROPERTY MAINTENANCE CODE AND REGULATIONS¹

DIVISION 1. GENERALLY

Sec. 14-121. Code adopted.

The city's ~~County's~~ Property Maintenance Code shall be in accordance with the ~~Virginia Maintenance Code~~ ~~BOCA National Property Maintenance Code~~, as adopted by the County.

Secs. 14-122—14-140. Reserved.

DIVISION 2. ADMINISTRATION²

Sec. 14-141. Failure to maintain property or structures.

The failure to maintain property and/or structures, residential and nonresidential, including surrounding areas, shall constitute violations of the ~~property~~ ~~Virginia~~ Maintenance Code.

(Ord. of 1-24-2000, § 4-3.7.1)

Sec. 14-142. Enforcement of article provisions.

- (a) Notice of failure to maintain shall be given to the owner or occupant by ~~first class mail~~, certified mail, or personal delivery by a County official. The first notice, if not an immediate health, safety or welfare issue, shall allow ~~60~~ ~~30~~ days for compliance. If at the end of ~~60~~ ~~30~~ days, a second and final notice shall be given for an additional 15 days for compliance. The allowable time for emergency correction notices shall be at the code official's discretion. If the owner or occupant fails to comply with this order, the code official shall contract with available sources to abate the violations, and all costs incurred shall be the responsibility of the owner of such property. Such costs and expenses incurred shall be collected by the county as taxes and levies are collected. Every charge to the owner, which remains unpaid, shall constitute a lien against such property on a parity with liens for unpaid taxes.
- (b) The county may as an alternative, issue a summons for abatement of the violations in subsection (a) of this section.
- (c) This section is in addition to the ~~BOCA National Property~~ ~~Virginia~~ Maintenance Code.

(Ord. of 1-24-2000, § 4-3.7-1.1)

¹State law reference(s)—Nuisances, removal of buildings, etc., Code of Virginia, § 15.2-900 et seq.; Virginia Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.

²Cross reference(s)—Administration, ch. 2.

Sec. 14-143. Penalties for violation of property maintenance code.

Violations of ~~the property~~ **Virginia Maintenance Code** shall be punishable as provided in Code of Virginia, § 36-106.

(Ord. of 1-24-2000, § 4.3-7.2)

Secs. 14-144—14-160. Reserved.

DIVISION 3. AMENDMENTS

Sec. 14-161. Future amendments.

Future amendments for this article shall change automatically with the Virginia Uniform Statewide Building Code, as adopted by the State Board of Housing and Community Development (VCHD) per Code of Virginia, § 36-97 et seq., and shall become effective concurrently with the USBC Amendments.

(Ord. of 1-24-2000, § 4-3.25)

Sec. 14-162. Scope of county authority.

Local governments have not been given authority to amend the provisions of the USBC.

(Ord. of 1-24-2000, § 4-3.26)

Secs. 14-163—14-180. Reserved.

DIVISION 4. OPERATIONAL REGULATIONS

Subdivision I. In General

Sec. 14-181. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

ANCHORED. Secured in a manner that provides positive connection.

APPLICABLE BUILDING CODE. The local or statewide building code and referenced standards in effect at the time the building or portion thereof in effect at the time the building or portion thereof was constructed, altered, renovated or underwent a change of occupancy.

APPROVED. ~~Acceptable to the code official.~~ ~~approved by the code official.~~

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence of insects, rodents, vermin, or other pests in sufficient number to adversely affect the structure or health, safety, and welfare of the occupants

Infestation means the presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.

LET FOR OCCUPANCY AND LET. To permit, provide or offer possession of a premises by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MAINTAINED. To keep unimpaired in an appropriate condition, operation, and continuance, as installed in accordance with the applicable building code, or as previously approved, and in accordance with the applicable operational and maintenance provision of this code.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

~~Occupant means any person having possession of a space or premises.~~

~~Operator means any person who has charge, care or control of a premises that is let or offered for use.~~
~~occupancy.~~

~~Owner means any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.~~

PERSON. An individual, corporation, partnership, or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement, or public way, including any structures thereon.

~~Premises means a lot, plot, or parcel of land.~~

~~PUBLIC NUISANCE. means any of the following:~~

- ~~1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;~~
- ~~2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, excavations and unsafe fences;~~
- ~~3. Any premises that has unsanitary sewer facilities;~~
- ~~4. Any premises designated as unsafe for human habitation;~~
- ~~5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or insecure so as to endanger life, limb or property;~~
- ~~6. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds.~~

PUBLIC WAY. Any street, alley, or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated, or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRUCTURE. That which is built or constructed.

STRUCTURE UNFIT FOR HUMAN OCCUPANCY. An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

TENANT. A person, corporation, partnership, or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

~~Tenant means a person, corporation, partnership, or group, whether or not the legal owner of record, occupying the premises.~~

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

UNSAFE EQUIPMENT. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring, or device, flammable liquid containers or other equipment that is in such disrepair or condition that such equipment is determined by the code official to be dangerous to the health, safety and welfare of the occupants of a structure or the public.

UNSAFE STRUCTURE. An existing structure (is) determined by the code official to be dangerous to the health, safety, and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

YARD. An open space on the same lot with a structure.

Secs. 14-182—14-200. Reserved.

Subdivision II. Administration³

Sec. 14-201. Scope and intent of division.

- (a) *Scope.* This property maintenance code is to protect the public health, safety and welfare ~~on all~~, of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged. ~~residential and nonresidential, premises by establishing minimum requirements and standards for premises, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants; regulating the occupancy of existing premises, and providing for administration, enforcement, and penalties.~~

³Cross reference(s)—Administration, ch. 2.

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- (b) *Intent.* This property maintenance code shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of premises. Existing premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required.

(Ord. of 1-24-2000, § 4.5-2)

Sec. 14-202. Saving clause.

~~This property maintenance code shall not regulate those buildings and structures specifically exempt from the VCC, except that existing industrialized buildings and manufactures homes shall not be exempt from this code. affect violations of any other ordinance, code or regulation existing prior to the effective date of such code, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.~~

Sec. 14-203. Duties and powers of the code official.

- (a) *Generally.* The code official shall enforce **this code as set out herein and as interpreted by the State Review Board and shall issue all necessary notices or orders to ensure compliance with the code.** ~~all of the provisions of this property maintenance code.~~
- (b) *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.
- (c) *Right of entry.* The code official is authorized to enter the premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searched and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.
- (d) *Access by owner or operator.* Every occupant of a premises shall give the owner or operator thereof, or agent or employee, access to any part of such premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.
- (e) *Identification.* The code official shall carry proper identification when inspecting premises in the performance of duties under this code.
- (f) *Coordination of enforcement.* Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.
- (g) *Rule making authority.* The code official shall have power as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions.
- (h) *Organization.* The code official shall appoint such number of officers, technical assistants, inspectors, and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy who shall exercise all the powers of the code official.
- (i) *Restriction of employees.* An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of section 14-231, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor,

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materials or equipment for the alteration or maintenance of existing premises unless that person is the owner of the premises; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

- (j) *Relief from personal responsibility.* The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of any act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice; shall be free from liability for acts performed under any of its provisions or by reason of any act performed under any of its provisions or in connection therewith.
- (k) *Official records.* An official record shall be kept of all business and activities of the department specified in the provisions of the code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

(Ord. of 1-24-2000, § 4.5-6)

Sec. 14-204. Violations.

It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of any code provisions, to violate any such provisions. Any locality may adopt an ordinance that establishes a uniform schedule of civil penalties for violations of specified provisions of the code that are not abated or remedied promptly after receipt of a notice of violation from the local enforcement officer.

- ~~(a) — *Unlawful acts.* It shall be unlawful for any person, firm or corporation to maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, regulated by this property maintenance code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code~~
- ~~(b) — *Failure to maintain, enforcement.* The failure to maintain premises, residential and nonresidential including surrounding areas, shall constitute violations of this code. Notice of failure to maintain shall be given to the owner or occupant by certified mail or personal delivery by county official. The first notice, if not an immediate health, safety, or welfare issue, shall allow 60 days for compliance. If at the end of 60 days, a second and final notice shall be given for an additional 15 days for compliance. The allowable time for emergency correction notices shall be at the code official's discretion. If the owner or occupant fails to comply with this order, the code official shall contract with available sources to abate the violations, and all costs incurred shall be the responsibility of the owner of such property. Such costs and expenses incurred shall be collected by the county as taxes and levies are collected. Every charge to the owner, which remains unpaid, shall constitute a lien against such property on a parity with liens for unpaid taxes. The county may as an alternative, issue a summons for abatement of these violations.~~
- ~~(c) — *Penalty.* Violations of this division shall be punishable as provided in Code of Virginia, § 36-106.~~
- ~~(d) — *Prosecution.* In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in subsection (c) of this section. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person to correct or remove the violation.~~

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FURTHER ACTION WHEN VIOLATION NOT CORRECTED. If the responsible party has not complied with the notice of violation, the code official may request the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved. In cases where the locality or legal counsel so authorizes, the code official may issue or obtain a summons or warrant.

Sec. 14-205. Notices and orders.

Upon finding by the code official that violations of this code exist, the code official shall issue a correction notice or notice of violation to the owner, tenant, or the person responsible for the maintenance of the structure. Work done to correct violations of this code subject to the permit, inspection, and approval provisions of the VCC shall not be construed as authorization to extend the time limits established for compliance with this code. When the owner is not the responsible party to whom the notice of violation or correction notice is issued, a copy of the notice shall also be delivered to the owner.

~~(a) — Notice to owner or to persons responsible. Whenever the code official determines that there has been a violation of this property maintenance code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the persons responsible therefor in the manner prescribed in subsections (b), (c) and (d) of this section.~~

The correction notice shall be a written notice of the defective conditions. The correction notice shall require correction of the violations within a reasonable time unless an emergency condition exists as provided under the unsafe building provisions. The correction notice shall reference the code section that serves as the basis for the defects and shall state that such defects shall be corrected and reinspected in a reasonable time designated by the code official.

- ~~(b) — Form. Such notice prescribed in subsection (a) of this section shall:~~
- ~~(1) — Be in writing;~~
 - ~~(2) — Include a description of the real estate sufficient for identification;~~
 - ~~(3) — Include a statement of the reasons why the notice is being issued; and~~
 - ~~(4) — Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this code.~~
- ~~(c) — Abatement of violation. The imposition of the penalties prescribed in this division shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a premises, or to stop an illegal act, conduct, business or utilization of the premises.~~
- ~~(d) — Method of service. Such notice shall be deemed to be properly served if a copy thereof is either delivered to the owner personally, or sent by certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified letter is returned receipt that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the premises affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the premises shall constitute service of notice upon the owner.~~
- ~~(e) — Transfer of ownership. It shall be unlawful for the owner of any premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the complied order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order notice of violation issued by the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of~~

violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. of 1-24-2000, § 4.5-8)

Sec. 14-206. Emergency measures.

The code official may authorize emergency repairs to the unsafe structure or structures unfit for human habitation when it is determined that there is an imminent danger of any portion of the unsafe structure or structures unfit for human habitation collapsing or falling and when life is endangered. Emergency repairs may also be authorized where there is a code violation resulting in the immediate serious and imminent threat to the life and safety of the occupancy.

In the case of a structure unfit for human habitation, at the time the notice is issued, a placard with the following wording shall be posted at the entrance to the structure: "THE STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL."

- (a) ~~Imminent danger.~~ When, in the opinion of the code official, there is imminent dangers to the life, health, safety, and welfare of the occupants or those in proximity of the premises because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or the operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall post at the entrances to such premises a sign stating: "Keep Out Uninhabitable." It shall be unlawful for any person to enter premises except for removing the hazardous condition.
- (b) ~~Temporary safeguard.~~ Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, and shall cause other action to be taken as the code official deems necessary to meet such emergency.
- (c) ~~Emergency.~~ For the purpose of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (d) ~~Costs of emergency repairs.~~ Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the violation was located for the recovery of such costs.
- (e) ~~Hearing.~~ Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

(Ord. of 1-24-2000, § 4.5-9)

Sec. 14-207. Means of appeal.

Any person aggrieved by the County's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the Local Board of Building Code Appeals. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appeals. The

LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a period of up to 45 calendar days shall be permitted where the LBBCA has regularly scheduled monthly meetings.

- (a) ~~Application for appeal.~~ Any person affected by a decision of the code official or a notice or order issued under this property maintenance code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 21 days after the day decision, notice or order was served. Application for appeals shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (b) ~~Membership of the board.~~ The board of appeals shall be the building board of appeals as set forth in the Uniform Statewide Building Code.
- (c) ~~Notice of meeting.~~ The board shall meet upon notice from the chairman, within ten days of filing of an appeal, or at stated periodic meetings.
- (d) ~~Open hearing.~~ All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.
- (e) ~~Procedure.~~ The board shall adopt and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.
- (f) ~~Postponed hearing.~~ When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- (g) ~~Board decision.~~ The board shall modify or reverse the decision of the code official by a concurring vote of three members.
- (h) ~~Resolution.~~ The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.
- (i) ~~Administration.~~ The code official shall take immediate action in accordance with the decision of the board.
- (j) ~~Court review.~~ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of laws. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

(Ord. of 1-24-2000, § 4.5-10)

Secs. 14-208—14-230. Reserved.

Subdivision III. General Requirements

Sec. 14-231. Exterior property areas.

- (a) *Scope.* The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of exterior property.
- (b) *Responsibility.* The owner of the premises shall maintain the exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this article.

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- (c) *Vacant land.* All vacant premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided in this section so as not to cause a blighting problem or adversely affect the public health or safety.
 - (d) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies, or controls in a clean and sanitary condition.
 - (e) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. Exception: Water retention areas and reservoirs approved by the code official.
 - (f) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
 - (g) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens.
 - (h) *Rat harborage.* All exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

Accumulation of grass or weeds. It shall be unlawful for any person responsible for real property within the County, including the area adjoining such property extending to the paved portion of the roadway, to permit the accumulation of grass or weeds. Grass or weeds exceeding a height of ten (10) inches on such property within one hundred fifty (150) feet of any building shall be considered detrimental to the health, safety, peace, good order, comfort, convenience, morals, or general welfare of the citizens of the County. Grass or weeds exceeding a height of ten (10) inches, regardless of their location, shall be presumed to be detrimental to the health, safety, peace, good order, comfort, convenience, morals, or general welfare of the citizens of the County.

This section shall not apply to farm land, unless such farm land is within one hundred (150) feet of a structure of another owner on an adjacent tract or parcel of land.

Upon the failure, neglect or refusal of any person responsible for real property to keep the grass, weeds and overgrowth cut as required by this Code, the Director of Planning is authorized to have the cutting or removal performed by County forces or by contract; and the actual cost of such cutting, plus a charge for administrative costs of one hundred fifty dollars (\$150.00) shall be charged to such person to whom the notice was directed.

(Ord. of 1-24-2000, § 4.5-12)

Sec. 14-232. Motor vehicles.

- (a) *Keeping of inoperative motor vehicle or trailer.* Except as provided for in subsection (b) of this section, not more than one currently unregistered or uninspected motor vehicle or trailer shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- (b) *Keeping of more than one inoperative motor vehicles or trailers.* It shall be unlawful for any person, firm or corporation to keep more than one inoperative motor vehicle or trailer, except within a fully enclosed building, structure or screened from view by fence not less than six feet in height. The fence shall be of approved fencing material to fully screen vehicles from public view on any property zoned for residential, commercial or agricultural purposes, any motor vehicle or trailer, as such are defined in Code of Virginia, § 46.2-100, which is inoperative. As used in this section, an inoperative motor vehicle shall mean any motor vehicle which is not in operating condition; or which, for a period of 30 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. Use of tarps, or the like shall not constitute correction of the violation.
- (c) *Removal of inoperative motor vehicles.* The owners of property zoned for residential, commercial or agricultural purposes shall, within ~~60~~ 30 days after receiving written notice from the county, remove therefrom any such inoperative motor vehicles or trailers that are not kept within a fully enclosed building, structure or screened from public view by a fence. If at the end of ~~60~~ 30 days, a second and final notice shall be given for an additional 15 days. Upon failure to remove such vehicles after final notice, the county through its agents or employees, shall remove such inoperative motor vehicles or trailers. If the county removes any such motor vehicles or trailers, the county may dispose of such motor vehicles or trailers after giving 15 days' notice to the owner of the vehicle. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle who shall be primarily responsible for such cost. If the county cannot collect from the owner of the vehicle, the owner of the premises shall be responsible for the cost. Such cost may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the county. The county may, as an alternative, issue a summons for abatement of these violations.

Sec. 13-190. Disposal of vehicle.

