



# RENTAL INSPECTION PROGRAM

## Program Guide

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The Rental Inspection Program is designed to ensure safe and decent rental housing for Buena Vista residents, and to prevent blight in our neighborhoods. There are two key components:

- Registration of residential rental dwelling units
- Periodic inspection of units for compliance with the Virginia Maintenance Code

Participation in the Program is mandatory for residential rental units located within one of the three districts currently designated, and optional for units elsewhere in the City. A rental inspection certificate is evidence that the dwelling unit meets basic health and safety building code standards.

The Program and the Virginia Maintenance Code is separate from the City's zoning code. Building codes generally address health and safety concerns, while zoning generally addresses neighborhood and community well-being. A rental inspection certificate does not mean that a property complies with the zoning code. Compliance with the Rental Inspection Program and compliance with the zoning code is handled separately.

### Process Overview

1. Complete one registration form for each property. Properties may have multiple units.
2. Schedule inspection by staff.
3. If no issues are found, property is given certificate that is valid for four (4) years in most cases.
4. If issues are found, property owner is given 30 days to correct, and then unit is re-inspected.
5. Re-inspections may be required based on complaints, and certificate may be revoked if issues are found.
6. City must be notified when ownership of property changes, and staff may re-inspect at that time.

## What is the Inspector Looking for? The Virginia Maintenance Code

The Virginia Maintenance Code (VMC) is part of the Virginia Uniform Statewide Building Code (USBC) and is based on the ICC International Property Maintenance Code. It sets a minimum standard for conditions of existing buildings. Most of the requirements of the VMC are common sense, and include basic health and safety items. Below are some of the key items that a code inspector is likely to check when inspecting an existing building. This simple list is meant to help the owner or occupant have an idea whether a building meets the VMC requirements. The full VMC may be accessed through the International Code Council website at <https://codes.iccsafe.org/public/>.

All buildings must be maintained to meet VMC requirements. However, some buildings constructed many years ago may be well maintained, but still not meet current VMC requirements because of the way they were designed. If the Property Maintenance Official determines those conditions do not endanger health or safety, he may choose not to require modifications to bring the building to current code standards. However, some design or construction features are considered unsafe and must be changed. Some of the more common conditions where alterations or changes may be required are

- Smoke Detectors
- Electrical service
- Windows and means of emergency exit
- Ceiling clearance (mainly in basement or attic spaces) used as living space
- Fire separation between units

### PROVISIONS OF THE VIRGINIA MAINTENANCE CODE

#### Exterior of Building

The exterior of all buildings must be kept in good repair and the building must be structurally sound and sanitary. Even vacant buildings must meet the provisions of the Maintenance Code, particularly with regard to exterior maintenance.

*Street Numbers* must be visible from the street. The numbers should be at least 4 inches tall, placed on the front of the building, and contrast with the background. All units must be identified.

*Yards* should be free from trash, garbage or inoperable vehicles, and graded so that rainwater drains away from the building and not directly onto adjoining properties.

*Sidewalks and Driveways* should be kept in good repair, and maintained free from hazardous conditions that could cause someone to trip or fall. Damaged or uneven stair treads may need to be repaired or replaced.

*Accessory Buildings* like garages, fences and utility buildings should be securable and kept in good repair, free from peeling paint and roof leaks.

*Exterior Walls and Trim* should be weather tight. Wood surfaces should be painted or stained or have other protective covering or treatment. Brick walls should have no wide cracks that allow rain or wind to pass inside.

Aluminum or vinyl siding, shingles or other protective coverings or treatment should not be missing pieces that would allow water to get in the wall or behind the siding.

*Roofs* The obvious function of the roof is to keep water out of the inside of the building. Roof problems are usually spotted from inside the house. Water stains on ceilings are a good indication that a roof might be leaking (if there is not a leak in the plumbing). Leaks usually occur first in valleys or around flashing. All roofs should be weather tight, properly flashed and maintained in good condition.

