

PITTSYLVANIA COUNTY CODE

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CHAPTER 4

BUILDINGS

An Ordinance to establish a schedule of permit and inspection fees under the County Building Ordinance and to make the penalty provision to conform to state law.

BE IT ENACTED THAT THE COUNTY BUILDING ORDINANCE BE AMENDED AS FOLLOWS:

Article I.

General Considerations

SEC. 4-1. PERMIT AND INSPECTION FEES.

The Board of Supervisors of Pittsylvania County shall set permit and Inspection Fees by schedule which is adopted annually by the Pittsylvania County Board of Supervisors during their budget process and incorporated in the annual budget resolution. **(B.S.M. 10-16-12)**

SEC. 4-2. INSPECTION.

Inspection Notice- It shall be the duty of the Contractor to notify the Building Inspection Department when any portion of his installation is installed in a building or any part thereof, and such work is ready for inspection. The request for inspection shall be made before 2:00 p.m. on the day preceding the day of the requested inspection. The Contractor requesting the inspection shall state the time of day that his work will be ready for inspection, and the inspection shall be made as near the time stated as practicable.

SEC. 4-3. PENALTIES FOR VIOLATION.

Any persons, firm or corporation, whether as principal agent employed or otherwise, who shall violate a provision of the Basic Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of the Basic Code, shall be guilty of a misdemeanor. Such an offense shall be punishable by a fine of not more than one thousand (\$1,000.00) dollars. **(B.S.M. 6/28/88)**

SEC. 4-4. SEPARABILITY OF PROVISIONS.

It is the intention of the Board of Supervisors that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Board of Supervisors that if any provision of this ordinance be declared invalid; all other provisions thereof remain valid and enforceable.

SEC. 4-5. STATEWIDE BUILDING CODE.

A copy of the Virginia Uniform Statewide Building Code is on file in the Clerk's Office in the Circuit Court of Pittsylvania County, Chatham, Virginia, where it is open for inspection between the

hours of 9:00 a.m. and 5:00 p.m. on Monday through Friday each week. The said clerk will provide information as to where additional copies may be obtained.

(B.S.M. 12-7-60, 11-5-73)

SEC. 4-6. CONSTRUCTION OF OPEN-AIR THEATERS.

No open-air theaters shall be constructed in Pittsylvania County, Virginia, unless the owner, manager, or operator has first secured a written permit for the same from the Board of Supervisors of Pittsylvania County, Virginia.

Such owner, operator or manager shall make written application to the Clerk of the Board of Supervisors for said permit and at the same time deposit with said Clerk a fee of ten (\$10.00) dollars to defray the costs of the inspection and issuance of the permit.

The Clerk of the Board of Supervisors shall transmit the written application to the Sheriff of Pittsylvania County forth-with: It shall be the duty of the Sheriff to make a personal inspection of the premises including buildings or structures thereon and he shall determine that the screen of said open-air theater is so constructed that the picture, performance, exhibition or display thereon is not visible from the public highway in the area near or adjacent to said open-air theater, if the said screen has not been so constructed at the time of the Sheriff's inspection the inspection shall be continued and shall not be ended until the screen has been so constructed and approved by him.

After the Sheriff has completed his inspection he shall report in writing to the Clerk of the Board of Supervisors that he has inspected said premises and that the screen of said open-air theater has been so constructed that any picture, performance or exhibition to be displayed thereon is not visible from any public highway in the area adjacent to or near said open-air theater and does not, in his opinion, jeopardize highway safety or traffic safety or traffic in that area, if such be the fact, and thereupon the Clerk of the Board of Supervisors shall present said application and written report to the Board of Supervisors at its next regular meeting and the Board shall direct the issuance of said open-air theater permit.

The operation of any such open-air theater after the effective date of this ordinance without first securing the permit required above shall constitute a misdemeanor and shall be punishable by a fine not exceeding one hundred (\$100.00) dollars and confinement in jail not exceeding thirty (30) days, either or both. For the purposes of this ordinance each day's operation shall be a separate offense and punishable as such. **(B.S.M. 7-2-52)**

Article II.

Erosion and Sedimentation Control Ordinance

SEC. 4-7. GENERALLY.

WHEREAS, for the purpose for alleviating harmful and/or damaging effects of on-site erosion and siltation of neighboring downstream properties during and after development;

WHEREAS, per Article 2.4. Virginia Erosion and Sediment Control Law

NOW, THEREFORE, the County of Pittsylvania does hereby adopt the following Erosion and Sedimentation Control Ordinance.

