



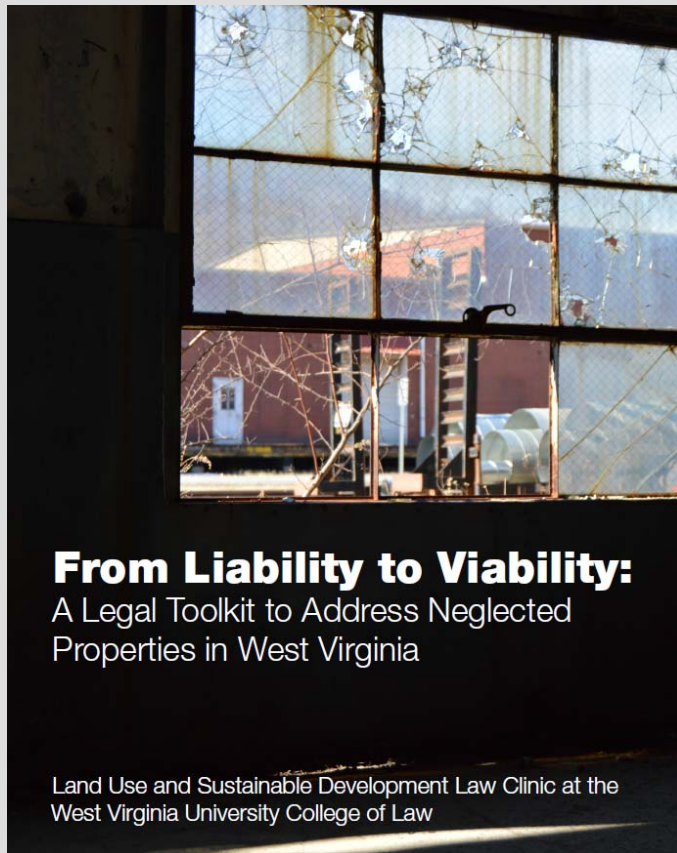
Navigating the Ordinance and Enforcement Maze

Property Rescue Initiative
Information Workshop

Huntington, WV
February 19, 2016



Introduction



- Laying the Foundation
- Fundamental Tools
- Additional Tools
- Special Considerations
 - Historic Properties
 - Home Rule
 - Contaminated Properties

Laying the Foundation

- Collaborating with Key Players
 - Bring key stakeholders together to brainstorm and formulate strategies
 - Identify, prioritize
- Comprehensive Plan
 - Blueprint for future development
 - Goals and action plan
 - Strategic

West Virginia State Building Code (WVSBC)

- Any city or county in WV can adopt WVSBC
- Local government must adopt entirety of WVSBC
 - Except: Can adopt International Property Maintenance Code (IPMC) only
- Administered by State Fire Commission, Enforced by local government.
- Community must have certified personnel to enforce provisions of WVSBC
 - Sharing an Inspector an option



Building Code (Con't)

- Advantages

- Provides uniformity and compliance
- Helps ensure the construction of safe buildings, protecting lives, and personal property
- Codes utilize proven industry standards, including new technologies and commonly accepted construction practices and materials

- Disadvantages

- Resources for enforcement, training, inspections, and any legal costs
- Requires enforcement of all parts of the building code (can't pick and choose)
- Building codes can be technical, complex, and not easily understood

- ...in West Virginia

- 9 counties and 52 municipalities have adopted the WVSBC (as of June 2015)

Regulate Unsafe & Unsanitary Buildings

- Section 7-1-3ff allows **counties** to regulate unsafe and unsanitary structures.
- Section 8-12-16 allows **municipalities** to regulate the repair, closing, or demolition of dwellings or buildings unfit for human habitation.

Regulate Unsafe & Unsanitary Buildings

- Ordinance

- Repair
- Alteration
- Improvement
- Vacating
- Closing
- Removal
- Demolition

...if building is unfit for human habitation based on...