*Gutters and Downspouts* - If gutters are in place they should be securely fastened and work properly. Gutters need to catch the roof water and channel it to a downspout, which then releases the water away from the house. They should not drain directly against the foundation. Rain water from the roof should be diverted away from any exterior entry door.

*Stairs* of more than 4 steps should have handrails between 34 and 38 inches high and guardrails not less than 36 inches high, that are strong and secure enough to support a person. Treads and risers should be intact and firmly attached. Installation of new stairs, rails or guards may require a building permit.

*Porches* – Porch roofs must be maintained just like the main roof. Columns should be rot-free and standing

straight. Wood columns should be painted or stained. If the porch is more than 30 inches above the ground, it should have railings or guardrails at least 36 inches high that are strong enough to keep a person from falling. Decking and ceiling boards should not be loose, rotten or missing.

*Exterior Doors* should close tightly so that the weather, rain, snow and wind cannot pass through. The door hardware should latch securely, lock and unlock from the inside easily. They should be strong enough to secure the building. Exterior doors may not have double keyed (key required on both sides) deadbolts. Interior deadbolts must have thumb latches or other hardware for the door. Interior grade doors may not be used for entrances from the exterior.

*Windows* are for light, ventilation, and emergency escape. They should keep out the weather and be securable. Habitable rooms (bedroom, living room, eating area, bathroom, and kitchen) should have a window that opens, however mechanical ventilation to the exterior is allowed as an alternative in bathrooms. Any window that is required for ventilation or escape must be operable. Windows that have been nailed or screwed shut or painted and caulked, such that the window no longer operates as intended must be returned to a working condition.

*Insect Screens* - Every window or door required for ventilation is also required to have an insect screen in place from April 1 through December 1. The screens should be small mesh to keep out insects. Full window screens or adjustable sliders meet code. Screen doors must be self-closing.

*Swimming Pools, Spas and Hot Tubs* - Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Swimming pools, hot tubs and spas containing more than 24 inches of water must be completely surrounded by a fence or barrier at least 48 inches in height. Gates or doors in such barriers shall be self-closing and self-latching.

### **Basic Systems**

*Water System* – Every resident must have access to a bathtub or shower and sink supplied with hot and cold water of enough volume and pressure for the fixtures to operate properly and a working toilet. All plumbing fixtures must work properly and be securely anchored. Drains should drain freely. Water heaters should have a pressure relief valve and discharge pipe, and supply adequate hot water of a least 110 degrees Fahrenheit to every required faucet. Gas water heaters must be installed properly, including the gas supply line and exhaust vent,

and should not be located in any bathroom, bedroom or any other occupied room that is normally closed.

*Electrical System* - This is probably the most potentially dangerous part of a dwelling and deserves close attention. Each dwelling unit or apartment must be served by electrical service of at least 60 amperes, three wires (120/240 volt), and possibly more if the electrical load requires it. Any service of less than 60 amps per unit is considered unsafe and unacceptable. The size of all wires must be adequate to safely carry the current that may be demanded. Insulation on all wires, including service entrance cables, should be intact. Use of extension cords should be avoided and in some cases may be so dangerous as to be prohibited. Every bedroom, living room, dining room and kitchen must have at least two working electrical outlets. Bathrooms must have one outlet. Laundry areas should have one grounded outlet. Fuse panels should not be over-fused, and fuse stats may be required. Tenant access to fuse or breaker panels is required. All GFCI (ground fault circuit interrupter) receptacles must test and reset properly. Receptacles should not be painted over, covers must be intact, and should be firmly attached to structure.

*Heating* is required from October 15 to May 1. In normal winter conditions the heating system must be able to maintain a temperature of at least 68 degrees Fahrenheit within the unit. The ability of the heating system to keep the unit warm will also be affected by the building's insulation and weather-tightness of windows and doors. Fuel supply lines must be safely installed and free of leaks. Furnace exhaust must be safely vented without leaks. Space heaters may not be used as the sole means of heat for a unit.