This Ordinance shall not apply to any land disturbing activity in any Incorporated Towns within the boundaries of Pittsylvania County unless and until the governing body of such town shall by appropriate action indicate the intention

to have the land disturbing activities within its boundaries covered by the terms and provisions of this Ordinance. Upon the taking of such action by the governing body of any of said Incorporated Towns the terms and provisions of this Ordinance shall apply fully to any land disturbing activity in said Incorporated Towns.

SEC. 4-8. PURPOSE.

An ordinance providing for the control of erosion and sedimentation prior to, during, and following development; and establishing procedures for the administration and enforcement of such controls.

SEC. 4-9. APPLICATION.

Except as provided for in Section 4 of this Ordinance, no person may engage in any land disturbing activity until such person has submitted to Pittsylvania County, has had reviewed and approved by the Plan Approving Authority for Pittsylvania County, an erosion and sediment control plan for such land disturbing activity.

It is the intent of this ordinance to be an adjunct to both of the County's Subdivision and Zoning Ordinance wherein such apply to the development and subdivision of land within the County of Pittsylvania or such apply to the development on previously subdivided land within the County of Pittsylvania.

SEC. 4-10. DEFINITIONS.

For the purpose of this ordinance, certain terms and words used herein shall be interpreted as follows:

1. "Governing Body" shall mean the Board of Supervisors of Pittsylvania County.
2. "Agreement in lieu of a plan" means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.
3. "Applicant" means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.
4. "Certified inspector" means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.
5. "Certified plan reviewer" means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1, or professional soil scientist as defined in § 54.1-2200.
6. "Certified program administrator" means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment and shall mean the official designated by the Governing Body to serve as its agent to administer this ordinance.
7. "Department" means the Department of Environmental Quality.
8. "Erosion and sediment control plan" or "plan" means a document drawn by a professional engineer containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain

all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

9. "Erosion impact area" means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other
10. "Permittee" means the person to whom the local permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.
11. "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.
12. "Responsible land disturber" or "RLD" means an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved ESC plan. In addition, the RLD may be a Virginia professional engineer, land surveyor, landscape architect, architect, or professional soil scientist, provided that it is the same licensed professional who sealed and signed the ESC plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the ESC plan or permit as a prerequisite for engaging in land disturbance.
13. "Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.
14. "Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this article, and evaluation consistent with the requirements of this article and its associated regulations.
15. "Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means an authority approved by the Board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the Department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.
16. "Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.
17. "Program Administrator" shall mean the official designated by the Governing Body to serve as its agent to administer this ordinance.
18. "Building Official" shall mean the individual known as the Building Official appointed to enforce the requirements of Chapter 4 of the Pittsylvania County Code of 1975 as amended.
19. "Plan Approving Authority" shall mean the Pittsylvania County Erosion Control Specialist.

20. “Clearing” shall mean any activity, which removes the vegetative ground cover, including but not limited to its removal, root mat removal and/or topsoil removal.
21. “Grading” shall mean any excavating or filling of earth materials or combination thereof, including the land in its excavated or filled condition.
22. “Excavating” shall mean any digging, scooping or other methods of removing earth materials.
23. “Filling” shall mean any depositing or stockpiling of earth materials.
24. “Transporting” shall mean any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.
25. “Land Disturbing Activity” shall mean any land change which may result in soil erosion from water or wind and the movement of sediments into waters or onto lands, including, but not limited to, clearing, grading, excavating, transporting, and filling of land. (See Sec. 4-13 for full definition).
26. “Land Disturbing Permit” shall mean a permit issued by the County of Pittsylvania for clearing, filling, excavating, grading, or transporting, or any combination thereof.

~~26-27.~~ “Large-Scale Utility Project” shall mean any project that is owned or operated by a public utility and disturbs an area greater than twenty (20) acres.

SEC. 4-11. PURPOSE OF CHAPTER.

This chapter shall provide for, both during and following development, the effective control of erosion and sedimentation by the enforcement of the minimum standards promulgated by the Department/Erosion and Sediment Control Law and known as the Virginia Erosion & Sediment Control Regulations.

SEC. 4-12. REGULATIONS.

The erosion and sediment control program of Pittsylvania County shall consist of the state program and regulations for erosion and sediment control. Pittsylvania County shall exercise the responsibilities of the program authority, as provided by state law and by this chapter.

