

Chapter 145**STRUCTURES, DANGEROUS****Sections:****145-1 REMOVAL OR REPAIR BY OWNER****145-2 REMOVAL OR REPAIR BY TOWN UPON OWNER'S FAILURE TO DO SO****145-3 RESPONSIBILITY FOR COSTS**

Adopted by the Town Council of the Town of Front Royal 8-12-68. Chapter 145-4 was transferred from Chapter 9-2 10-22-18. Amendments noted where applicable.

145-1 REMOVAL OR REPAIR BY OWNER

The owners of property within the Town shall, at such time or times as the Town Council may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town.

145-2 REMOVAL OR REPAIR BY TOWN UPON OWNER'S FAILURE TO DO SO

The Town Council, 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 of the Town when the owner of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure such building, wall or other structure.

145-3 RESPONSIBILITY FOR COSTS

The costs or expenses thereof shall be chargeable to and paid by the owner of such property and may be collected as taxes and levies are collected. Every such charge which remains unpaid shall constitute a lien against such property.

**145-4 REMOVAL, REPAIR, ETC., OF BUILDINGS AND OTHER STRUCTURES
HARBORING ILLEGAL DRUG USE**

A. As used in this Section:

Affidavit means the affidavit prepared by the Town in accordance with Subsection (2) hereof.

Controlled Substance means illegally obtained controlled substances or marijuana, as defined in 54.1-3401 of the Code of Virginia 1950, as amended.

Corrective Action means the taking of steps which are reasonably expected to be effective to abate drug blight on real property, such as removal, repair, or securing of any building, wall, or other structure.

Drug Blight means a condition existing on real property which tends to endanger the public health or safety of residents of a locality and is caused by the regular presence on the property of persons under the influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing, or distributing controlled substances.

Owner means the record owner of real property.

Property means real property.

B. The procedures for corrective action with respect to property shall be as follows:

1. Any law enforcement officer, as such terms are defined in Section 9.1-101 of the Code of Virginia 1950, as amended, may execute and file an affidavit with the Council, citing this Section of the Town Code, to the effect that (i) drug blight exists on a particular property within the Town, specifying the location of the property and the nature of the blight; (ii) that the Town has used diligence without effect to abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare.
2. The Council shall then cause a Notice to be sent to the owner of the property by regular mail to the last address listed on the Town's tax assessment records, together with a copy of the foregoing affidavit, advising that (i) the owner has up to thirty (30) days from the date of the Notice to undertake corrective action to abate the drug blight described in the affidavit and (iii) the Town will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the drug blight described in such affidavit.
3. If no corrective action is undertaken during such thirty (30) - day period, the Town Manager shall send by regular mail an additional notice to the owner of the property, at the address stated in the preceding subdivision, stating the date on which the Town may commence corrective action to abate the drug blight on the property, which date shall be no earlier than fifteen (15) days after the date of mailing of the Notice. Such additional Notice shall also reasonably describe the corrective action contemplated to be taken by the Town. Upon receipt of such additional Notice, the owner shall have a right, upon reasonable notice to the Town, to seek equitable relief, and the Town shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

C. If the Town undertakes corrective action with respect to the property after complying with the provisions of Subsection (2) hereof, the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected.

D. Every charge authorized by this Section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid Town real estate 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, 1950, as amended.

E. If the owner of such property takes timely corrective action pursuant to this Section, the Council shall, by Resolution, deem the drug blight abated, shall close the proceeding without any charge or cost to the owner, and shall forward a copy of such Resolution to the owner, thereby certifying that the proceeding has been terminated satisfactorily. The closing of the proceeding shall not bar the Town from initiating a subsequent proceeding if the drug blight recurs.

F. Nothing in this Section shall be construed to abridge or waive any rights of remedies of an owner of property at law or in equity.

(Section was Originally Repealed/Added in Chapter 9-2 11-26-07-Effective 7-1-08)

(Added Entire Section to Chapter 145, Transferred from Chapter 9-2 10-22-18-Effective Upon Passage)