- Dilapidation
- Increased Fire Hazard or Accident Hazard
- Lack of Ventilation, Light or Sanitary Facilities
- Anything Detrimental to Public Health or Safety

Enforcement Agency

County

- County Engineer
- County Health Officer
- Fire Chief
- County Litter Control Officer
- 1 or 2 members at large selected
- Sheriff (ex officio)

Municipality

- Mayor
- Municipal Engineer or Building Inspector
- 1 at large member
- County Health Officer (ex officio)
- Fire Chief (ex officio)

Issue Orders & Impose Civil Penalties

- Repair
- Alteration
- Improvement
- Vacating
- Closing
- Removal
- Demolition
- Clean up



Vacant Property Registration Program

- A program that municipalities (but not counties) in WV can establish to require all owners of vacant buildings and properties to register their properties and pay an annual registration fee
- Municipalities typically implement a tiered annual registration fee schedule based on number of years on registry



Vacant Property Registration Program (Con't)

- Fees from registry must go to improving public safety and to monitor and administer program.
- Indications from municipalities around the state has been primarily positive...gets properties fixed, demolished, or sold to responsible party.

Registration of Vacant Buildings

City of Wheeling

- Less than 1 year = 0\$
- 1 year - \$200
- 2 years = \$400
- 3 years = \$600
- 4 years = \$800
- 5 years = \$1600
- Over 5 years = \$1600 plus \$300 per additional year.

Uninhabitable Property Registration Program

- A program that municipalities can establish to require all owners of uninhabitable properties to register and pay an annual registration fee.
- Community must adopt the WVSBC prior to establishing this registry
 - There must be a violation of the WVSBC
 - There must also be an enforcement agency (Mayor, Building Inspector/Engineer, and At-large member) established.

Uninhabitable Property Registration Program (Con't)

- Municipality can take property by forfeiture if uninhabitable property registration fee remains unpaid for 24 months.
- Works hand in hand with WVSBC including notice of violation
- Downside to both registration programs...resources and time for enforcement

Public Shaming



Public Shaming

- "Most people don't want others to know they own a run down, old building. Many property owners respond and make necessary changes once we place the sign on their property."

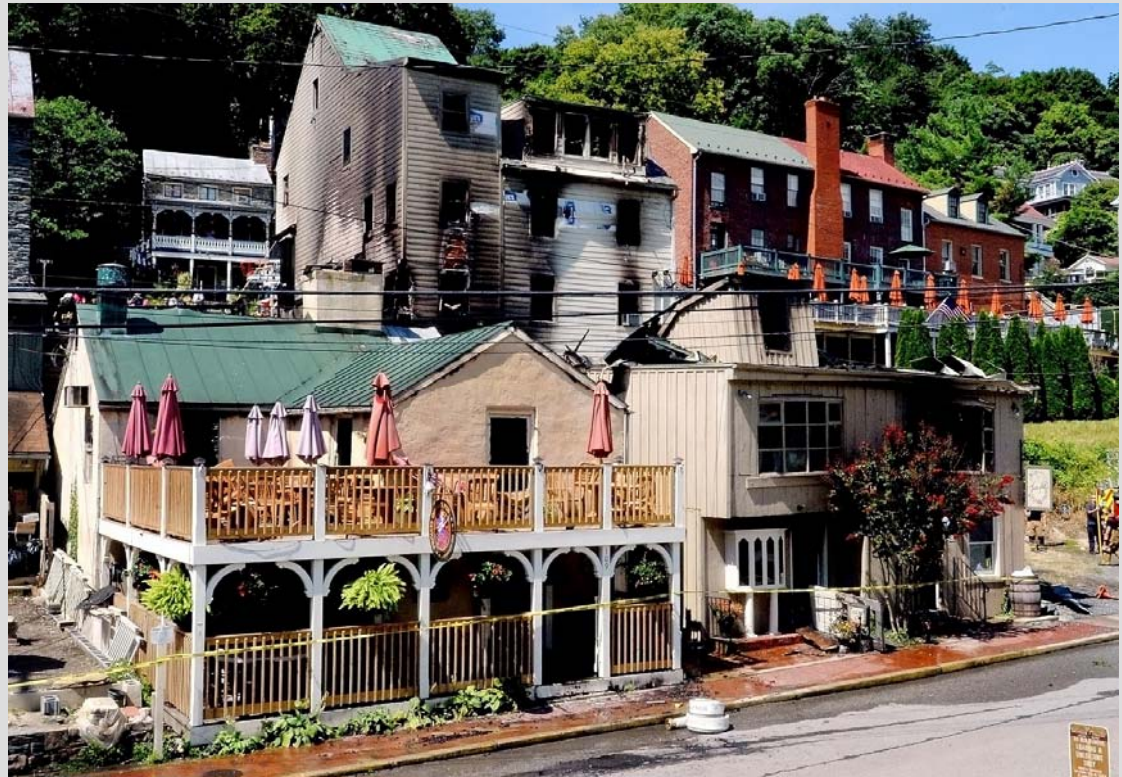
Angela Gerald, Abandoned Buildings Coordinator, Fayette County, West Virginia.