Pursuant to section 62.1-44.15:54 of the Code of Virginia, the county hereby establishes a VESCP program and adopts the regulations promulgated by the board; with the exception that the requirements contained in 9VAC25-840-40.19 do not apply to the regulated land-disturbing activities that meet the requirements of 8.1-7 of this chapter; (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources) and the Virginia Erosion and Sediment Control Handbook, as amended, and those more stringent local criteria which the county board of supervisors, may adopt by resolution and incorporate into the manual of regulations and policies entitled "Stormwater Management Design Manual" and "Design and Construction Standards Manual."

In accordance with § 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over

forty-eight (48) hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one (1) year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the one and one half (1.5), two (2), and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified in § 62.1-44.15:28 of the Stormwater Management Act and 9VAC25-870-66 of the Virginia Stormwater Management Program (VSMP) regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Regulations.

Pursuant to section 62.1-44.15:53 of the Code of Virginia, an erosion and sediment control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The erosion control program of the county shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

SEC. 4-13. LAND DISTURBING ACTIVITIES.

This ordinance, and the applicable state law and regulations, address erosion and sedimentation associated with land-disturbing activities for the purpose of this ordinance the definition shall be as follows:

"Land-disturbing activity" means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, except that the term shall not include:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;
2. Individual service connections;
3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;
4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1;
6. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;

7. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;
8. Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (§ 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
9. Disturbed land areas of less than 10,000 square feet in size or 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations; however, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;
10. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
11. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and
12. Emergency work to protect life, limb, or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.

SEC. 4-14. PROGRAM ADMINISTRATOR.

For the purpose of this ordinance the following definition shall apply:

Program Administrator shall mean the position designated by the Pittsylvania County Board of Supervisors as its agent to administer the erosion and sediment control program and certified by the Virginia Department of Environmental Quality as a Program Administrator.

SEC. 4-15. DESIGNATION OF PLAN APPROVING AUTHORITY.

The Program Administrator is designated as the erosion and sediment control plan-approving authority in Pittsylvania County and shall be certified by the Department as a Plan Reviewer.

SEC. 4-16. DESIGNATION OF ENFORCEMENT AUTHORITY.

The Program Administrator is designated as the enforcement authority in Pittsylvania County and shall have the power and authority to inspect, monitor, report and ensure compliance with the erosion and sediment control program of the County. The enforcement authority is also referred to as the designated enforcement officer, the inspector, the permit issuing authority, and the Program Administrator. In order to perform these duties, the Program Administrator shall be certified by the Department

SEC. 4-17. APPROVAL OF PLANS AND ISSUANCE OF PERMITS.

Erosion and sediment control plans submitted to Pittsylvania County shall be reviewed and acted upon by the plan-approving authority. Upon approval of such plan, the applicant may seek a Land Disturbing-Permit from the permit-issuing authority. Plans shall be approved and permits shall be issued pursuant to applicable regulations.

No land-disturbing permit shall be issued until the applicant submits with the application an approved erosion and sediment control plan or agreement in lieu of an approved erosion and sediment control plan and certification that the plan will be followed.

Surety. All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit acceptable to ensure that measures could be taken by the county at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality plus a contingency for the county's administrative costs and inflation. The contingency shall be ten (10) percent of the total estimated cost to initiate and maintain the appropriate conservation action. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.

Within sixty (60) days of adequate stabilization and completion of all other site requirements, as determined such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated.

These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

SEC. 4-18. FEES REQUIRED.

Applicants shall pay to Pittsylvania County a fee to defray the cost of program administration, including costs associated with plan review, issuance of land disturbing permits, periodic inspection, and enforcement. The fees associated with this Ordinance shall be set by the Board of Supervisors annually in the Budget Resolution.

~~No total fee shall exceed applicable limits established by state law.~~

Fees for Large-Scale Utility projects shall be designated in accordance with the Fee Schedule and shall meet the following conditions:

- a. A fee amount shall be determined based upon the total land disturbance acreage calculated on the approved site plan in accordance with the Fee Schedule. The Applicant shall be billed for the monthly inspection fee on the first day of each month until the site receives a final bond release inspection and approval. The Applicant must remit payment within fifteen (15) days of invoicing to the Community Development Department by check payable to the Pittsylvania County Treasurer. Failure to pay each invoice within fifteen days of the date of the invoice is cause for issuance of a project stop work order until such fees are paid.
- b. If, in any month, the amount billed for a Large-Scale Utility project monthly inspection fee is insufficient to reimburse the County for amounts billed to the County by third-party inspectors, the unreimbursed balance will be added to the monthly fee on the Applicant's next or a subsequent invoice and must be paid when invoiced.