Any vehicle removed by the County from any property may be disposed of in accordance with the provisions of County Code.

(Ord. of 1-24-2000, § 4.5-13)

Cross reference(s)—Traffic and vehicles, ch. 74.

Sec. 14-233. Rubbish and garbage.

- (a) *Accumulation of rubbish and garbage.* All exterior property and premises, shall be free from any accumulation of rubbish and garbage.
- (b) *Disposal of rubbish.* Every occupant of a premises shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- (c) *Rubbish storage facilities.* The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- (d) *Disposal of garbage.* Every occupant of a premises shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

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- (e) *Garbage facilities.* The owner of every premises shall supply an approved leakproof, covered, outside garbage container.

Accumulation rubbish or garbage. It shall be unlawful for any person responsible for real property within the County, including the area adjoining such property extending to the paved portion of the roadway, to permit the accumulation of rubbish or garbage.

Upon the failure, neglect or refusal of any person responsible for real property to keep the property free of rubbish or garbage, the Director of Planning is authorized to have the rubbish or garbage removed by County forces or by contract; and the actual cost of such removal, plus a charge for administrative costs of one hundred fifty dollars (\$150.00) shall be charged to such person to whom the notice was directed.

Sec. 14-234. Extermination.

- (a) *Infestation.* All premises shall be kept free from insects and rat infestation. All premises in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (b) *Owner.* The owner of any premises shall be responsible for extermination prior to renting or leasing the premises.
- (c) *Occupant.* The occupant of a premises shall be responsible for extermination on the premises. The occupant of any premises shall be responsible for the continued rat free condition of the premises, and if the occupant fails to maintain the rat free condition, the cost of extermination shall be the responsibility of the occupant.

2018
VIRGINIA MAINTENANCE CODE
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2018

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CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

101.1 Short title. The *Virginia Uniform Statewide Building Code*, Part III, Maintenance, may be cited as the “*Virginia Maintenance Code*,” or as the “VMC.”

101.2 Incorporation by reference. Chapters 2–8 of the 2018 *International Property Maintenance Code*, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the VMC. The term “IPMC” means the 2018 *International Property Maintenance Code*, published by the International Code Council, Inc. Any codes and standards referenced in the IPMC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference.

101.3 Numbering system. A dual numbering system is used in the VMC to correlate the numbering system of the *Virginia Administrative Code* with the numbering system of the IPMC. IPMC numbering system designations are provided in the catchlines of the *Virginia Administrative Code* sections. Cross references between sections or chapters of the *Virginia Maintenance Code* use only the IPMC numbering system designations. The term “chapter” is used in the context of the numbering system of the IPMC and may mean a chapter in the VMC, a chapter in the IPMC or a chapter in a referenced code or standard, depending on the context of the use of the term. The term “chapter” is not used to designate a chapter of the *Virginia Administrative Code*, unless clearly indicated.

101.4 Arrangement of code provisions. The VMC is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2–8 of the IPMC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IPMC which are specifically identified. The terminology “changes to the text of the incorporated chapters of the IPMC which are specifically identified” shall also be referred to as the “state amendments to the IPMC.” Such state amendments to the IPMC are set out using corresponding chapter and section numbers of the IPMC numbering system.

101.5 Use of terminology and notes. The term “this code,” or “the code,” where used in the provisions of Chapter 1, in Chapters 2–8 of the IPMC, or in the state amendments to the IPMC, means the VMC, unless the context clearly indicates otherwise. The term “this code,” or “the code,” where used in a code or standard referenced in the IPMC, means that code or standard, unless the context clearly indicates otherwise. The term “USBC” where used in this code means the *Virginia Construction Code* (VCC) unless the context clearly indicates otherwise. In addition, the use of notes in Chapter 1 is to provide information only and shall not be construed as changing the meaning of any code provision. Notes in the

IPMC, in the codes and standards referenced in the IPMC, and in the state amendments to the IPMC, may modify the content of a related provision and shall be considered to be a valid part of the provision, unless the context clearly indicates otherwise.

101.6 Order of precedence. The provisions of this code shall be used as follows:

1. The provisions of Chapter 1 of this code supersede any provisions of Chapters 2–8 of the IPMC that address the same subject matter and impose differing requirements.
2. The provisions of Chapter 1 of this code supersede any provisions of the codes and standards referenced in the IPMC that address the same subject matter and impose differing requirements.
3. The state amendments to the IPMC supersede any provisions of Chapters 2–8 of the IPMC that address the same subject matter and impose differing requirements.
4. The state amendments to the IPMC supersede any provisions of the codes and standards referenced in the IPMC that address the same subject matter and impose differing requirements.
5. The provisions of Chapters 2–8 of the IPMC supersede any provisions of the codes and standards referenced in the IPMC that address the same subject matter and impose differing requirements.

101.7 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

SECTION 102 PURPOSE AND SCOPE

102.1 Purpose. In accordance with Section 36-103 of the Code of Virginia, the Virginia Board of Housing and Community Development may adopt and promulgate as part of the *Virginia Uniform Statewide Building Code*, building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare. Further, in accordance with Section 36-99 of the Code of Virginia, the purpose of this code is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be *maintained* at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infesta-

tion, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.

102.2 Scope. In accordance with Section 36-98 of the Code of Virginia, the VPMC shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies.

102.3 Exemptions. This code shall not regulate those buildings and *structures* specifically exempt from the VCC, except that existing industrialized buildings and manufactured homes shall not be exempt from this code.

SECTION 103 APPLICATION OF CODE

103.1 General. This code prescribes regulations for the maintenance of all existing buildings and *structures* and associated equipment, including regulations for unsafe buildings and *structures*.

103.2 Maintenance requirements. Buildings, *structures* and systems shall be *maintained* and kept in good repair in accordance with the requirements of this code and when applicable in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building or *structure* or to equipment unless conditions are present which meet the definition of an *unsafe structure* or a *structure unfit for human occupancy*.

103.2.1 Maintenance of nonrequired components and systems. Nonrequired components and systems may be discontinued in use provided that no hazard results from such discontinuance of use.

103.2.2 Maintenance of nonrequired fire protection systems. Nonrequired fire protection systems shall be *maintained* to function as originally installed. If any such systems are to be reduced in function or discontinued, approval shall be obtained from the building official in accordance with Section 103.3.1 of the VCC.

103.2.3 Responsibility. The *owner* of a *structure* shall provide and maintain all buildings, *structures*, systems, facilities and associated equipment in compliance with this code unless it is specifically expressed or implied that it is the responsibility of the *tenant* or *occupant*.

Note: Where an *owner* states that a *tenant* is responsible for performing any of the owner's duties under this code, the *code official* may request information needed to verify the owner's statement, as allowed by § 55-1-1209 A 5 of the Code of Virginia.

103.3 Continued approval. Notwithstanding any provision of this code to the contrary, alterations shall not be required to be made to existing buildings or structures which are occupied in accordance with a certificate of *occupancy* issued under any edition of the USBC.

103.4 Rental Inspections. In accordance with § 36-105.1:1 of the Code of Virginia, these provisions are applicable to rental inspection programs. For purposes of this section:

"*Dwelling unit*" means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household.

"*Owner*" means the person shown on the current real estate assessment books or current real estate assessment records.

"Residential rental *dwelling unit*" means a dwelling unit that is leased or rented to one or more *tenants*. However, a dwelling unit occupied in part by the *owner* thereof shall not be construed to be a residential rental dwelling unit unless a *tenant* occupies a part of the dwelling unit that has its own cooking and sleeping areas, and a bathroom, unless otherwise provided in the zoning ordinance by the local governing body.

The local governing body may adopt an ordinance to inspect residential rental dwelling units for compliance with this code and to promote safe, decent and sanitary housing for its citizens, in accordance with the following:

1. Except as provided for in subdivision 3 of this subsection, the dwelling units shall be located in a rental inspection district established by the local governing body in accordance with this section; and
2. The rental inspection district is based upon a finding by the local governing body that (i) there is a need to protect the public health, safety and welfare of the *occupants* of dwelling units inside the designated rental inspection district; (ii) the residential rental dwelling units within the designated rental inspection district are either (a) blighted or in the process of deteriorating or (b) the residential rental dwelling units are in the need of inspection by the building department to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside the proposed rental inspection district; and (iii) the inspection of residential rental dwelling units inside the proposed rental inspection district is necessary to maintain safe, decent and sanitary living conditions for *tenants* and other residents living in the proposed rental inspection district. Nothing in this section shall be construed to authorize one or more locality-wide rental inspection districts and a local governing body shall limit the boundaries of the proposed rental inspection districts to such areas of the locality that meet the criteria set out in this subsection; or
3. An individual residential rental dwelling unit outside of a designated rental inspection district is made subject to the rental inspection ordinance based upon a separate finding for each individual dwelling unit by the local governing body that (i) there is a need to protect the public health, welfare and safety of the *occupants* of that individual dwelling unit; (ii) the individual dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of this code that affect the safe, decent and sanitary living conditions for *tenants* living in such individual *dwelling unit*.

For purposes of this section, the local governing body may designate a local government agency other than the building

department to perform all or part of the duties contained in the enforcement authority granted to the building department by this section.

Before adopting a rental inspection ordinance and establishing a rental inspection district or an amendment to either, the governing body of the locality shall hold a public hearing on the proposed ordinance. Notice of the hearing shall be published once a week for two successive weeks in a newspaper published or having general circulation in the locality.

Upon adoption by the local governing body of a rental inspection ordinance, the building department shall make reasonable efforts to notify *owners* of residential rental *dwelling units* in the designated rental inspection district, or their designated managing agents, and to any individual *dwelling units* subject to the rental inspection ordinance, not located in a rental inspection district, of the adoption of such ordinance, and provide information and an explanation of the rental inspection ordinance and the responsibilities of the *owner* thereunder.

The rental inspection ordinance may include a provision that requires the *owners* of *dwelling units* in a rental inspection district to notify the building department in writing if the *dwelling unit* of the *owner* is used for residential rental purposes. The building department may develop a form for such purposes. The rental inspection ordinance shall not include a registration requirement or a fee of any kind associated with the written notification pursuant to this subdivision. A rental inspection ordinance may not require that the written notification from the *owner* of a *dwelling unit* subject to a rental inspection ordinance be provided to the building department in less than 60 days after the adoption of a rental inspection ordinance. However, there shall be no penalty for the failure of an *owner* of a residential rental *dwelling unit* to comply with the provisions of this subsection, unless and until the building department provides personal or written notice to the property *owner*, as provided in this section. In any event, the sole penalty for the willful failure of an *owner* of a *dwelling unit* who is using the *dwelling unit* for residential rental purposes to comply with the written notification requirement shall be a civil penalty of up to \$50. For purposes of this subsection, notice sent by regular first-class mail to the last known address of the *owner* as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed compliance with this requirement.

Upon establishment of a rental inspection district in accordance with this section, the building department may, in conjunction with the written notifications as provided for above, proceed to inspect *dwelling units* in the designated rental inspection district to determine if the *dwelling units* are being used as a residential rental property and for compliance with the provisions of this code that affect the safe, decent and sanitary living conditions for the *tenants* of such property.

If a multifamily development has more than 10 *dwelling units*, in the initial and periodic inspections, the building department shall inspect only a sampling of *dwelling units*, of not less than two and not more than 10 percent of the *dwelling units*, of a multifamily development, that includes all of the multifamily buildings that are part of that multifamily

development. In no event, however, shall the building department charge a fee authorized by this section for inspection of more than 10 *dwelling units*. If the building department determines upon inspection of the sampling of *dwelling units* that there are violations of this code that affect the safe, decent and sanitary living conditions for the *tenants* of such multifamily development, the building department may inspect as many *dwelling units* as necessary to enforce these provisions, in which case, the fee shall be based upon a charge per *dwelling unit* inspected, as otherwise provided in the fee schedule established pursuant to this section.

Upon the initial or periodic inspection of a residential rental *dwelling unit* subject to a rental inspection ordinance, the building department has the authority under these provisions to require the *owner* of the *dwelling unit* to submit to such follow-up inspections of the *dwelling unit* as the building department deems necessary, until such time as the *dwelling unit* is brought into compliance with the provisions of this code that affect the safe, decent and sanitary living conditions for the *tenants*.

Except as provided for above, following the initial inspection of a residential rental *dwelling unit* subject to a rental inspection ordinance, the building department may inspect any residential rental *dwelling unit* in a rental inspection district, that is not otherwise exempted in accordance with this section, no more than once each calendar year.

Upon the initial or periodic inspection of a residential rental *dwelling unit* subject to a rental inspection ordinance for compliance with these provisions, provided that there are no violations of this code that affect the safe, decent and sanitary living conditions for the *tenants* of such residential rental *dwelling unit*, the building department shall provide, to the *owner* of such residential rental *dwelling unit*, an exemption from the rental inspection ordinance for a minimum of 4 years. Upon the sale of a residential rental *dwelling unit*, the building department may perform a periodic inspection as provided above, subsequent to such sale. If a residential rental *dwelling unit* has been issued a certificate of occupancy within the last 4 years, an exemption shall be granted for a minimum period of 4 years from the date of the issuance of the certificate of occupancy by the building department. If the residential rental *dwelling unit* becomes in violation of this code during the exemption period, the building department may revoke the exemption previously granted under this section.

A local governing body may establish a fee schedule for enforcement of these provisions, which includes a per *dwelling unit* fee for the initial inspections, follow-up inspections and periodic inspections under this section.

The provisions of this section shall not in any way alter the rights and obligations of landlords and *tenants* pursuant to the applicable provisions of Chapter 13 (§ 55-217 et seq.) or Chapter 13.2 (§ 55-248.2 et seq.) of Title 55 of the Code of Virginia.

The provisions of this section shall not alter the duties or responsibilities of the local building department under § 36-105 of the Code of Virginia to enforce the USBC.

Unless otherwise provided for in § 36-105.1:1 of the Code of Virginia, penalties for violation of this section shall be the same as the penalties provided for violations of other sections of the USBC.

SECTION 104 ENFORCEMENT, GENERALLY

104.1 Scope of enforcement. This section establishes the requirements for enforcement of this code in accordance with subdivision C 1 of § 36-105 of the Code of Virginia. The local governing body may also inspect and enforce the provisions of the USBC for existing buildings and *structures*, whether occupied or not. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

In accordance with subdivision C 3 of § 36-105 of the Code of Virginia, if the local building department receives a complaint that a violation of this code exists that is an immediate and imminent threat to the health or safety of the *owner*, *tenant*, or *occupants* of any building or *structure*, or the *owner*, *occupant*, or *tenant* of any nearby building or *structure*, and the *owner*, *occupant*, or *tenant* of the building or *structure* that is the subject of the complaint has refused to allow the *code official* or his agent to have access to the subject building or *structure*, the *code official* or his agent may make an affidavit under oath before a magistrate or a court of competent jurisdiction and request that the magistrate or court grant the *code official* or his agent an inspection warrant to enable the *code official* or his agent to enter the subject building or *structure* for the purpose of determining whether violations of this code exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in a manner prescribed by § 19.2-54 of the Code of Virginia. After executing the warrant, the *code official* or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The *code official* or his agent shall make a reasonable effort to obtain consent from the *owner*, *occupant*, or *tenant* of the subject building or *structure* prior to seeking the issuance of an inspection warrant under this section.

Note: Generally, official action must be taken by the local government to enforce the VMC. Consultation with the legal counsel of the jurisdiction when initiating or changing such action is advised.

104.1.1 Transfer of ownership. In accordance with subdivision C 4 of § 36-105 of the Code of Virginia, if the local building department has initiated an enforcement action against the *owner* of a building or *structure* and such *owner* subsequently transfers the ownership of the building or *structure* to an entity in which the *owner* holds an ownership interest greater than 50 percent, the pending enforcement action shall continue to be enforced against the *owner*.

104.2 Fees. In accordance with subdivision C 7 of § 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals. For the purposes of this section, "defray the cost" may include the fair and reasonable costs incurred for such

enforcement during normal business hours, but shall not include overtime costs unless conducted outside of the normal working hours established by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A locality shall not charge overtime rate for inspections conducted during the normal business hours established by the locality. Nothing in this provision shall be construed to prohibit a private entity from conducting such inspections, provided the private entity has been *approved* to perform such inspections in accordance with the written policy of the *code official* for the locality.

104.3 State buildings. In accordance with § 36-98.1 of the Code of Virginia, this code shall be applicable to state-owned buildings and *structures*. Acting through the Division of Engineering and Buildings, the Department of General Services shall function as the building official for state-owned buildings.

104.3.1 Certification of state enforcement personnel. State enforcement personnel shall comply with the applicable requirements of Sections 104.4.2 and 104.4.3 for certification.

