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September 1, 2010

Mr. Michael W. Johnson, Administrator
Southampton County
Post Office Box 400
Courtland, VA 23837

Dear Mike:

I am enclosing herewith a proposed amendment to Section 10-6 of the Southampton County Code to comply with § 15.2-906 of the 1950 Code of Virginia, as amended, and to strengthen the ordinance further from the 2007 amendment. In particular, if you will look at the existing Section 10-6 and the proposed amended Section 10-6, you will note that in paragraph designated (B), in the first line after may the language "remove, repair or" has been inserted before secure.

The Code allows the insertion of all of this language and it is certainly my opinion that the insertion of all this language is consistent with our intent. Please let me have your questions and comments.

With kind personal regards, I am

Very sincerely,

Richard E. Railey, Jr.

abr

Enclosure

pc: Mr. Robert Barnett

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:

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

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

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

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

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

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

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

(d) Every charge authorized by this section with which any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid real property taxes and 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 1950 Code of Virginia, as amended.

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

(e) It shall be unlawful for any owner of any parcel of land within Southampton County, Virginia to fail to remove, repair or secure the building, wall or other structure after reasonable notice and a reasonable time to do so, as provided herein above. In addition to collection of the costs or expenses as provided for above, the County Administrator may order a civil penalty in an amount not exceeding ONE THOUSAND DOLLARS ($1,000.00) for each violation of this ordinance.

The effective date of this ordinance shall be November 1, 2010.

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