

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Short title. The *Virginia Uniform Statewide Building Code*, Part III, the *Virginia Maintenance Code*, may be cited as the “*Virginia Property Maintenance Code*,” or the short title of “VPMC.”

101.2 Incorporation by reference. Chapters 2–8 of the 2021 *International Property Maintenance Code*, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the VPMC. The term “IPMC” means the 2021 *International Property Maintenance Code*, published by the International Code Council, Inc. Any codes and standards referenced in the IPMC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference.

101.3 Numbering system. A dual numbering system is used in the VPMC to correlate the numbering system of the *Virginia Administrative Code* with the numbering system of the IPMC. IPMC numbering system designations are provided in the catchlines of the *Virginia Administrative Code* section. Cross references between sections or chapters of the *Virginia Maintenance Code* use only the IPMC numbering system designations. The term “chapter” is used in the context of the numbering system of the IPMC and may mean a chapter in the VPMC, a chapter in the IPMC or a chapter in a referenced code or standard, depending on the context of the use of the term. The term “chapter” is not used to designate a chapter of the *Virginia Administrative Code*, unless clearly indicated.

101.4 Arrangement of code provisions. The VPMC is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2–8 of the IPMC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IPMC which are specifically identified. The terminology “changes to the text of the incorporated chapters of the IPMC which are specifically identified” shall also be referred to as the “state amendments to the IPMC.” Such state amendments to the IPMC are set out using corresponding chapter and section numbers of the IPMC numbering system.

101.5 Use of terminology and notes. The term “this code,” or “the code,” where used in the provisions of Chapter 1, in Chapters 2–8 of the IPMC, or in the state amendments to the IPMC, means the VPMC, unless the context clearly indicates otherwise. The term “this code,” or “the code,” where used in a code or standard referenced in the IPMC, means that code or standard, unless the context clearly indicates otherwise. The term “USBC” where used in this code means the VCC unless the context clearly indicates otherwise. In addition, the use of notes in Chapter 1 is to provide information only and shall not be construed as changing the meaning of any code provision. Notes in the IPMC, in the codes and

standards referenced in the IPMC, and in the state amendments to the IPMC, may modify the content of a related provision and shall be considered to be a valid part of the provision, unless the context clearly indicates otherwise.

101.6 Order of precedence. The provisions of this code shall be used as follows:

1. The provisions of Chapter 1 of this code supersede any provisions of Chapters 2–8 of the IPMC that address the same subject matter and impose differing requirements.
2. The provisions of Chapter 1 of this code supersede any provisions of the codes and standards referenced in the IPMC that address the same subject matter and impose differing requirements.
3. The state amendments to the IPMC supersede any provisions of Chapters 2–8 of the IPMC that address the same subject matter and impose differing requirements.
4. The state amendments to the IPMC supersede any provisions of the codes and standards referenced in the IPMC that address the same subject matter and impose differing requirements.
5. The provisions of Chapters 2–8 of the IPMC supersede any provisions of the codes and standards referenced in the IPMC that address the same subject matter and impose differing requirements.

101.7 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

SECTION 102 PURPOSE AND SCOPE

102.1 Purpose. In accordance with § 36-103 of the Code of Virginia, the Virginia Board of Housing and Community Development may adopt and promulgate as part of the *Virginia Uniform Statewide Building Code*, building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare. Further, in accordance with § 36-99 of the Code of Virginia, the purpose of this code is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and *structures* should be permitted to be *maintained* at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect *infestation*, and *garbage* accumulation; and barrier-free provisions for the physically handicapped and aged.

102.2 Scope. In accordance with § 36-98 of the Code of Virginia, the VPMC shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies.

102.3 Exemptions. This code shall not regulate those buildings and *structures* specifically exempt from the VCC, except that existing industrialized buildings and manufactured homes shall not be exempt from this code.

SECTION 103 APPLICATION OF CODE

103.1 General. This code prescribes regulations for the maintenance of all existing buildings and *structures* and associated equipment, including regulations for unsafe buildings and *structures*.

103.2 Maintenance requirements. Buildings, *structures* and systems shall be *maintained* and kept in good repair in accordance with the requirements of this code and when applicable in accordance with the USBC under which such *building* or *structure* was constructed. No provision of this code shall require alterations to be made to an existing *building* or *structure* or to equipment unless conditions are present which meet the definition of an *unsafe structure*.

