

**B. ORDINANCE AMENDMENT**OPENING STATEMENT

This public hearing is held pursuant to § 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on an ordinance amending and reordaining Section 10-6 of the Southampton County Code, 1991, as it relates to the removal or repair of buildings or other structures that might endanger the public health or safety of Southampton County residents.

The notice of this public hearing was published in the Tidewater News on October 3 and October 10, 2010. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this morning prior to consideration of a resolution endorsing the amendment application.

**MOTION REQUIRED:** If the Board is so inclined, a motion is required to adopt the ordinance as proposed.

AN ORDINANCE TO AMEND AND REORDAIN SECTION 10-6 OF  
THE SOUTHAMPTON COUNTY CODE AS IT RELATES TO  
THE REMOVAL OR REPAIR OF BUILDINGS OR OTHER STRUCTURES  
THAT MIGHT ENDANGER THE PUBLIC HEALTH OR SAFETY  
OF SOUTHAMPTON COUNTY RESIDENTS

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended to read as follows:

1 **Sec. 10-6. Buildings, other structures; removal, repair, etc.**

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3 (a) The owners of property in Southampton County, Virginia shall at such time or times as  
4 the Board of Supervisors, through its agents or employees may prescribe, remove, repair, or secure  
5 any building, wall or any other structure that might endanger the public health or safety of the  
6 residents of Southampton County, Virginia.

7  
8 (b) Southampton County, through its agents or employees, may *remove, repair or* secure  
9 any building, wall or other structure that might endanger the public health or safety of other residents  
10 of Southampton County, Virginia, if the owner and/or lien holder of such property, after reasonable  
11 notice and a reasonable time to do so, has failed to remove, repair or secure the buildings, walls or  
12 other structure.

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14 For the purposes of this section, repair may include maintenance work to the exterior of a  
15 building to prevent the deterioration of the building or other adjacent buildings.

16  
17 For the purposes of this section, reasonable notice shall include a written notice (i) mailed by  
18 certified or registered mail, return receipt requested, sent to the last known address of the property  
19 owner, and (ii) published once a week for two (2) successive weeks in a newspaper having general  
20 circulation in the locality.

21  
22 No action shall be taken by Southampton County to remove, repair or secure any building,  
23 wall or other structure for at least thirty (30) days following the latter of the return of the receipt or  
24 newspaper publication, except that the locality may take action to prevent unauthorized access to the  
25 building within seven (7) days of such notice if the structure is deemed to pose a significant threat to  
26 public safety and if such fact is stated in the notice.

27  
28 (c) In the event Southampton County, Virginia, through its agents or employees, removes,  
29 repairs or secures any building, wall or other structure after complying with the notice provisions of  
30 this section, the costs or expenses thereof shall be chargeable to and paid by the owners of such  
31 property and may be collected by Southampton County, Virginia as taxes are collected.

32

33 (d) Every charge authorized by this section with which any such property has been assessed  
34 and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for  
35 unpaid real property taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940  
36 et. seq.) and 4 (§58.1-3965 et. seq.) of Chapter 39 of Title 58.1 of the 1950 Code of Virginia, as  
37 amended.  
38

39 A locality may waive such liens in order to facilitate the sale of such property. Such liens  
40 may be waived only to a purchaser who is unrelated by blood or marriage to the owner and who has  
41 no business association with the owner. All such liens shall remain a personal obligation of the  
42 owner of the property at the times the liens were imposed.  
43

44 (e) It shall be unlawful for any owner of any parcel of land within Southampton County,  
45 Virginia to fail to remove, repair or secure the building, wall or other structure after reasonable  
46 notice and a reasonable time to do so, as provided herein above. In addition to collection of the costs  
47 or expenses as provided for above, the County Administrator may order a civil penalty in an amount  
48 not exceeding ONE THOUSAND DOLLARS (\$1,000.00) for each violation of this ordinance.  
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50 *The effective date of this ordinance shall be November 1, 2010.*  
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52 For state law authority, please see § 15.2-906 of the 1950 Code of Virginia, as amended.

A copy teste: \_\_\_\_\_, Clerk  
Southampton County Board of Supervisors  
Adopted: October 25, 2010