Note: Continuing education and periodic training requirements for DHCD certifications are set out in the *Virginia Certification Standards (VCS)*.

104.4 Local enforcing agency. In jurisdictions enforcing this code, the local governing body shall designate the agency within the local government responsible for such enforcement and appoint a *code official*. The local governing body may also utilize technical assistants to assist the *code official* in the enforcement of this code. A permanently appointed *code official* shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority. DHCD shall be notified by the appointing authority within 30 days of the appointment or release of a permanent or acting *code official* and within 60 days after retaining or terminating a technical assistant.

Note: *Code officials* and technical assistants are subject to sanctions in accordance with the VCS.

104.4.1 Qualifications of code official and technical assistants. The *code official* shall have at least 5 years of building experience as a licensed professional engineer or architect, building, fire or trade inspector, contractor, housing inspector or superintendent of building, fire or trade construction or at least 5 years of building experience after obtaining a degree in architecture or engineering, with at least 3 years in responsible charge of work. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The *code official* shall have general knowledge of sound engineering practice in respect to the design and construction of structures, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the *occupants* and the public. The local governing body may establish additional qualification requirements.

A technical assistant shall have at least 3 years of experience and general knowledge in at least one of the following areas: building construction, building, fire or housing inspections, plumbing, electrical or mechanical trades, fire protection, elevators or property maintenance work. Any combination of education and experience which would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The locality may establish additional certification requirements.

104.4.2 Certification of code official and technical assistants. An acting or permanent *code official* shall be certified as a *code official* in accordance with the VCS within 1 year after being appointed as acting or permanent *code official*. A technical assistant shall be certified in the appropriate subject area within 18 months after becoming a technical assistant. When required by a locality to have two or more certifications, a technical assistant shall obtain the additional certifications within 3 years from the date of such requirement.

Exception: A *code official* or technical assistant in place prior to April 1, 1995, shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same locality.

104.4.3 Noncertified code official. Except for a *code official* exempt from certification under the exception to Section 104.4.2, any acting or permanent *code official* who is not certified as a *code official* in accordance with the VCS shall attend the core module of the Virginia Building Code Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in Section 104.4.2.

Note: Continuing education and periodic training requirements for DHCD certifications are set out in the VCS.

104.4.4 Conflict of interest. The standards of conduct for *code officials* and technical assistants shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

104.4.5 Records. The local enforcing agency shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspections in accordance with The Library of Virginia's General Schedule Number Six.

104.5 Powers and duties, generally. The *code official* shall enforce this code as set out herein and as interpreted by the State Review Board and shall issue all necessary notices or orders to ensure compliance with the code.

104.5.1 Delegation of authority. The *code official* may delegate powers and duties except where such authority is limited by the local government. When such delegations are made, the *code official* shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

104.5.2 Issuance of modifications. Upon written application by an *owner* or an *owner's agent*, the *code official*

may approve a modification of any provision of this code provided the spirit and intent of the code are observed and public health, welfare and safety are assured. The decision of the *code official* concerning a modification shall be made in writing and the application for a modification and the decision of the *code official* concerning such modification shall be retained in the permanent records of the local enforcing agency.

104.5.2.1 Substantiation of modification. The *code official* may require or may consider a statement from a professional engineer, architect or other person competent in the subject area of the application as to the equivalency of the proposed modification.

104.5.3 Inspections. The *code official* may inspect buildings or *structures* to determine compliance with this code and shall carry proper credentials when performing such inspections. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed, or complex technical issues in accordance with local policies.

104.5.3.1 Observations. When, during an inspection, the *code official* or authorized representative observes an apparent or actual violation of another law, ordinance, or code not within the official's authority to enforce, such official shall report the findings to the official having jurisdiction in order that such official may institute the necessary measures.

104.5.3.2 Approved inspection agencies and individuals. The *code official* may accept reports of inspections or tests from individuals or inspection agencies *approved* in accordance with the *code official's* written policy required by Section 104.5.3.3. The individual or inspection agency shall meet the qualifications and reliability requirements established by the written policy. Reports of inspections by *approved* individuals or agencies shall be in writing, shall indicate if compliance with the applicable provisions of this code have been met, and shall be certified by the individual inspector or by the responsible officer when the report is from an agency. Reports of inspections conducted for the purpose of verifying compliance with the requirements of the USBC for elevators, escalators, and related conveyances shall include the name and certification number of the elevator mechanic performing the tests witnessed by the third-party inspector or agency. The *code official* shall review and approve the report unless there is cause to reject it. Failure to approve a report shall be in writing within 5 working days of receiving it, stating the reasons for rejection.

104.5.3.3 Third-party inspectors. Each *code official* charged with the enforcement of this code and who accepts third-party reports shall have a written policy establishing the minimum acceptable qualifications for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalification or preapproval requirements before conducting a third-party inspection, and any other requirements and procedures established by the *code official*.

104.5.3.4 Qualifications. In determining third-party qualifications, the *code official* may consider such items as DHCD inspector certification, other state or national certifications, state professional registrations, related experience, education, and any other factors that would demonstrate competency and reliability to conduct inspections.

104.5.4 Manufactured home park tenant notification. If a notice of violation is issued to a manufactured home park *owner* for violations of this code that jeopardize the health or safety of *tenants* of the park, a copy of the notice shall be provided to each affected *tenant* of the manufactured home park. The terms, “manufactured home park” and “owner,” as used in this section, shall be as defined in the Manufactured Home Lot Rental Act [Chapter 13.3 (§ 55-248.41 et seq.) of Title 55 of the Code of Virginia].

**SECTION 105
VIOLATIONS**

105.1 Violation a misdemeanor; civil penalty. In accordance with § 36-106 of the Code of Virginia, it shall be unlawful for any *owner* or any other person, firm or corporation, on or after the effective date of any code provisions, to violate any such provisions. Any locality may adopt an ordinance that establishes a uniform schedule of civil penalties for violations of specified provisions of the code that are not abated or remedied promptly after receipt of a notice of violation from the local enforcement officer.

Note: See the full text of § 36-106 of the Code of Virginia for additional requirements and criteria pertaining to legal action relative to violations of the code.

105.2 Notices, reports and orders. Upon findings by the *code official* that violations of this code exist, the *code official* shall issue a correction notice or notice of violation to the *owner, tenant* or the person responsible for the maintenance of the *structure*. Work done to correct violations of this code subject to the permit, inspection and approval provisions of the VCC shall not be construed as authorization to extend the time limits established for compliance with this code. When the *owner* is not the responsible party to whom the notice of violation or correction notice is issued, a copy of the notice shall also be delivered to the *owner*.

105.3 Correction notice. The correction notice shall be a written notice of the defective conditions. The correction notice shall require correction of the violation within a reasonable time unless an emergency condition exists as provided under the unsafe building provisions of Section 106. Upon request, the correction notice shall reference the code section that serves as the basis for the defects and shall state that such defects shall be corrected and reinspected in a reasonable time designated by the *code official*.

105.4 Notice of violation. If the *code official* determines there are violations of this code a written notice of violation may be issued to the *owner, tenant* or the person responsible for the maintenance or use of the building or *structure* in lieu of a correction notice as provided for in Section 105.3. In addition, the *code official* shall issue a notice of violation for any uncorrected violation remaining from a correction notice

established in Section 105.3. The *code official* shall provide the section numbers for any code provisions cited in the notice of violation to the *owner, tenant* or the person responsible for the maintenance or use of the building or *structure*. The notice shall require correction of the violation within a reasonable time. The *owner, tenant* or person to whom the notice of violation has been issued shall be responsible for contacting the *code official* within the timeframe established for any reinspections to assure the violations have been corrected. The *code official* will be responsible for making such inspection and verifying the violations have been corrected. In addition, the notice of violation shall indicate the right of appeal by referencing the appeals section of this code.

Exceptions:

1. Notices issued and legal proceedings or emergency actions taken under Section 106 for *unsafe structures, unsafe equipment, or structures unfit for human occupancy*.
2. Notices issued for failing to maintain buildings and structures as required by Section 103.2, as evidenced by multiple or repeated violations on the same property are not required to include a compliance deadline for correcting defects.

105.5 Coordination of inspections. The code official shall coordinate inspections and administrative orders with any other state or local agencies having related inspection authority and shall coordinate those inspections required by the *Virginia Statewide Fire Prevention Code* (13VAC5-51) for maintenance of fire protection devices, equipment, and assemblies so that the *owners* and *occupants* will not be subjected to numerous inspections or conflicting orders.

Note: The Fire Prevention Code requires the fire official to coordinate such inspections with the code official.

105.6 Further action when violation not corrected. If the responsible party has not complied with the notice of violation, the code official may request the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or *structure* involved. In cases where the locality or legal counsel so authorizes, the code official may issue or obtain a summons or warrant.

105.6.1 Further action for corrected violations. Compliance with a notice of violation notwithstanding, the *code official* may request legal proceedings be instituted for prosecution when a responsible party is served with three or more separate notices of violation for the same property within any 5 consecutive years. Legal proceedings shall not be instituted under this section for violation notices issued pursuant to the initial inspection of the property. Legal proceedings for violations that have been abated in residential rental *dwelling units* within a multifamily apartment development may only be instituted for such violations that affect safe, decent, or sanitary living conditions.

Exception: Legal proceedings shall not be instituted for violations that have been abated on owner-occupied single family dwellings.

105.7 Penalties and abatement. Penalties for violations of this code shall be as set out in § 36-106 of the Code of Virginia. The successful prosecution of a violation of the code shall not preclude the institution of appropriate legal action to require correction or abatement of a violation.

SECTION 106 UNSAFE STRUCTURES OR STRUCTURES UNFIT FOR HUMAN OCCUPANCY

106.1 General. This section shall apply to existing *structures* which are classified as unsafe or unfit for human occupancy. All conditions causing such *structures* to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the *structure* may be vacated and secured against public entry or razed and removed. Vacant and secured *structures* shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the *code official* determines that an *unsafe structure* or a *structure unfit for human occupancy* constitutes such a hazard that it should be razed or removed, then the *code official* shall be permitted to order the demolition of such *structures* in accordance with applicable requirements of this code.

Note: *Structures* which become unsafe during construction are regulated under the VCC.

106.2 Inspection of unsafe or unfit structures. The *code official* shall inspect any *structure* reported or discovered as unsafe or unfit for human habitation and shall prepare a report to be filed in the records of the local enforcing agency and a copy issued to the *owner*. The report shall include the use of the *structure* and a description of the nature and extent of any conditions found.

106.3 Notice of unsafe structure or structure unfit for human occupancy. When a *structure* is determined to be unsafe or unfit for human occupancy by the *code official*, a written notice of *unsafe structure* or *structure unfit for human occupancy* shall be issued by personal service to the *owner*, the *owner's* agent or the person in control of such *structure*. The notice shall specify the corrections necessary to comply with this code, or if the *structure* is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 105.2 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section.

Note: Whenever possible, the notice should also be given to any *tenants* of the affected *structure*.

106.3.1 Vacating unsafe structure. If the *code official* determines there is actual and immediate danger to the *occupants* or public, or when life is endangered by the *occupancy* of an *unsafe structure*, the *code official* shall be authorized to order the *occupants* to immediately vacate the *unsafe structure*. When an *unsafe structure* is ordered to be vacated, the *code official* shall post a notice with the following wording at each entrance: "THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY (OR USE) IS PROHIBITED BY THE CODE OFFICIAL." After posting, *occupancy* or use of the *unsafe structure* shall be pro-

hibited except when authorized to enter to conduct inspections, make required repairs or as necessary to demolish the *structure*.

106.4 Posting of notice. If the notice is unable to be issued by personal service as required by Section 106.3, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the *premises*.

106.5 Posting of placard. In the case of a *structure* unfit for human habitation, at the time the notice is issued, a placard with the following wording shall be posted at the entrance to the *structure*: "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." In the case of an *unsafe structure*, if the notice is not complied with, a placard with the above wording shall be posted at the entrance to the *structure*. After a *structure* is placarded, entering the *structure* shall be prohibited except as authorized by the *code official* to make inspections, to perform required repairs or to demolish the *structure*. In addition, the placard shall not be removed until the *structure* is determined by the *code official* to be safe to occupy, nor shall the placard be defaced.

106.6 Revocation of certificate of occupancy. If a notice of *unsafe structure* or *structure* unfit for human habitation is not complied with within the time period stipulated on the notice, the *code official* shall be permitted to request the local building department to revoke the certificate of occupancy issued under the VCC.

106.7 Vacant and open structures. When an *unsafe structure* or a *structure* unfit for human habitation is open for public entry at the time a placard is issued under Section 106.5, the *code official* shall be permitted to authorize the necessary work to make such *structure* secure against public entry whether or not legal action to compel compliance has been instituted.

106.8 Emergency repairs and demolition. To the extent permitted by the locality, the *code official* may authorize emergency repairs to *unsafe structures* or *structures* unfit for human habitation when it is determined that there is an imminent danger of any portion of the *unsafe structure* or *structure* unfit for human habitation collapsing or falling and when life is endangered. Emergency repairs may also be authorized where there is a code violation resulting in the immediate serious and imminent threat to the life and safety of the *occupants*. The *code official* shall be permitted to authorize the necessary work to make the *structure* temporarily safe whether or not legal action to compel compliance has been instituted. In addition, whenever an *owner* of an *unsafe structure* or *structure* unfit for human habitation fails to comply with a notice to demolish issued under Section 106.3 in the time period stipulated, the *code official* shall be permitted to cause the structure to be demolished. In accordance with §§ 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the locality may be requested to institute appropriate action against the property *owner* to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be 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 of the Code of Virginia.

Note: *Code officials* and local governing bodies should be aware that other statutes and court decisions may impact on matters relating to demolition, in particular whether newspaper publication is required if the *owner* cannot be located and whether the demolition order must be delayed until the *owner* has been given the opportunity for a hearing. In addition, *historic building* demolition may be prevented by authority granted to local historic review boards in accordance with § 15.2-2306 of the Code of Virginia unless determined necessary by the *code official*.

106.9 Closing of streets. When necessary for public safety, the *code official* shall be permitted to order the temporary closing of sidewalks, streets, public ways or *premises* adjacent to unsafe or unfit *structures* and prohibit the use of such spaces.

SECTION 107 APPEALS

107.1 Establishment of appeals board. In accordance with § 36-105 of the Code of Virginia, there shall be established within each local enforcing agency a local board of building code appeals (LBBCA). Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency *approved* by DHCD for such appeals resulting therefrom. Fees may be levied by the local governing body in order to defray the cost of such appeals. The LBBCA for hearing appeals under the VCC shall be permitted to serve as the appeals board required by this section. The locality is responsible for maintaining a duly constituted LBBCA prepared to hear appeals within the time limits established in this section. The LBBCA shall meet as necessary to assure a duly constituted board, appoint officers as necessary, and receive such training on the code as may be appropriate or necessary from staff of the locality.

107.2 Membership of board. The LBBCA shall consist of at least five members appointed by the locality for a specific term of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be *maintained* in the office of the locality. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any 1-year period.

107.3 Officers and qualifications of members. The LBBCA shall annually select one of its regular members to serve as chairman. When the chairman is not present at an appeal hearing, the members present shall select an acting chairman. The locality or the chief executive officer of the locality shall appoint a secretary to the LBBCA to maintain a detailed record of all proceedings. Members of the LBBCA shall be selected by the locality on the basis of their ability to render

fair and competent decisions regarding application of the USBC and shall, to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be an RDP, and at least one member should be an experienced property manager. Employees or officials of the locality shall not serve as members of the LBBCA.

107.4 Conduct of members. No member shall hear an appeal in which that member has a conflict of interest in accordance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq. of the Code of Virginia). Members shall not discuss the substance of an appeal with any other party or their representatives prior to any hearings.

107.5 Right of appeal; filing of appeal application. Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the *owner* of the building or *structure* and, in addition, the name and address of the person appealing, when the applicant is not the *owner*. A copy of the *code official's* decision shall be submitted along with the application for appeal and *maintained* as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a *code official's* decision.

107.6 Meetings and postponements. The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a period of up to 45 calendar days shall be permitted where the LBBCA has regularly scheduled monthly meetings. A longer time period shall be permitted if agreed to by all the parties involved in the appeal. A notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBBCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBBCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

107.7 Hearings and decision. All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the *code official's* decision in question shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings. The LBBCA shall have the power to uphold, reverse, or modify the decision of the official by a concurring vote of a majority of those present. Decisions of the LBBCA shall be final if no further appeal is made. The decision of the LBBCA shall be explained in writing, signed

by the chairman and retained as part of the record of the appeal. Copies of the written decision shall be sent to all parties by certified mail. In addition, the written decision shall contain the following wording:

“Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of the written decision. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150.”