103.2.1 Maintenance of nonrequired components and systems. Nonrequired components and systems may be discontinued in use provided that no hazard results from such discontinuance of use.

103.2.2 Maintenance of nonrequired fire protection systems. Nonrequired fire protection systems shall be *maintained* to function as originally installed. If any such systems are to be reduced in function or discontinued, approval shall be obtained from the building official in accordance with Section 103.3.1 of the VCC.

103.2.3 Responsibility. The *owner* of a *structure* shall provide and *maintain* all buildings, *structures*, systems, facilities and associated equipment in compliance with this code unless it is specifically expressed or implied that it is the responsibility of the *tenant* or *occupant*.

Note: Where an *owner* states that a *tenant* is responsible for performing any of the *owner's* duties under this code, the *code official* may request information needed to verify the *owner's* statement, as allowed by § 55-1-1209 A 5 of the Code of Virginia. A tenant's responsibility is limited and protected under the Virginia Residential Landlord and Tenant Act.

103.3 Continued approval. Notwithstanding any provision of this code to the contrary, alterations shall not be required to be made to existing buildings or *structures* which are occupied in accordance with a certificate of *occupancy* issued under any edition of the USBC.

103.4 Rental inspections. In accordance with § 36-105.1:1 of the Code of Virginia, these provisions are applicable to rental inspection programs. For purposes of this section:

" 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.

" Owner " means the person shown on the current real estate assessment books or current real estate assessment records.

" Residential rental dwelling unit " means a *dwelling unit* that is leased or rented to one or more *tenants*. However, a *dwelling unit* occupied in part by the *owner* thereof shall not be construed to be a *residential rental dwelling unit* unless a *tenant* occupies a part of the *dwelling unit* that has its own cooking and sleeping areas, and a bathroom, unless otherwise provided in the zoning ordinance by the local governing body.

The local governing body may adopt an ordinance to inspect *residential rental dwelling units* for compliance with this code and to promote safe, decent and sanitary housing for its citizens, in accordance with the following:

1. Except as provided for in subdivision 3 of this subsection, the *dwelling units* shall be located in a rental inspection district established by the local governing body in accordance with this section; and
2. The rental inspection district is based upon a finding by the local governing body that (i) there is a need to protect the public health, safety and welfare of the occupants of *dwelling units* inside the designated rental inspection district; (ii) the *residential rental dwelling units* within the designated rental inspection district are either (a) blighted or in the process of deteriorating or (b) the *residential rental dwelling units* are in the need of inspection by the building department to prevent *deterioration*, taking into account the number, age and condition of *residential rental dwelling units* inside the proposed rental inspection district; and (iii) the inspection of *residential rental dwelling units* inside the proposed rental inspection district is necessary to maintain safe, decent and sanitary living conditions for *tenants* and other residents living in the proposed rental inspection district. Nothing in this section shall be construed to authorize one or more local-city-wide rental inspection districts and a local governing body shall limit the boundaries of the proposed rental inspection districts to such areas of the locality that meet the criteria set out in this subsection; or
3. An individual *residential rental dwelling unit* outside of a designated rental inspection district is made subject to the rental inspection ordinance based upon a separate finding for each individual *dwelling unit* by the local governing body that (i) there is a need to protect the public health, welfare and safety of the *occupants* of that individual *dwelling unit*; (ii) the individual *dwelling unit* is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of this code that affect the safe, decent and sanitary living conditions for *tenants* living in such individual *dwelling unit*.

For purposes of this section, the local governing body may designate a local government agency other than the building department to perform all or part of the duties contained in the enforcement authority granted to the building department by this section.

Before adopting a rental inspection ordinance and establishing a rental inspection district or an amendment to either, the governing body of the locality shall hold a public hearing on the proposed ordinance. Notice of the hearing shall be published once a week for two successive weeks in a newspaper published or having general circulation in the locality.

Upon adoption by the local governing body of a rental inspection ordinance, the building department shall make reasonable efforts to notify *owners of residential rental dwelling units* in the designated rental inspection district, or their designated managing agents, and to any individual *dwelling units* subject to the rental inspection ordinance, not located in a rental inspection district, of the adoption of such ordinance, and provide information and an explanation of the rental inspection ordinance and the responsibilities of the *owner* thereunder.

