

## Sec. 31-45. - Permits.

- (a) *Building permit:*
- (1) No building or structure shall be erected, constructed, altered, moved, converted, extended, or enlarged without the owner or owners first having applied for and obtained a building permit from the building official, the designated authority charged with the enforcement of the Virginia Uniform Statewide Building Code.
  - (2) The building official shall submit such building permit application to the zoning administrator, who shall certify whether the proposed use, structure, alteration, or enlargement is or is not in conflict with the provisions of this chapter. If such proposal is in conflict with this chapter, the building official shall refuse to issue such building permit.
- (b) *Certificate of occupancy:*
- (1) A certificate of occupancy shall be deemed to authorize, and is required for, any of the following:
    - a. Occupancy and use of a building hereafter erected.
    - b. Any enlargement, extension, or alteration of a building to change from one use group, as classified in section 202.0 of the Virginia Uniform Statewide Building Code, to another.
    - c. Any change in the use of a nonconforming use or building.
  - (2) Application for a certificate of occupancy shall be made with the building official, in accordance with the rules and regulations of section 120.0 of the Virginia Uniform Statewide Building Code.
  - (3) The building official shall submit such certificate of occupancy application to the zoning administrator, who shall certify whether the use, structure, alteration or enlargement is or is not in conflict with the provisions of this chapter. If said use, structure, alteration or enlargement is in conflict with this chapter, the building official shall refuse to issue such certificate of occupancy.
- (c) ***Certificate of compliance required for rental dwelling units:***
- (1) *Applicability.* The rental or leasing of any residential dwelling unit located in a rental inspection district so designated by the governing body pursuant to the criteria set forth in paragraph [31-45\(c\)\(2\)](#) of this code, for occupancy by any person who is not an owner of such dwelling unit, shall be permitted only after the property owner has obtained a certificate of compliance for rental use (hereinafter referred to as a "certificate of compliance for rental use," a "certificate," or a "certificate of compliance") from the city.
  - (2) *Establishment of rental inspection districts.*
    - a. After holding a duly advertised public hearing, the governing body may designate a rental inspection district, setting designated boundaries of the district, if the governing body finds that:
      1. There is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection district;
      2. The residential rental dwelling units within the designated rental inspection district are either:
        - A. Blighted or in the process of deteriorating; or
        - B. In the need of inspection by the building department to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside the proposed rental inspection district; and
      3. 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.
    - b. After holding a duly advertised public hearing, the governing body may designate an individual residential rental dwelling unit outside of a designated residential district as being subject to the provisions of subsection [31-45\(c\)](#) of the code if the governing body finds that:
      1. There is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit;
      2. The individual dwelling unit is either:
        - A. Blighted; or
        - B. In the process of deteriorating; or
      3. There is evidence of violations of the building code that affects the safe, decent and sanitary living conditions for tenants living in such individual dwelling unit.
    - c. The following districts and individual residential rental dwelling units have been duly designated as residential rental districts based on the findings of the governing body pursuant to subparagraphs [31-45\(c\)\(2\)a.](#) and [b.](#) herein and shall be subject to the requirements of subsection [31-45\(c\)](#) herein: all dwelling units in the city west of Euclid Avenue with the exclusion of Moseby Court.
  - (3) *Notification.*
    - a. No later than fifteen (15) days after the date of adoption of the ordinance from which this subsection derives, the code official designated by the city manager (the "code official") shall make reasonable efforts to notify all owners of residential rental units in a designated rental inspection district and all individual dwelling units not within a residential inspection district but subject to the rental inspection ordinance, of the adoption of the ordinance, providing information and an explanation of the responsibility of the owner to notify the code official of any real property of the owner that is located in the residential rental district and is used for residential rental purposes.
    - b. Each owner of a rental dwelling unit in a rental inspection district shall file with the code official a written notice no later than sixty (60) days after the date on the notice sent by the code official pursuant to subparagraph [31-45\(c\)\(3\)a.](#) herein, that said property is a residential rental unit. The notice shall be on a form provided by the city and shall include, but not be limited to, the following information:
      1. The address of the residential rental dwelling unit;
      2. The number of units;
      3. The name, home and business addresses and telephone numbers of the owner; and
      4. The name, business address and telephone number of any other person or agency responsible for maintenance and supervision of the property.
    - c. It shall be unlawful for any person to knowingly make any false statements in a written notice sent pursuant to subparagraph [31-45\(c\)\(3\)b.](#) herein.
  - (4) *Conditions for issuance of certificate of compliance; inspections of dwelling units; fees.*
    - a. Upon receipt of the written notice required by subparagraph [31-45\(c\)\(3\)b.](#), the code official shall issue a certificate after determining that the dwelling unit(s) for which the certificate is sought and the related premises are in compliance with the provisions of this chapter and all applicable state and local laws and regulations, and that all required fees have been paid.
    - b. To make such determination of compliance, the code official shall inspect the dwelling unit(s), grounds, and accessory structures. The code official shall perform such inspection when there is a change in tenancy or ownership, and once every four (4) years if there is no such change. Notwithstanding the foregoing requirement, the code official shall not conduct a new inspection when there is a change in tenancy or ownership if a successful inspection has been conducted during the twelve-month period immediately preceding such change or when a current certificate of compliance has been issued prior to the date of adoption of this ordinance; provided however that the pre-existing certificate of compliance shall be valid for four (4) years from the date it was initially issued and shall be subject to revocation. Upon revocation or expiration of the four (4) year period, such pre-existing certificate shall be subject to reinspection on the same basis as a certificate issued pursuant to subparagraph [31-45\(c\)\(4\)a.](#)

