

VIRGINIA ACTS OF ASSEMBLY -- 1995 RECONVENED SESSION

CHAPTER 718

An Act to amend Chapter 646 of the Acts of Assembly of 1968, which provided a charter for the Town of Herndon in the County of Fairfax, by adding sections numbered 2.3 and 2.4, relating to regulating the use and occupancy of buildings; abatement of blight; penalties.

[H 1476]

Approved April 6, 1995

Be it enacted by the General Assembly of Virginia:

1. That Chapter 646 of the Acts of Assembly of 1968 is amended by adding sections numbered 2.3 and 2.4 as follows:

§ 2.3. Light, ventilation, sanitation and use and occupancy of buildings; inspection warrants.

A. The Town of Herndon may regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding such buildings.

B. In regulating use and occupancy of such buildings, the town, among other powers, may by ordinance limit, restrict, lower, or control the number of people who may reside in or occupy a building or dwelling unit, to discourage or eliminate neighborhood blight caused by excessive occupancy, as defined by the Virginia Uniform Statewide Building Code.

C. The town may provide that the violation of an ordinance adopted under this section constitutes a Class 3 misdemeanor and may enforce this section by suit in equity.

D. In exercising the powers granted by this section, the town may inspect buildings according to (i) the procedures set out in §§ 19.2-393 through 19.2-397 of the Code of Virginia, with necessary changes for administrative enforcement, or (ii) general law of this state for criminal enforcement.

§ 2.4 Inspection of residential units.

Upon an affirmative finding of the need to protect the public health, welfare, and safety of its citizens, the Town of Herndon may provide by ordinance for the issuance of certificates of compliance with current building regulations for existing residential rental buildings located in areas of the town subject to neighborhood blight, designated by the town council, after inspections of such buildings upon a termination of the tenancies or when such rental property is sold. Such certificate of compliance shall be issued in accordance with the administrative provisions of the Virginia Uniform Statewide Building Code.

2. That an emergency exists and this act is in force from its passage.