SEC. 4-19. MONITORING, REPORTS, AND INSPECTIONS

The responsible land disturber, as provided in § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. The county may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

The Department of Community Development shall periodically inspect the land-disturbing activity in accordance with 9VAC25-840-60 of the Virginia Erosion and Sediment Control Regulations to ensure

compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection. If THE Program Administrator determines that there is a failure to comply with the plan or if the plan is determined to be inadequate, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee shall be deemed to be in violation of this chapter and, upon conviction, shall be subject to the penalties provided by this chapter.

Upon issuance of an inspection report denoting a violation of Va. Code §§ 62.1-44.15:55,-44.15:56, the Program Administrator may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue a stop work order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan or proper permits, the Program Administrator, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue a stop work order requiring that all of the land-disturbing and/or construction activities be stopped until an approved plan or any required permits are obtained. Failure to comply will result in civil charges or penalties as outlined in this chapter.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such a stop work order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such a stop work order may be issued only after the permittee has failed to comply with such a notice to comply.

The stop work order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven (7) days from the date of service pending application by the county or permit holder for appropriate relief to the circuit court. The county shall serve such stop work order for disturbance without an approved plan or permits upon the owner by mailing with confirmation of delivery to the address specified in the land records. Said stop work order shall be posted on the site where the disturbance is occurring and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the stop work order, the Program Administrator may issue a stop work order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the county.

The owner may appeal the issuance of a stop work order to the circuit court of the county. Any person violating or failing, neglecting, or refusing to obey a stop work order issued by the Program Administrator may be compelled in a proceeding instituted in the circuit court of the county to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the stop work order shall immediately be lifted. Nothing in this section shall prevent the Program Administrator from taking any other action authorized by this chapter.

Land disturbing activities that meet the definition of a Large-Scale Utility Project shall be inspected in accordance with 9VAC25-840-60 of the Virginia Erosion and Sediment Control Regulations by a third-party inspection firm retained by Pittsylvania County through a procurement process. All required documentation shall be submitted to the Program Administrator to ensure compliance.

SEC. 4-19. REVIEW BY THE BOARD OF SUPERVISORS.

- A. Any person aggrieved by any action of the plan-approving authority, or the enforcement authority shall have the right to apply for and receive a review of such action by the Pittsylvania County Board of Supervisors provided an appeal is filed within thirty (30) days from the date of any written decision by the plan-approving or enforcement authority.
- B. In reviewing the action of the plan-approving authority or the enforcement authority, the Board shall consider evidence and opinion presented by the aggrieved person, the plan approving authority or the enforcement authority, and such other persons, as shall be deemed by the Board necessary for a complete review of the matter.
- C. The Board may affirm, reverse, or modify the action of the plan-approving authority or the enforcement authority, and the Board's decision shall be final, subject only to review by the Circuit Court of Pittsylvania County by appeal taken pursuant to applicable law, provided an appeal is filed within thirty (30) days from the date of the final written decision.
- D. For purpose of this section, the term "person aggrieved" shall be limited to the applicant or permit holder, owners of adjacent and downstream property and any interested government agency or officer thereof.

SEC. 4-20. ENFORCEMENT AND PENALTIES.

Pittsylvania County shall exercise the enforcement and penalty provisions authorized for a program authority in the Virginia Erosion and Sediment Control Law.

This ordinance was amended at an adjourned meeting of the Pittsylvania County Board of Supervisors on Tuesday, March 20, 2001 and became effective immediately upon its passage.

Any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the Department or VESCP authority, any condition of a permit, or any provision of this article or associated regulation shall be subject to civil penalties allowed under Article 2.4 of the Code of Virginia as amended. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties that exceed a total of \$10,000.

The Director of Community Development, or his/her assignee, shall prepare an appropriate erosion and sediment control civil violation summons for use in enforcing the provisions of this chapter.

Any person of the VESCP plan approving authority charged with enforcing this chapter shall serve upon any owner or permittee in violation of this chapter, a summons notifying the owner or permittee of said violation. If unable to serve the owner or permittee in person, the county may notify by summons an owner or permittee committing or suffering the existence of a violation by certified, return receipt requested mail, of the infraction. The county sheriff's office may also deliver the summons. The summons shall contain the following information:

The name and address of the person charged.