### **Interior of Building**

The interior of a building must be kept sound, sanitary and in good repair. The occupant of each living unit is responsible for keeping it clean, sanitary and free of garbage and trash.

*Rubbish or Garbage* – Passageways and egress must be free of rubbish, garbage, or other objects. Adequate trashcans must be provided.

*Interior Doors* are for privacy and should close and latch properly. Bathrooms and bedrooms require doors with working hardware. Double keyed deadbolts are not allowed. There should be no hasps or padlocks on interior doors.

*Interior Walls and Ceilings* should be free of holes, wide cracks, loose or falling plaster, and flaking or peeling

paint. Settlement cracks in older houses are common and acceptable. All repairs/patches must be painted.

*Floors* must be solid, intact, sanitary and free of holes. Large cracks, uneven surfaces and decayed areas must be repaired. Floors must be capable of bearing normal loads.

*Clearances* – Ceiling heights of kitchens, bedrooms, bathrooms and hallways should be at least 7 feet or the originally built height. Kitchens should have at least 3 feet of passageway between cabinets. All other rooms should be at least 7 feet wide.

*Bedrooms* need a door for privacy, at least two electrical outlets, and a window that opens for ventilation and light. Each bedroom should be at least 70 square feet for one occupant, or 50 square feet for each occupant if more than one. Bedrooms should be arranged so that occupants do not pass through one bedroom to get to another bedroom, bathroom, or living space.

*Bathrooms* should have a door for privacy, an electrical outlet (newly installed outlets must be a ground fault circuit interrupter), toilet, sink and tub or shower with hot and cold water, and an operable window or mechanical ventilation to exhaust moisture.

*Kitchens* should have two electrical outlets, a sink and a window that can be opened for ventilation or an exhaust fan. Any appliances such as a stove, refrigerator, or garbage disposal unit must be installed correctly and work properly, including the gas line to a gas stove. A kitchen may not be used for sleeping.

*Pest Extermination* - The owner of any structure is responsible for extermination within the structure prior to renting or leasing a unit and all common areas. The occupant of any structure is responsible for the *continued* rodent and pest-free condition of the structure. If the infestation was caused by defects in the structure, the owner is responsible for pest extermination. In

multifamily properties, both the owner and the tenant may be responsible.

*Emergency Exits* – Every story above the second story should be provided with at least two different exits to the ground unless third story rooms are part of a second story unit. Any bedroom in a basement must either have an operable window large enough to get through, or have easy access to two independent exits out of the building. If locked, exit doors should be easy to open without keys in an emergency. Dead bolts keyed from both sides are not allowed. Doors cannot have hasps capable of being padlocked. Exits should not lead through other apartments or bathrooms. Exit paths should not be restricted by anything that could prevent a person from escaping during an emergency.

*Smoke Detectors* must be operable and are required on every floor level including basements, in each bedroom, and in the immediate area of the bedrooms. Battery-powered smoke detectors are acceptable. The property owner is responsible for providing functioning smoke detectors at the beginning of a tenancy, and the resident generally is responsible for their continued operation by replacing old batteries. Visual alarms should be provided for the hearing-impaired. Hard wired smoke detectors, if installed, must be maintained in working order.

*Fire Hazards* – Water heaters, furnaces, fire places, stoves, and other heat producing devices must be in safe working order and have adequate clearance from flammable materials.

*Clothes Dryers* must properly vent to the exterior.

ITEMS NOT REQUIRED or covered by the Virginia Maintenance Code include cable television, telephones, intercoms, microwave ovens, antennas, window blinds or draperies, or the color of ceilings, walls, carpet or floors.

## ARTICLE III. - RENTAL PROPERTY INSPECTION

**State Law reference**— Inspection of rental property, Code of Virginia, § 36-105.1:1.

### DIVISION 1. - GENERALLY

#### Sec. 8-137. - Purpose and intent.

The purpose and intent of this article shall be to implement an inspection program for residential rental properties pursuant to the authority provided for in Code of Virginia, § 36-105.1:1, as amended.

