



**Amherst County Board of Supervisors
County Ordinance No. 2018-0005**

AN ORDINANCE, NO. 2018-0005

Adding § 4-200, Chapter 4 - Building Regulations, Article IX, Property Maintenance, to the Code of the County of Amherst.

Approved as to form and legality by the County Attorney

**FIRST READING: Board of Supervisors, November 6, 2018
PUBLIC HEARING: Board of Supervisors, November 20, 2018**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Section 4-200 is hereby added to Chapter 4 - Building Regulations, Article IX, Property Maintenance, to the Code of the County of Amherst, as follows:

4-200. Notices of violation.

A. The building official shall issue a written notice of violation to the responsible party if any violations of this article or any directives or orders of the building official have not been corrected or complied with in a reasonable time. The notice shall set forth:

1. The name and address of the person apparently responsible for the violation.
2. The nature of the violation(s) and the provision(s) of the Code being violated, with a direction to discontinue or abate such violations or to comply with the directive or order.
3. The location, date, and time that the violation occurred or was observed.
4. A reasonable period of time in which to correct the violation, not to be less than 14 days except in a life/safety violation or emergency situation, in which the building official may shorten this period in his or her discretion, at the conclusion of which the building official may institute legal action as set forth in this article to enforce the provisions of the Building Code.
5. That the owner may meet with county staff to discuss remediation options and enter a legally-binding remediation plan in lieu of further enforcement action.
6. That if the violation is appealable to the board of building code appeals, the owner has

the right to appeal within 14 days in accordance with law.

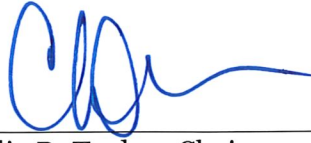
4-201. Civil penalties.

- A. Violation of this article is a civil violation punishable by a civil penalty of not more than \$100 for the initial summons and not more than \$350 for each additional summons arising from the same operative facts.
- B. Each day during which the violation is found to have existed shall constitute a separate offense. However, 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.
- C. 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 under section 4-156.
- D. The summons shall provide that any person summons for a violation may, within fourteen (14) days from the date of mailing of the summons, elect to pay the civil penalty by making an appearance in person, or in writing by mail to Amherst County Treasurer's Office at least seventy-two (72) hours prior to the time and date fixed for trial and by such appearance 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; however, an admission shall not be deemed a criminal conviction for any purpose. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and the building official 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.
- E. 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.
- F. 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.
- G. 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.

Statutory Reference: Va. Code § 36-106(C).

§ 2. That this ordinance shall be in force and effect upon adoption.

Adopted this 20th day of November, 2018.



Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays Ø

Abstentions Ø