The rental inspection ordinance may include a provision that requires the *owners of dwelling units* in a rental inspection district to notify the building department in writing if the *dwelling unit* of the *owner* is used for residential rental purposes. The building department may develop a form for such purposes. The rental inspection ordinance shall not include a registration requirement or a fee of any kind associated with the written notification pursuant to this subdivision. A rental inspection ordinance may not require that the written notification from the *owner* of a *dwelling unit* subject to a rental inspection ordinance be provided to the building department in less than 60 days after the adoption of a rental inspection ordinance. However, there shall be no penalty for the failure of an *owner* of a *residential rental dwelling unit* to comply with the provisions of this subsection, unless and until the building department provides personal or written notice to the property *owner*, as provided in this section. In any event, the sole 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 shall be a civil penalty of up to \$50. For purposes of this subsection, notice 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 compliance with this requirement.

Upon establishment of a rental inspection district in accordance with this section, the building department may, in conjunction with the written notifications as provided for above, proceed to inspect *dwelling units* in the designated rental inspection district to determine if the *dwelling units* are being used as a residential rental property and for compliance with the provisions of this code that affect the safe, decent and sanitary living conditions for the *tenants* of such property.

If a multifamily development has more than 10 *dwelling units*, in the initial and periodic inspections, the building department shall inspect only a sampling of *dwelling units*, of not less than two and not more than 10 percent of the *dwelling units*, of a multifamily development, that includes all of the multifamily buildings that are part of that multifamily development. In no event, however, shall the building department charge a fee authorized by this section for inspection of more than 10 *dwelling units*. If the building

department determines upon inspection of the sampling of *dwelling units* that there are violations of this code that affect the safe, decent and sanitary living conditions for the *tenants* of such multifamily development, the building department may inspect as many *dwelling units* as necessary to enforce these provisions, in which case, the fee shall be based upon a charge per *dwelling unit* inspected, as otherwise provided in the fee schedule established pursuant to this section.

Upon the initial or periodic inspection of a *residential rental dwelling unit* subject to a rental inspection ordinance, the building department has the authority under these provisions to require the *owner* of the *dwelling unit* to submit to such follow-up inspections of the *dwelling unit* as the building department deems necessary, until such time as the *dwelling unit* is brought into compliance with the provisions of this code that affect the safe, decent and sanitary living conditions for the *tenants*.

Except as provided for above, following the initial inspection of a *residential rental dwelling unit* subject to a rental inspection ordinance, the building department may inspect any *residential rental dwelling unit* in a rental inspection district, that is not otherwise exempted in accordance with this section, no more than once each calendar year.

Upon the initial or periodic inspection of a *residential rental dwelling unit* subject to a rental inspection ordinance for compliance with these provisions, provided that there are no violations of this code that affect the safe, decent and sanitary living conditions for the *tenants* of such *residential rental dwelling unit*, the building department shall provide, to the *owner* of such *residential rental dwelling unit*, an exemption from the rental inspection ordinance for a minimum of four years. Upon the sale of a *residential rental dwelling unit*, the building department may perform a periodic inspection as provided above, subsequent to such sale. If a *residential rental dwelling unit* has been issued a certificate of *occupancy* within the last four years, an exemption shall be granted for a minimum period of four years from the date of the issuance of the certificate of *occupancy* by the building department. If the *residential rental dwelling unit* becomes in violation of this code during the exemption period, the building department may revoke the exemption previously granted under this section.

A local governing body may establish a fee schedule for enforcement of these provisions, which includes a per *dwelling unit* fee for the initial inspections, follow-up inspections and periodic inspections under this section.

The provisions of this section shall not in any way alter the rights and obligations of landlords and *tenants* pursuant to the applicable provisions of Chapter 13 (§ 55-217 et seq.) or Chapter 13.2 (§ 55-248.2 et seq.) of Title 55 of the Code of Virginia.

The provisions of this section shall not alter the duties or responsibilities of the local building department under § 36-105 of the Code of Virginia to enforce the USBC.

Unless otherwise provided for in § 36-105.1:1 of the Code of Virginia, penalties for violation of this section shall be the same as the penalties provided for violations of other sections of the USBC.

