AGENDA
Local Board of Building Code Appeals &
Local Board of Fire Code Appeals
January 23, 2020
6:00 p.m.

1. Call to Order.

2. Approval of Minutes.
   *Meeting of January 23, 2019

3. Public Hearings.
   *None

4. Old Business.
   *None

5. New Business.
   *Standards of Conduct/Payroll Packets

6. Other Business.
   *Election of Officers
   *Review of By-Laws and Establishment of Meeting Date

7. Adjournment.
STANDARDS OF CONDUCT FOR MEMBERS OF THE
KING GEORGE COUNTY LBBCA/LBFCA

Realizing that persons holding a position of public trust are under constant observation by the media and all County residents, and further recognizing that maintaining the integrity and dignity of public office and confidence in our institutions of government, every member of the King George County Board of Supervisors does publicly commit collectively and individually to the following Standards of Conduct.

1. Avoid during public meetings and during the performance of public duties the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or employees.

2. To strive sincerely to build better relationships with one another and with the County Administrator, Constitutional Officers, and the elected and appointed Boards and Commissions of King George County.

3. Pay all taxes due to one’s town or residence, county, state, or national government.

4. Attend all regularly-scheduled meetings of the Board or committees to which you have been assigned, resigning whenever personal circumstances preclude regular attendance.

5. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.

6. Work to create a positive environment in public meetings where citizens will feel comfortable in their role as observers and/or participants.

7. To listen carefully and maintain an attitude of courtesy and consideration toward all colleagues and staff during all discussions and deliberations.

8. To always be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.

9. To listen carefully and be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, County personnel, or colleagues.

10. To be concise. Avoid the practice of taking more time to address an issue before the body than necessary and essential for an adequate consideration of those matters being discussed by being prepared, organized and clear in all public deliberations.

11. To abide by the King George County Code of Ethics and Standards of Conduct and further to provide appropriate mechanisms for disciplining members who violate the Code of Ethics and/or Standards of Conduct through the adoption of resolutions of
disapproval citing the provisions of the Code of Ethics or Standards of Conduct of which
the governing body determines a member has violated.

We, the undersigned, do hereby recognize that holding public office is a public trust and that the
stewardship of the King George County Board of Supervisors and County services demands the
highest level of professional, ethical and moral conduct. We therefore commit to adhere to the
King George County Code of Ethics and Standards of Conduct at all times in our professional
lives.

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<tr>
<th>Name</th>
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<td>Member LBBCA/LBFCA</td>
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No annual report given at this time. Once the member roster is filled and completed, Mr. Hudson will send out the annual report to all members.

**Other Business:**

**Election of Officers:**

Ms. Jordan opened the floor for nominations for the position of Chairman. Mr. Tucker made a motion to nominate Ms. Jordan to retain her position as Chairman. He respectfully asked if she was willing to serve a second term to which Ms. Jordan accepted. Mr. Klopsis seconded the motion which carried with a unanimous vote to reappoint Ms. Jordan as Chairman for year 2019.

Ms. Jordan then opened the floor for nominations for Vice Chairman. Mr. White nominated Mr. Klopsis. Mr. Tucker seconded the motion. Motion carried with a unanimous vote to appoint Mr. Klopsis as Vice Chairman for year 2019.

**General Discussion:**

A general round table discussion was conducted by the Board to ensure all Board Members were aware of the function and duties of the Board. Ms. Jordan engaged the group with a few questions relating to Code, Code Enforcement, and why the Board exists. Mr. Tucker shed legal insight and past experience with the group as did each other Board Members.

**Review of By-Laws and Establishment of Meeting Date:**

Mr. Hudson distributed a copy of By-Laws to each member of the Board. No meeting date was set. Mr. Hudson indicated a tentative meeting in January of 2020, exact date to be determined.

**Adjournment:**

Ms. Jordan asked for a motion to adjourn. Mr. Tucker made a motion to adjourn. Seconded by Mr. White, unanimous vote was made and the meeting was adjourned at 6:33 pm.
2020

KING GEORGE COUNTY

LOCAL BOARD OF BUILDING CODE APPEALS

LOCAL BOARD OF FIRE CODE APPEALS

BY-LAWS AND APPEALS PROCEDURE
King George County  
Local Board of Building Code Appeals & Local Board of Fire Code Appeals  
January 23, 2019

Chairman Leslie Jordan called the meeting of the King George County Board of Building Code Appeals to order at 6:03 p.m. in the King George County Revercomb Building Board Room. A Quorum was present.

**MEMBERS PRESENT:** Chairman, Leslie Jordan  
- Paul Tucker  
- Mike White  
- Ted Klopsis

**STAFF PRESENT:** Brad Hudson  
- Dan Dixon

**Approval of Minutes**

Ms. Jordan asked for a motion to approve the minutes from the February 5, 2018 meeting. Mr. Tucker motioned to approve the minutes as presented. Mr. Klopsis seconded. Motion carried unanimously.