(Ord. of 4-16-2009, § 6-121)

#### Sec. 8-138. - Findings.

(a) The city council finds that within the rental inspection districts, established and described in section 8-162, each of the following conditions exist:

- (1) There is a need to protect the public health, safety and welfare of the occupants of the dwelling units inside the rental inspection district, established and described in section 8-162;
- (2) That such residential rental dwelling units within the rental inspection district are either blighted or in the process of deteriorating, or in need of inspection by the building inspector's office to prevent deterioration, taking into account the number, age and condition of the residential dwelling units inside the rental inspection district; and
- (3) The inspection of residential rental dwelling units inside the rental inspection district is necessary to maintain safe, decent and sanitary living conditions for occupants and other residents living in the rental inspection district.

(b) The city council further finds that, for each of the individual residential rental dwelling units described in section 8-162, one of the following conditions exists:

- (1) There is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit;
- (2) The individual dwelling unit is either blighted or in the process of deteriorating; or
- (3) There is evidence of violations of the building code that affect the safe, decent and sanitary living conditions for occupants living in such individual dwelling unit.

(Ord. of 4-16-2009, § 6-122)

#### Sec. 8-139. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

*Building code* means the Virginia Uniform Statewide Building Code.

*Dwelling unit* means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household.

*Managing agent* means any person having the authority, singly or in combination with another, to enter into an agreement for occupancy of property subject to this chapter.

*Multifamily dwelling development.*

- (1) The term "multifamily dwelling development" means any single building, lot or two or more adjacent buildings or lots under common ownership, which contains three or more residential rental dwelling units, occupied for valuable consideration.

(2) The term "multifamily dwelling development" does not include mobile homes under common ownership in a mobile home park or subdivision, and such term does not include single-family dwellings, family homes with accessory apartments, two-family dwellings or townhouses under common ownership.

*Occupant* means any person who is not an owner of the dwelling unit or residential rental dwelling unit, who on a regular basis, spends nights at the dwelling unit or residential rental dwelling unit. A person is considered an occupant regardless of whether he or she spends the majority of nights at a residence, if the times he or she does stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if his clothing or other daily living supplies are maintained at the residence.

*Owner* means the person shown on the current real estate assessment books, current real estate assessment records, or the current fee simple title holder of the property if ownership has changed since tax assessment records were last updated.

*Residential rental dwelling unit* means a dwelling unit that is leased or rented to one or more tenants, month to month, or for any period in excess of 30 days, including but not limited to condominiums, manufactured homes, mobile homes, efficiencies, single-family detached homes, duplex homes, townhomes, or multifamily homes, apartments and/or condominiums. The term "apartments" includes, but is not limited to, second story or higher, apartment rentals in the downtown or business districts. However, a dwelling unit occupied in part by the owner shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom.

(Ord. of 4-16-2009, § 6-123)

**State Law reference**— Similar definitions, Code of Virginia, § 36-105.1:1.

Secs. 8-140—8-161. - Reserved.

## **DIVISION 2. - RENTAL INSPECTION DISTRICTS**

### **Sec. 8-162. - Applicability.**

(a) The provisions of this article shall apply to all residential rental dwelling units within a rental inspection district established by city council and to individual residential rental dwelling units outside the designated rental inspection districts, when so designated, made subject to this article as provided by Code of Virginia, § 36-105.1:1(B)(3).

(b) The initial rental inspection district shall be districts one and two as shown on the "Rental Inspection District 2009" map attached to the ordinance from which this article is derived, and these districts are hereby established and made subject to the provisions of this article. Maps detailing this rental inspection district shall be available in the building inspector's office and on the city's website.

(c) The city council may establish additional rental inspection districts or make individual residential rental dwelling units outside the inspection district subject to this article after notice and a public hearing thereon, as provided by Code of Virginia, § 36-105.1:1.

(Ord. of 4-16-2009, § 6-124)

**State Law reference**— Rental inspection districts, Code of Virginia, § 36-105.1:1(B).

Secs. 8-163—8-192. - Reserved.