107.8 Appeals to the State Review Board. After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with § 36-98.2 of the Code of Virginia for state-owned buildings and *structures*, appeals by an involved state agency from the decision of the *code official* for state-owned buildings or *structures* shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the *code official's* decision. For appeals from a LBBCA, a copy of the *code official's* decision and the written decision of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the Office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or *structures*, the involved state agency shall submit a copy of the *code official's* decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code, International Fire Code, International Fuel Gas Code, International Plumbing Code, International Mechanical Code, International Existing Building Code, International Residential Code, International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes, except that terms defined in the VCC shall be used for this code and shall take precedence over other definitions.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming unit,” “housekeeping unit,” or “story” are stated in this code, they shall be construed as though they were followed by the words “or part thereof.”

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPLICABLE BUILDING CODE. The local or statewide building code and referenced standards in effect at the time the building or portion thereof was constructed, altered, renovated or underwent a change of occupancy. See Section 103 for the application of the code.

[A] APPROVED. Acceptable to the *code official*.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[A] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

[BE] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[BG] HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

[A] HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence of insects, rodents, vermin, or other pests in sufficient number to adversely affect the *structure* or health, safety, and welfare of the *occupants*.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit, building, premise* or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

DEFINITIONS

MAINTAINED. To keep unimpaired in an appropriate condition, operation, and continuance as installed in accordance with the *applicable building code*, or as previously *approved*, and in accordance with the applicable operational and maintenance provisions of this code.

[A] **OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or *premises* that is let or offered for *occupancy*.

[A] **OWNER.** Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

[A] **PERSON.** An individual, corporation, partnership or any other group acting as a unit.

[A] **PREMISES.** A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

[A] **PUBLIC WAY.** Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[A] **SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

[A] **STRUCTURE.** That which is built or constructed.

STRUCTURE UNFIT FOR HUMAN OCCUPANCY. An existing *structure* determined by the *code official* to be dangerous to the health, safety and welfare of the *occupants* of the *structure* or the public because (i) of the degree to which the *structure* is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

UNSAFE EQUIPMENT. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment that is in such disrepair or condition that such equipment is determined by the *code official* to be dangerous to the health, safety and welfare of the *occupants* of a *structure* or the public.

UNSAFE STRUCTURE. An existing *structure* (i) determined by the *code official* to be dangerous to the health, safety and welfare of the *occupants* of the *structure* or the public, (ii) that contains *unsafe equipment*, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing *structure* unsecured or open shall be deemed to be an *unsafe structure*.

[M] **VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

[Z] **YARD.** An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions for the maintenance of *structures* and equipment and for the maintenance of exterior property to the extent that this code is applicable.

301.2 Responsibility. (Section deleted.)

301.3 Vacant structures. Vacant *structures* shall be *maintained* in a clean, safe, secure, and sanitary condition as provided for in this code.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. (Section deleted.)

302.2 Grading and drainage. All *premises* shall be graded and *maintained* to protect the foundation walls or slab of the *structure* from the accumulation and drainage of surface or stagnant water in accordance with the *applicable building code*.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar spaces regulated under the VCC shall be kept in a proper state of repair and *maintained* free from hazardous conditions.

302.4 Weeds. (Section deleted.)

302.5 Rodent harborage. All *structures* shall be kept free from rodent harborage and *infestation*. *Structures* in which rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

302.6 Exhaust vents. (Section deleted.)

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. (Section deleted.)

302.9 Defacement of property. (Section deleted.)

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Swimming pool, hot tub, and spa barriers shall be *maintained* in accordance with the *applicable building code* or ordinance under which such barriers were constructed.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a *structure* shall be *maintained* in good repair and structurally sound.

304.1.1 Unsafe conditions. (Section deleted.)

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification. Address numbers of buildings shall be *maintained* in accordance with the *applicable building code* or when required by ordinance.

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the *structure*. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and *structures* from the accumulation of roof drainage.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of

GENERAL REQUIREMENTS

metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from April 1 to December 1, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with an *approved* tightly fitting screen of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as mechanical ventilation, air curtains, or insect repellent fans, are used.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Devices designed to provide security for the *occupants* and property within, when required by the *applicable building code* or when provided, shall be maintained unless their removal is *approved* by the building official.

304.18.1 Doors. (Section deleted.)

304.18.2 Windows. (Section deleted.)

304.18.3 Basement hatchways. (Section deleted.)

304.19 Gates. To the extent required by the *applicable building code* or to the extent provided when constructed, exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a *structure* and equipment therein shall be *maintained* in good repair, structurally sound, and in a sanitary condition.

305.1.1 Unsafe conditions. (Section deleted.)

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

305.7 Carbon monoxide alarms. Carbon monoxide alarms shall be maintained as *approved*.

SECTION 306 COMPONENT SERVICEABILITY DELETED

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Handrails and guards required or provided when a building was constructed shall be *maintained* in accordance with the *applicable building code*.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. The interior of every *structure* shall be free from excessive accumulation of rubbish or garbage.

308.2 Disposal of rubbish. (Section deleted.)

308.2.1 Rubbish storage facilities. (Section deleted.)

308.2.2 Refrigerators. (Section deleted.)

308.3 Disposal of garbage. (Section deleted.)

308.3.1 Garbage facilities. (Section deleted.)

308.3.2 Containers. (Section deleted.)

SECTION 309 PEST INFESTATION AND EXTERMINATION

309.1 Infestation. All *structures* shall be kept free from insect and rodent *infestation*. *Structures* in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. (Section deleted.)

309.3 Single occupant. (Section deleted.)

309.4 Multiple occupancy. (Section deleted.)

309.5 Occupant. (Section deleted.)

SECTION 310 LEAD-BASED PAINT

310.1 General. Interior and exterior painted surfaces of dwellings and child care facilities, including fences and out-buildings, that contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50-percent lead by weight shall be *maintained* in a condition free from peeling, chipping, and flaking paint or removed or covered in an *approved* manner. Any surface to be covered shall first be identified by an *approved* warning as to the lead content of such surface.

SECTION 311 ABOVEGROUND LIQUID FERTILIZER STORAGE TANKS (ALFSTs)

311.1 General. ALFSTs shall be *maintained* in accordance with the requirements of Section 1101.16 of the VEBC and the requirements of the VCC applicable to such ALFSTs when newly constructed, and the requirements of the VEBC when undergoing a change of *occupancy* to an ALFST and when repaired, altered, or reconstructed, including the requirements for inspections and for a secondary containment system.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the maintenance of *structures* for light, *ventilation* and space for *occupancy*.

401.2 Responsibility. (Section deleted.)

401.3 Alternative devices. (Section deleted.)

SECTION 402 LIGHT

402.1 Natural or artificial light. Every *habitable space*, hallway, stairway, bathroom, and other spaces shall be *maintained* to provide natural or artificial light to the extent required or provided in accordance with the *applicable building code*.

402.2 Common halls and stairways. (Section deleted.)

402.3 Other spaces. (Section deleted.)

SECTION 403 VENTILATION

403.1 Natural or mechanical ventilation. Every *habitable space*, hallway, stairway, bathroom, and other spaces shall be *maintained* to provide natural or mechanical ventilation to the extent required by the *applicable building code*.

403.2 Bathrooms and toilet rooms. (Section deleted.)

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Local exhaust systems required by the *applicable building code*, or that are provided, that exhaust injurious, toxic, irritating, or noxious fumes, gases, dusts, or mists to the exterior of a building shall be *maintained* to prevent compromising the required ventilation system.

403.5 Clothes dryer exhaust. (Section deleted.)

SECTION 404 OCCUPANCY LIMITATIONS

404.05 Limitation of application of section. The provisions of Section 404 that address construction aspects of *occupancy*

limitations shall apply only to the extent that such requirements were part of the *applicable building code*. Operational requirements such as the use of rooms or minimum areas per *occupant* are part of this code only to the extent that they do not require alterations to be made to a building.

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

404.4.3 Water closet accessibility. Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a, b}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm)

in front. Light and *ventilation* conforming to this code shall be provided.

3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.

4. The maximum number of *occupants* shall be three.

404.7 Food preparation. Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING REQUIREMENTS

SECTION 501 GENERAL

501.1 General. The provisions of this chapter shall govern the maintenance of *structures* for plumbing systems, facilities, and fixtures.

501.2 Responsibility. (Section deleted.)

SECTION 502 REQUIRED FACILITIES DELETED

SECTION 503 TOILET ROOMS DELETED

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. Required or provided plumbing systems and facilities shall be *maintained* in accordance with the *applicable building code*.

504.1.1 Public and employee facilities. Except for periodic maintenance or cleaning, access and use shall be provided to facilities at all times during *occupancy* of the *premises* in accordance with the *applicable building code*.

504.2 Plumbing fixtures. All plumbing fixtures shall be *maintained* in a safe, sanitary, and working condition. A kitchen sink shall not be used as a substitute for a required lavatory.

504.2.1 Fixture clearances. Adequate clearances for usage and cleaning of plumbing fixtures shall be *maintained* as *approved* when installed.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a *structure* constitutes a hazard to the public, the *occupants* or the *structure*, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 Supply. Required or provided water supply systems shall be *maintained* in accordance with the *applicable building code*. All water supply systems shall be free from obstructions, defects, and leaks.

505.1.1 Tempered water. Tempered water shall be supplied to fixtures and facilities when required by the *applicable building code*.

505.2 Protection of water supply systems. Protection of water supply systems shall be provided and *maintained* in accordance with the *applicable building code*.

505.2.1 Attached hoses. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

505.3 Inspection and testing of backflow prevention systems. Inspection and testing shall comply with Sections 505.3.1 and 505.3.2.

505.3.1 Inspections. Inspections shall be made of all backflow assemblies and air gaps to determine whether they are operable.

505.3.2 Testing. Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, double-detector check valve assemblies, and pressure vacuum breaker assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5010-1013-1, Sections 1 and 2; ASSE 5010-1015-1, Sections 1 and 2; ASSE 5010-1015-2; ASSE 5010-1015-3, Sections 1 and 2; ASSE 5010-1015-4, Sections 1 and 2; ASSE 5010-1020-1, Sections 1 and 2; ASSE 5010-1047-1, Sections 1, 2, 3 and 4; ASSE 5010-1048-1, Sections 1, 2, 3 and 4; ASSE 5010-1048-2; ASSE 5010-1048-3, Sections 1, 2, 3 and 4; ASSE 5010-1048-4, Sections 1, 2, 3 and 4; or CAN/CSA B64.10.

505.4 Water heating facilities. Water heating facilities shall be *maintained*. Combination temperature and pressure-relief valves and relief valve discharge pipes shall be *maintained* on water heaters.

505.5 Nonpotable water reuse systems. Where installed, nonpotable water reuse and rainwater collection and conveyance systems shall be *maintained* in a safe and sanitary condition. Where such systems are not properly *maintained*, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with the following:

1. All system piping connecting to a utility provided or private water system shall be removed or disabled. Proper cross-connection control and backwater prevention measures shall comply with the *applicable building code*.
2. Where required, the distribution piping system shall be replaced with an *approved* potable water supply piping system.
3. The storage tank shall be secured from accidental access by sealing or locking tank inlets and access points or filling with sand or equivalent.

[P] **505.5.1 Abandonment of systems.** (Section deleted.)

PLUMBING REQUIREMENTS

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 Drainage and venting. Required or provided sanitary drainage and venting systems shall be *maintained* in accordance with the *applicable building code*.

506.2 Maintenance. Every building drainage and sewer system shall function properly and be kept free from obstructions, leaks, and defects.

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the *premises* shall be discharged in a manner to protect the buildings and *structures* from the accumulation of overland water runoff.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 General. The provisions of this chapter shall govern the maintenance of mechanical and electrical facilities and equipment.

601.2 Responsibility. (Section deleted.)

SECTION 602 HEATING AND COOLING FACILITIES

602.1 Facilities required. Heating and cooling facilities shall be *maintained* and operated in *structures* as required by this section.

602.2 Heat supply. Every *owner* and operator of a Group R-2 apartment building or other residential building who rents, leases, or lets one or more *dwelling unit*, rooming unit, dormitory, or guestroom on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 15 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. The *code official* may also consider modifications as provided in Section 104.5.2 when requested for unusual circumstances or may issue notice approving building *owners* to convert shared heating and cooling piping HVAC systems 14 calendar days before or after the established dates when extended periods of unusual temperatures merit modifying these dates.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

602.2.1 Prohibited use. In *dwelling units* subject to Section 602.2, one or more unvented room heaters shall not be used as the sole source of comfort heat in a *dwelling unit*.

602.3 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.4 Cooling supply. Every *owner* and operator of a Group R-2 apartment building who rents, leases, or lets one or more *dwelling units*, rooming units, or guestrooms on terms, either expressed or implied, to furnish cooling to the *occupants*

thereof shall supply cooling during the period from May 15 to October 1 to maintain a temperature of not more than 77°F (25°C) in all habitable rooms. The *code official* may also consider modifications as provided in Section 104.5.2 when requested for unusual circumstances or may issue notice approving building *owners* to convert shared heating and cooling piping HVAC systems 14 calendar days before or after the established dates when extended periods of unusual temperatures merit modifying these dates.

Exception: When the outdoor temperature is higher than the summer design temperature for the locality, maintenance of the room temperature shall not be required provided that the cooling system is operating at its full design capacity. The summer outdoor design temperature for the locality shall be as indicated in the *International Energy Conservation Code*.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical equipment and appliances. Required or provided mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances, chimneys, vents, and water heating appliances shall be *maintained* in compliance with the code under which the appliances, system, or equipment was installed, kept in safe working condition, and capable of performing the intended function.

603.2 Removal of combustion products. Where required by the code under which installed, fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. Where required by the code under which installed, a supply of air for complete combustion of the fuel shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. (Section deleted.)

603.7 Fuel tanks and systems. Fuel gas or combustible or flammable liquid containers, tanks, and piping systems shall be *maintained* in compliance with the code under which they were installed, kept in safe working condition, and capable of performing the intended function, or removed or abandoned in accordance with the *Virginia Statewide Fire Prevention Code*.

**SECTION 604
ELECTRICAL FACILITIES**

604.1 Electrical system. Required or provided electrical systems and facilities shall be *maintained* in accordance with the *applicable building code*.

604.2 Service. (Section deleted.)

604.3 Electrical system hazards. Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of deterioration or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors, and electronic control, signaling, and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the VEBC.

Exception: The following equipment shall be allowed to be repaired or reused where an inspection report from the equipment manufacturer, an *approved* representative of the equipment manufacturer, a third-party inspector in accordance with Section 113.7 of the VCC, or an electrical engineer indicates that the exposed equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters, and current transformers;
11. Low-voltage and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors; or
18. Electronic control, signaling, and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. (Section deleted.)

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire shall be replaced in accordance with the provisions of the VEBC.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired or reused where an inspection report from the equipment manufacturer or an *approved* representative of the equipment manufacturer, a third party licensed or certified electrician, or an electrical engineer indicates that the equipment has not sustained damage that requires replacement.

**SECTION 605
ELECTRICAL EQUIPMENT**

605.1 Electrical components. Electrical equipment, wiring, and appliances shall be *maintained* in accordance with the *applicable building code*.

605.2 Power distribution and receptacles. Required or provided power circuits and receptacles shall be *maintained* in accordance with the *applicable building code*, and ground fault and arc-fault circuit interrupter protection shall be provided where required by the *applicable building code*. All receptacle outlets shall have the appropriate faceplate cover for the location when required by the *applicable building code*.

605.3 Lighting distribution and luminaires. Required or provided lighting circuits and luminaires shall be *maintained* in accordance with the *applicable building code*.

605.4 Flexible cords. Flexible cords shall not be run through doors, windows, or cabinets or concealed within walls, floors, or ceilings.

**SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS**

606.1 General. Elevators, dumbwaiters, and escalators shall be *maintained* in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator, or be posted in a publicly conspicuous location *approved* by the *code official*. Where not displayed in the elevator or attached on the escalator or dumbwaiter, there shall be a notice of where the certificate of inspection is available for inspection. An annual periodic inspection and

test is required of elevators and escalators. A locality shall be permitted to require a 6-month periodic inspection and test. All periodic inspections shall be performed in accordance with Section 8.11 of ASME A17.1. The *code official* may also provide for such inspection by an *approved* agency or through agreement with other local certified elevator inspectors. An *approved* agency includes any individual, partnership, or corporation who has met the certification requirements established by the VCS.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

607.2 Clothes dryer exhaust duct. Required or provided clothes dryer exhaust systems shall be *maintained* in accordance with the *applicable building code*.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 General. The provisions of this chapter shall govern the maintenance of fire safety facilities and equipment.

