

# 2021 Virginia Construction Code

## CHAPTER 1 ADMINISTRATION

### SECTION 118

## BUILDINGS OR STRUCTURES THAT BECOME A THREAT TO PUBLIC SAFETY DURING CONSTRUCTION

#### 118.1 General.

Any *building* or *structure* that is under *construction* and has not received a permanent certificate of occupancy (CO), or final inspection if a CO will not be issued, that has been determined by the building official to be an immediate threat to public safety due to faulty *construction*, deterioration, damage, or structural instability, shall be made safe through compliance with this code or shall be demolished and removed if determined necessary by the building official.

#### 118.2 Correction notice.

The building official shall issue a correction notice that describes the condition of the *structure* that is the basis for the determination that a violation of [Section 118](#) exists. The correction notice shall state what is required to correct the violation and provide a reasonable time to make the corrections, or if the *structure* is required to be demolished, the notice shall specify the time period within which the demolition must occur.

#### 118.3 Notice of violation.

When the violation has not been corrected in accordance with the correction notice issued per [Section 118.2](#), the building official is authorized to issue a notice of violation in accordance with [Section 115](#) of this code.

##### 118.3.1 Vacating unsafe building or structure.

If the building official determines there is actual and immediate danger to the occupants or public, or when life is endangered by the occupancy of an unsafe *building* or *structure*, the building official shall be authorized to order the occupants to immediately vacate the unsafe *building* or *structure*. When an unsafe *building* or *structure* is ordered to be vacated, the building official shall post a notice at each entrance that reads as follows:

"This Building (or Structure) is Unsafe and its Occupancy (or Use) is Prohibited by the Building Official."

After posting, occupancy or use of the unsafe *building* or *structure* shall be prohibited except when authorized to enter to conduct inspections, make required repairs, or as necessary to demolish the *building* or *structure*.

#### 118.4 Posting of notice.

The notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

#### 118.5 Posting of placard.

In the case of an unsafe *building* or *structure*, if the notice is not complied with, a placard with the following wording shall be posted at the entrance to the *building* or *structure*:

"This Building (or Structure) is Unfit for Habitation and its Use or Occupancy has been Prohibited by the Building Official."

After an unsafe *building* or *structure* is placarded, entering the unsafe *building* or *structure* shall be prohibited except as authorized by the building official to make inspections, to perform required repairs, or to demolish the unsafe *building* or *structure*. In addition, the placard shall not be removed until the unsafe building or structure is determined by the building official to be safe to occupy. The placard shall not be defaced.

#### 118.6 Emergency repairs and demolition.

To the extent permitted by the *locality*, the building official may authorize emergency repairs or securing of the site when it is determined that there is an imminent threat to the life and safety of the public. The building official shall be permitted to authorize the necessary work to make the *structure* temporarily safe whether or not legal action to compel compliance has been instituted.

In addition, if the notice of violation included an order to demolish the *structure* and the demolition has not occurred in the time period stipulated, the building official shall be permitted to cause the unsafe *structure* to be demolished. In accordance with §§ 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the *locality* may be requested to institute appropriate action against the property *owner* to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

**Note:** Building officials and local governing bodies should be aware that other statutes and court decisions may impact on matters relating to demolition, in particular whether newspaper publication is required if the *owner*

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cannot be located and whether the demolition order must be delayed until the owner has been given the opportunity for a hearing.

#### **118.7 Closing of streets.**

When necessary for public safety, the building official shall be permitted to order the temporary closing of sidewalks, streets, public ways, or premises adjacent to a *structure* that has become a threat to public safety during *construction*.