Liens for Debris Removal

- The greater amount of \$5,000 or 10% of the policy limit
- Created in favor of the local government

Advantages

- Discourages deliberate arson, neglect & abandonment
- Can expedite returning properties to productive use
- Helps local governments cover costs of fire-related debris removal and demolition
- Helps mitigate fire-related hazards created by neglected properties



On-Site Citations

- Section applies to:
 - Sidewalks
 - High Weeds/Grass
 - Exterior garbage
 - Junk Storage
 - Structural Integrity
 - Public Health Concerns

Onsite Tickets

- \$100.00 for the first citation
- \$200 for the second citation
- \$300 for the third citation
- \$500 for each additional citation.
- “failure to pay when due or failure to file an appeal with the Charleston Municipal Court within ten days of service of the citation shall constitute a failure to appear ... which shall result in the suspension of your driver’s license.”
- “Additionally, if the City corrects the violation(s) as a result of your failure to do so, it may file a lien on your property for any costs incurred.”


Charleston WV, 25312

Date of Violation: April 30, 2009
 Place of Violation: 123 Hanna Drive
 Charleston WV 25312

Notice received via: Personal Service
 Certified Mail

You received a Notice of Violation dated April 24, 2009, in regard to a violation(s) of the Charleston City Code. Upon re-inspection of the above referenced property, the violation(s) of the code was not corrected. The nature of the citation is described below.

Description of Violation	Section(s) Violated	Amount Due
<input checked="" type="checkbox"/> Open Storage in Residential Districts	<input checked="" type="checkbox"/> (3-070-C-1), (3-070-C-2), (3-060-C-5)	\$100.00
<input type="checkbox"/> Surfacing	<input type="checkbox"/> (22-040-04)	



FIRST
CITATION

Fines shall be due within ten days of service of the citation. Failure to pay when due or failure to file an appeal with the Charleston Municipal Court within ten days of service of the citation shall constitute a failure to appear or otherwise respond and will result in notification to the Department of Motor Vehicles, which shall result in the suspension of your drivers license.

04/30/2009

Failure to correct the violation(s) shall result in the issuance of additional citations, the penalties for which are described on back. Additionally, if the City corrects the violation(s) as a result of your failure to do so, it may file a lien on your property for any costs incurred.

Return this section with your payment

City of Charleston
 Charleston City Collector
 915 Quarrier Street, Suite 4
 Charleston, WV 25301
 Phone: (304) 348-8024

Make checks payable to City of Charleston

Name of person charged	Amount Due:
John Doe 123 Hanna Drive Charleston WV, 25312	First Citation \$100.00

Process for Appeal on Back

The banner features a central blue rectangle with the text "Questions?". To the left is a photograph of a bright sun rising over a misty forest. To the right is a photograph of a sunlit forest with green and yellow foliage.

Questions?

Land Bank

- **Land Bank:** A public authority that specializes in the acquisition, redevelopment and sale or lease of neglected properties for more productive use.

















