

AN ORDINANCE OF THE COUNCIL

FOR THE TOWN OF ABINGDON, VIRGINIA TO AMEND

Part II – Code, Chapter 14 – Buildings and Building Regulations,

Article III. – Spot Blight Abatement, Section 14-56 (a)

WHEREAS, §15.2-1425, 15.2-1429, and 36-49.1:1 of the Code of Virginia 1950, as amended, grants the local governing body in the performance of its duties, obligations and functions may adopt, as appropriate, ordinances and resolutions and motions; and

WHEREAS, the Town of Abingdon's current Part II - Code, Chapter 14 – Building and Building Regulations, Article III. – Spot Blight Abatement, Section 14-56 (a), the Council for the Town of Abingdon has found it in the best interest to amend the body of its ordinance; and

NOW, THEREFORE BE IT ORDAINED by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's current Part II - Code, Chapter 14 – Building and Building Regulations, Article III. – Spot Blight Abatement, that are proposed for amendment currently appear as follows:

Sec. 14-51. - Purpose.

This article is created in accordance with Code of Virginia, § 36-49.1:1, as amended, for the general purpose providing the town with the power to hold, clear, repair, manage, dispose, or acquire blighted property as defined herein.

Sec. 14-52. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Blighted property is a building or buildings, which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.

Sec. 14-53. - Preliminary determination of blight.

- (a) The town manager shall make a preliminary determination that a property is blighted within the meaning of this article. Once determined to be blighted, the town manager shall provide written notice to the owner of said property that a determination of blight has been made. Within any such notice the town manager shall describe the condition of the property and the reason for making the determination that the property is blighted.
- (b) The owner of the property determined to be blighted shall have 30 days from the date of the notice from the town manager to present a plan to take measures to cure or eliminate the conditions upon which the preliminary determination of blight was made. The owner's plan to cure or eliminate the blight, if accepted by the town manager, shall be performed in such reasonable time period as the town manager, in his discretion, deems necessary under the circumstances.

Sec. 14-54. - Hearing before planning commission.

- (a) *Procedure* . If the owner of a property that has been preliminarily determined to be blighted fails to timely present the plan set forth above, or fails to carry out a plan to cure or eliminate the blight within the time period acceptable by the town manager, the town manager may request that the planning commission conduct a public hearing and make findings and recommendations regarding the property. If such a hearing is requested, the town manager shall present to the commission a plan for the repair, disposal or acquisition of the property.
- (b) *Notice of public hearing.*
 - (1) Not less than three weeks prior to the public hearing before the planning commission, the town manager shall cause a notice of the date, time, place and purpose of the hearing to be sent by regular and certified mail, to the following: the owner of the blighted at the owner's last known address or to the agent designated by him for receipt of service of notices concerning the payment of real estate taxes; each of the abutting property owners in each direction, including those property owners immediately across the street or road from the blighted property; and to the representative neighborhood association, if any, for the immediate area. Within said notice the town manager shall include the plan that he has prepared on behalf of the town for the repair, disposal or acquisition of the blighted property.
 - (2) Notice of the hearing shall also be published at least twice, with not less than six days elapsing between the first and second publication in the newspaper published or having general circulation in the locality in which the property is located. The notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than six days nor more than 21 days after the second newspaper publication.
 - (3) Notice of the hearing shall also be posted on the blighted property.
- (c) *Planning commission findings.*
 - (1) Following the public hearing the planning commission shall make the following determinations:
 - a. Whether the owner has failed to cure the blight or present a reasonable plan to do so;

- b. Whether the property is blighted;
 - c. Whether the plan for repair or other disposition of the property is in accordance with the locally adopted comprehensive plan, zoning ordinances, and other applicable land use regulations; and
 - d. Whether the property is located within an area listed on the National Register of Historic Places. If so, the planning commission shall consult with the architectural review board regarding the appropriateness of the repair or other disposition of the blighted property.
- (2) The planning commission shall report its findings to the town council for final determination.

Sec. 14-55. - Hearing before town council.

- (a) *Action on planning commission findings.* Upon receipt by the town council of the findings and recommendations of the planning commission, the council may, after an advertised public hearing, affirm, modify or reject the said findings and recommendations. If the repair, disposal or acquisition of the property is approved by the council, the town manager shall carry out the repair, disposal or acquisition in accordance with the approved plan.
- (b) *Displacement of residents.* Unless specifically authorized under Code of Virginia, tit. 36, as amended, the town council shall not approve any plan for acquisition of blighted property that is occupied for personal residential purposes if the plan will result in the displacement of any person or persons living on the premises of the blighted property. However, this shall not apply to the acquisitions under an approved plan where the property has been condemned for human habitation for more than one year. In exercising its powers of eminent domain, in accordance with Code of Virginia, tit. 25, as amended, the town may provide for temporary relocation of any person living in the blighted property provided that the relocation is within the financial means of such person.

Sec. 14-56. - Recovery of costs and lien on property.

- (a) *Costs.* The town may assess and recover against the owner of the blighted property all costs, that it expends or incurs in repairing the property to bring it into compliance with applicable building codes and/ or for all costs expended or incurred in the disposal of the property under the town council's approved plan. Costs shall be assessed against the record owner of the property at the time of the repair and/ or disposal.
- (b) *Lien on property.* The town shall have a lien, on any blighted property on which it repairs and/ or disposes of under the town council's approved plan, for all costs that it expends or incurs in repairing or disposing of the property. All liens asserted herein shall be placed of record in the office of the clerk of the Circuit Court of Washington County, and shall be subordinate to all prior recorded liens. If the governing body through eminent domain acquires the blighted property, the costs of repair may be recovered from the proceeds of sale when the town sells or disposes of the property.