701.2 Responsibility. (Section deleted.)

SECTION 702 MEANS OF EGRESS

[F] 702.1 General. The means of egress system shall be *maintained* in accordance with the *applicable building code* and Chapter 10 of the *Statewide Fire Prevention Code* (SFPC) to provide a safe, continuous, and unobstructed path of travel from any point in a building or *structure* to the public way.

702.2 Aisles. The required width of aisles shall be *maintained* in accordance with the *applicable building code*.

702.3 Doors. Means of egress doors shall be *maintained* and, to the extent required by the code in effect at the time of construction, shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort.

702.4 Emergency escape openings. Required emergency escape openings shall be *maintained* in accordance with the code in effect at the time of construction and to the extent required by the code in effect at the time of construction shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

[F] 703.1 Fire-resistance-rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

[F] 703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 111.1.1 of the *International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired

or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 111.2 of the *International Fire Code*.

[F] 703.3 Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

[F] 703.3.1 Fire blocking and draft stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

[F] 703.3.2 Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

[F] 703.3.3 Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

[F] 703.4 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

FIRE SAFETY REQUIREMENTS

[F] **703.4.1 Signs.** Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

[F] **703.4.2 Hold-open devices and closers.** Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

[F] **703.4.3 Door operation.** Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

[F] **703.5 Ceilings.** The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

[F] **703.6 Testing.** Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

[F] **703.7 Vertical shafts.** Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the *International Fire Code*. New floor openings in existing buildings shall comply with the *International Building Code*.

[F] **703.8 Opening protective closers.** Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. Systems, devices, and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be *maintained* in an operable condition at all times.

704.1.1 Maintenance and alterations. Fire protection systems shall be *maintained* in accordance with the original installation standards for that system. Alterations and repairs to fire protection systems shall be done in accordance with the *applicable building code* and the applicable standards.

704.1.2 Required fire protection systems. Fire protection systems shall be repaired, operated, tested, and maintained in accordance with this code. A fire protection system for which a design option, exception, or reduction to the provisions of this code or the *applicable building*

code has been granted shall be considered to be a required system.

704.1.3 Fire protection systems. Fire protection systems shall be *maintained* in accordance with the *Statewide Fire Prevention Code*.

[F] **704.2 Standards.** Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

TABLE 704.2
FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

[F] **704.2.1 Records.** Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

[F] **704.2.2 Records information.** Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

[F] **704.3 Systems out of service.** Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the *International Fire Code* to bring the systems back in service.

704.3.1 Preplanned impairment programs. Preplanned impairments shall be authorized by the impairment coordinator. Before authorization is given, a designated individual shall be responsible for verifying that all of the following procedures have been implemented:

1. The extent and expected duration of the impairment have been determined.

2. The areas or buildings involved have been inspected, and the increased risks determined.
3. Recommendations have been submitted to management or the building *owner* or manager.
4. The fire department has been notified.
5. The insurance carrier, the alarm company, the building *owner* or manager, and other authorities having jurisdiction have been notified.
6. The supervisors in the areas to be affected have been notified.
7. A tag impairment system has been implemented.
8. Necessary tools and materials have been assembled on the impairment site.

704.4 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with, or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system, or other fire appliance required by this code or the *applicable building code* except for the purpose of extinguishing fire, for training purposes, for recharging or making necessary repairs, or where *approved* by the fire code official.

[F] 704.4.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

704.4.2 Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following conditions exist:

1. Installation is not required by this code or the *applicable building code*.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

[F] 704.4.3 Termination of monitoring service. For fire alarm systems required to be monitored by the *International Fire Code*, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

[F] 704.5 Fire department connection. (Section deleted.)

[F] 704.5.1 Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the *International Fire Code* and a means of emergency operation. The gate and the means of emergency operation shall be

approved by the fire chief and maintained operational at all times.

[F] 704.5.2 Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

704.6 Single-station and multiple-station smoke alarms. Required or provided single-station and multiple-station smoke alarms shall be *maintained* in accordance with the *applicable building code*.

[F] 704.6.1 Where required. (Section deleted.)

[F] 704.6.1.1 Group R-1. (Section deleted.)

[F] 704.6.1.2 Groups R-2, R-3, R-4 and I-1. (Section deleted.)

[F] 704.6.1.3 Installation near cooking appliances. (Section deleted.)

[F] 704.6.1.4 Installation near bathrooms. (Section deleted.)

[F] 704.6.2 Interconnection. (Section deleted.)

[F] 704.6.3 Power source. (Section deleted.)

[F] 704.6.4 Smoke detection system. (Section deleted.)

[F] 704.7 Single- and multiple-station smoke alarms. (Section deleted.)

SECTION 705

CARBON MONOXIDE ALARMS AND DETECTION

[F] 705.1 General. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the *International Fire Code*, except that alarms in dwellings covered by the *International Residential Code* shall be installed in accordance with Section R315 of that code.

[F] 705.2 Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

**Code of Virginia
§36-106, §36-97**

§ 36-106. Violation a misdemeanor; civil penalty

A. It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500. In addition, each day the violation continues after conviction or the court-ordered abatement period has expired shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by a fine of not less than \$1,000 nor more than \$2,500. Any person convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than \$500 nor more than \$2,500. Any person convicted of a third or subsequent offense involving the same property committed within 10 years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than 10 days and a fine of not less than \$2,500 nor more than \$5,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

B. Violations of any provision of the Building Code, adopted and promulgated pursuant to § 36-103, that results in a dwelling not being a safe, decent and sanitary dwelling, as defined in § 25.1-400, in a locality where the local governing body has taken official action to enforce such provisions, shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500. In addition, each day the violation continues after conviction or the expiration of the court-ordered abatement period shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense, committed within less than five years after a first offense under this chapter shall be punished by confinement in jail for not more than five days and a fine of not less than \$1,000 nor more than \$2,500, either or both. Provided, however, that the provision for confinement in jail shall not be applicable to any person, firm, or corporation, when such violation involves a multiple-family dwelling unit. Any person convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than \$500 nor more than \$2,500. Any person convicted of a third or subsequent offense involving the same property, committed within 10 years of an offense under this chapter after having been at least

twice previously convicted, shall be punished by confinement in jail for not more than 10 days and a fine of not less than \$2,500 nor more than \$5,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

C. Any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the Code which are not abated, or otherwise remedied through hazard control, promptly after receipt of notice of violation from the local enforcement officer.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$100 for the initial summons and not more than \$350 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$4,000. Designation of a particular Code violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and a representative of the locality shall agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate, or otherwise remedy through hazard control, the violation within six months of the date of the assessment of the civil penalty.

If the violation concerns a nonresidential building or structure, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court may order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Any such violator so ordered shall abate, or otherwise remedy through hazard control, the violation within the time specified by the court.

D. Any owner or any other person, firm or corporation violating any Code provisions relating to lead hazard controls that poses a hazard to the health of pregnant women and children under the age of six years who occupy the premises shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than \$2,500. If the court convicts pursuant to this subsection and sets a time by which such hazard must be controlled, each day the hazard remains uncontrolled after the time set for the lead hazard control has expired shall constitute a separate violation of the Uniform Statewide Building Code.

The landlord shall maintain the painted surfaces of the dwelling unit in compliance with the International Property Maintenance Code of the Uniform Statewide Building Code. The landlord's failure to do so shall be enforceable in accordance with the Uniform Statewide Building Code and shall entitle the tenant to terminate the rental agreement.

Termination of the rental agreement or any other action in retaliation against the tenant after written notification of (i) a lead hazard in the dwelling unit or (ii) that a child of the tenant, who is an authorized occupant in the dwelling unit, has an elevated blood lead level, shall constitute retaliatory conduct in violation of § 55.1-1258.

E. Nothing in this section shall be construed to prohibit a local enforcement officer from issuing a summons or a ticket for violation of any Code provision to the lessor or sublessor of a residential dwelling unit, provided a copy of the notice is served on the owner.

F. Any prosecution under this section shall be commenced within the period provided for in § 19.2-8.

1972, c. 829; 1975, c. 367; 1991, c. 655; 1992, cc. 435, 650; 1993, c. 788; 1994, c. 342; 1995, c. 494; 1998, c. 664; 1999, cc. 251, 362, 392, 1014; 2000, c. 68; 2006, c. 746; 2007, cc. 290, 760; 2010, cc. 87, 94; 2011, cc. 118, 143; 2013, c. 529.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 36-97. Definitions

As used in this chapter, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them, respectively:

"Board" means the Board of Housing and Community Development.

"Review Board" means the State Building Code Technical Review Board.

"Building Code" means the Uniform Statewide Building Code and building regulations adopted and promulgated pursuant thereto.

"Code provisions" means the provisions of the Uniform Statewide Building Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated by such Board from time to time.

"Building regulations" means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions, or other agencies thereof, relating to construction, reconstruction, alteration, conversion, repair, maintenance, or use of structures and buildings and installation of equipment therein. The term does not include zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

"Municipality" means any city or town in this Commonwealth.

"Local governing body" means the governing body of any city, county or town in this Commonwealth.

"Local building department" means the agency or agencies of any local governing body charged with the administration, supervision, or enforcement of the Building Code and regulations, approval of plans, inspection of buildings, or issuance of permits, licenses, certificates or similar documents.

"State agency" means any state department, board, bureau, commission, or agency of this Commonwealth.

"Building" means a combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Building" shall not include roadway tunnels and bridges owned by the Department of Transportation, which shall be governed by construction and design standards approved by the Commonwealth Transportation Board.

"Equipment" means plumbing, heating, electrical, ventilating, air-conditioning and refrigeration equipment, elevators, dumbwaiters, escalators, and other mechanical additions or installations.

"Farm building or structure" means a building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm;
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;
3. Business or office uses relating to the farm operations;
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm;
5. Storage or use of supplies and materials used on the farm; or
6. Implementation of best management practices associated with farm operations.

"Construction" means the construction, reconstruction, alteration, repair or conversion of buildings and structures.

"Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, or lessee in control of a building or structure.

"Director" means the Director of the Department of Housing and Community Development.

"Structure" means an assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, storage tanks (underground and aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells. The word "structure" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

"Structure" shall not include roadway tunnels and bridges owned by the Department of Transportation, which shall be governed by construction and design standards approved by the Commonwealth Transportation Board.

"Department" means the Department of Housing and Community Development.

1972, c. 829; 1974, cc. 622, 668; 1975, c. 394; 1977, cc. 423, 613; 1978, c. 703; 1986, c. 401; 1993, c. 662; 1994, c. [256](#); 1998, c. [755](#); 2005, c. [341](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

AGENDA ITEM 5.e.

Budget Amendment - State Salary Adjustments - Natasha Joranlien, Director of Financial Services



Natasha L. Joranlien
Director of Financial Services

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

MEMORANDUM

DATE: August 8, 2022
TO: Board of Supervisors
FROM: Natasha L. Joranlien, Director of Financial Services
SUBJECT: FY2023 Compensation Board 5% Increase

Background

On May 9, 2022, the King William Board of Supervisors approved the salaries as follows for the Constitutional Departments:

DEPARTMENT	FY23 BUDGET			STATE COMP	KWC
	SALARY + FRINGE	COMP REIMB	KWC SUPPLEMENT		
COMMISSIONER	\$ 216,425	\$ (119,921)	\$ 96,504	55%	45%
TREASURER	\$ 170,533	\$ (72,333)	\$ 98,200	42%	58%
CIRCUIT COURT CLER	\$ 246,808	\$ (230,308)	\$ 16,500	93%	7%
COMM. ATTORNEY	\$ 355,717	\$ (241,640)	\$ 114,077	68%	32%
SHERIFF	\$ 2,122,858	\$ (854,675)	\$ 1,268,183	40%	60%
No Increase in Salaries for Officer			\$ 1,593,464		
Staff received Merit and Cola					

A 2% Merit and 1.5% COLA increase was approved for staff, excluding the Constitutional Officer. King William County supplements each Constitutional Office as listed above; paying more than the Comp Board reimburses the county.

Summary

The Compensation Board Approved Budget for FY2023 included a 5% increase for Constitutional officers and their comp board funded staff positions. The 5% increase is based on the Comp Board reimbursable salary. Salary scales are determined by the Comp Board for Constitutional Officers that determine the minimum amount that localities must pay Constitutional Officers. Comp Board funds are then allocated to localities based on need, priority, and Constitutional officer's requests. Each local government has the discretion to supplement additional funding for local Constitutional offices salaries.

Included in this information is the calculation of impact of the 5% increase on the comp board reimbursable salaries for each of the county's Constitutional office. It was determined that KWC Constitutional office salaries exceed the 5% increase comp board reimbursable salary for all except for the Circuit Court Clerk. The increase to the Circuit Court Clerk would be covered 100% by the comp board.

Below reflects the impact of the Comp Board 5% increase for King William County with no additional salary increase for officers or staff. Resulting in a reduction of amount KWC supplements each office:

DEPARTMENT	5% COMP BOARD INCREASE FY23			STATE COMP	KWC	comp board additional	reduce KWC share
	SALARY + FRINGE	COMP REIMB	KWC SUPPLEMENT				
COMMISSIONER	\$ 216,425	\$ (125,417)	\$ 91,008	58%	42%	\$ 5,496	\$ 5,496
TREASURER	\$ 170,533	\$ (102,705)	\$ 67,828	60%	40%	\$ 30,371	\$ 30,371
CIRCUIT COURT CLER	\$ 251,466	\$ (240,864)	\$ 10,602	96%	4%	\$ 10,556	\$ 5,898
COMM. ATTORNEY	\$ 355,717	\$ (253,447)	\$ 102,270	71%	29%	\$ 11,807	\$ 11,807
SHERIFF	\$ 2,122,858	\$ (893,662)	\$ 1,229,196	42%	58%	\$ 38,987	\$ 38,987
			\$ 1,500,904			\$ 97,217	\$ 92,560
No Increase in Salaries for Officer- Additional revenue; reduces KWC Salary Supplement							
Staff received Merit and Cola							

The total of KWC salary supplement to Constitutional offices would be reduced by \$ 92,560

Request for Action

County staff would like direction from the Board of Supervisors.

Option 1 – Absorb the additional revenue from the Comp Board to reduce the County supplement to salaries for the Constitutional offices. This would result in \$ 92,560 additional general fund revenue to support Constitutional officers.

Option 2 – Increase the KWC salaries for Constitutional Officers by 5% with Constitutional staff receiving the adopted merit and COLA only. This would result in additional funding of \$69,989 with offset of the additional revenue would result in net impact of \$27,228 additional revenue from Comp Board.

Compensation Board

Primary duty, as directed by the General Assembly and set out in the Code of Virginia, is to establish a fair and reasonable budget for the participation of the Commonwealth toward the total cost of office operations for Constitutional Officers.

- State funding is tied directly to the Appropriations Act passed in the General Assembly (GA)¹
- The GA determines the total amount of funds and positions available to each Constitutional Officer in the state; localities may supplement
- The GA sets minimum salaries for Constitutional Officers; localities may supplement
- Officers may complete an accreditation or certification program for a higher minimum salary

Compensation Board

- Positions must be allocated by the GA. The Comp Board can't allocate additional positions to Constitutional Officers, even if staffing standards show that the office is due additional positions.
- The funds are allocated based on need, priority, and Constitutional Officer requests

Compensation Board

- In February, each Constitutional Officer submits their budget request to the Compensation Board
- The GA does not make any changes to the budget in their April veto session, the Comp Board is provided the total budget.
- The Comp Board then allocates the budget for each Officer and their locality

Compensation Board

IN SUMMARY

The Comp Board never plays the role of a formal mediator between Constitutional Officers and local government bodies

Compensation Board does not lobby the GA on behalf of Constitutional Officers

The GA is the “pie baker”

The Comp Board is the “pie cutter”

AGENDA ITEM 5.f.

DSS Budget Amendment - Natasha Joranlien, Director of Financial Services



Natasha L. Joranlien
Director of Financial Services

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

MEMORANDUM

DATE: August 8, 2022
TO: King William County Board of Supervisors
FROM: Natasha L. Joranlien, Director of Financial Services
SUBJECT: KWC Social Services Department FY2023 Budget

Background

On May 9, 2022, the King William County Board of Supervisors approved and appropriated a total of \$248,967 local share to fund Social Services Department for FY2023.

Summary

Following a meeting with representatives from Virginia Department of Social Services, the FY2023 Budget for local Social Services office would need to be amended per the State Budget Allocation. This information would require the request to increase the local share an additional \$45,888 for FY2023 to cover 5% salary increase and fully staffed department based on organization chart.

