

Chapter 10 BUILDINGS AND BUILDING REGULATIONS ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. - BUILDING CODE

ARTICLE III. - UNSAFE BUILDINGS, WALLS AND STRUCTURES

FOOTNOTE(S):

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Charter reference— Public buildings, § 4.02; building regulations, § 4.04. [\(Back\)](#)

State Law reference— Authority of Town to require removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.2-906; power of Town to regulate the building of houses, Code of Virginia, § 36-99; repair or other abatement of dangerous buildings, etc., Code of Virginia, § 15.2-1115; power of Town to regulate the light, ventilation, sanitation, use and occupancy of buildings, Code of Virginia, § 15.2-1117; limitation of prosecutions of Building Code violations, Code of Virginia, § 19.2-8; Virginia Industrialized Building Safety Law, Code of Virginia, § 36-70 et seq.; Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.; effect of Building Code on other building regulations, Code of Virginia, § 36-98; enforcement of Building Code, appeals from decisions of local building department, inspection of buildings, Code of Virginia, § 36-105; voluntary apprenticeship, Code of Virginia, § 40.1-117 et seq.; contractors, Code of Virginia, § 54.1-1100 et seq. [\(Back\)](#)

ARTICLE I. IN GENERAL

[Secs. 10-1—10-18. Reserved.](#)

Secs. 10-1—10-18. Reserved.

ARTICLE II. BUILDING CODE ^[2]

[Sec. 10-19. Adopted.](#)

[Sec. 10-20. Building official.](#)

[Sec. 10-21. Enforcement.](#)

[Sec. 10-22. Fee schedule.](#)

[Sec. 10-23. Board of building code appeals.](#)

[Sec. 10-24. Copies available for inspection.](#)

[Sec. 10-25. Manufactured homes not bearing a U.S. Department of Housing and Urban Development seal and modular manufactured homes not bearing a Virginia Department of Housing and Community Development registration seal prohibited.](#)

[Sec. 10-26. Fats, oils, and grease program; permits and fees; reporting; remedies and penalty.](#)

[Secs. 10-27—10-53. Reserved.](#)

Sec. 10-19. Adopted.

There is hereby adopted by reference in the town the Virginia Uniform Statewide Building Code and appendices. The provisions of such code and appendices shall control all matters concerning the construction, alteration, addition, repair, removal, demolition and maintenance of all buildings, and all other functions which pertain to the installation of systems vital to all buildings and structures and their service equipment as defined by such code, and shall apply to existing and proposed buildings or structures in the town.

(Code 1972, § 9-4; Code 1992, § 9-26)

Sec. 10-20. Building official.

There is hereby established the office of the building official, who is the head of his department. He shall be appointed by the town manager.

(Code 1992, § 9-27)

Sec. 10-21. Enforcement.

The building official shall enforce the provisions of the Virginia Uniform Statewide Building Code and appendices, as stated in Code of Virginia, § 36-105. The cost of enforcement may be defrayed through the levying of fees by the town, as provided in Code of Virginia, § 36-105.

(Code 1972, § 9-5; Code 1992, § 9-28)

Sec. 10-22. Fee schedule.

No permit, as required by the Virginia Uniform Statewide Building Code to begin work, shall be issued until the fees prescribed in this section have been paid. The fees shall be as established in the latest edition of the town development fee schedule, which may be amended from time to time by the town council.

(Code 1972, § 9-6; Code 1992, § 9-29; Ord. of 6-15-1999(1); Ord. No. 2002-6, 7-2-2002; Ord. No. 2004-3, 6-15-2004; Ord. No. 2005-3, 6-07-2005; Ord. No. 2008-3, 6-3-2008; Ord. No. 2012-4, § 9-29, 6-5-2012)

Sec. 10-23. Board of building code appeals.

- (a) The owner of a building, the owner's agent, or any other person directly involved in the design and/or construction of a building or structure may appeal to the board of building code appeals within 30 calendar days from a decision of the building official when it is claimed that:

- (1) The building official has refused to grant a modification which complies with the intent of the provisions of the Uniform Statewide Building Code (USBC) or appendices;
 - (2) The true intent of the USBC or appendices has been incorrectly interpreted;
 - (3) The provisions of the USBC or appendices do not fully apply; or
 - (4) The use of a form of construction that is equal to or better than that specified in the USBC or appendices has been denied.
- (b) The board of building code appeals shall be appointed and function in conformance with the Uniform Statewide Building Code or appendices.
- (c) Compensation shall be determined by the town council.

(Code 1972, § 9-7; Code 1992, § 9-30)

State Law reference— Enforcement of building code by the building department and appeals to a local board of building code appeals, Code of Virginia, § 36-105.

Sec. 10-24. Copies available for inspection.