- herein.
- c. Notwithstanding the provisions of subparagraphs [31-45\(c\)\(4\)b.](#) herein, the code official may inspect any property or direct the inspection of any property by other city or county officials if:
1. There is a complaint registered with the city or if the official has other reason to believe that the owner(s) or occupant(s) of such property is (are) in violation of the provisions of this chapter or that such property does not comply with applicable state and local regulations, and
  2. The code official determines that an inspection is necessary to protect the public health, safety or welfare of city residents.
- d. If a multifamily dwelling unit complex, including all multifamily buildings that are part of the same development, contains more than ten (10) dwelling units, in the initial and periodic inspection the code official shall inspect only a sampling of dwelling units of not less than two (2) units and not more than ten (10) percent of the units. At no time shall the fee for inspection of a multifamily dwelling unit complex be charged for more than ten (10) dwelling units. If the code official determines that a violation of the building code that affects the safe, decent and sanitary living conditions for the tenants in such dwelling units was found upon inspection of the sampling of dwelling units, the code official may inspect as many of the dwelling units in such multifamily dwelling unit complex as is necessary to enforce the building code and may charge a fee based on a per dwelling unit inspected as provided for in subparagraph [31-45\(c\)\(4\)e.](#)
- e. *Fees.* Payment of the foregoing fees shall be made prior to the commencement of any inspection or reinspection.
1. Inspection by the code official of any property in conjunction with the issuance of the initial certificate for a dwelling unit or renewal thereof shall require payment to the city treasurer of a fee in the amount of fifty dollars (\$50.00).
  2. Reinspection of any property by the code official following a failure to pass any such inspection or reinspection shall require payment to the city treasurer of an additional fee in the amount of twenty-five dollars (\$25.00).
- (5) *Limitations of validity of certificate of compliance.*
- a. A certificate of compliance shall be valid for a period of four (4) years or until the termination of the rental tenancy for the subject property or until the ownership of the subject property is transferred, whichever occurs first. Notwithstanding the foregoing limitation, a certificate of compliance shall be valid for a minimum of one (1) year from the date of issuance of the certificate.
  - b. In the event ownership of one (1) or more dwelling unit(s) subject to this subsection is transferred, the new owner or the owner's agent shall notify the code official within thirty (30) calendar days after the date of transfer. Notwithstanding the foregoing requirement, a new certificate shall not be required until one (1) year has elapsed since the issuance of the certificate in effect on the date of such property transfer.
- (6) *Failure to pass inspection.*
- a. If the code official determines, after inspection, that any dwelling unit or any part of the premises related thereto fails to comply with the provisions of this chapter, a written notice of the violation or violations shall be given to the applicant in accordance with section 131.2 of the state building code. The notice shall specify a date by which the applicant shall remedy the listed violations, at which time a reinspection shall be conducted. If a reinspection is required after the first inspection, the applicant shall pay an inspection fee for each such reinspection visit to each dwelling unit or any part of the premises related thereto to be reinspected.
  - b. The decision of the code official to disapprove an application for a certificate may be appealed to the local board of building code appeals by the applicant in accordance with section 132.0 of the state building code.
- (7) *Operation without certificate of compliance.* It shall be unlawful for any owner or agent to rent or lease any vacant dwelling unit subject to the provisions of this subsection and allow occupancy thereof, unless the unit is subject to a valid certificate of compliance.
- (8) *Suspension of certificate of compliance.*
- a. A certificate of compliance once issued may be suspended by the code official when the official finds that the owner or occupants of the property are in violation of the provisions of this section or that the property does not comply with applicable state and local regulations.
  - b. No certificate shall be suspended unless the code official has served the owner or the owner's agent with a notice specifying the violations and affording the owner or the agent a reasonable period of time to correct the violations.
  - c. Upon the failure of the owner or the owner's agent to comply within the time specified in the notice of violation, the code official shall suspend the certificate of compliance. If the code official determines that the violations are of a serious enough nature to warrant immediate repair, the code official may use the authority granted in section 129.0 of the state building code to have the repairs made.
  - d. In the event the property owner or agent properly appeals a notice of violation of the property maintenance code in accordance with section 132.0 of the state building code, any pending suspension shall be stayed until the appeal has been completed.
  - e. A suspended certificate shall be reinstated after the violation or violations have been corrected and after reimbursement has been made to the city for any funds expended in abating any such violation.
- (9) *Revocation of certificate of compliance.*
- a. Substantiated reports of a violation by any owner or occupant of any rented dwelling unit, or a guest of such owner or occupant, of any provision of this chapter of the city code, on two (2) or more occasions within any six-month period, shall constitute grounds for the revocation of the certificate of compliance if the code official determines that revocation is necessary to protect the health, safety and welfare of the residents therein and/or residents of the neighborhood.
    1. The code official shall send written notice to the property owner or agent of each substantiated report of any violation of this chapter. Upon receipt of the second such notice within a six-month period, the property owner or agent shall submit a proposal for assuring that such incidents will not continue on the subject property. If the property owner or agent fails to submit a satisfactory proposal within ten (10) days of receipt of such notice, the code official shall issue a notice of revocation of the certificate, the revocation being effective thirty (30) days from receipt of the notice by the property owner or agent.
    2. Revocation of a certificate by the code official pursuant to this subparagraph (8)a. may be appealed to the board zoning appeals in accordance with the provisions of [section 31-50](#) of the city code. The board shall sustain the decision of the code official unless it finds that the provisions of this chapter of the city code have not been violated on two (2) or more occasions within any six-month period or that any and all of the violations have been corrected and provisions have been made to assure future compliance.
  - b. Occupation of a rental dwelling unit in violation of the maximum occupancy standard of the state building code shall constitute grounds for the revocation of the certificate of compliance if the code official determines that revocation is necessary to protect the health, safety and welfare of the residents therein and/or residents of the neighborhood. Revocation of a certificate by the code official pursuant to this subparagraph (8)b. may be appealed to the local board of building code appeals in accordance with section 132.0 of the state building code.
  - c. Upon revocation of any certificate of compliance, no application for a subsequent certificate shall be accepted by the code official for such property within three (3) months of the date of revocation. In the case of an appeal that has been denied, the date of denial of the appeal shall constitute the date of revocation of the certificate.
- (10) *Display and availability of certificate of compliance required.* Every owner or agent must show to every prospective tenant before occupancy a valid certificate of compliance covering the dwelling unit to be rented. Every owner or agent must show to any tenant, upon demand, a valid certificate covering the dwelling unit the tenant occupies.
- (11) *Enforcement.*
- a. Penalty for violation of subsection. Any person violating any provision of this subsection shall, upon conviction thereof, be subject to punishment by a fine of not more than two thousand five hundred dollars (\$2,500.00). In