SECTION 104 ENFORCEMENT, GENERALLY

104.1 Scope of enforcement. This section establishes the requirements for enforcement of this code in accordance with subdivision C 1 of § 36-105 of the Code of Virginia. The local governing body may also inspect and enforce the provisions of the USBC for existing buildings and *structures*, whether occupied or not. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

In accordance with subdivision C 3 of § 36-105 of the Code of Virginia, if the local building department receives a complaint that a violation of this code exists that is an immediate and imminent threat to the health or safety of the *owner, tenant, or occupants* of any *building or structure*, or the *owner, occupant, or tenant* of any nearby *building or structure*, and the *owner, occupant, or tenant* of the *building or structure* that is the subject of the complaint has refused to allow the *code official* or his agent to have access to the subject *building or structure*, the *code official* or his agent may make an affidavit under oath before a magistrate or a court of competent jurisdiction and request that the magistrate or court grant the *code official* or his agent an inspection warrant to enable the *code official* or his agent to enter the subject *building or structure* for the purpose of determining whether violations of this code exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in a manner prescribed by § 19.2-54 of the Code of Virginia. After executing the warrant, the *code official* or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The *code official* or his agent shall make a reasonable effort to obtain consent from the *owner, occupant, or tenant* of the subject *building or structure* prior to seeking the issuance of an inspection warrant under this section.

Note: Generally, official action must be taken by the local government to enforce the VPMC. Consultation with the legal counsel of the jurisdiction when initiating or changing such action is advised.

104.1.1 Transfer of ownership. In accordance with subdivision C 4 of § 36-105 of the Code of Virginia, if the local building department has initiated an enforcement action against the *owner* of a *building or structure* and such *owner* subsequently transfers the ownership of the *building or structure* to an entity in which the *owner* holds an ownership interest greater than 50 percent, the pending enforcement action shall continue to be enforced against the *owner*.

104.2 Fees. In accordance with subdivision C 7 of § 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals. For the purposes of this section, “defray the cost” may include the fair and reasonable costs incurred for such enforcement during normal business hours, but shall not include overtime costs unless conducted outside of the normal working hours established by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A locality shall not charge overtime rates for inspections conducted during the normal business hours established by the locality. Nothing in this

provision shall be construed to prohibit a private entity from conducting such inspections, provided the private entity has been *approved* to perform such inspections in accordance with the written policy of the *code official* for the locality.

104.3 State buildings. In accordance with § 36-98.1 of the Code of Virginia, this code shall be applicable to state-owned buildings and *structures*. Acting through the Division of Engineering and Buildings, the Department of General Services shall function as the building official for state-owned buildings.

104.3.1 Certification of state enforcement personnel.

State enforcement personnel shall comply with the applicable requirements of Sections 104.4.2 and 104.4.3 for certification.

Note: Continuing education and periodic training requirements for DHCD certifications are set out in the *Virginia Certification Standards (VCS)*.

104.4 Local enforcing agency. In jurisdictions enforcing this code, the local governing body shall designate the agency within the local government responsible for such enforcement and appoint a *code official*. The local governing body may also utilize technical assistants to assist the *code official* in the enforcement of this code. A permanently appointed *code official* shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority. DHCD shall be notified by the appointing authority within 30 days of the appointment or release of a permanent or acting *code official* and within 60 days after retaining or terminating a technical assistant.

Note: *Code officials* and technical assistants are subject to sanctions in accordance with the VCS.

104.4.1 Qualifications of code official and technical assistants. The *code official* shall have at least five years of building experience as a licensed professional engineer or architect, building, fire or trade inspector, contractor, housing inspector or superintendent of building, fire or trade construction or at least five years of building experience after obtaining a degree in architecture or engineering, with at least three years in responsible charge of work. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The *code official* shall have general knowledge of sound engineering practice in respect to the design and construction of *structures*, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the *occupants* and the public. The local governing body may establish additional qualification requirements.

A technical assistant shall have at least three years of experience and general knowledge in at least one of the following areas: building construction, building, fire or housing inspections, plumbing, electrical or mechanical trades, fire protection, elevators or property maintenance work. Any combination of education and experience which would confer equivalent knowledge and ability

shall be deemed to satisfy this requirement. The locality may establish additional certification requirements.