This additional amount would capture the following:

- 1) Salaries for staffing the organization chart of KWC Social Services:
 - (1) Director, (1) CSA Coordinator, (1) Admin Service Manager, (2) Human Service Assistants
Family Services – (1) Supervisor and (3) Family Services support staff
Benefits Programs – (1) Supervisor and (6) Benefits Program support staff
- 2) A 5% increase to salaries for the department

Local Staff and Operation (budget lines 855 and 849) include Salaries/Benefits/ and general overhead to operate the local department.

- Budget Line 849 supports Medicaid salaries/benefits and overhead – 100% Fed/State funded
- Budget Line 855 supports all other salaries/benefits and overhead – 84.5% Fed/State funded and 15.5% local support

The state bases these budget lines on prior year allocation by the state. For Line 855 in FY23, the state added 5% to salaries plus added Prevention Worker Salary/Budget Line 847 (\$58,788) budget allocation amount from FY22.

Local Staff and Operation Pass-Thru (budget line 858) supports the remaining cost of Salaries/Benefits and general overhead that is not included in Budget Lines 855 and 849. This budget line is supported 32% Federal and 68% local.

Request for Action

KWC County staff request direction from the Board of Supervisors regarding funding for DSS in FY2023.

- Option 1 5% salary increases + Fully Staff based on Organization Chart-all vacant positions filled
Result = \$45,888 additional funding from KWC

- Option 2 5% salary increase + Reduction of (1) Family Services Support Staff-not currently filled or posted
Result = \$15,673 additional funding from KWC

- Option 3 No salary increase + Fully Staff based on Organization Chart-all vacant positions filled
Result = ~~\$40,125~~ \$24,407 additional funding from KWC

- Option 4 No salary increase + Reduction of (1) Family Service Support Staff-not currently filled or posted
Result = No impact to the already approved local share of \$248,967

AGENDA ITEM 5.h.

Exercising the Renewal Term Agreement For Middle Peninsula Solid Waste System Operating Agreement
Between VPPSA and KWC - Steve Hudgins, Deputy County Administrator

**Exercise of Renewal Term
Agreement for Middle Peninsula Solid Waste System Operating Agreement
Between the
Virginia Peninsulas Public Service Authority
And
The County of King William**

This Exercise of Renewal Term to the Agreement for the Middle Peninsula Solid Waste System Operating Agreement is made as of this ____ day of _____, 2022, by and between the Virginia Peninsulas Public Service Authority, a political subdivision of the Commonwealth of Virginia formed under the Virginia Water and Waste Authorities Act, VA. Code § 15.2-5100 et seq. (the "Authority"), and the County of King William, a political subdivision of the Commonwealth of Virginia (the "Community").

WHEREAS, the Authority and the Community are parties to an Agreement for Middle Peninsula Solid Waste System Operating Agreement dated July 1, 2013 ("The AGREEMENT"); and

WHEREAS, the Authority and the Community desire to exercise the right set forth in Article II of the Agreement to renew the term of the AGREEMENT for an additional ten year term;

NOW THEREFORE, the Authority and the Community do hereby agree as follows:

1. The parties hereby exercise the right set forth in Article II of the Agreement to renew the term of the AGREEMENT for an additional term of ten years extending the term of the AGREEMENT from July 1, 2023, to June 30, 2033.

Except as specifically amended herein, the AGREEMENT shall remain unchanged and in full force and effect.

The signatories to this Agreement have been lawfully authorized by their principals to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be signed as of the date above written.

Virginia Peninsulas Public Service Authority

ATTEST:	Virginia Peninsulas Public Service Authority
By: _____	By: _____
Title: _____	Title: _____

King William County

ATTEST:	County of King William
By: _____	By: _____
Title: _____	Title: _____

MIDDLE PENINSULA SOLID WASTE SYSTEM
OPERATING AGREEMENT

THIS MIDDLE PENINSULA SOLID WASTE SYSTEM OPERATING AGREEMENT is made as of July 1, 2013 between the VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY, a political subdivision of the Commonwealth of Virginia formed under the Virginia Water and Waste Authorities Act, Va. Code §15.2-5100 et seq. (the “Authority”), and the COUNTY OF KING WILLIAM, a political subdivision of the Commonwealth of Virginia (the “Community”).

RECITALS

A. The Authority was formed for the purpose of developing regional refuse collection, waste reduction and disposal alternatives with the ultimate goal of acquiring, financing, constructing and/or operating and maintaining a regional residential, commercial and industrial garbage and refuse collection and disposal system or systems.

B. The member jurisdictions of the Authority are the Cities of Hampton, Poquoson and Williamsburg and the Counties of Essex, James City, King and Queen, King William, Mathews, Middlesex and York.

C. The Authority has operated the Middle Peninsula Transfer System, a regional system for the acceptance of acceptable solid waste and the ultimate transport of such waste to selected landfills, since 1993. The Community and the Counties of Essex, King and Queen, Mathews and Middlesex participate in the system. The Authority has entered into contracts for landfill capacity for itself, the Community and the Counties of Essex, Mathews and Middlesex. The Community and the Authority have entered into a Disposal Services Agreement providing for delivery of waste generated in the Community to the selected landfills.

D. The Authority and the Community entered into a Transfer Station Operating Agreement dated October 7, 1993 pursuant to which the Authority has operated the Transfer Station and the Convenience Centers (herein defined). The existing Transfer Station Operating Agreement expires June 30, 2013.

E. The Community desires to continue to participate in the Middle Peninsula Solid Waste System and, accordingly, the Community desires to retain the Authority, as an independent contractor, to operate the Transfer Station and the Convenience Centers owned by the Community as a part of the regional system and the Community and the Authority are entering into this Agreement to set forth the rights, duties and obligations of the parties with respect to the operation of the Transfer Station and the Convenience Centers.

AGREEMENT

NOW, THEREFORE, the parties hereto hereby agree as follows:

ARTICLE I DEFINITIONS

Unless otherwise defined, each capitalized term used in this Agreement shall have the meaning set forth below.

“Acceptable Waste” means non-hazardous “municipal solid waste”, “institutional waste”, “agricultural waste”, “construction waste”, “debris waste”, and “demolition waste”, as defined in the Solid Waste Management Regulations, as amended, 9VAC20-81 (the “SWM Regulations”), and such other wastes as the Authority shall agree in writing to accept from time to time, subject to such limitations and exclusions set forth in the Operating Rules and as are imposed by Applicable Law and excluding all Unacceptable Wastes.

“Act” means the Virginia Water and Waste Authorities Act, Chapter 28, Title 15.2, Code of Virginia of 1950, as amended.

“Applicable Law” means any law, regulation, requirement (including but not limited to permit and governmental approval requirements) or order of any local, state or federal agency, court or other governmental body, applicable from time to time to the acquisition, design, construction, equipping, testing, startup, financing, ownership, possession or operation (including but not limited to closure and post-closure operations) of the Transfer Station and the Convenience Centers or the performance of any obligations under any agreement entered into in connection therewith.

“Capital Expenditure” means any single expenditure intended to benefit and be amortized over 5 or more accounting periods under Generally Accepted Accounting Principles.

“Convenience Centers” means the facilities and related equipment located in the Community known as Epworth Convenience Center, 984 Epworth Road, Epworth, Virginia, Landfill Convenience Center, 24562 King William Highway, King William, Virginia, and VFW Road Convenience Center, 1091 VFW Road, West Point, Virginia for the acceptance and transfer of Acceptable Waste to a Landfill.

“Disposal Costs” means all costs paid by the Authority for the disposal of Acceptable Waste at a Landfill.

“Fiscal Year” means the period from July 1 of one year to June 30 of the next year.

“Hazardous Waste” means (i) “hazardous waste” as such term is defined in the SWM

Regulations, (ii) “hazardous waste” as such term is defined in the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq. as amended from time to time; and (iii) solid waste that because of its quantity, concentration, or physical, chemical or infectious characteristics may pose or significantly contribute to a substantial present or potential hazard to human health, the Transfer Station and/or the Convenience Centers, or the environment when treated, stored, transported, or disposed of or otherwise managed.

“Landfill” means any landfill with which the Authority has contracted for the disposal of Acceptable Waste or any landfill owned by the Authority for such purpose.

“Operating Costs” means all actual costs of the Authority properly allocable to maintaining and operating the Transfer Station and the Convenience Centers, including, but not limited to:

- (1) salaries and fringe benefits of employees;
- (2) utilities, fuel, equipment (including but not limited to trucks and heavy equipment) tools and supplies;
- (3) engineering, testing, and consulting costs for design and operation, testing, monitoring and closure;
- (4) all costs for compliance with all permit conditions and compliance with Applicable Law, including costs for treatment and disposal of materials inappropriately disposed or delivered to the Transfer Station and/or the Convenience Centers;
- (5) legal costs incurred in connection with the zoning, permitting, operating and defending of the Transfer Station and the Convenience Centers;
- (6) insurance costs and the costs of bonds, letters of credit, escrows or other financial assurance or allowance for environmental monitoring and assurance, closure, post-closure or property value guarantees or for compliance with Applicable Law;
- (7) Capital Expenditures necessary for compliance with Applicable Law, Capital Expenditures necessary for normal maintenance and reasonable periodic expansion of the System and Capital Expenditures incurred in connection with Uncontrollable Circumstances;
- (8) purchase, lease or lease/purchase, and maintenance costs of equipment;
- (9) maintenance of the Transfer Station and the Convenience Centers;
- (10) all taxes, including but not limited to those on real property, equipment or income;
- (11) all accounting and bookkeeping fees and charges;

- (12) all collection costs;
- (13) all costs for transportation of Acceptable Waste to a Landfill;
- (14) all amounts required to fund any operating reserve or equipment replacement reserve fund created by the Authority; and
- (15) administrative cost of the Authority allocated to this project by the Board of the Authority in accordance with the Authority's Articles of Incorporation and established policy.

“Operating Fee” means the amount payable by the Community to the Authority for the operation of the Transfer Station and the Convenience Centers calculated as provided in Section 5.2.

“Ton” or “ton” means a unit of weight equal to 2000 pounds.

“Transfer Station” means the facility and related equipment located in the Community at 57 Recycle Road, Central Garage, Virginia for the acceptance and transfer of Acceptable Waste to a Landfill.

“Unacceptable Waste” means waste which a Landfill is precluded by Applicable Law from accepting, including, without limitation, medical wastes, Hazardous Wastes, waste as proscribed by applicable federal, state or local law or regulations, or waste otherwise prohibited by the Authority.

“Uncontrollable Circumstance” means any event or condition, whether affecting the Transfer Station, the Convenience Centers, the Community or the Authority, that interferes with the operation, ownership or possession of the Transfer Station or the Convenience Centers or other performance required hereunder, if such event or condition is beyond the reasonable control, and not the result of willful action of the party relying thereon as justification for any nonperformance including but not limited to an act of God, storm, flood, landslide, earthquake, fire or other casualty, war, blockade, insurrection, riot, the order or judgment of any local, state, or federal court, administrative agency or governmental officer or body, a strike, lockout or other similar labor action.

ARTICLE II TERM

The term of this Agreement shall begin on July 1, 2013 and continue until June 30, 2023. This Agreement may be renewed for one additional term of ten (10) years by agreement of both parties.

ARTICLE III OPERATION OF THE TRANSFER STATION

4.1. Authority as Operator. The Community hereby retains the Authority to operate, and the Authority hereby agrees to operate, the Transfer Station and the Convenience Centers in accordance with and subject to the terms and conditions of this Agreement.

4.2 Acceptance and Disposal. Throughout the term of this Agreement, the Authority agrees to accept all Acceptable Waste generated within the Community delivered to the Transfer Station and the Convenience Centers in accordance with the terms of this Agreement and the Operating Rules and to dispose of such Acceptable Waste delivered to and accepted by it at a Landfill in accordance with Applicable Law, unless an Uncontrollable Circumstance renders the Transfer Station, the Convenience Centers or the Landfill, or any significant portion thereof, inoperable. In such event, the Authority will use its best efforts to provide for acceptance and disposal of Acceptable Waste at an alternative facility, until the Transfer Station, the Convenience Centers or Landfill is again operable. The Authority agrees to operate the Transfer Station and the Convenience Centers as economically as possible. The Authority agrees not to accept waste delivered to the Transfer Station or the Convenience Centers from outside the Community, without the prior approval of the Community.

Section 4.3 Delivery of Acceptable Waste to System. Subject to the Operating Rules, the Community shall have the right to deliver or cause to be delivered to the Transfer Station and the Convenience Centers all Acceptable Waste generated within the Community.

Section 4.4 Operating Rules. The Authority shall adopt specific rules and procedures (the "Operating Rules") for the use and operation of the Transfer Station and the Convenience Centers not inconsistent with the terms of this Agreement and Community agrees to abide by such Operating Rules. The Authority may amend such rules and procedures from time to time. Copies of the Operating Rules shall be provided to the Community and maintained at the Transfer Station and the Convenience Centers. The parties acknowledge that the Operating Rules may include provisions for operating hours, emergency deliveries, inspections, on-site traffic controls, measurement of Acceptable Waste, fines for delivery of Unacceptable Waste to the Transfer Station and the Convenience Centers and for other violations of the Operating Rules, the right to prohibit any person who violates the rules from using the Transfer Station and the Convenience Centers and other matters relating to the safe and efficient operation of the Transfer Station.

Section 4.5 Measurement of Acceptable Waste. All Acceptable Waste delivered to the System generated within the Community and delivered from the Transfer Station or the Convenience Centers to the Landfill will be weighed at the Landfill. The Authority shall maintain daily records of the total tonnage of Acceptable Waste delivered from the Transfer Station or the Convenience Centers to the Landfill.

Section 4.6 Title to Acceptable Waste. Title to all waste shall remain in the Community until it has been accepted for disposal at the Landfill.

Section 4.7 Disposal of Unacceptable Waste. The Authority will use its best efforts not to permit the unloading of Unacceptable Waste at the Transfer Station and the Convenience Centers. If time and operations permit, the Authority shall notify any person delivering

Unacceptable Waste to the Transfer Station or the Convenience Centers (not specifically accepted by the Authority) that such Unacceptable Waste cannot be disposed of at the Transfer Station and/or the Convenience Centers and that such person must promptly cause the Unacceptable Waste to be removed from the Transfer Station and/or the Convenience Centers and disposed of in accordance with Applicable Law. If in the sole discretion of the Authority time and operations do not permit, or the person delivering Unacceptable Waste does not promptly remove it, the Authority shall cause the Unacceptable Waste to be removed and disposed of in accordance with Applicable Law. The Community shall reimburse the Authority for the actual costs and expenses of removing and disposing of such Unacceptable Waste and for any fines, penalties, expenses or liabilities imposed on the Authority resulting from the deposit of such Unacceptable Waste at the Transfer Station and/or the Convenience Centers; provided, however, the Community shall be given the opportunity to participate in and defend any action seeking to impose a fine, penalty or liability. All amounts payable by the Community hereunder shall be due and payable within 30 days of receipt of an invoice from the Authority therefor.

Section 4.8 Operation and Maintenance. The Authority shall operate and maintain the Transfer Station and the Convenience Centers in accordance with Applicable Laws and, subject to Section 4.1, shall furnish or cause to be furnished all labor, tools and equipment necessary for the safe and efficient operation of the Transfer Station and the Convenience Centers. The Authority shall maintain insurance on the Transfer Station and the Convenience Centers naming the Community as co-insured with coverages and limits approved by the Authority and the Community.

ARTICLE V PAYMENTS

Section 5.1 Annual Budget. The Authority shall provide to the Community its annual budget for the Transfer Station and the Convenience Centers for the upcoming Fiscal Year (“Annual Budget”) as part of the regular budget preparation for all Authority operations. The Annual Budget shall set forth the budgeted Operating Costs for such Fiscal Year, itemizing each category of expenditure and the method of allocating any item of expenditure applicable to more than one Authority operated facility to the Transfer Station and the Convenience Centers. The Authority shall also provide actual Operating Costs for previous Fiscal Years. The Annual Budget for an upcoming Fiscal Year and any amendments thereto shall not be effective and no expenditures shall be made by the Authority under the proposed Annual Budget unless and until such Annual Budget and any amendments have been approved by the Board of the Authority. The Authority shall continue operating within the expenditure levels approved under the Annual Budget for the immediately preceding Fiscal Year until such time as a new Annual Budget is approved.