Copies of the Virginia Uniform Statewide Building Code and appendices may be viewed in the building official's office between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday, except when these days are legal holidays.

(Code 1972, § 9-8; Code 1992, § 9-31)

Sec. 10-25. Manufactured homes not bearing a U.S. Department of Housing and Urban Development seal and modular manufactured homes not bearing a Virginia Department of Housing and Community Development registration seal prohibited.

- (a) Manufactured homes constructed before June 15, 1976, shall not be allowed within the town. All manufactured homes constructed after June 15, 1976, shall have a U.S. Department of Housing and Urban Development seal affixed to the manufactured home at the point of manufacture certifying that the manufactured home is built to HUD standards at the time of manufacture.
- (b) Modular manufactured homes not having a valid state registration seal affixed certifying that the unit is built to department of housing and community development standards at the time of manufacture shall not be allowed within the town.

(Code 1992, § 9-32; Ord. No. 2002-2, 3-5-2002)

State Law reference— Uniform regulations for manufactured housing, Code of Virginia, § 15.2-2290.

Sec. 10-26. Fats, oils, and grease program; permits and fees; reporting; remedies and penalty.

- (a) Fats, oils, and grease program. The town may require that any town sewer customer provide grease control devices including grease interceptors and traps at a size and quantity deemed appropriate by the town building official or his designee. Grease control devices shall be maintained by the property owner or business operator in a manner deemed appropriate by the building official or his designee.

The building official may designate sewer customers as low, medium, and high hazard users based on criteria including volume, foods served, methods of cleaning dishes, pots, pans, etc., disposition facilities including number of grease traps and holding tank size, history of sewer problems, and other items related to the production and disposition of fats, oils, and grease or other items that may be harmful to the town sewer system. The building official may establish a schedule for cleaning grease control devices for each category of user (low, medium, or high hazard). The building official shall notify designated sewer customers of the established schedule for the sewer account and may make adjustment to hazard designation based on experience with sewer problems relating to the sewer customer account. The building official or his designee shall have the right to enter any property or buildings associated with sewer customer accounts for inspection of grease control devices to insure appropriate maintenance.

- (b) Permits and fees. The building official may require a fats, oils, and grease program permit for all low, medium, and high hazard designated sewer customers. The permit shall be renewed annually and be due in conjunction with town business licenses. The permit holder (owner/operator) shall abide by all criteria set forth in the Town of Christiansburg Fats, Oils, and Grease Program Guidelines, as may be amended from time to time. The Town of Christiansburg Fats, Oils, and Grease Program Guidelines, may allow for the charging of a fee for fats, oils, and grease program permit applications.
- (c) Reporting. The building official may require appropriate documentation that grease control devices have been cleaned according to the established schedule and that such documentation be submitted to the town within ten days of cleaning.
- (d) Remedies and penalty. Failure to clean any grease control device according to the scheduled established by the building official may result in the town acting to clean the grease control device or have the grease control device cleaned and charge the associated expense to the sewer customer account.

Failure to provide appropriate documentation that any grease control device has been cleaned according to the established schedule may result in the town acting to clean the grease control device or have the grease control device cleaned and charge the associated expense to the sewer customer account.

The building official may assess a fine for failure to clean any grease control device according to the schedule established by the building official or for noncompliance with any provision of the fats, oils, and grease programs guidelines with a fine of \$100.00 for low hazard category users, \$250.00 for medium hazard category users and \$500.00 for high hazard category users for each violation. Additionally, the owner/operator may be charged with a Class 1 misdemeanor for failure to clean any grease control device according to the schedule established by the building official or for noncompliance with any provision of the fats, oils, and grease programs guidelines.

The town reserves the right to discontinue water and sewer service for any sewer customer in violation of this section. These penalties shall be in addition to penalties as specified in section 36-189 of chapter 36 "Utilities."

(Ord. No. 2014-5, 8-26-2014)

Secs. 10-27—10-53. Reserved.

FOOTNOTE(S):

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State Law reference— Uniform statewide building code, Code of Virginia, § 36-99; enforcement, Code of Virginia, § 36-105. ([Back](#))

ARTICLE III. UNSAFE BUILDINGS, WALLS AND STRUCTURES ^[3]

[Sec. 10-54. Authority of town.](#)

[Sec. 10-55. Notice.](#)

[Sec. 10-56. Hearing.](#)

[Sec. 10-57. Appeal from ruling of council.](#)

[Sec. 10-58. Enforcement by council.](#)

[Sec. 10-59. Recovery of costs.](#)

[Sec. 10-60. Quorum of council.](#)

[Sec. 10-61. Emergency provisions.](#)

[Sec. 10-62. Other remedies.](#)

Sec. 10-54. Authority of town.

Pursuant to Code of Virginia, § 15.2-1115, the town, its officials, agents or employees may proceed to compel the razing or repair of all unsafe, dangerous or insanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public.

