

ARLINGTON COUNTY CODE

Chapter 29

BUILDING MAINTENANCE STANDARDS*

* **Editors Note:** Ordinance No. 86-28, adopted Oct. 18, 1986, amended and reenacted Ch. 29 in its entirety to read as herein set forth. Prior to such amendment, Ch. 29 consisted of §§ 29-1--29-16 which pertained to housing standards and derived from legislation of Jan. 1, 1972; March 22, 1972; May 31, 1977; July 10, 1979; and Dec. 13, 1980; and Ord. No. 82-42, enacted Dec. 4, 1982.

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ARTICLE I.

IN GENERAL

§ 29-1. Short Title.

This chapter shall be known and may be cited as the "Building Maintenance Standards Chapter of Arlington County, Virginia."
(Ord. No. 86-28, 10-18-86)

§ 29-2. Definitions.

For the purpose of this chapter, the words "used for" include "designed for," and vice-versa; words used in the present tense include the future; words in the singular number include the plural number and vice-versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot"; the word "shall" is mandatory and not directory; "premises" shall mean lot and "appurtenances thereon"; and the words "dwelling," "dwelling unit," "rooming house," and "premises," when they are used in this chapter, shall be construed as though they were followed by the words "or any part thereof"; the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

“County Manager” means the County Manager of Arlington County, or any of his designees.

“Reasonable hours” means the time of day between the hours of 8:00 a.m. and 5:00 p.m.

“Code Official” means the County Manager or his designee who shall be responsible for the enforcement of Volume II, Building Maintenance Code, relating to health and sanitary matters, heat, hot water, security locks, air conditioning, painting, and maintenance and care of buildings and structures. The Building Official shall be the Code Official who is responsible for technical decisions for building, electrical, plumbing, and mechanical systems and equipment; unsafe structures; and annual inspection of elevators, boilers and the five-year electrical preventive maintenance program. The Building Official and Fire Marshal shall be responsible for annual full Code inspections of commercial and highrise buildings. The Fire Marshal shall be the person responsible for enforcement of the Fire Prevention Code.

(Ord. No. 86-28, 10-18-86)

§ 29-3. Adoption.

A. There is hereby adopted the Virginia Uniform Statewide Building Code, Volume II, Building Maintenance Code/current edition. The enforcement of this Code shall be carried out in the manner described in § 29-7.

B. Copies of said Code are on file in the Community Inspections Offices and may be viewed there between the hours of 8:00 a.m. and 5:00 p.m. on regular business days.

(Ord. No. 91-6, 3-16-91; Ord. No. 93-25, 12-14-93)

Editors Note: Ord. No. 91-6, adopted Mar. 16, 1991, amended this chapter by adding a new § 29-3 and renumbering former §§ 29-3--29-7 as §§ 29-4--29-8.

§ 29-4. Requirement for Occupancy or Lease.

A. No owner or other person shall occupy or lease to another person any dwelling or dwelling unit unless it and the premises comply with the requirements of this chapter and all other applicable laws and regulations of Arlington County and the Commonwealth of Virginia.

B. Unless otherwise specified, the owner shall be responsible for compliance with the requirements of this chapter.

(Ord. No. 86-28, 10-18-86)

Note: See the editor’s note following § 29-3.

§ 29-5. Removal of Equipment or Appurtenances.

No owner or occupant shall alter the physical design of a building or remove permanently installed equipment or appurtenances in order to avoid effecting compliance with this chapter by eliminating the need to repair the altered or removed parts.

(Ord. No. 86-28, 10-18-86)

Note: See the editor’s note following § 29-3.

§ 29-6. Minimum Standards for Locks and Window Latches.

A. No person shall lease to another, for occupancy, any dwelling unit in a multiple dwelling building unless all exterior doors, other than balcony doors two (2) or more stories above the grade of the dwelling unit, are equipped with a vertical bolt, deadlocks or deadbolts with not less than five-eighths (5/8) inch minimum throw. In addition, the lock on the main entrance door in each of these dwelling units shall be capable of being locked or unlocked by key from the outside and by turn-knob from the inside. Alternate devices providing at least equal security may be substituted subject to prior approval by the County Manager. In addition, provisions will be made

for visual detection to permit inspection before allowing entry. Exterior doors to all individual apartment units which are one (1) story or less above grade shall be provided with operative security devices determined to be adequate by the County Manager. Window latches shall be provided on windows which are less than ten (10) feet from the adjoining ground level, or otherwise accessible from the outside.

