

# PITTSYLVANIA COUNTY CODE

## CHAPTER 4

### BUILDINGS

#### **Article I.**

##### General Considerations

- § 4-1. Permit and Inspection Fees
- § 4-2. Inspection
- § 4-3. Penalties for Violation
- § 4-4. Severability of Provisions
- § 4-5. Statewide Building Code
- § 4-6. Construction of Open Air Theaters

#### **Article II.**

##### Erosion and Sedimentation Control

- § 4-7. Generally
- § 4-8. Purpose
- § 4-9. Application
- § 4-10. Definitions
- § 4-11. Purpose of Chapter
- § 4-12. Regulations
- § 4-13. Land Disturbing Activities
- § 4-14. Program Administrator
- § 4-15. Designation of Plan Approving Authority

- § 4-16. Designation of Enforcement Authority
- § 4-17. Approval of Plans and Issuance of Permits
- § 4-18. Fees Required
- § 4-19. Review by the Board of Supervisors
- § 4-20. Enforcement and Penalties

### **Article III.**

#### **Removal, Repair or Securing of Dangerous Structures**

- § 4-30. Definitions
- § 4-31. Owner's Responsibilities
- § 4-32. Notices to Owners and Lien Holders
- § 4-33. Service of Notice
- § 4-34. Application for Appeal
- § 4-35. Securing, Repairs or Removal of Dangerous Buildings; Action by  
County
- § 4-36. Extension of Time
- § 4-37. Additional Authority

**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, the General Assembly of the Commonwealth of Virginia, under Title 10.1 Chapter 5, Article 4 (Sec. 10.1-560 et seq.), of the Code of Virginia authorized localities to adopt an erosion and sedimentation control program;

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. "Program Administrator" shall mean the official designated by the Governing Body to serve as its agent to administer this ordinance.
3. "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.
4. "Plan Approving Authority" shall mean the Pittsylvania County Erosion Control Specialist.
5. "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.
6. "Grading" shall mean any excavating or filling of earth materials or combination thereof, including the land in its excavated or filled condition.

7. “Excavating” shall mean any digging, scooping or other methods of removing earth materials.
8. “Filling” shall mean any depositing or stockpiling of earth materials.
9. “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.
10. “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).
11. “Land Disturbing Permit” shall mean a permit issued by the County of Pittsylvania for clearing, filling, excavating, grading, or transporting, or any combination thereof.
12. “Erosion and Sedimentation Control Plan” or “Plan” shall mean a document 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 assure that the entire units or units of land will be so treated to achieve the conservation objectives.
13. “Person” shall mean any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative or any other legal entity.

#### **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 Virginia Soil and Water Conservation Board 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.

#### **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 land change which may result in 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 which is hard surfaced;
4. Septic tank lines or drainage field 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. Surface or deep mining;
6. Exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas;
7. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; 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 this title or is converted to bond fide agricultural or improved pasture use as described in subsection B of § 10.1 – 1163;
8. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures, and facilities of a railroad company;
9. 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. Article 2 (§ 10.1 – 604 et seq.) of Chapter 6 of this title, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.
10. Disturbed land areas of less than ten thousand (10,000) square feet in size.
11. Installation of fence and sign posts or telephones and electric poles and other kinds of posts or poles;
12. Shore erosion control projects when approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; and
13. 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 plan approving authority.

The definition of land-disturbing activity, for the purpose of this ordinance, may be amended as the Virginia Erosion and Sediment Control Law is amended.

#### **SEC. 4-14. PROGRAM ADMINISTRATOR.**

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

“Erosion Control Specialist” 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 Soil and Water Conservation Board as a Program Administrator.

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

The Erosion Control Specialist is designated as the erosion and sediment control plan-approving authority in Pittsylvania County and shall be certified by the Virginia Soil and Water Conservation Board as a Plan Reviewer.

#### **SEC. 4-16. DESIGNATION OF ENFORCEMENT AUTHORITY.**

The Erosion Control Specialist 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 Erosion Control Specialist shall be certified by the Virginia Soil and Water Conservation Board as an Inspector and Program Administrator or may be certified as a Combined Administrator.

#### **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 or his designee. 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 of the Virginia Soil and Water Conservation Board or its successor board.

No grading, building or other permits for activities involving land-disturbing activities shall be issued unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed. Any required performance bond and permit fee must also be furnished prior to issuing building or other 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 plan review and inspection fee shall be twenty-five (\$25.00) dollars for commercial projects involving on one (1) acre or less plus five (\$5.00) dollars per acre of land or part thereof in excess of one (1) acre shall be paid at the time of final approval of the erosion and

sediment control plan and prior to issuance of the Land Disturbing Permit. A single family residential in-lieu-of permit shall be ten \$10.00 dollars.

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

#### **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.

### **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.**