addition, the court may impose a bond to ensure compliance with the provisions of this section for the next succeeding year.

- b. Enforcement by injunction. Failure, refusal or neglect to comply with any of the provisions of this section may, in addition to any other remedy provided in subsection 31-45(c) or in place thereof, be restrained, prohibited or enjoined by an appropriate proceeding instituted in a court of competent jurisdiction by the city attorney.
  - c. Notwithstanding subparagraphs 31-45(c)(11)a. and b. above, at no time shall the penalty for failure of the owner to provide notice pursuant to subparagraph 31-45(c)(3)b. be more than fifty dollars (\$50.00) and at no time shall the basis of an injunction pursuant to subparagraph 31-45(c)(11)b. herein be failure to provide the notice required pursuant to subparagraph 31-45(c)(3)b. However there shall be no penalty for the failure of the owner to provide the notice to the code official if the code official has not complied with the notice required by subparagraph 31-45(c)(3)a.
- (12)** *New construction.* The requirement for an inspection fee shall not apply to any building for which a certificate of occupancy has been issued by the city until one (1) year after the issuance of such certificate of occupancy.
- (13)** *State building code.* Nothing in this subsection shall prohibit an inspection of any rental dwelling unit for a violation of the state building code pursuant to a complaint.
- (14)** *Landlord and tenant rights.* Nothing in this subsection shall in any way alter the rights and responsibilities of landlords or tenants pursuant to applicable provisions of chapters 13 or 13.2 of title 55 of the Code of Virginia.

*(Ord. No. 03-1700-720, § 1, 7-15-03; Ord. No. 05-1700-782, § 1, 6-21-05)*

*Cross reference— Building Code, § 7-16 et seq.; occupancy permit required by housing standards ordinance, § 13.5-8.*