Sec. 14-57. - Other statutes and ordinances.

The provisions of this article shall be cumulative and shall be in addition to all other remedies available to the town for spot blight abatement that are authorized by law. Nothing in this article should be construed to relieve the owner of blighted property from complying with other applicable statutes and ordinances relating to the use, development, or maintenance of property.

BE IT FURTHER ORDAINED, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, Chapter 14 – Building and Building Regulations, Article III. – Spot Blight Abatement, Section 14-56 (a) be amended as follows:

Sec. 14-51. - Purpose.

This article is created in accordance with Code of Virginia, § 36-49.1:1, as amended, for the general purpose providing the town with the power to hold, clear, repair, manage, dispose, or acquire blighted property as defined herein.

Sec. 14-52. - Definitions.

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Blighted property is a building or buildings, which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.

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- (b) The owner of the property determined to be blighted shall have 30 days from the date of the notice from the town manager to present a plan to take measures to cure or eliminate the conditions upon which the preliminary determination of blight was made. The owner's plan to cure or eliminate the blight, if accepted by the town manager, shall be performed in such reasonable time period as the town manager, in his discretion, deems necessary under the circumstances.

Sec. 14-54. - Hearing before planning commission.

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(b) *Notice of public hearing.*

- (1) Not less than three weeks prior to the public hearing before the planning commission, the town manager shall cause a notice of the date, time, place and purpose of the hearing to be sent by regular and certified mail, to the following: the owner of the blighted at the owner's last known address or to the agent designated by him for receipt of service of notices concerning the payment of real estate taxes; each of the abutting property owners in each direction, including those property owners immediately across the street or road from the blighted property; and to the representative neighborhood association, if any, for the immediate area. Within said notice the town manager shall include the plan that he has prepared on behalf of the town for the repair, disposal or acquisition of the blighted property.
- (2) Notice of the hearing shall also be published at least twice, with not less than six days elapsing between the first and second publication in the newspaper published or having general circulation in the locality in which the property is located. The notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than six days nor more than 21 days after the second newspaper publication.
- (3) Notice of the hearing shall also be posted on the blighted property.

(c) *Planning commission findings.*

- (1) Following the public hearing the planning commission shall make the following determinations:
 - a. Whether the owner has failed to cure the blight or present a reasonable plan to do so;
 - b. Whether the property is blighted;
 - c. Whether the plan for repair or other disposition of the property is in accordance with the locally adopted comprehensive plan, zoning ordinances, and other applicable land use regulations; and
 - d. Whether the property is located within an area listed on the National Register of Historic Places. If so, the planning commission shall consult with the architectural review board regarding the appropriateness of the repair or other disposition of the blighted property.
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- (b) *Displacement of residents.* Unless specifically authorized under Code of Virginia, tit. 36, as amended, the town council shall not approve any plan for acquisition of blighted property that is occupied for personal residential purposes if the plan will result in the displacement of any person or persons living on the premises of the blighted property. However, this shall not apply to the acquisitions under an approved plan where the property has been condemned for human habitation for more than one year. In exercising its powers of eminent domain, in accordance with Code of Virginia, tit. 25, as amended, the town may provide for temporary relocation of any person living in the blighted property provided that the relocation is within the financial means of such person.

Sec. 14-56. - Recovery of costs and lien on property.

- (a) *Costs.* The town may assess and recover against the owner of the blighted property all costs, including an administrative fee of \$100, that it expends or incurs in repairing the property to bring it into compliance with applicable building codes and/ or for all costs expended or incurred in the disposal of the property under the town council's approved plan. Costs shall be assessed against the record owner of the property at the time of the repair and/ or disposal.
- (b) *Lien on property.* The town shall have a lien, on any blighted property on which it repairs and/ or disposes of under the town council's approved plan, for all costs that it expends or incurs in repairing or disposing of the property. All liens asserted herein shall be placed of record in the office of the clerk of the Circuit Court of Washington County, and shall be subordinate to all prior recorded liens. If the governing body through eminent domain acquires the blighted property, the costs of repair may be recovered from the proceeds of sale when the town sells or disposes of the property.

Sec. 14-57. - Other statutes and ordinances.

The provisions of this article shall be cumulative and shall be in addition to all other remedies available to the town for spot blight abatement that are authorized by law. Nothing in this article should be construed to relieve the owner of blighted property from complying with other applicable statutes and ordinances relating to the use, development, or maintenance of property.

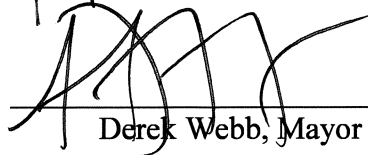
CERTIFICATE

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Part II – Code, Chapter 14 – Building and Building Regulations, Article III. – Spot Blight Abatement, Section 14-56 (a), and find it to be in correct form, as set forth above, this ____ day of _____, 2021.



Cameron Bell, Counsel

This ordinance was adopted on May 3, 2021, to take effect on May 3, 2021.



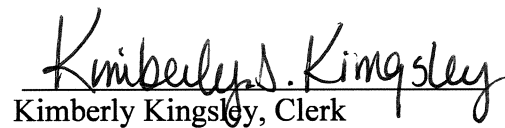
Derek Webb, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on May 3, 2021. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
Derek Webb, Mayor	Yes	Aye
Donna Quetsch, Vice Mayor	Yes	Aye
Amanda Pillion	Yes	Aye
James Anderson	Yes	Aye
Mike Owens	Yes	Aye

WITNESS MY HAND and the seal of the Town of Abingdon as of May 3, 2021.

(SEAL)



Kimberly Kingsley, Clerk