## **DIVISION 3. - ENFORCEMENT AND FEES**

### **Sec. 8-193. - Notification.**

(a) The building inspector's office shall make reasonable efforts to notify owners of residential rental dwelling units in the rental inspection district, or their designated managing agent, and any individual residential rental dwelling units subject to this article outside the rental inspection district, in writing, via personal delivery or first class mail, of the adoption of the ordinance from which this article is derived, and

provide information, the owner's responsibilities, and an explanation and effective date of the ordinance from which this article is derived.

(b) Within 60 days of the transfer of ownership or a change in the managing agent of any residential rental dwelling unit within a rental inspection district subject to this article, the owner of any residential rental dwelling unit within a residential inspection district shall notify the building inspector's office, in writing via first class mail, if the dwelling unit is used for residential rental purposes. Such notice shall be submitted on a form provided by the building inspector's office, provided in conjunction with the notice in subsection (a) of this section, and shall contain the following information:

- (1) The address and brief description of the rental dwelling unit;
- (2) The name, street address and telephone number of the property owner;
- (3) The name, street address and telephone number of the managing agent, if any; and
- (4) The number of people occupying each dwelling unit and family status of the occupants.

(c) If the building inspector's office has reason to believe that an owner has failed to comply with subsection (b) of this section, the building inspector's office shall mail written notice to the owner advising of a 15-day deadline to comply. The penalty for the willful failure of an owner of a dwelling unit who is using the dwelling unit for residential rental purposes, to comply with the written notification requirement after the building inspector's office has sent notice pursuant to subsection (a) of this section, shall be a civil penalty of \$50.00. For purposes of this section, the term "notice" means sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed in compliance with this requirement.

(Ord. of 4-16-2009, § 6-125)

**State Law reference**— Notification, Code of Virginia, § 36-105.1:1 C.

#### **Sec. 8-194. - Rental certificate of compliance required.**

No owner or managing agent shall rent or offer to rent a residential rental dwelling unit within a rental inspection district or an individual residential rental dwelling unit that is subject to this article, without a rental certificate of compliance, issued after a satisfactory inspection of the property by the building inspector's office or designee.

(Ord. of 4-16-2009, § 6-126)

#### **Sec. 8-195. - Inspections—Generally.**

(a) The building inspector or designee shall have the right to inspect any residential rental dwelling unit within a rental inspection district or other individual residential rental dwelling unit subject to this article at any reasonable time, in order to carry out an inspection required by this article. The owner, managing agent, occupant or other person in charge of the dwelling unit shall permit the building inspector, or designee, access to any residential rental dwelling unit within a rental inspection district or any individual residential rental dwelling unit subject to this article for the purpose of conducting an inspection authorized by this article. In the event of a complaint that a violation of the building code exists that is an immediate and imminent threat to the health or safety of the owner or occupant of a residential rental dwelling unit or a nearby residential rental dwelling unit, and the owner or occupant of the residential rental dwelling unit that is the subject of the complaint refuses to permit the inspection, the building inspector or designee may present sworn testimony to a magistrate or court of competent jurisdiction and request an inspection warrant to enable the building inspector or designee, access to the residential rental dwelling unit for the purpose of determining whether violations of the building code exist.

(b) Nothing in this article shall prohibit an inspection of any residential rental dwelling unit within a rental inspection district or individual residential rental dwelling unit subject to this article for a violation of the building code, pursuant to a complaint.