Section 5.2 Operating Fees. The Authority shall charge the Community an annual Operating Fee in an amount equal to the budgeted annual Operating Costs for the Fiscal Year in question, payable quarterly in advance or as otherwise agreed between the Authority and the Community. If at any time during the Fiscal Year, the Authority determines that actual Operating Costs will exceed Operating Fees, the Authority shall amend the Annual Budget to reflect such

increase in Operating Costs and adjust the Operating Fees to cover such increase if the Authority Board chooses to not use reserve funds to cover the difference. The Authority shall deliver to the Community within 180 days of the end of the Fiscal Year, an annual report accompanied by a certificate from a certified public accountant setting forth a statement of actual Operating Costs for the Fiscal Year and of Operating Fees received by the Authority and any excess or deficit of Operating Fees over Operating Costs. If there is an excess of Operating Fees over Operating Costs for the Fiscal Year, the Authority will apply that excess to the then current Fiscal Year's Operating Costs or hold in reserve as directed by the Authority Board of Directors. The Authority agrees to apply the Operating Fee solely to pay Operating Costs, unless otherwise approved in advance by the Community. The Community shall be responsible for establishing and collecting whatever fees, if any, it determines to charge for the use of the Transfer Station and the Convenience Centers

Section 5.3 Payments. The Authority shall invoice the Community in advance on a quarterly basis for an amount equal to one-fourth (1/4th) of the estimated annual Operating Fees for the Fiscal Year payable hereunder. Such invoices shall be due and payable within 30 days of receipt or as otherwise agreed between the Authority and the Community.

Section 5.4 Nature of Payments. Payments of Operating Fees hereunder are payments by the Community for services rendered and the obligation to make such payments does not constitute a debt of the Community for purposes of constitutional, statutory or charter limitations.

Section 5.5 Books and Records. The Authority shall maintain all books, records and accounts necessary to record all matters affecting the Operating Costs and Operating Fees, or other amounts payable by or to the Community and the Authority under this Agreement. All such books, records and accounts shall be maintained in accordance with generally accepted accounting principles, shall accurately, fairly and in reasonable detail reflect all the Authority's dealings and transactions under this Agreement and shall be sufficient to enable those dealings and transactions to be audited in accordance with generally accepted accounting principles. All such books, records and accounts shall be available for inspection and photocopying by the Participating Communities on reasonable notice so that they can verify Operating Costs or other amounts payable under this Agreement. All such books, records and accounts shall be kept by the Authority for at least six years (or any longer period required by Applicable Law).

ARTICLE VI ADDITIONAL AGREEMENTS

Section 6.1 Right of Access. Representatives of the Community shall have reasonable access to the Transfer Station and the Convenience Centers during normal operating hours to monitor the Authority's compliance with the terms hereof.

Section 6.2 Notification. The Authority shall promptly furnish to the Community a copy of any notice or order of any governmental authority asserting that the Authority or the Transfer Station and/or the Convenience Centers are not in compliance with any Applicable Law.

Section 6.3 Equal Opportunity. During the performance of this contract, the Authority agrees as follows:

a. The Authority will not discriminate against any employee or applicant for employment because of age, disability, race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Authority. The Authority agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

b. The Authority, in all solicitations or advertisements for employees placed by or on behalf of the Authority, will state that such Authority is an equal opportunity employer.

c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The Authority will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

6.4 Drug Free Workplace. During the performance of this agreement, the Authority agrees to (i) provide a drug-free workplace for the Authority 's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Authority 's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Authority that the Authority maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

6.5 Immigration. The Authority does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

ARTICLE VII
TERMINATION AND DEFAULTS

Section 7.1 Termination. This Agreement may be terminated by either party hereto

upon 18 months prior written notice to the other.

Section 7.2 Defaults. Each of the following shall constitute an Event of Default hereunder:

- a) Failure by the Community to pay any amount due hereunder when due;
- b) Default by the Community under the Disposal Services Agreement; or
- c) Breach by either party of any other term or condition hereof which breach is not remedied within 30 days of the giving of notice of such breach by the non-defaulting party; provided, however, that if the defaulting party has commenced action to cure such default within such 30 day period and thereafter diligently pursues such cure to completion, such party shall not be deemed to have defaulted hereunder.

Section 7.3 Remedies. If an Event of Default by either party has occurred and is continuing, the non-defaulting party, in addition to any other remedies it may have at law or in equity, may immediately terminate this Agreement.

ARTICLE VIII MISCELLANEOUS

Section 8.1 Entire Agreement; Amendments. This Agreement represents the entire and integrated agreement between the Authority and the Community and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by a written agreement signed by the Authority and the Community.

Section 8.2 Assignment. No assignment of this Agreement, or any right occurring under this Agreement, shall be made in whole or part by either party without the other party's express written consent.

Section 8.3 Partnership. Nothing herein shall be construed to constitute a joint venture between Authority and the Community or the formation of a partnership.

Section 8.4 Severability of Invalid Provisions. If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section had not been contained in it.

Section 8.5 Notices. All notices, invoices, certificates, requests or other communications under this Agreement must be in writing and will be deemed given, unless otherwise required, when mailed by first-class mail, postage prepaid, to the address set forth below:

If to the Authority:

Virginia Peninsulas Public Service Authority
475 McLaws Circle, Suite 3B
Williamsburg, Virginia 23185
Attention: Executive Director

If to the Community:

King William County
180 Horse Landing Road
King William Courthouse, Virginia 23086
Attention: County Administrator

The parties may by notice given under this Section, designate such other addresses as they may deem appropriate for the receipt of notices under this Agreement. If, by reason of the suspension of or irregularities in regular mail service, it is impractical to mail notice of any event when notice is required to be given, then any manner of giving notice which is satisfactory to the intended recipient will be deemed to be sufficient.

Section 8.6 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have each caused this Agreement to be signed as of the date above written.

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

By:

Title:


Executive Director

COUNTY OF KING WILLIAM

By:

Title


COUNTY ADMINISTRATOR

AGENDA ITEM 5.i.

CIP Adjustments (Parking Lot Improvements) - Steve Hudgins, Deputy County Administrator



King William County
Est. 1702

Board of Supervisors

Deputy County Administrator
Steven G. Hudgins

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

DATE: August 8, 2022
TO: King William County Board of Supervisors
FROM: Steve Hudgins, Deputy County Administrator
SUBJECT: CIP Adjustment for Parking Lot Resurfacing

REQUEST FOR ACTION

Staff requests the King William Board of Supervisors considers adjusting the CIP to allow for the resurfacing of the parking lots of the Administration Building and the McAllister Building in the current fiscal year.

SUMMARY

Currently, there is an FY23 CIP allocation of \$50,000 for renovation and repairs at the McAllister Building. Parking lot repairs at the Administration Building is included in the CIP for FY24 in the amount of \$100,000. Staff requests utilizing the \$50k approved for the McAllister Building to address the parking lots of both buildings this year and removing the \$100k request for next year. The McAllister building needs will be reassessed for FY24.

Staff has recently received a recommendation and quote of \$36,800 to address the needs of the parking lots at both the Administration Building and the McAllister Building. This price is not guaranteed for next year, and conditions of the lots may worsen. This quote includes heated rubber crack filling, patching existing gravel trenches, sealing, and striping and painting of all pavement markings.

ATTACHMENTS

- FY23 CIP

KING WILLIAM COUNTY
FY2023 CAPITAL IMPROVEMENT PLAN REQUEST updated April 13, 2022

<u>GENERAL DESCRIPTION</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>JUSTIFICATION</u>
GENERAL REQUESTS						
Constitutional Officer - Courts and Public Safety Building Wing Build Out			500,000			Build out of unfinished area in Courts and Public Safety Building. Will be built as a Sheriff's Office Training Area.
MOTOROLA RADIO REPLACEMENT	230,000	230,000				roll forward \$230k from FY22
Constitutional Officer - Sheriff's Office - Impound Lot		50,000				Build out fenced lot with pad back of Sheriff's Office behind New Courthouse
Emergency Battery Backup Power @Courthouse	19,500					critical batteries to be replaced
VPPSA CONVENIENCE CENTER SOLUTION	400,000					\$175,000 PROFFERS/\$225,000 UNASSIGNED FUND
Key Card Security at Courthouse, Administration, Historic Bldg., & Juvenile Bldg.	123,261					
BROADBAND INIATIVE	2,500,000					2M ARPA/225,000 EDA CIP ROLL FORWARD/275,000 INFRUST CIP ROLL FORWARD
WELCOME SIGN AT ENTRANCES OF COUNTY & COURTHOUSE SIGNAGE	20,000					50/50 WITH HISTORICAL SOCIETY
FIRE AND EMERGENCY SERVICES						
TURN OUT GEAR	30,000					\$6K EACH
WPVFR	50,000					sorely needed to medic replacement & repair issues
MANGOHICK VFR	30,000					Level Funding - Balance Rolls Forward
BRUSH/FR TRUCK	30,000					County to match10% of total cost AFG grant (230k)
LIFEPACKS & LUCAS DEVICES	25,000					County to match 50/50 - total cost \$50,000
SCBA	280,000					attempt to receive AFG grant/replace out of date, out of service and out of compliance (\$280k-county share 10%)
PARKS AND RECREATION						
BALL PARK/ BALLFIELD IMPROVEMENTS	50,000					Scoreboards, Roofing for dug outs, press boxes, signage, bleachers
RECREATION PARK EXPANSION	25,000					TO INCLUDE TRAILS AND WATER IMPROVEMENT
RECREATION PLAN & INITIAL IMPROVEMENTS	100,000					Riverfront, Recreation Park, and Recreation Fields @ Schools
MINI GOLF COURSE -Operated by Parks & Rec		25,000				RECOMMEND IMPROVEMENT PER COMP PLAN-AMMENTIES/Desgn & partnership with private developer
VEHICLES						
Vehicle Replacement - Sheriff	52,000					Purchase one (1) vehicle and upfit
Vehicle Replacement Animal Control	49,000					Purchase one (1) vehicle and upfit
Vehicle Replacement - Utilities	60,000					Current truck is past life expectancy- Upgrade to heavy duty
Vehicle Purchase - DSS	3,875					Rotate DSS vehicle to Park & Rec. / Purchase new DSS vehicle for \$25k (84.5% reimb w/local match 15.5%)
INFORMATION TECHNOLOGY						
County Administration - Servers, Software, Computer Equipment	25,000	25,000	25,000	25,000		
Servers, Software, Computer Equipment	35,000	30,000	30,000	45,000	30,000	New Cloud based phone System. Current system is seven years old.
Cybersecurity Initiatives	20,000	20,000	20,000	20,000	20,000	Any tool set for remediation, implementation access controls, such as software, risk assessment
Security Cameras - Admin	5,000					
PRESERVE & IMPROVE CIP ASSETS						
FOUNTAINBLEAU WELL&PUMP HOUSE	904,000					Ongoing project -Utility Bond
CENTRAL GARAGE WATER TOWER		175,000				Estimate provided in 2016; Proposed to extend the life of the water tower and maintain efficiencies.
HVAC REPLACEMENT	100,000	100,000	100,000	100,000		Replace units at Facility Complexes. 4-5/year @\$20k-25k ea.
CARPET REPLACEMENT IN ADMIN		20,000				final stage of project
MCALLISTER -(CARPET, WINDOWS, PAINTING;GEN	50,000	50,000				Renovation required; flooring, windows, paint
ROOFING PROJECTS	175,000	175,000	175,000	175,000		Remaining buildings that need roof replacement: Courthouse, RAS, 360 Complex
GENERATOR AT REGIONAL ANIMAL SHELTER	46,000					
GENERATOR AT ADMINISTRATION BLDG	46,000					
COUNTY ADMIN - PARKING LOT REPAIRS		100,000				
WATER PROJECTS IDENTIFIED IN M.U.P	8,200,000					Master Utility Plan needs (600,000g elevated water tank, water tank & related infrastructure, water main extension on rt360)
GRAND TOTAL	13,683,636	1,000,000	850,000	365,000	50,000	

COUNTY OF KING WILLIAM

FY2023

PROPOSED CIP FUNDING STRUCTURE- updated 4/13/22

<u>FUNDING SOURCE</u>		<u>CIP</u>		
DEPARTMENT FUNDS				
FUND 501	60,000	VEHICLE -UTILITIES	<u>60,000</u>	60,000
PROFFERS	200,000	VPPSA CONVENIENCE SITE	175,000	
		RECREATION PARK EXPANSION	<u>25,000</u>	200,000
CIP ROLL FORWARD				
RADIOS	230,000	RADIOS REPLACEMENT	230,000	
EDA	225,000	BROADBAND	225,000	
BRUSHTRUCK	30,000	BRUSH/FR TRUCK	30,000	
WELL/PUMP HOUSE	535,190	FOUNTAIN BLEU WELL&PUMP	<u>535,190</u>	1,020,190
CIP "INFRASTRUCTURE" FUNDS ON HOLD				
	275,000	BROADBAND	<u>275,000</u>	275,000
ARPA	2,000,000	BROADBAND	<u>2,000,000</u>	2,000,000
UNASSIGNED FUND	1,559,636	ACCESS SECURITY FOR COURTHOUSE, ADMIN, JUVENILE BLDG., AND HISTORIC COURTHOUSE	123,261	
		VPPSA CONVENIENCE SITE SOLUTION	225,000	
		EMERGENCY BACKUP BATTERIES@ COURTHOUSE	19,500	
		WELCOME & COURTHOUSE SIGNAGE	20,000	
		KWC FIRE/EMS TURN OUT GEAR	30,000	
		WPVFR CIP	50,000	
		MANGOICK VFR CIP	30,000	
		LIFEPACKS&LUCAS DEVICES	25,000	
		SCBA	280,000	
		BALL PARK/BALLFIELD IMPROVEMENTS	50,000	
		RECREATION PLAN & INITIAL IMPROVEMENTS	100,000	
		VEHICLE W/UPFITTING - SHERIFF	52,000	
		VEHICLE W/UPFITTING - ANIMAL CONTROL	49,000	
		VEHICLE/DSS	3,875	
		INFORMATION TECHNOLOGY	85,000	
		HVAC REPLACEMENT	100,000	
		MCALISTER	50,000	
		ROOFING PROJECTS	175,000	
		GENERATOR@ ADMINISTRATION	46,000	
		GENERATOR@REGIONAL ANIMAL SHELTER	<u>46,000</u>	1,559,636
UTILITY BOND	8,568,810	FOUNTAIN BLEU WELL&PUMP	368,810	
		WATER PROJECTS -M.U.P	<u>8,200,000</u>	8,568,810
TOTAL	<u><u>13,683,636</u></u>		<u><u>13,683,636</u></u>	

AGENDA ITEM 5.j.

Open Burning Regulations - Percy C. Ashcraft, County Administrator

Allowed - No Permit Required

In King William County, open burning is allowed without a permit for the items listed below provided three conditions are met:

1. The burning takes place on private property.
 2. The location of the burning is at least 300 feet away from any occupied building unless the occupants have given prior written permission.
 3. The party responsible for the burning notifies King William Dispatch (804-769-0999) of the date, time, and location of the open burning. Failure to notify Dispatch may result in a Class 1 misdemeanor.
- Camp fires or other fires used solely for recreational purposes, ceremonial occasions, outdoor noncommercial food preparation, and for warming outdoor workers provided prohibited materials are not burned.
 - On-site destruction of leaves, tree, yard, and garden trimmings, provided no regularly scheduled collection service is available.
 - On-site destruction of household waste by homeowners or tenants, provided no regularly scheduled collection service is available.

King William County complies with the provisions of the Virginia Statewide Fire Prevention Code (SFPC) in its entirety. The Board of Supervisors has authorized the County Fire Official to enforce the SFPC as provided for by §27-37.1 of the Code of Virginia.

Contact firemarshal@kingwilliamcounty.us with any questions and for more information.

Information Updated: August 1, 2022

What is Open Burning?

Open Burning is the burning of unwanted materials, such as paper, trees, brush, leaves, grass, and other debris, where smoke and other emissions are released directly into the air. During open burning, air pollutants do not pass through a chimney or stack, and/or combustion of the solid waste is inadequately controlled.

Open burning pollutes the air and poses a forest fire hazard. The air pollution created by open burning can irritate eyes and lungs, obscure visibility, create annoying odors, or pose other nuisance or health threats.

Because of the problems created by this activity, state and local laws prohibit open burning of many materials. Many people are unaware of the regulations or unsure about which regulations apply to them. The information in this brochure will help identify the problems, regulations, sources of information, and alternatives to open burning.

Alternatives to Open Burning

- **Compost organic waste** and use for mulch to produce valuable soil fertilizer through the natural process of decomposition. Compost piles are simple to begin and maintain, and take up relatively little space. Learn what items are suitable for composting by contacting the [Extension Office](#) or visit kingwilliam.ext.vt.edu.
- **Recycle or dispose of unwanted items** at a [VPPSA](#) Convenience Center, Transfer Center, or the Landfill rather than burning them. Visit kingwilliamcounty.us for locations and hours.
- **Donate** reusable items to family members, friends, or charitable organizations.