104.4.2 Certification of code official and technical assistants. An acting or permanent *code official* shall be certified as a *code official* in accordance with the VCS within one year after being appointed as acting or permanent *code official*. A technical assistant shall be certified in the appropriate subject area within 18 months after becoming a technical assistant. When required by a locality to have two or more certifications, a technical assistant shall obtain the additional certifications within three years from the date of such requirement.

Exception: A *code official* or technical assistant in place prior to April 1, 1995, shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same locality.

104.4.3 Noncertified code official. Except for a *code official* exempt from certification under the exception to Section 104.4.2, any acting or permanent *code official* who is not certified as a *code official* in accordance with the VCS shall attend the core module of the Virginia Building Code Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in Section 104.4.2.

Note: Continuing education and periodic training requirements for DHCD certifications are set out in the VCS.

104.4.4 Conflict of interest. The standards of conduct for *code officials* and technical assistants shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

104.4.5 Records. The local enforcing agency shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspections in accordance with The Library of Virginia's General Schedule Number Six.

104.5 Powers and duties, generally. The *code official* shall enforce this code as set out herein and as interpreted by the State Review Board and shall issue all necessary notices or orders to ensure compliance with the code.

104.5.1 Delegation of authority. The *code official* may delegate powers and duties except where such authority is limited by the local government. When such delegations are made, the *code official* shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

104.5.2 Issuance of modifications. Upon written application by an *owner* or an *owner's* agent, the *code official* may approve a modification of any provision of this code provided the spirit and intent of the code are observed and public health, welfare and safety are assured. The decision of the *code official* concerning a modification shall be made in writing and the application for a modification and the decision of the *code official* concerning such modification shall be retained in the permanent records of the local enforcing agency.

104.5.2.1 Substantiation of modification. The *code official* may require or may consider a statement from a professional engineer, architect or other person competent in the subject area of the application as to the equivalency of the proposed modification.

104.5.3 Inspections. The *code official* may inspect buildings or *structures* to determine compliance with this code and shall carry proper credentials when performing such inspections. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed, or complex technical issues in accordance with local policies.

104.5.3.1 Observations. When, during an inspection, the *code official* or authorized representative observes an apparent or actual violation of another law, ordinance, or code not within the official's authority to enforce, such official shall report the findings to the official having jurisdiction in order that such official may institute the necessary measures.

104.5.3.2 Approved inspection agencies and individuals. The *code official* may accept reports of inspections or tests from individuals or inspection agencies *approved* in accordance with the *code official's* written policy required by Section 104.5.3.3. The individual or inspection agency shall meet the qualifications and reliability requirements established by the written policy. Reports of inspections by *approved* individuals or agencies shall be in writing, shall indicate if compliance with the applicable provisions of this code have been met, and shall be certified by the individual inspector or by the responsible officer when the report is from an agency. Reports of inspections conducted for the purpose of verifying compliance with the requirements of the USBC for elevators, escalators, and related conveyances shall include the name and certification number of the elevator mechanic performing the tests witnessed by the third-party inspector or agency. The *code official* shall review and approve the report unless there is cause to reject it. Failure to approve a report shall be in writing within five working days of receiving it, stating the reasons for rejection.

104.5.3.3 Third-party inspectors. Each *code official* charged with the enforcement of this code and who accepts third-party reports shall have a written policy establishing the minimum acceptable qualifications for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalification or preapproval requirements before conducting a third-party inspection, and any other requirements and procedures established by the *code official*.

104.5.3.4 Qualifications. In determining third-party qualifications, the *code official* may consider such items as DHCD inspector certification, other state or national certifications, state professional registrations, related experience, education, and any other factors that would demonstrate competency and reliability to conduct inspections.

104.5.4 Manufactured home park tenant notification.

If a notice of violation is issued to a manufactured home park *owner* for violations of this code that jeopardize the health or safety of *tenants* of the park, a copy of the notice shall be provided to each affected *tenant* of the manufactured home park. The terms, “manufactured home park” and “*owner*,” as used in this section, shall be as defined in the Manufactured Home Lot Rental Act [Chapter 13.3 (§ 55-248.41 et seq.) of Title 55 of the Code of Virginia].