1. Lock cylinders for entry doors to individual units in multiple dwelling buildings shall be changed or re-keyed whenever a tenant vacates the premises and whenever a tenant or the landlord loses a key. The landlord may charge the tenant for costs incurred in replacing or re-keying the lock cylinder due to the loss of a key by a tenant.
2. Lock cylinders on doors to common areas in multiple dwelling buildings such as laundry rooms and storage facilities shall be changed or re-keyed a minimum of once every three (3) years.

B. Owners who lease to another, for occupancy, any dwelling unit in a multiple dwelling building shall comply with the provisions of § 29-5 within one (1) year from the effective date of this chapter.

C. No person shall lease to another, for occupancy, any dwelling containing less than three (3) dwelling units unless all exterior doors are equipped with operative latching or locking devices. Window latches shall be provided on windows which are less than ten (10) feet from the adjoining ground level, or are otherwise accessible from the outside.

(Ord. No. 86-28, 10-18-86)

Note: See the editor's note following § 29-3.

§ 29-7. Inspections; Powers and Duties of the County Manager.

A. The County Manager or his designee shall enforce the provisions of this chapter and is hereby authorized and directed to make inspections in response to a complaint that an alleged violation of the provisions of this chapter or of applicable rules or regulations pursuant thereto may exist, as part of a systematic inspection program of the area, or when he has valid reason to believe that a violation of this chapter has been or is being committed.

B. The County Manager or his designee shall have authority with the consent of the owner or tenant to enter and inspect all dwellings and dwelling units, subject to the provisions of this chapter for the purpose of determining whether there is compliance with its requirements.

C. If any owner, occupant or other person in charge of a building or of a multiple dwelling or a rooming house, fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, the County Manager may, upon a showing that probable cause exists for the inspection, petition and obtain an order from a court of competent jurisdiction authorizing such inspection.

D. Every occupant of a building or building unit or premises shall give the owner thereof, or his agent or employee, access to any part of such building, or its premises, at any reasonable hours for the purpose of making such repairs and alterations as are necessary to effect compliance with any lawful order issued pursuant to the provisions of this chapter.

E. The County Manager or his designee may declare a public emergency when a public nuisance, dangerous, unsafe, or unsanitary conditions exist in any building and present an imminent and immediate threat to life or property, and may order the County to abate or remove the conditions or to raze the building.

F. Authority to require removal or repair of unsafe buildings and structures and recovery of costs.

1. The owner of property shall at such time or times as the Building Official may prescribe, remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents. The Building Official, through its own agents or employees, may

remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents and the County, when the owner and lien holders of property, after reasonable notice and a reasonable time to do so, have failed to remove, repair, or secure said building, wall, or other structure.

2. In the event the County, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of the Virginia Uniform Statewide Building Code, Building Maintenance Code, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes and levies are collected.
3. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia.
4. If a public nuisance presents an imminent and immediate threat to life or property, then the County may abate, raze, or remove such public nuisance and recover from the responsible party the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

G. The term "nuisance" shall include, but not be limited to, dangerous or unhealthy substances which have escaped, spilled, been released, or which have been allowed to accumulate in or on any place, and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structure which constitute a menace to the health and safety of the occupants thereof or the public. The term "responsible party" shall include, but not be limited to, the owner, occupier, or possessor of the premises where the nuisance is located, the owner or agent of the owner of the material which escaped, spilled, or was released, and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence caused such public nuisance.
(Ord. No. 86-28, 10-18-86; Ord. No. 90-26, 8-11-90; Ord. No. 93-25, 12-14-93)

Note: See the editor's note following § 29-3.

§ 29-8. Energy Shortage Emergencies.

A. Whenever appropriate federal or state authorities, pursuant to lawful authority, declare an energy emergency and prescribe mandatory thermal standards which conflict with the minimal thermal standards set forth in this chapter, the County Manager shall forthwith suspend those provisions of this chapter and prescribe standards consistent with federal and state requirements. Such suspension shall not extend beyond the date on which such federal or state standards are modified or terminated.

