

At a meeting of the Middlesex County Board of Supervisors held on June 6, 2017 at 7:00 p.m. in the Board Room of the Historic Courthouse, Saluda, Virginia: On a motion duly made by Mr. Mansfield and seconded by Mr. Holt, the following Ordinance was adopted by the following vote:

John D. Miller, Jr., absent
Wayne H. Jessie, Sr., nay
Robert LeBoeuf, aye
Mark E. "Chip" Holt, III., aye
Peter W. Mansfield, aye

AN ORDINANCE REPEALING AN ORDINANCE TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT WITHIN MIDDLESEX COUNTY, VIRGINIA, OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE AND FOR SERVICES PERFORMED INCIDENT THERETO, ADOPTED AUGUST 4, 1981, AND SUBSEQUENTLY AMENDED, AND ENACTING AN ORDINANCE ENTITLED AN ORDINANCE ADOPTING PORTIONS OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE, AND ADDRESSING SWIMMING POOLS.

WHEREAS, at its regular held August 4, 1981, the Middlesex County of Board of Supervisors adopted an Ordinance to Provide for Administration and Enforcement within Middlesex County, Virginia, of the Virginia Uniform Statewide Building Code and for Services Performed Incident Thereto and subsequently amended; and

WHEREAS, staff has drafted the following new ordinance entitled An Ordinance Adopting Portions Of The Virginia Uniform Statewide Building Code, and Addressing Swimming Pools which will replace in its entirety the Ordinance to Provide for Administration and Enforcement within Middlesex County, Virginia, of the Virginia Uniform Statewide Building Code and for Services Performed Incident Thereto, adopted August 4, 1981 and subsequently amended; and,

WHEREAS, the Board of Supervisors of Middlesex County held a duly advertised public hearing concerning the ordinance on June 6, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Middlesex County Board of Supervisors this 6th day of June, 2017 that the Ordinance to Provide for Administration and Enforcement within Middlesex County, Virginia, of the Virginia Uniform Statewide Building Code and for Services Performed Incident Thereto, adopted August 4, 1981 and subsequently amended, be repealed in its entirety.

BE IT FURTHER ORDAINED by the Middlesex County Board of Supervisors this 6th day of June, 2017, that an ordinance entitled An Ordinance Adopting Portions Of The Virginia Uniform Statewide Building Code, and Addressing Swimming Pools is hereby enacted as follows:

1. Short Title

This ordinance may be known and referred to as the Middlesex County Building Code.

2. Adoption

(a) The Virginia Uniform Statewide Building Code, Part I and Part II, and future revisions or amendments thereof, are hereby adopted and incorporated, as a part hereof to the same extent as if set out herein at length, and shall control all matters concerning the construction, rehabilitation or repair of new or existing structures;

(b) Chapters 1, 2, and 3 of Part III of the Virginia Uniform Statewide Building Code, and future revisions or amendments thereof, are hereby adopted and incorporated as a part hereof, to the same extent as if set out herein at length, and shall be adopted for the following purposes:

- (1) the maintenance or razing of unoccupied, unsafe buildings and structures when the Code Official receives a complaint that alleges a violation of the Middlesex County Building Code; and
- (2) the procedures for the administration and enforcement of the provisions adopted herein; provided, the Code Official shall only enforce the provisions of Chapters 1, 2, and 3 of Part III, of the Virginia Uniform Statewide Building Code, concerning buildings and structures deemed by the Code Official to be unoccupied and unsafe, except as provided in Section Four of this ordinance.

(c) Section 15.2-906 of the Virginia Code, and any future revisions or amendments thereof, is hereby adopted and incorporated as a part hereof, to the same extent as if set out herein at length.

3. Enforcement

(a) The Building Department is hereby designated to act as the enforcing agency for the enforcement of the provisions of the Virginia Uniform Statewide Building Code, Parts I, II, and Chapters 1, 2, and 3 of Part III, as promulgated by the Virginia Board of Housing and Community Development under authority of §§ 36-99, 36-103 and 36-105 of the Code of Virginia, and any future revisions or amendments thereof.

(b) A copy of the Virginia Uniform Statewide Building Code shall be maintained on file in the Department of Planning and Community Development.

4. General Requirements

In addition to adopting the Virginia Uniform Statewide Building Code, Part III, as cited in SECTION TWO above, the following provision is hereby adopted and incorporated as part of this ordinance:

SWIMMING POOLS

SWIMMING POOLS. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. All swimming pools, reported to the Code Official, shall be subject to the barrier maintenance requirements of Section 303 of Chapter 3 of Part III of the Virginia Uniform Statewide Building Code, regardless of property occupancy. Improperly maintained barriers shall be cited as *unsafe* as cited in this Code.

5. Appeals

The Local Board of Building Code Appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of the ordinance.

6. Administrative Practices

The Building Official shall establish such procedures or requirements as may be necessary for administration and enforcement of this ordinance.

7. Severability

Should any provision of this ordinance be declared by the courts unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Adopted: June 6, 2017