



# Albemarle County

## Legislation Text

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**File #:** 18-197, **Version:** 1

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**AGENDA DATE:** 3/14/2018

**TITLE:**

Ordinance to Amend County Code Chapter 5, Building Regulations

**SUBJECT/PROPOSAL/REQUEST:** Public hearing to consider an ordinance to amend Chapter 5, Building Regulations

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Herrick, Dellinger

**PRESENTER (S):** Andy Herrick

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 5 contains building regulations, outlining required applications, permits, and certifications for certain structures.

State law provides only limited local discretion in this area. Specifically, *Virginia Code* § 36-98 mandates a Uniform Statewide Building Code, which supersedes any local building codes and regulations. However, *Virginia Code* § 36-105 makes local building departments responsible for enforcement of the provisions of the Building Code for construction and rehabilitation. County Code Chapter 5 fulfills this State mandate by specifying local procedures consistent with the Uniform Statewide Building Code.

**STRATEGIC PLAN:** *Quality Government Operations:* Ensure County's government capacity to provide high quality service that achieves community priorities.

**DISCUSSION:** Because County Code Chapter 5 is already largely consistent with the current Uniform Statewide Building Code, most proposed ordinance amendments are stylistic. However, staff highlights the following proposed substantive changes:

\* **Secs. 5-300 to 5-303** - Unsafe buildings and structures - State law authorizes local building officials to remove, repair or secure unsafe buildings and structures, after reasonable notice to the owner(s). Under the current ordinance, the building official must first "order" the removal, repair or securing of the unsafe building or structure, a requirement not found in State law. Staff's proposed amendments would more closely track the State enabling authority in this area.

\* **Sec. 5-302** - Demolition or removal of certain structures - This proposed amendment would allow the County to demolish or remove certain derelict nonresidential buildings or structures, with the written consent of the property owner.

\* **Sec. 5-400** - Smoke detectors - Because of a change in State law, staff recommends that the building code pertaining to smoke detectors apply to all dwelling units, not just buildings or structures containing four or more

dwelling units.

Most other proposed amendments are either stylistic or updates intended to track current State law.

**BUDGET IMPACT:** No significant budget impact is expected.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

**ATTACHMENTS:**

A - Proposed Ordinance