SECTION 105 VIOLATIONS

105.1 Violation a misdemeanor; civil penalty. In accordance with § 36-106 of the Code of Virginia, it shall be unlawful for any *owner* or any other person, firm or corporation, on or after the effective date of any code provisions, to violate any such provisions. Any locality may adopt an ordinance that establishes a uniform schedule of civil penalties for violations of specified provisions of the code that are not abated or remedied promptly after receipt of a notice of violation from the local enforcement officer.

Note: See the full text of § 36-106 of the Code of Virginia for additional requirements and criteria pertaining to legal action relative to violations of the code.

105.2 Notices, reports and orders. Upon findings by the *code official* that violations of this code exist, the *code official* shall issue a correction notice or notice of violation to the *owner, tenant* or the person responsible for the maintenance of the *structure*; or, a notice of *unsafe structure* in accordance with Section 106 when a *building* or *structure* is determined by the *code official* to be an *unsafe structure*. Work done to correct violations of this code subject to the permit, inspection and approval provisions of the VCC shall not be construed as authorization to extend the time limits established for compliance with this code. When the *owner* is not the responsible party to whom the notice of violation or correction notice is issued, a copy of the notice shall also be delivered to the *owner*.

105.3 Correction notice. The correction notice shall be a written notice of the defective conditions. The correction notice shall require correction of the violation within a reasonable time unless an emergency condition exists as provided under the unsafe building provisions of Section 106. Upon request, the correction notice shall reference the code section that serves as the basis for the defects and shall state that such defects shall be corrected and reinspected in a reasonable time designated by the *code official*.

105.4 Notice of violation. If the *code official* determines there are violations of this code a written notice of violation may be issued to the *owner, tenant*, or the person responsible for the maintenance or use of the *building* or *structure* in lieu of a correction notice as provided for in Section 105.3. In addition, the *code official* shall issue a notice of violation for any uncorrected violation remaining from a correction notice established in Section 105.3. The *code official* shall provide the section numbers for any code provisions cited in the notice of violation to the *owner, tenant*, or the person responsible for the

maintenance or use of the *building* or *structure*. The notice shall require correction of the violation within a reasonable time. The *owner, tenant*, or person to whom the notice of violation has been issued shall be responsible for contacting the *code official* within the timeframe established for any re-inspections to assure the violations have been corrected. The *code official* will be responsible for making such inspection and verifying the violations have been corrected. In addition, the notice of violation shall indicate the right of appeal by referencing the appeals section of this code.

Exception: Notices issued for failing to maintain buildings and *structures* as required by Section 103.2, as evidenced by multiple or repeated violations on the same property are not required to include a compliance deadline for correcting defects.

105.5 Coordination of inspections. The *code official* shall coordinate inspections and administrative orders with any other state or local agencies having related inspection authority and shall coordinate those inspections required by the *Virginia Statewide Fire Prevention Code* (13VAC5-52) for maintenance of fire protection devices, equipment, and assemblies so that the *owners* and *occupants* will not be subjected to numerous inspections or conflicting orders.

Note: The Fire Prevention Code requires the fire official to coordinate such inspections with the *code official*.

105.6 Further action when violation not corrected. If the responsible party has not complied with the notice of violation, or notice of *unsafe structure*, the *code official* may request the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the *building* or *structure* involved. In cases where the locality or legal counsel so authorizes, the *code official* may issue or obtain a summons or warrant.

105.6.1 Further action for corrected violations. Compliance with a notice of violation or notice of *unsafe structure* notwithstanding, the *code official* may request legal proceedings be instituted for prosecution when a responsible party is served with three or more separate notices of violation or notice of *unsafe structure* for the same property within any five consecutive years. Legal proceedings shall not be instituted under this section for violation notices issued pursuant to the initial inspection of the property. Legal proceedings for violations that have been abated in *residential rental dwelling units* within a multifamily apartment development may only be instituted for such violations that affect safe, decent, or sanitary living conditions.

Exception: Legal proceedings shall not be instituted for violations that have been abated on owner-occupied single family dwellings.

105.7 Penalties and abatement. Penalties for violations of this code shall be as set out in § 36-106 of the Code of Virginia. The successful prosecution of a violation of the code shall not preclude the institution of appropriate legal action to require correction or abatement of a violation.