(Code 1972, § 20-6; Code 1992, § 9-51)

Sec. 10-55. Notice.

- (a) Whenever it appears to the building official that any condition or nuisance referred to in section 10-54 exists, the building official shall cause a notice to be served in the manner provided by law for legal service of process upon the owner or occupant of the property or premises affected, stating the location of the property or premises subject to the condition or nuisance complained of and the particulars thereof; and that if the same is not abated or obviated within 48 hours or 60 days with respect to all unsafe, dangerous or insanitary public or private buildings, walls or structures, the condition or nuisance will be abated, removed or obviated by the authorities of the town at the cost and expense of such owner or occupant.
- (b) Should the owner or occupant of the property or premises affected be a nonresident of the town or unknown, then the notice required shall be published once a week for two consecutive weeks in a newspaper having general circulation in the town and by mailing a copy of such notice to the last known address of the owner or occupant of the property or premises affected; in which event the period of 60 days for such notice shall begin with the date of the last publication.
- (c) Such notice shall inform the owner or occupant of the property or premises affected that he may appear before the town council by giving to the town manager written notice that such hearing is desired, which notice shall be served upon the town manager in the manner provided for by law for service of process within ten days following receipt of notice of the condition or nuisance complained of.

(Code 1972, § 20-7; Code 1992, § 9-52)

Sec. 10-56. Hearing.

Upon receipt of the notice provided for in section 10-55(c), the town manager shall place the matter for hearing upon the agenda for the next regular meeting of the council or a meeting called for that purpose and inform the owner or occupant of the property or premises affected of the date and time thereof. At such hearing, such owner or occupant of the premises affected may appear and show cause, if any he can, why the condition or nuisance should not be abated, removed or obviated. Technical or expert testimony may be presented by either party.

(Code 1972, § 20-8; Code 1992, § 9-53)

Sec. 10-57. Appeal from ruling of council.

From any adverse holding of the town council at a hearing as provided herein, the owner or occupant requesting such hearing shall have a right to review thereof by the circuit court of the county, which appeal must be taken within ten days following such hearing by written petition setting forth in particular the basis therefor filed in the clerk's office of such court and a copy thereof served upon the town manager, and which may then be heard by the judge of such court upon its merits without further formal pleadings.

(Code 1972, § 20-9; Code 1992, § 9-54)

Sec. 10-58. Enforcement by council.

In the event of the failure of the owner or occupant of the property or premises affected to abate or obviate the condition or nuisance within the period specified in such notice or to show cause before the council why the same should not be abated, removed or obviated, the council, or its agent, at any regular or special meeting following the expiration of such period specified in the notice, shall order the condition or nuisance abated, removed or obviated in such manner as may be prescribed by the council.

(Code 1972, § 20-10; Code 1992, § 9-55)

Sec. 10-59. Recovery of costs.

The costs and expenses of abating, removing or obviating the condition or nuisance, less any recovery for materials sold, shall be assessed against the persons responsible for the condition or nuisance and/or property owner and shall constitute a lien against the property or premises and shall be collected and recovered in like manner as state or local taxes.

(Code 1972, § 20-11; Code 1992, § 9-56)

Sec. 10-60. Quorum of council.

A majority of the members of the council shall constitute a quorum for any action required under this chapter.

(Code 1972, § 20-12; Code 1992, § 9-57)

Sec. 10-61. Emergency provisions.

- (a) Whenever in the judgment of the building official, after due inspection, any building, wall or structure of any kind has become dangerous and unsafe to persons passing upon the streets, alleys or other public places or on private property or to adjoining property or constitutes an undue fire hazard and such hazards constitute a present and immediate emergency, the building official is directed to place upon such building, walls or structures a placard warning all persons of the hazards.
- (b) Any person tampering with or removing such placard or ignoring the warning therein contained shall be punished as provided in section 1-11.
- (c) Any person aggrieved by any such posting shall have the same right to a show cause hearing with reference thereto as provided herein.

(Code 1972, § 20-13; Code 1992, § 9-58)

Sec. 10-62. Other remedies.

- (a) The enactment of this article shall not limit the power of the authorities of the town to proceed by other process to compel the abatement of nuisances.
- (b) In the discretion of the town council, the procedure herein provided shall be an optional alternate remedy for the abatement or removal of all nuisances defined as such by general law, applicable statute or other ordinance.

(Code 1972, § 20-14; Code 1992, § 9-59)

FOOTNOTE(S):

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State Law reference— Nuisance abatement, Code of Virginia, § 15.2-1115; authority to require repair, removal, etc. of dangerous or unsafe buildings, Code of Virginia, § 15.2-906; spot blight abatement authorized, procedure, Code of Virginia, § 36-49.1:1.[\(Back\)](#)