



Date of Council Meeting: November 26, 2013

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: A resolution to initiate Town Code amendments and other steps to facilitate Loudoun County (“County”) assistance in the enforcement of the Virginia Maintenance Code (“Maintenance Code”) within the Town limits.

Staff Contact: Jeanette Irby, Town Attorney

Recommendation: Pass an initiating resolution amending the Town Code, Zoning Ordinance and other regulations to allow the County to enforce the Maintenance Code in the Town and authorizing the Town Manager to execute a revision to the current Memorandum of Understanding (“MOU”) between the Town and County.

Issue: Should the Town Council pass a resolution initiating Town Code and other amendments and authorizing the Town Manager to execute a revised MOU allowing county staff to assist in enforcement of the Maintenance Code within the Town limits?

Fiscal Impact: There is no fiscal impact to the Town.

Background: In 2010, the Town and County entered into a Memorandum of Understanding (“MOU”) to allow County staff to assist Town staff in enforcing overcrowding regulations within the Town by utilizing provisions set forth in the Virginia Maintenance Code (“Maintenance Code”). The Maintenance Code is an optional section of the Virginia Uniform Statewide Building Code containing various optional provisions that localities may choose to adopt to regulate the maintenance of buildings and structures.

Loudoun County, in its ordinances, has adopted certain sections of the Maintenance Code relating to unsafe structures, exterior property areas, exterior structure, light, ventilation and swimming pools, spas, and hot tubs. Town Council is now asked to pass a resolution to initiate the revision of the current MOU (which only governs the overcrowding sections of the Maintenance Code), to include these additional provisions and to initiate amendments to the Town Code, Zoning Ordinance and other regulations to facilitate the enforcement of these additional provisions within the Town limits by the County.

The Town in its legislative agenda petitioned the General Assembly to encourage the County to treat the citizens of the Town, with equal dignity as other county residents in regards to the enforcement of the Maintenance Code. The legislation was referred to the Housing Commission for review which held several meetings during the summer. The Housing Commission declined to accept the language propounded by Delegate Minchew to require the County to enforce the Maintenance Code within the Town absent an agreement. However, the County has decided that it will enter into an agreement with the Town to enforce the Maintenance Code as set forth in the draft MOU; however the responsibility to take legal action concerning the enforcement will be with the Town.

Initiating Amendment to Chapter 8 (Building Codes)

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Attachments: 1.) Proposed Resolution
2.) Draft of MOU from Jack Roberts, County Attorney

PRESENTED November 26, 2013

RESOLUTION NO. _____

ADOPTED _____

A RESOLUTION: TO INITIATE AMENDING CHAPTER 8 (BUILDING AND BUILDING REGULATION), ARTICLE I (IN GENERAL), SECTION 8-1 (BUILDING CODE AND OTHER CODES) OF THE TOWN CODE BY ADOPTING OPTIONAL PROVISIONS OF THE VIRGINIA MAINTENANCE CODE INCLUDING CHAPTERS 3 AND 4 AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE AN AMENDED MEMORANDUM OF UNDERSTANDING REPLACING THE EXISTING MEMORANDUM OF UNDERSTANDING BETWEEN LOUDOUN COUNTY AND THE TOWN FOR ENFORCEMENT OF THE VIRGINIA MAINTENANCE CODE WITHIN THE TOWN LIMITS

WHEREAS, pursuant to Code of Virginia of 1950, as amended, § 15.2-1300, any two or more political subdivisions may enter into agreements with one another for joint action; and

WHEREAS, the Town has requested and Loudoun County has agreed to enter into a revision to the existing Town – County Memorandum of Understanding (“MOU”) to coordinate the enforcement of Section III of the Uniform Statewide Building Code—the Virginia Maintenance Code (hereinafter “Maintenance Code”); and

WHEREAS, the revision of the MOU will authorize the County to enforce the Maintenance Code within the Town in the same manner, level of service, and with equal dignity to all county residents including those residents that live within the Town; and

WHEREAS, the County has adopted the following portions of the Maintenance Code in the Codified Ordinances of Loudoun County: Unsafe structure provisions; Exterior property and structure provisions; General (Section 301), Exterior Property Areas (Section 302), Swimming Pools, Spas and Hot Tubs (Section 303), and Exterior Structure (Section 304) and Occupancy limitations provisions; and

WHEREAS, the County has agreed to assist the Town with enforcement of those provisions of the Maintenance Code enacted by the County; and

A RESOLUTION: TO INITIATE AMENDING CHAPTER 8 (BUILDING AND BUILDING REGULATION), ARTICLE I (IN GENERAL), SECTION 8-1 (BUILDING CODE AND OTHER CODES) OF THE TOWN CODE BY ADOPTING OPTIONAL PROVISIONS OF THE VIRGINIA MAINTENANCE CODE INCLUDING CHAPTERS 3 AND 4 AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE AN AMENDED MEMORANDUM OF UNDERSTANDING REPLACING THE EXISTING MEMORANDUM OF UNDERSTANDING BETWEEN LOUDOUN COUNTY AND THE TOWN FOR ENFORCEMENT OF THE VIRGINIA MAINTENANCE CODE WITHIN THE TOWN LIMITS

WHEREAS, the County has tendered the attached agreement that sets forth the duties and responsibilities of each locality with respect to the enforcement of the Maintenance Code; and

WHEREAS, there may be additional amendments required to the Town Code, the Zoning Ordinance or the DCSM in order to activate the enforcement and that this resolution also serves to initiate any additional legislative actions that may be required; and

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia that amendments to the Town Code shall be initiated to:

1. Adopt optional provisions in the Maintenance Code for the benefit of the residents of the Town; and
2. Authorize the Town Manager to execute an amended MOU replacing the existing MOU on behalf of the town to allow enforcement of the Maintenance Code by the County; and
3. Initiate any Town Code, Zoning Ordinance or DCSM changes that may be required for the implementation and enforcement of the same.

A RESOLUTION: TO INITIATE AMENDING CHAPTER 8 (BUILDING AND BUILDING REGULATION), ARTICLE I (IN GENERAL), SECTION 8-1 (BUILDING CODE AND OTHER CODES) OF THE TOWN CODE BY ADOPTING OPTIONAL PROVISIONS OF THE VIRGINIA MAINTENANCE CODE INCLUDING CHAPTERS 3 AND 4 AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE AN AMENDED MEMORANDUM OF UNDERSTANDING REPLACING THE EXISTING MEMORANDUM OF UNDERSTANDING BETWEEN LOUDOUN COUNTY AND THE TOWN FOR ENFORCEMENT OF THE VIRGINIA MAINTENANCE CODE WITHIN THE TOWN LIMITS

PASSED this 26th day of November, 2013.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council