COUNTY OF KING WILLIAM, VIRGINIA

Open Burning Regulations

King William County
180 Horse Landing Road #4
King William, VA 23086
www.kingwilliamcounty.us

Dept. of Fire & EMS - (804) 769-4961
Non-Emergency Dispatch - (804) 769-0999
Fire Official
firemarshal@kingwilliamcounty.us

Allowed - Permit Required

In King William County, a Burn Permit is required for debris piles and bonfires greater than 2,400 cubic ft. (approx. 20'x20'x6'). The full conditions for such fires are provided on the burn permit application. Some conditions include:

- The fire consists of brush, stumps, and similar debris waste and shall not include demolition or construction waste or any of the prohibited items listed herein.
- The fire must be attended at all times.
- The fire must be at least 500 feet from any occupied building unless the occupants have given written permission.
- The respective power company must be contacted for written approval if power lines are near the burn site.
- Burning shall be conducted only when the prevailing winds are away from any city, town, or built-up area.

The burn permit application must be submitted at least three days prior to the planned date of the burn. Applications can be completed online or downloaded from kingwilliamcounty.us.

Open burning for forestry and agricultural purposes are regulated by the Department of Forestry and Virginia Air Pollution Control Board and do not require a King William County Burn Permit. Check with those authorities for any permits or conditions they may require.

No permits are required by homeowners for the open burning of grass clippings, leaves, and limbs. Homeowners are required to notify King William Dispatch (804-769-0999) when burning. Failure to notify Dispatch may result in a Class 1 misdemeanor. If you live in a subdivision, open burning may be prohibited. Check with your HOA or other neighborhood association for any regulations.

Forestry Burning Laws

Open burning may be used for the following forest management practices provided the burning is conducted in accordance with the Department of Forestry's smoke management plan: To

1. Reduce forest fuels and minimize the effect of wild fires.
2. Control undesirable growth of hardwoods.
3. Control disease in pine seedlings.
4. Prepare forest land for planting or seeding.
5. Create a favorable habitat for certain species.
6. Remove dead vegetation for maintenance of railroad, highway, and public utility right-of-way.

Open burning for forestry is regulated by the Department of Forestry and does not require a King William County Burn Permit. The party responsible for the burning must notify King William Dispatch (804-769-0999) when burning. Failure to notify Dispatch may result in a Class 1 misdemeanor. Check with the Virginia Department of Forestry for any permits or conditions they may require - dof.virginia.gov.

Prohibited Items to Burn

The following items are always prohibited from open burning in King William County:

- | | |
|---------------------------------------|---|
| ✘ Tires | ✘ Animal waste |
| ✘ Used oil | ✘ Petroleum based materials |
| ✘ Coated wires | ✘ Impregnated or chemically treated wood and lumber |
| ✘ Asphaltic materials | ✘ Batteries |
| ✘ Roofing shingles | ✘ Synthetic and painted building materials containing high concentrations of hazardous compounds that produce toxic emissions when burned |
| ✘ Construction & demolition waste | |
| ✘ Hazardous wastes & waste containers | |
| ✘ Animal carcasses | |

Agricultural Burning Laws

Open burning for agricultural practices is allowed for the following agricultural practices: To

1. Destroy undesirable or diseased vegetation.
2. Clear orchards and orchard prunings.
3. Destroy empty fertilizer and chemical containers.
4. Denature seed and grain that may no longer be suitable for agricultural purposes.
5. Prevent loss from frost or freeze damage.
6. Create a favorable habitat for certain species.
7. Destroy strings and plastic ground cover remaining in the field after being used in growing staked tomatoes.

Open burning for agriculture is regulated by the Virginia Air Pollution Control Board and does not require a King William County Burn Permit. The party responsible for the burning must notify King William Dispatch (804-769-0999) when burning. Failure to notify Dispatch may result in a Class 1 misdemeanor. Check with the Control Board for any permits or conditions they may require - deq.virginia.gov.





COUNTY OF KING WILLIAM, VIRGINIA

KING WILLIAM COUNTY, VIRGINIA

FIRE OFFICIAL'S OFFICE

180 Horse Landing Road #4

King William, VA 23086

(804) 769-4969

firemarshal@kingwilliamcounty.us



BURN PERMIT INFORMATION

In King William County, a Burn Permit is required for debris piles and bonfires greater than 2,400 cubic ft. (approx. 20'x20'x6'). Debris piles consist of brush, stumps, and similar debris waste.

No permits are required by homeowners for the open burning of grass clippings, leaves, and limbs. Homeowners are required to notify King William Dispatch (804-769-0999) when any burning begins. Failure to notify Dispatch may result in a Class 1 misdemeanor. If you live in a subdivision, open burning may be prohibited. Check with your HOA or other neighborhood association for any regulations.

Open burning for forestry and agricultural purposes are regulated by the Department of Forestry and Virginia Air Pollution Control Board and do not require a King William County Burn Permit. Check with those authorities for any permits or conditions they may require. The party responsible for the burning must notify King William Dispatch (804-769-0999) when any burning begins. Failure to notify Dispatch may result in a Class 1 misdemeanor.

- Process:**
1. Complete the attached application and site plan, sign and date where indicated, and submit to the King William County Building Department at least three business days prior to the planned burn date. Applications may be submitted in person, by mail at the above address, or online at kingwilliamcounty.us.
 2. Once received, the applicant will be contacted by the Department of Fire and EMS.
 3. Burn permits remain valid through the completion of the planned burn.

Regulations and Conditions:

- Debris piles shall not include any of the following prohibited items: tires; used oil, coated wires, asphaltic materials, roofing shingles, construction & demolition waste, hazardous wastes & waste containers, animal carcasses, animal waste, petroleum based materials, impregnated or chemically treated wood and lumber, batteries, synthetic and painted building materials containing high concentrations of hazardous compounds that produce toxic emissions when burned.
- The fire must be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced.
- **The party responsible for the burning must notify King William Dispatch (804-769-0999) when any burning begins. Failure to notify Dispatch may result in a Class 1 misdemeanor.**
- The immediate area around the burn piles must be free from any flammable or combustible materials.
- The fire must be at least 500 feet from any occupied building unless the occupants have given written permission. Any such written permission must be included with this application.
- All reasonable effort shall be made to minimize the amount of debris burned and the number and size of the burn piles.
- The respective power company must be contacted for written approval if power lines are near the burn site. Any such written permission must be included with this application.
- Burning shall be conducted only when the prevailing winds are away from any city, town, or built-up area.
- No burning shall be allowed before 4pm from February 15th-April 30th.
- If the applicant is burning a structure, a certificate or letter stating the structure is free from asbestos must be provided with this application. This can be obtained from a licensed asbestos removal contractor.

Applicant - Keep This Page for Your Reference



COUNTY OF KING WILLIAM, VIRGINIA

KING WILLIAM COUNTY, VIRGINIA

FIRE OFFICIAL'S OFFICE

180 Horse Landing Road #4

King William, VA 23086

(804) 769-4969

firemarshal@kingwilliamcounty.us



BURN PERMIT APPLICATION

Page 1 of 2

Submit application at least three business days prior to the planned burn date.

ALL INFORMATION MUST BE CLEARLY PRINTED IN INK OR TYPEWRITTEN

Applicant Name (Full Name):	Applicant Mobile Phone #:
Applicant Email Address:	Alternate Phone #:
Business Name (if applicable):	Business Phone # (if applicable):
Applicant Mailing Address (No., Street, City, Zip Code):	
Location of Burn Site (911 Address and Description of Area)	
Fire Department Closest to Burn Site:	

The open burning is planned to occur:

Begin Date: ____/____/____

End Date: ____/____/____

Begin Time: ____:____ am / pm

End Time: ____:____ am / pm

Due to the need to conduct burns only when wind and other environmental factors allow, permits remain valid through the completion of the planned burn regardless of any delays necessary to ensure safety. The party responsible for the burning must notify King William Dispatch when any burning begins.

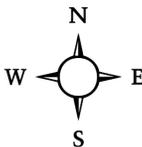
OPERATOR - Full name of person in responsible charge of the open burning:	Mobile Phone #:
ASSISTANTS - Full name(s) of any assistants to the Operator:	Mobile Phone #:
Describe the material to be burned and the number of piles.	
Describe the fire extinguishing method and/or equipment to be used.	

BURN PERMIT APPLICATION

Page 2 of 2

Attach a site diagram or use the space below to:

- 1) Illustrate the burn pile location(s) and indicate the distance relative to: structures, adjacent property lines, vegetation, transportation routes, utilities (above and below ground), storage tanks, or any other potential exposure hazards.
- 2) Indicate the estimated size of each pile (length, width, and height).



By my signature below, I certify that the answers provided on and as part of this application are true, correct, and complete. I also certify that I am familiar with the Virginia Statewide Fire Prevention Code, Commonwealth of Virginia and Federal laws relating to open-air burning and will comply with same. I understand that non-compliance can result in being charged with a Class 1 misdemeanor. I understand I may be held liable for all firefighting costs incurred if a failure to maintain control of the fire by Applicant, Operator, or any Assistants results in any fire department or the Virginia Department of Forestry intervening in order to control and extinguish the fire. I acknowledge that if a permit is issued it shall be valid only at the location and area listed and illustrated in the site diagram.

Signature of Applicant: _____ **Date:** _____

Attach any written approval by occupants, power companies, or asbestos removal contractors if applicable.

For Internal Use:

County Fire Chief or Designee Authorization Signature: _____ Date: _____

County Fire Official or Designee Authorization Signature: _____ Date: _____

AGENDA ITEM 5.k.

Amend King William County Code Chapter 34 - Fire Prevention and Protection - Percy C. Ashcraft, County Administrator



County of King William, Virginia

BOARD OF SUPERVISORS

Stacy G. Reaves
Fire Chief

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

MEMORANDUM

DATE: August 8, 2022
TO: King William County Board of Supervisors
FROM: Stacy G. Reaves, Fire Chief
SUBJECT: Recommended Changes to County Code Chapter 34 - Fire Prevention and Protection

REQUEST FOR ACTION

- Provide approval to move forward in advertising a Public Hearing for recommended changes to County Code Chapter 34 – Fire Prevention and Protection on August 22, 2022.

SUMMARY

Section 34-2 is outdated and must be amended.

It is recommended Section 34-3 be updated for clarity and conciseness and to prevent the Code from having to be changed again in the future if the State laws change, similar to what was recently done for the Dangerous Dog Ordinance.

ATTACHMENTS

- Revised Recommended Changes to County Code

180 Horse Landing Road #4 • King William, VA 23086
(804) 769-4961 • sreaves@kingwilliamcounty.us
kingwilliamcounty.us

Chapter 34 FIRE PREVENTION AND PROTECTION
Revised Recommended Ordinance Changes
August 8, 2022

Black text – current code

~~Black strikethrough text – recommended for deletion~~

Highlighted red text – recommended additions

Blue text – note to the Board, not part of Ordinance

Sec. 34-1. Violations of chapter.

Unless otherwise specifically provided in this chapter, a violation of any provision of this chapter shall constitute a class 1 misdemeanor, as provided in section 1-7.

Sec. 34-2. Findings.

King William County Fire and Emergency Services, Mangohick Volunteer Fire Department, West Point Volunteer Fire and Rescue Department, and Walkerton Community Fire Association are recognized as an integral part of the official safety program of this county.

~~The Mattiponi Rescue Squad, the King William Volunteer Fire Department, including the King William Volunteer Rescue Squad, the West Point Volunteer Fire Department, including the West Point Volunteer Rescue Squad, and the Mangohick Volunteer Fire Department including the Mangohick Volunteer Rescue Squad are recognized as an integral part of the official safety program of this county.~~

Sec. 34-3. Statewide fire prevention code.

~~The county fire marshal department is authorized to enforce the provisions of the statewide fire prevention code pursuant to chapter 9 of title 27 of the Code of Virginia (Code of Virginia, § 27-94 et seq.)~~

- (a) King William County complies with the provisions of the Virginia statewide fire prevention code (SFPC) in its entirety and assigns enforcement responsibility to the King William County Fire Official, who shall be a certified Fire Marshal with the Commonwealth of Virginia.
- (b) As per SFPC Section 107, operational permits may or may not be required by the fire official as permitted under the SFPC in accordance with Table 107.2. The county may or may not charge a fee for such permits as provided for by §15.2-1125 of the Code of Virginia. The amount of any such fees will be as established from time to time by resolution of the Board of Supervisors. (Note: this means that the fire official is the one who decides if a permit is required as authorized by the SFPC. For the fee, it is saying that if the Board does not pass a resolution expressly establishing SFPC permit fees, by default there are no SFPC permit fees. For example, upon adoption of this Ordinance, the burn permit fee will be \$0.00 unless the Board also passes a resolution establishing a fee amount for such permit. The first two sentences are informational and simply restate state codes. The last sentence gives the Board the ability to change fees by a resolution. The language used allows for future flexibility by the Board without having to amend the Ordinance again.)

AGENDA ITEM 7.

Closed Meeting (if needed)

CLOSED MEETING MOTIONS

PERSONNEL – In accordance with Section 2.2-3711 (A)(1) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting to consider a personnel matter involving the (choose from below):

1. appointment of individuals to Boards and Commissions.

2. interview of a prospective candidate for employment.

(or the)

3. Employment

6. Promotion

9. Salary

4. Assignment

7. Performance

10. Discipline

5. Appointment

8. Demotion

11. Resignation

of a specific public officer / appointee / employee.

PUBLIC PROPERTY – In accordance with Section 2.2-3711 (A)(3) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting regarding real property used for a public purpose, specifically pertaining to (choose from below):

1. the acquisition of real property for a public purpose.

2. the disposition of (name publicly held real property involved).

because discussion in an open meeting may adversely affect the bargaining position or negotiating strategy of the Board.

PROTECTION OF PRIVACY OF INDIVIDUALS – In accordance with Section 2.2-3711 (A)(4) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting regarding a personal matter not related to public business in order to protect the privacy of individuals.

PROSPECTIVE BUSINESS OR INDUSTRY OR EXPANSIONS OF EXISTING BUSINESS OR INDUSTRY – In accordance with Section 2.2-3711 (A)(5) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting to discuss a prospective business or industry or expansion of an existing business or industry where no previous announcement has been made.

INVESTING OF PUBLIC FUNDS – In accordance with Section 2.2-3711 (A)(6) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting to discuss the investing of public funds where competition or bargaining is involved and where discussion in open session would adversely affect the financial interest of the County.

LEGAL MATTERS – In accordance with Section 2.2-3711 (A)(7) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting to (choose from below):

- 1. consult with legal counsel, consultants, and/or staff on a matter of actual litigation in which the County is involved.
- 2. consult with legal counsel, consultants, and/or staff on a matter of probable litigation in which the County may become involved.

because discussion in an open meeting may adversely affect the litigation position or negotiating strategy of the Board.

LEGAL MATTERS – In accordance with Section 2.2-3711 (A)(8) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting to consult with legal counsel on a specific legal matter (identify matter in general terms at a minimum) requiring the provision of legal advice by counsel.

HAZARDOUS WASTE SITING – In accordance with Section 2.2-3711 (A)(14) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting to discuss the terms, conditions, and provisions of a hazardous waste siting agreement after a finding in open meeting that an open meeting will have an adverse effect upon the negotiating position of the Board or the establishment of the terms, conditions, and provisions of the siting agreement, or both.

TERRORIST ACTIVITY – In accordance with Section 2.2-3711 (A)(19) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting to (choose from below):

- 1. discuss plans to protect public safety relating to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, law-enforcement, or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety.
- 2. discuss reports or plans related to the security of any governmental facility, building, or structure, or the safety of persons using such facility, building, or structure.

PUBLIC CONTRACTS – In accordance with Section 2.2-3711 (A)(29) of the Code of Virginia, because discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board, I move that the Board of Supervisors convene in Closed Meeting to (choose from below):

- 1. discuss the award of a public contract involving the expenditure of public funds.
- 2. interview bidders or offerors.
- 3. discuss the terms or scope of a public contract.

CERTIFICATION OF CLOSED MEETING

Mr. Chairman, I move that the King William County Board of Supervisors approve Standing Resolution 1 (SR-1) in accordance with Section 2.2-3712 (D) of the Code of Virginia, 1950, as amended, certifying that the Closed Meeting was conducted in conformity with the requirements of the Virginia Freedom of Information Act.

STANDING RESOLUTION – 1 (SR-1) A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the King William County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by the King William County Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the King William County Board of Supervisors on this _____ day of _____, 2022, hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered by the King William County Board of Supervisors in the Closed Meeting to which this certification resolution applies; and
2. Only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the King William County Board of Supervisors.

[ROLL CALL VOTE]