**Public Hearing:** None.

**Old Business:** None.

Mr. Tucker inquired what code cycle we were currently enforcing. Mr. Brad Hudson indicated we were enforcing the 2012 Virginia Construction Code until September 1, 2019, at which time we would enforce the 2015 Virginia Construction Code. Mr. Dan Dixon indicated we would enforce the 2012 VSFP and that Virginia had not adopted the 2015 VSFP.

**New Business:** Standards of Conduct/Payroll Packets.

Mr. Hudson indicated that the members of this Board would be getting paid for their meetings. He then asked that they open the payroll packets and instructed the Board to complete and return the packets to him. Each member will receive fifty dollars per meeting once the packet is completed and returned to payroll for processing. Next, Mr. Hudson handed out the new Standards of Conduct for Board Members. Mr. Hudson indicated that Dr. Young, County Administrator, requested each Board Member read and sign the Standards of Conduct. After a brief discussion, some members signed and returned the Standards of Conduct immediately while others indicated they would submit the form with their payroll packet.

**Annual Report:**
pants 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.

118.5 Posting of notice. If the notice is unable to be issued by personal service as required by Section 118.4, then 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.

118.6 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.

118.7 Emergency repairs and demolition. To the extent permitted by the locality, the building official may authorize emergency repairs to unsafe buildings or structures when it is determined that there is an immediate danger of any portion of the unsafe building or structure collapsing or falling and when life is endangered. Emergency repairs may also be authorized when there is a code violation resulting in a serious and imminent threat to the life and safety of the occupants or public. The building official shall be permitted to authorize the necessary work to make the unsafe building or structure temporarily safe whether or not legal action to compel compliance has been instituted.

In addition, whenever an owner of an unsafe building or structure fails to comply with a notice to demolish issued under Section 118.4 in the time period stipulated, the building official shall be permitted to cause the unsafe building or structure to be demolished. In accordance with Sections 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 (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.

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

118.8 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 unsafe buildings or structures and prohibit the use of such spaces.

SECTION 119
APPEALS

119.1 Establishment of appeals board. In accordance with Section 36-105 of the Code of Virginia, there shall be established within each local building department a LBBCA. Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such appeals resulting therefrom. Fees may be levied by the local governing body in order to defray the cost of such appeals. In addition, as an authorization in this code, separate LBBCAs may be established to hear appeals of different enforcement areas such as electrical, plumbing or mechanical requirements. Each such LBBCA shall comply with the requirements of this section. The locality is responsible for maintaining a duly constituted LBBCA prepared to hear appeals within the time limits established in this section. The LBBCA shall meet as necessary to assure a duly constituted board, appoint officers as necessary, and receive such training on the code as may be appropriate or necessary from staff of the locality.

119.2 Membership of board. The LBBCA shall consist of at least five members appointed by the locality for a specific term of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary, shall be maintained in the office of the locality. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any 1-year period.

119.3 Officers and qualifications of members. The LBBCA shall annually select one of its regular members to serve as chairman. When the chairman is not present at an appeal hearing, the members present shall select an acting chairman. The locality or the chief executive officer of the locality shall appoint a secretary to the LBBCA to maintain a detailed record of all proceedings. Members of the LBBCA shall be selected by the locality on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construc-
tion industry. At least one member should be an experienced builder; at least one member should be an RDP, and at least one member should be an experienced property manager. Employees or officials of the locality shall not serve as members of the LBCCA.

119.4 Conduct of members. No member shall hear an appeal in which that member has a conflict of interest in accordance with the State and Local Government Conflict of Interests Act (Section 2.2-3100 et seq. of the Code of Virginia). Members shall not discuss the substance of an appeal with any other party or their representatives prior to any hearings.

119.5 Right of appeal; filing of appeal application. Any person aggrieved by the local building department’s application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the LBCCA. The applicant shall submit a written request for appeal to the LBCCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building official’s decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBCCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official’s decision.

Note: To the extent that a decision of a building official pertains to amusement devices there may be a right of appeal under the VADR.

119.6 Meetings and postponements. The LBCCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a period of up to 45 calendar days shall be permitted where the LBCCA has regularly scheduled monthly meetings. A longer time period shall be permitted if agreed to by all the parties involved in the appeal. A notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBCCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBCCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

119.7 Hearings and decision. All hearings before the LBCCA shall be open meetings and the appellant, the appellant’s representative, the locality’s representative and any person whose interests are affected by the building official’s decision in question shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings. The LBCCA shall have the power to uphold, reverse or modify the decision of the official by a concurring vote of a majority of those present. Decisions of the LBCCA shall be final if no further appeal is made. The decision of the LBCCA shall be explained in writing, signed by the chairman and retained as part of the record of the appeal. Copies of the written decision shall be sent to all parties by certified mail. In addition, the written decision shall contain the following wording:

"Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this decision. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150."

119.8 Appeals to the State Review Board. After final determination by the LBCCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with Section 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the building official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the building official’s decision. For appeals from a LBCCA, a copy of the building official’s decision and the written decision of the LBCCA shall be submitted with the application for appeal to the State Review Board. Upon request by the office of the State Review Board, the LBCCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or structures, the involved state agency shall submit a copy of the building official’s decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (Section 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.