B. Whenever, in the judgment of the County Manager, an energy shortage emergency exists which requires temporary suspension of the minimal thermal standards set forth in this chapter, the County Manager may by order, following public hearing, prescribe emergency minimum thermal standards to supersede those standards set forth in this chapter. The County Manager shall state, and report to the County Board, the reasons for such suspension, which shall not extend beyond sixty (60) days from the date on which the order is issued. The County Manager may revoke the suspension at any time. Any renewal of a suspension beyond the sixty (60) day period above shall be made only in accordance with the foregoing procedures. The County Manager shall revoke a suspension at such time as he determines that the suspension is no longer necessary.

C. Whenever, in the judgment of the County Manager, an energy shortage emergency exists which requires immediate action to protect the public health, safety or welfare, the County Manager shall prescribe emergency minimum thermal standards to supersede those standards set forth in this chapter. Such standards shall remain in effect for a period not to exceed fifteen (15) days unless prior to the expiration of the fifteen (15) day period the requirements of subsection B have been satisfied.
(1-1-72)

Note: See the editor's note following § 29-3.

Sec. 29-9. Reserved.**ARTICLE II.****DECLARATION OF BLIGHT****§ 29-10. Purpose.**

The County Board of Arlington County hereby finds that deteriorating properties, including the improvements and the land on which they are built, have a deleterious effect on property values and the quality of life in the area surrounding them. This spot blight threatens the health, safety, morals and welfare of the community. (Ord. No. 03-21, 9-13-03)

§ 29-11. Blight Abatement Authorized.

The County may acquire or repair any blighted property, as defined in § 29-12, by exercise of the powers of eminent domain and further, shall have the power to hold, clear, repair, manage or dispose of such property for purposes consistent with this article. In addition, the County may recover the costs of any repair or disposal of such property from the owner and until recovered, such costs shall constitute a lien upon the property. (Ord. No. 03-21, 9-13-03)

§ 29-12. Blighted Property Defined.

A. To be blighted a property must have a building or improvement that by reason of dilapidation, overcrowding, lack of ventilation, light and sanitary facilities or any combination of these or other factors, is detrimental to the safety, health, morals or welfare of the community. In addition, any property that has been determined by the Arlington County Code Official to meet the definition of unsafe building shall also be blighted.

B. In determining whether a property meets the definition of blighted set forth above, the County may consider any pertinent factors including by way of illustration and not limitation the following:

1. "Condemned structure" means a structure on the property that has been continuously vacant for at least one year, has been condemned as unfit for human occupancy by the Building Official in accordance with the Virginia Uniform Statewide Building Code, but has neither been demolished nor repaired by the owner as directed by the Building Official;
2. "Rat and rodent infestation" means there is evidence of rat or rodent infestation or harborages caused by conditions on the property;
3. "Previous citations" means the property has been used or maintained in a condition which has resulted in the following actions:
 - a. The owner has been cited on a least three (3) separate occasions because activities or conditions on the property violate State or County laws or ordinances governing the use or maintenance of property, and those activities or conditions threaten the public health, safety and welfare of the community; or
 - b. The owner has refused to abate one or more violations as ordered by the court or has repeated conduct involving the use or maintenance of property for which the owner has been convicted of violating State laws or County ordinances in the past.
4. "Inadequate facilities" means the property has inadequate sewage septic, plumbing, well or heating facilities;

5. "Potential trespass" means, if the property is vacant, the owner has failed to take adequate precautions to prevent the use of or access to the property by trespassers;
6. "Nuisance to children" means a potential attractive nuisance to children exists on the property, including, but not limited to, abandoned wells, basements, excavations or broken fences;
7. "Fire hazard" means any condition exists on the property that has been specifically identified as a fire hazard by the Fire Department or the Building Official; and
8. "Substantial dilapidation of buildings or structures" as evidenced by either:
 - a. Collapse of either interior or exterior structural elements such as floors, walls, roofs, porches, decks and similar appendages which do not pose a danger to the public; or
 - b. Removal or rotting of exterior siding, roofing or sheathing exposing structural members to the weather.

(Ord. No. 03-21, 9-13-03)

§ 29-13. Procedures for Declaring Blight; Notification of Owner, Public Hearing.