(Ord. of 4-16-2009, § 6-127)

**Sec. 8-196. - Same—Initial.**

- (a) Upon the establishment of a rental inspection district and compliance with the notification requirements set forth in section 8-193, the building inspector or his designee may proceed to inspect any residential rental dwelling unit subject to this article, to determine if the dwelling unit is being used as a residential rental property and for compliance with the provisions of the building code that affect the safe, decent and sanitary living conditions for the occupants of the dwelling unit.
- (b) Notwithstanding subsection (a) of this section, if a multifamily development has more than ten dwelling units, the building inspector or designee, shall inspect not less than two and not more than ten percent of the dwelling units in the multifamily development, which includes all of the multifamily buildings which are part of the multifamily development. If upon inspection it is determined that there are violations of the building code that affect the safe, decent and sanitary living conditions for the occupants of the multifamily development, the building inspector or designee, shall inspect as many dwelling units as necessary within the multifamily development to enforce the building code.
- (c) If one or more violations of the building code that affect the safe, decent and sanitary living conditions for the occupants of the residential rental dwelling unit are found, a 30-day temporary certificate of compliance shall be issued, together with a date by which the violations shall be remedied. If at the followup inspection, the violations have been remedied by the date specified, a four-year certificate of exemption shall be issued.
- (d) If the violations have not been remedied within the time specified, a 30-day extension of the temporary certificate of compliance shall be issued, as deemed reasonably necessary to allow for correction of the violations, together with a date by which the violations shall be remedied. If at the followup inspection the violations are remedied by the date specified, a one-year certificate of compliance shall be issued and the residential rental dwelling unit shall be subject to annual inspections for a period of two years. If after two annual inspections for which no violations are noted, a four-year certificate of exemption shall be issued.

(Ord. of 4-16-2009, § 6-128)

**State Law reference**— Initial inspections, Code of Virginia, § 36-105.1:1(E).

**Sec. 8-197. - Same—Followup.**

Upon the initial or periodic inspection of a residential rental dwelling unit subject to this article, the owner shall permit the building inspector's office to conduct such followup inspections of the dwelling unit as the building inspector's office deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of the building code that affect the safe, decent and sanitary living conditions for the occupants of the dwelling units.

(Ord. of 4-16-2009, § 6-130)

**State Law reference**— Followup inspections, Code of Virginia, § 36-105.1:1(F).

**Sec. 8-198. - Same—Periodic.**

Except as provided in sections 8-196(b) and 8-197, following the initial inspection of a residential rental dwelling unit subject to this article, the building inspector's office may inspect any residential rental dwelling unit, subject to this article, not otherwise exempt from this article, no more than once per calendar year.

(Ord. of 4-16-2009, § 6-131)

**State Law reference**— Periodic inspections, Code of Virginia, § 36-105.1:1(F).

**Sec. 8-199. - Exemptions.**

- (a) Upon the initial or periodic inspection of a residential rental dwelling unit subject to this article and provided there are no violations of the building code that affect the safe, decent and sanitary living conditions for the occupants of such residential rental dwelling unit, the building inspector's office shall issue to the owner of such residential rental dwelling unit, a certificate of exemption from the inspection requirements of this article for a period of four years from the date the certificate is issued.



(b) Upon the sale of a residential rental dwelling unit, the building inspector's office may perform an inspection subsequent to each sale.

(c) If a residential rental dwelling unit has been issued a certificate of occupancy within the last four years, the building inspector's office shall issue a certificate of exemption for four years from the date of the issuance of the certificate of occupancy.

(d) If a residential rental dwelling unit that has received a certificate of exemption becomes in violation of the building code during the exemption period, the building inspector's office shall revoke the exemption previously granted. Prior to revocation, the building inspector's office shall send written notice to the owner or managing agent, via first class mail, specifying the nature of the violations and the date upon which the revocation of the certificate of exemption shall become effective. Proof of mailing to the last known address of the owner or managing agent shall be sufficient evidence that notice was received.

(e) Issuance of a certificate of exemption shall not serve to exempt an owner, managing agent, or occupant from compliance with all applicable statutes, laws and ordinances, including the building code.

(Ord. of 4-16-2009, § 6-129)

**State Law reference**— Exemptions, Code of Virginia, § 36-105.1:1(G).

#### **Sec. 8-200. - Fees.**

(a) There shall be no fee for the initial inspection required by this article, or for the first followup inspection following a determination by the building inspector's office upon conducting the initial inspection, that there are violations of the building code that affect the safe, decent and sanitary living conditions for the occupants of the dwelling units.

