

**ARTICLE 1725
Unsafe Structures**

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CROSS REFERENCES

Repair and demolition of unsafe structures – see W. Va. Code 8-12-16

1725.01 DEFINITIONS.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) "Apartment" means any building occupied or intended to be occupied by three or more family groups living independent of each other and doing their own cooking in the building. "Apartment" includes so called "apartment-hotels" when they come within the purview of this definition.
- (b) "Approved egress" means egress by means of standard doors and not by mean of windows, skylights, or other openings, and shall further meet the requirements of the appropriate regulations of the Chief, Bureau of Fire Prevention.
- (c) "Attic" means any story or floor situated wholly or partly in the roof of a building.
- (d) "Basement" means that portion of a house or structure which is wholly or substantially below the surrounding grade level.
- (e) "Dwelling" means any building or structure, or any portion thereof, including the lot, yard, court, grounds and other surrounding areas connected therewith, which is occupied or intended to be occupied in whole or in part as a home, residence or sleeping place for one or more occupants, and includes any outhouses and appurtenances belonging thereto. It includes apartments, and rooming houses as defined herein, but does not include hotels, motels, tourist homes, hospitals, nursing homes, convalescent homes or house trailers. It may include more than one "dwelling unit."
- (f) "Dwelling unit" means a room or group of rooms located within a building or structure forming a single habitable unit for one or more occupants for living, sleeping, eating and cooking.

1725.03 BUILDING INSPECTOR.

(a) The powers and duties of the Building Inspector extend to all buildings, structures, lots or portions thereof defined herein as a "dwelling" within the Town.

(b) The Building Inspector shall have general supervision over the minimum standards for all housing in the Town, as set forth herein. He shall have the power to make such rules and regulations, not inconsistent with the Town ordinances or the laws of this State, as will tend to achieve and maintain the housing standards set forth herein. He shall have the power to enter and inspect all buildings, structures, lots and places hereinafter defined as "dwellings" within the Town and to ascertain and report the condition thereof insofar as the minimum housing standards are concerned, and to order the deficiencies noted to be corrected, and take those steps authorized herein to enforce such orders, all in the manner set forth herein.

(c) Upon presentation of proper credentials, the Building Inspector or his duly authorized representative may enter, at any time during daylight hours any building, structures, lot or place defined herein as a "dwelling," to make inspections and perform any other duty imposed upon him by this article; provided, that such inspections shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(d) The Building Inspector shall cause to be kept in suitable books a full and correct record of his acts and proceedings.
(Ord. 172. Passed 10-7-86.)

1725.04 ASSISTANTS AND EMPLOYEES.

The Building Inspector shall have such assistants, inspectors and other employees as Council may from time to time direct. Such employees shall perform such duties and have such powers prescribed under this article as the Building Inspector may direct.

(Ord. 172. Passed 10-7-86.)

1725.05 DUTIES OF SAFETY AND HEALTH INSPECTOR AND FIRE CHIEF.

The Safety, Health Inspector and Fire Chief shall refer to the Building Inspector in writing all violations of the provisions of this article that come to their attention in the course of their regular duties, and such references shall have the effect of a written complaint as set forth hereinafter.

(Ord. 172. Passed 10-7-86.)

**1725.06 NOTICE TO OWNER CONCERNING SUBSTANDARD CONDITIONS;
ORDERS TO TAKE CORRECTIVE MEASURES.**

Whenever the Building Inspector determines by inspection that any building, structures or lot as set out herein is substandard in accordance with the provisions of this article, he shall issue an order in writing to the owner, occupant or person in charge of the premises thereof and such order shall be served in accordance with the laws of the State concerning service of process in civil actions, and shall, in addition thereto, be posted in a conspicuous place on the premises affected by the order. The time periods hereinafter designated shall begin as of the date the owner, occupant or person in charge of the premises is deemed to be served under the laws

1725.09 VACATING POSTING.

If any order of the Building Inspector issued under the provisions of Section 1725.06 is not complied with within the time specified, he may order the premises vacated by posting a notice on the front of the building with the following words: "This building is unfit for human habitation, and its use or occupation for that purpose is unlawful," dated and signed by the Building Inspector or his authorized representative and such order shall be served on the owner, occupant or person in charge of the premises in accordance with the laws of the State concerning service of process in civil actions. The order shall provide that if the building or structures ordered to be vacated shall continue to be a nuisance for three months after the owner, occupant or person in charge of the premises is served with the order to vacate, then the Building Inspector may cause such building or structures to be removed or demolished. Any building or structure so ordered to be vacated shall not again be occupied until a written statement shall have been secured from the Building Inspector that the dwelling has been made to comply with the provisions of the order issued under the provisions of Section 1725.06. Any building so vacated shall be immediately closed, by locking, and by boarding and barricading, if necessary, by the owner thereof at his expense until such written statement shall have been secured. Occupying or continuing to occupy, or authorizing or permitting to occupy, or failing to close any such vacated building or structure shall constitute a violation of the provisions of this article.

(Ord. 172. Passed 10-7-86.)

1725.10 DEMOLITION.

If any building or structure shall continue to be a nuisance as defined herein for a period of three months after the date of the order to vacate as set forth in Section 1725.09, the Building Inspector may cause such building or structure to be removed or demolished, and the amount of the cost of such removal or demolition shall be a lien against the real property upon which such cost was incurred, which lien shall be superior to all liens thereon except those for taxes and paving assessments, and which may, if necessary, be enforced through any court of competent jurisdiction.

(Ord. 172. Passed 10-7-86.)

1725.11 HEARING BEFORE HOUSING COMMISSION.

(a) Any property owner who received an order from the Building Inspector which requires anything to be done under the provisions of this article shall be entitled to a hearing thereon before the Housing Commission upon written application thereto setting forth the grounds for such hearing; provided, that such application be made prior to the end of the time for corrective action set forth in the order or within the thirty days from the service of and posting of such order, whichever period is less. Upon receipt of such application, the Housing Commission shall set a time and place for a hearing thereon and notify the applicant in writing thereof. Such hearing shall be held not less than ten days after receipt of such application. After the hearing, the Housing Commission may sustain, modify or withdraw the order complained of, in accordance with the provisions of this article, and the proceedings including a copy of all pertinent notices and orders, shall be reduced to writing and entered as a matter of public record in the office of the Housing Commission.