Photo courtesy: Cuyahoga County Land Reutilization Corporation



Charleston Urban Renewal Authority
815 Quarrier St
Suite 244
Charleston, WV 25301

(304) 346-6890
(304) 348-6892
jedwardscura@wvdsi.net
www.curawv.org



Listings		Map		Sort by: <select one> ▼	
<input type="checkbox"/> Select All	<input type="checkbox"/> Email Selected	<input type="checkbox"/> Print Selected			
<input type="checkbox"/>		609 Capitol Street Vacant land Kanawha County Charleston, WV 25301 Land	For Sale \$230,000 -	 GET MORE INFORMATION	 INQUIRE ABOUT PROPERTY
<input type="checkbox"/>		1-6 Chamberlain Court Kanawha County Charleston, WV 25311 Multi-Family	For Sale	 GET MORE INFORMATION	 INQUIRE ABOUT PROPERTY
<input type="checkbox"/>		1002.1018 Quarrier Street Vacant Land Kanawha County Charleston, WV 25301 Land	For Sale \$990,000 -	 GET MORE INFORMATION	 INQUIRE ABOUT PROPERTY
<input type="checkbox"/>		1315 Washington Street E Vacant Land Kanawha County Charleston, WV 25301-1916 Land	For Sale \$525,000 -	 GET MORE INFORMATION	 INQUIRE ABOUT PROPERTY
<input type="checkbox"/>		1590 Washington Street E	For Sale \$250,000	 GET MORE INFORMATION	



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Detail

Map

Back to List

1601 Washington Street W, Charleston, WV

[Forward to a Colleague](#) [Print Property](#)

1601 Washington Street W

Charleston, WV 25387-2330 - Greater Charleston Submarket

Property Type:	Retail	For Sale Price:	For Sale
Sub Type:	Storefront	Price/SF:	-
	Retail/Residential	Cap Rate:	-
Status:	Existing , Renov 2009		
Year Built:	1939		
Building Size:	5,026 SF		
Land Area:	.09 AC (4,064 SF)		
Portfolio:	This property is for sale as part of a portfolio of 3 properties.		
Parking:	Free Surface spaces are available; Ratio of 1.39/1,000 SF		



CLICK HERE TO CONTACT THE SALES BROKER

This property has 6 apartment units on the second floor. This also has a finished basement of 2400 SF. This are included in the sale of the property. Building is up to city and Fire codes. City is matching up to 5000 dollars to redo outside of building.



Charleston Urban Renewal Authority

James Edwards
(304) 348-6890

LRAs & URAs

- West Virginia Land Reuse Agency Authorization Act (2014) §31-18E-1 et seq.
- Urban Renewal Authority Law (1951) §16-18-1 et seq.
 - Charleston
 - Clarksburg
 - Fairmont
 - Fayette County
 - Huntington
 - Nutter Fort
 - Wellsburg
 - Parkersburg

URA	LRA
To purchase, lease, acquire by gift & devise	To acquire by any means the LRA considers proper
To hold, improve, clear or prepare for redevelopment	To design, develop, construct, demolish, reconstruct, deconstruct, rehabilitate, renovate, relocate
To sell, lease, assign, mortgage	To convey, exchange, sell, transfer, lease, grant or mortgage
To enter into contracts	To enter into contracts
To borrow money and issue bonds	To borrow money and issue bonds
To sue & be sued	To sue & be sued



URA: §16-18-8. Eminent domain.

(a) An authority shall have the right to acquire by the exercise of the power of eminent domain.

LRA: §31-18E-8. Eminent domain.

A land reuse agency does not possess the power of eminent domain.

Location of Properties

URA	LRA
Specific "Area of Operation" of URA	Jurisdiction of LRA
Consistent with a General Plan (Must have a Comprehensive Plan)	Coordinate with Existing Land Use Plans (If the community has duly adopted plans)
Designated Slum or Blighted Area (Must Designate a Slum or Blighted Area)	
Consistent with a Redevelopment Plan (Must have a Redevelopment Plan)	



Competitive Bidding at Tax Sale

For LRAs:

“if no person present at the tax sale bids the amount of the taxes, interest and charges due on any unredeemed tract or lot or undivided interest in real estate offered for sale... the land reuse agency shall be given an opportunity to purchase the tax lien and pay the taxes, interest and charges due for any unredeemed tract or lot or undivided interest therein as if the land reuse agency were an individual who purchased the tax lien at the tax sale.” §31-18E-9 (g)

Tax Proceeds

- LRAs may also receive a portion of the county's real property tax if authorized by the taxing jurisdiction. §31-18E-11