(b) If all violations are not corrected at the time of the first followup inspection, then the fee for any subsequent followup inspections for the initial violations shall be \$50.00 per dwelling unit.

(c) There shall be no fee for periodic inspections authorized by this article.

(Ord. of 4-16-2009, § 6-132)

**State Law reference**— Fees, Code of Virginia, § 36-105.1:1(H).

Secs. 8-201—8-223. - Reserved.

### **DIVISION 4. - APPEALS, VIOLATIONS AND PENALTIES**

#### **Sec. 8-224. - Appeals.**

(a) Any owner, managing agent or occupant aggrieved by any determination or decision of the building inspector's office made pursuant to this article shall have the right to appeal such determination or decision to the city manager within 14 calendar days of the receipt of such determination or decision being appealed. Notice of such appeal shall be in writing, on forms provided by the building inspector's office and contain the name and address of the owner, the name and address of the person appealing, if the applicant is not the owner, and the grounds for the appeal. A copy of the building inspector's decision shall be submitted with the application for appeal. Failure to submit an application for appeal within the time permitted shall constitute acceptance of the building inspector's decision.

(b) Any owner, managing agent or occupant aggrieved by any determination or decision of the city manager made pursuant to this article, shall have the right to appeal such determination or decision to the city's board of building code appeals within 14 calendar days of the receipt of such determination or decision by the city manager.

(c) Any owner, managing agent or occupant aggrieved by any determination or decision of the city's board of building code appeals made pursuant to this article, shall have the right to appeal such determination or decision in accordance with the building code.

- (d) Nothing in this article shall be construed to limit, impair, alter or extend the rights and remedies of persons in their relationship of landlord and tenant as such rights and remedies exist under applicable law.
- (e) Nothing in this article shall be construed to relieve or exempt any person from otherwise complying with all applicable laws, ordinances, standards and regulations pertaining to the condition of the buildings and other structures.
- (f) Nothing in this article shall be construed to limit the authority of the building inspector's office to perform housing inspections in accordance with applicable law.

(Ord. of 4-16-2009, § 6-133)

**Sec. 8-225. - Violations and penalties.**

- (a) Any owner of a dwelling unit who fails to comply with the written notification requirement after the building inspector's office has sent notice pursuant to section 8-193(a), shall be subject to a civil penalty of \$50.00, assessed 30 days from the date the notice is due. For purposes of this subsection, the term "notice" means sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed in compliance with this requirement.
- (b) It shall be unlawful for any owner or any other person, firm or corporation to violate any provision of this article. Any violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500.00. Each day the violation continues after conviction or the court-ordered abatement period has expired, shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with this article. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of the conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five years after a first offense under this article shall be punished by a fine of not less than \$1,000.00 nor more than \$2,500.00. Any person convicted of a second offense committed within a period of five to ten years of a first offense under this article shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00. Any person convicted of a third or subsequent offense involving the same property committed within ten years of an offense under this article after having been at least twice previously convicted shall be punished by confinement in jail for not more than ten days and a fine of not less than \$2,500.00 nor more than \$5,000.00, either or both. No portion of the fine imposed for such third or subsequent offense committed within ten years of an offense under this article shall be suspended. Any prosecution under this subsection shall be commenced within two years as provided in Code of Virginia, § 19.2-8.
- (c) The remedies set forth in this section are not exclusive for noncompliance with the provisions of this article and the building inspector's office may take such further action as permitted by applicable law, in order to obtain compliance with the provisions of this article, including but not limited to, injunctive relief as provided for in Code of Virginia, § 15.2-1432 and inspection warrants as provided for in Code of Virginia, § 36-105(C)(3).

(Ord. of 4-16-2009, § 6-134)

**State Law reference**— Limitation on prosecution, Code of Virginia, § 19.2-8; violations, penalty, Code of Virginia § 36-106.

Secs. 8-226—8-243. - Reserved.