A. The County Manager or his designee shall make a preliminary determination that a property is blighted in accordance with § 29-12 and shall notify the owner by regular and certified mail, specifying the reasons why the property is considered blighted. The notice mailed to the owner also shall be posted on the property. The owner shall have thirty (30) days within which to respond with a plan that would cure the blight within a reasonable time. Such plan shall include a site plan delineating blighted condition(s) and specifying measures to be taken for the removal of each.

B. Upon approval by the County Manager of the plan to cure blight the owner shall have ninety (90) days to complete all work approved in the plan. The County Manager, or his designee, upon acceptance of a performance bond in the amount of the estimated cost of the work, may grant extensions of time to complete work where the County Manager determines that the owner has completed substantial portions of the work in compliance with the plan and is diligently pursuing completion of all work.

C. If the owner fails to respond within the thirty (30) day period set forth in § 29-13.A with a plan that is acceptable to the County Manager or his designee, or fails to complete the work approved in the plan to cure blight and has not been granted an extension of time to complete such, the County Manager or his designee may: (i) request the Planning Commission to conduct a public hearing and make findings and recommendations that shall be reported to the County Board concerning the repair or other disposition of the property in question, and (ii) if a public hearing is scheduled, shall prepare a plan for the repair or other disposition of the property.

D. Not less than three weeks prior to the date of the public hearing before the Planning Commission, the Commission shall provide, by regular and certified mail, notice of such hearing to: (i) the owner of the blighted property or the agent designated by him for receipt of service of notices concerning the payment of real estate taxes on the property; (ii) the abutting property owners in each direction, including those property owners immediately across the street or road from the property; and (iii) the representative neighborhood association, if any for the immediate area. The notice shall include a description of the plan for the intended repair or other disposition of the property. The notice of the public hearing shall be published at least twice, with not less than six (6) days elapsing between the first and second publication, in a newspaper published or having general circulation in the County. The notice also shall be posted on the property. 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 (6) days nor more than twenty-one (21) days after the second publication.

- E. The Planning Commission shall determine whether:
 1. The property is blighted;

2. The owner has failed to cure the blight or present a reasonable plan to do so;
3. The plan for the repair or other disposition of the property is in accordance with the County's comprehensive plan, zoning ordinance, and other applicable land use regulations; and
4. The property is located within an area listed on the National Register of Historic Places, or is located in an area designated an historic district, or is a designated landmark pursuant to 31A of the Arlington County Zoning Ordinance. In such instances, the Planning Commission shall consult with the Historical Affairs Landmark Review Board regarding the proposed repair or other disposition of the property.

F. The Planning Commission shall report its findings and recommendations concerning the property to the County Board. The County Board, upon receipt of such findings and recommendations may, after an advertised public hearing, affirm, modify, or reject the Planning Commission's findings and recommendations. If the repair or other disposition of the property is approved, the County may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this article and applicable law. The County shall have a lien on all property so repaired or acquired under an approved plan to recover the cost of (i) improvements made by the County to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien authorized by this subsection shall be filed in the Circuit Court and shall be subordinate to any prior liens of record. The County may recover its costs of repair from the owner of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner. If the property is acquired through eminent domain, the cost of repair may be recovered when the County sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.

(Ord. No. 03-21, 9-13-03)

§ 29-14. Occupied for Residential Purposes.

Unless otherwise provided for in Title 36 of the Code of Virginia, if the blighted property is occupied for personal residential purposes, the County, in approving the plan, shall not allow for an acquisition of such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisitions, under an approved plan, by the County of property which has been condemned for human habitation for more than one (1) year. In addition, the County in exercising the powers of eminent domain in accordance with Title 25 of the Code of Virginia, may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such person.

(Ord. No. 03-21, 9-13-03)

§ 29-15. Declaration of Nuisance.

In lieu of the acquisition of blighted property by the exercise of the powers of eminent domain as herein provided and in lieu of the exercise of other powers granted in § 29-11, the County Board, by ordinance, may declare any blighted property to constitute a nuisance and thereupon abate the nuisance pursuant to State law. Such ordinance shall be adopted only after written notice by certified mail to the owner or owners at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records.

(Ord. No. 03-21, 9-13-03)

§ 29-16. Provisions Cumulative.

The provisions of this article shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

(Ord. No. 03-21, 9-13-03)