

SEP 22 2009

ORDINANCE NO. 56A-16BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES – MISCELLANEOUS, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY ADDING SECTION 15-40, DRUG BLIGHT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses – Miscellaneous, is hereby amended and reordained by adding, Section 15-40, Drug blight.

Chapter 15. Offenses - Miscellaneous

Section 15-40. Drug blight.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Affidavit. *The affidavit prepared by the county in accordance with subdivision (a)(1) hereof.*

Building Official. *The James City County building official or his designee.*

Controlled substance. *Illegally obtained controlled substances or marijuana, as defined in section 54.1-3401 of the Code of Virginia.*

Corrective action. *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. *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. *The record owner of real property.*

Police Chief. *The James City County chief of police or his designee.*

Property. *Real property.*

(a) *The building official is hereby authorized to undertake corrective action with respect to property in accordance with the procedures described herein:*

(1) *The police chief shall execute an affidavit, citing this section, to the effect that (i) drug blight exists on the property and in the manner described therein; (ii) the county 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 building official shall then send a notice to the owner of the property, to be sent by regular mail to the last address listed for the owner on the county's assessment records for the property, together with a copy of such affidavit, advising that (i) the owner has up to 30 days from the date thereof to undertake corrective action to abate the drug blight described in such affidavit and (ii) the county 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 30-day period, the building official shall send by regular mail an additional notice to the owner of the property, at the address stated in the preceding subsection, stating the date on which the county may commence corrective action to abate the drug blight on the property, which date shall be no earlier than 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 county. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the locality, to seek equitable relief, and the county shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.*

(b) *If the county undertakes corrective action with respect to the property after complying with the provisions of subsection (a) the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes are collected.*

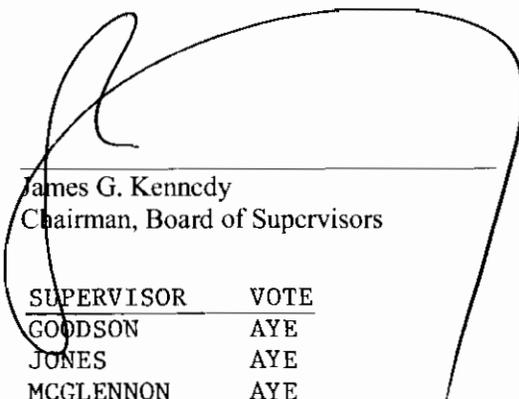
(c) *Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.*

(d) *If the owner of such property takes timely corrective action pursuant to this section, the county shall deem the drug blight abated, shall close the proceeding without any charge or cost to the*

owner and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the county from initiating a subsequent proceeding if the drug blight recurs.

(e) Nothing in this section shall be construed to abridge or waive any rights or remedies of an owner of property at law or in equity.

State law reference-§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring illegal drug use.



James G. Kennedy
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
GOODSON	AYE
JONES	AYE
MCGLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on the 22nd day of September, 2009.

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