The nature of the violation and chapter provision(s) being violated.

The location, date, and time that the violation occurred, or was observed. §

The amount of the civil penalty assessed for the violation.

The manner, location, and time that the civil penalty may be paid to the county.

The right of the recipient of the summons to elect to stand trial for the infraction and the date of such trial.

The summons shall provide that any person summoned for a violation may, within five (5) days of actual receipt of the summons or, within ten (10) 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 the county treasurer's office and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.

If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the county shall cause the sheriff of the county to serve the summons on the person charged in the manner prescribed by law. The violation shall be tried in general district court in the same manner and with the same right of appeal as provided for in Title 8.01 of the Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the county to show the liability of the violator by the preponderance of the evidence. Any admission of liability or finding of liability shall not be a criminal conviction for any purpose.

The remedies provided for in this section are cumulative, and are not exclusive and, except as provided above, shall be in addition to any other remedies by law.

The owner or permittee may pay the civil penalty to the treasurer prior to the trial date, provided he also pays necessary court costs in addition to the civil penalty.

Within the time period prescribed in (c), above, the owner or permittee, may contest the violation by presenting it to the director of community development, who shall certify the contest in writing, on an appropriate form, to the general district court.

Failure to pay the civil penalty, or to contest the violation, within the time period prescribed in (c), above, shall result in the immediate issuance of a stop work order and the revocation of the permit, if any.

Article III.

REMOVAL, REPAIR, OR SECURING OF DANGEROUS STRUCTURES

SEC. 4-30. DEFINITIONS

(a) *Building Code* shall mean the applicable provisions of the Uniform Statewide Building Code relating to the maintenance of existing buildings as adopted by the Commonwealth of Virginia and Board of Housing and Community Development.

(b) *Code Officials* shall mean the Building Official or his designee. **(B.S.M. 4-18-17)**

(c) *Dangerous Structure* shall mean any building, wall or other structure in Pittsylvania County that fails to comply with the building code through damage, deterioration, infestation, improper maintenance, or for any other reason or reasons, and thereby becomes unsafe, unsanitary, or deficient in adequate exit facilities, or which constitutes a hazard or public nuisance or is otherwise

dangerous to human life, health or safety, or the public welfare and which might endanger the public health or safety of other residents of Pittsylvania County. :

(d) Lien-holder or Lien-holders shall mean any and all individuals, associations, corporations, or other entities that have a mortgage or other lien of record of any kind on the property which are of record against the owner. Either term may be singular or plural unless the context indicates otherwise.

(e) Owner means the owner or owners of the premises therein, as indicated in the tax records of Pittsylvania County, Virginia.

SEC. 4-31. OWNER'S RESPONSIBILITIES.

It shall be the responsibility of all owners of buildings, structures and real property located within the boundaries of Pittsylvania County to take the necessary action, at such time or times as the Code Official may prescribe, to repair, remove, or secure any building, wall, or any other structure on their property which might endanger the public health or safety of other residents of Pittsylvania County, subject to such rights of appeal as are provided for in the section. All such buildings or other structures declared by the Code Official to be a dangerous structure shall either be made safe by compliance with the Building Code or be vacated and secured against public entry or be taken down and removed as determined by the Code Official.

SEC. 4-32. NOTICES TO OWNERS AND LIEN HOLDERS.

Whenever the code official shall be of the opinion and finds that any structure in the County is a dangerous structure as defined in this chapter, the Code Official shall cause written notice to be served upon the owner and lien holder, as provided for in Section 4-33 of this chapter. Such notice shall state that the building, wall or any other structure has been declared to be a dangerous structure and shall, at a minimum, provide the following information:

- (1) The location of the building or structure by street address and/or tax identification number.
- (2) A statement that the building or structure has been inspected by the Code Official or his designee, and that it has been deemed to be a dangerous structure as defined in this chapter and, further, to be declared by the Code Official as unsafe, unfit for human occupancy, or unlawful, as defined in the uniform Statewide Building Code.
- (3) A listing of the specific conditions which exist that cause the building or structure to endanger the public health or safety of other residents of the County and, further, which cause the Code Official to declare the building or structure to be unsafe, unfit for human occupancy or unlawful with reference to the Uniform Statewide Building Code section that serves as a basis for the declaration for a dangerous structure.
- (4) A statement that the Code Official has determined that necessary corrective action to abate the unsafe or dangerous conditions, as described in the notice, consist of one (1) of the following actions:

- (a) The completion of the repairs and/or improvements to the building or structure, which may include the securing of the building or structure against public entry as provided in the notice; or
 - (b) The taking down or removal of the building or structure.
- (5) An order to complete the necessary corrective action to abate the unsafe or dangerous conditions as determined by the Code Official by specifying the required repairs and/or improvements to be made to the building or structure or by requiring the building or structure to be taken down and removed. The Order shall provide a stipulated time within the necessary corrective action is to be completed.
- (6) A statement that the failure to comply with the terms of a notice to abate the unsafe or dangerous conditions will result in the County taking action to abate such conditions in accordance with the provisions of § 15.2-906 of the Code of Virginia and/or of the Uniform Statewide Building Code, as the Code Official deems appropriate.
- (7) A statement of the owner's rights of appeal of the Code Official's decisions to the local Board of Building Code Appeals in accordance with the appeals provision of the Uniform Statewide Building Code.

SEC. 4-33. SERVICE OF NOTICE.

The notices issued pursuant to this chapter shall be served upon any owner and lien-holder in the following manner:

- A. Where the Code Official has determined the necessary corrective action to abate the unsafe or dangerous condition is to make repairs to the building or structure, which may include the securing of the building or structure against public entry, the notice shall be given by either delivering a copy of the notice by certified mail or by registered mail, return receipt requested sent to the address of record in the Office of the Commissioner of Revenue of Pittsylvania County, Virginia.
- B. Where the Code Official has determined the necessary corrective action to abate the unsafe or dangerous condition is to take down and remove the building or structure, the notice shall be a written notice mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner.
- C. In addition to subsections (1) or (2) above, notice shall also be given to any such person or entity by publishing once a week for two weeks a copy of the notice in the newspaper having general circulation in the County in accordance with the applicable provisions of § 15.2-906 of the Code of Virginia.

SEC. 4-34. APPLICATION FOR APPEAL.

The owner or owner's agent of any building, wall or structure which has been declared to be a dangerous structure and ordered by the Code Official to be repaired, secured or removed, as provided for in this chapter, may appeal the decision to the local Board of Building Code Appeals. A written request for appeal to the Board of Building Code of Appeals shall be submitted within

twenty-one (21) calendar days from the receipt of the decision to be appealed on forms as provided by the Code Official. Upon receipt of any application for appeal, the Code Official shall schedule a hearing within sixty (60) calendar days. The appeal hearing shall be in accordance with the usual procedures of the Board of Building Code of Appeals. All procedures, notices, hearings, decisions and other actions by the Building Code of Appeals shall be in accordance with the appeals provisions of the building code.

SEC. 4-35. SECURING, REPAIR OR REMOVAL OF DANGEROUS BUILDINGS; ACTIONS BY THE COUNTY.

- A. If the dangerous condition has not been remedied with a structure secured or torn down and removed within the time limit allowed by the Code Official, or if challenged, by the time established following the final review of the Code Official's decision, the Code Official shall with the approval of the County Administrator, proceed in accordance with the provisions of §15.2-906 of the Code of Virginia, 1950, as amended, to cause the structure to be removed, repaired, secured as the Code Official deems appropriate, considering the condition of the premises.
- B. In the event the County, through its own agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this chapter, the cost of expenses there of shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes and levies are collected.
- C. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided for in Article 3 (§58.1-3940 et seq.) and for (§58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended.

SEC. 4-36. EXTENSION OF TIME.

In the event that any act required by this chapter can not be performed within the time provided due to shortage of materials, war, restraint by public authorities, strikes, local disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation; provided, however, that the person or entity seeking such extension shall make a written request therefore within the then applicable time period.

SEC. 4-37. ADDITIONAL AUTHORITY.

In addition to the authority delegated to the Code Official in this chapter, the Code Official shall have all of the authority extended to the Code Official in the Virginia Uniform Statewide Building Code, as well as to take appropriate action on behalf of the County in an emergency to abate, raze, or remove any dangerous structure which constitutes a public nuisance under the provisions of §15.2-900 of the Code of Virginia, 1950; as amended.

Adopted by the BOS on Monday, June 7, 2004 and became effective immediately upon its passage; Article I, Sec. 4-1 Adopted by the BOS on Monday, June 21, 2005 and became effective July 1, 2005; Amended by the BOS 10-16-2012; Amended by the BOS 4-18-2017.