





West St

West St

West St

We

202

203

205

200



TOWN OF SMITHFIELD

Hattie G. Holloway-Jones Estate
3036 Barberry Lane
Virginia Beach, Virginia 23453

November 2, 2022

RE: Blighted Property- 202 West Street Smithfield, Virginia 23430

To whom it may concern:

The Town of Smithfield has received a written complaint concerning the condition of the dilapidated structure currently located at 202 West Street, Smithfield VA 23430 (TPIN:21A-06-E007). According to the Smithfield Town Code (STC) Section 22-2.a.3. "Removal or repair of dangerous buildings, spot blight abatement," your property qualifies as a blighted property for the following reasons:

1. Your property is uninhabited, improved with buildings in excess of 256 square feet, which by reason of dilapidation, absence of electricity, water, and sanitary facilities, is detrimental to the health, safety, or welfare of the community.
2. The property is missing windows, doors, and other features that would normally protect the interior from the elements, and the interior is otherwise too easily accessible.
3. The property has no easily attainable means of securing the interior of the building on the property from trespass.

According to STC Section 22-2.b.1. the owner of record shall have thirty (30) days from the date of this notice to respond in writing with a Plan to address the blight.

In accordance with Section 22-2.b.2 the proposed Plan will be circulated to Town Council for their review and decision.

Upon approval of the Plan to cure the blight by the Council, the owner(s) shall have ninety (90) days to complete all work approved in the Plan.

Please keep in mind, if you fail to respond with an abatement Plan within the thirty (30) day period, or if your Plan is not acceptable to the Town Council, or if you fail to complete the work approved in the Plan within the ninety (90) day period allotted to cure the blight, the Town Council shall declare the property as blighted and proceed with legal actions as needed to abate the blight.



TOWN OF SMITHFIELD

As part of the legal actions taken to abate the blight, Town Council will develop an abatement plan.

Written notice will be sent by certified and regular mail to the last address listed for the owner on the Town's assessment records for the property, together with a copy of the Plan approved by the Council.

The Town shall carry out the approved Plan to repair or acquire and dispose of the property in accordance with the approved Plan, the provisions of this Section, and applicable law.

The Town will place a lien on the property, to recover the cost of improvements made by the Town to bring the blighted property into compliance with applicable codes and ordinances, and disposal. This lien will be filed in the Isle of Wight County Circuit Court and shall be subordinate to any prior liens of record.

Alternatively, the Town may recover its costs of repair from the owner of record of the property when the property is sold or disposed of by such owner. If the property is acquired by the Town through eminent domain, the cost of repair may be recovered when the Town sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.

To remedy this situation and assure full compliance with Town Code, please respond in writing with a Plan to address the blight located at 202 West Street (TPIN:21A-06-E007), no later than thirty (30) days from the date of this notice.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Tammie Clary
Community Development & Planning Director

Enclosures:

(1) Section 22-2 Smithfield Town Code

ENCLOSURE 1

AN ORDINANCE TO AMEND AND READOPT AN ORDINANCE FOR THE REMOVAL
OR REPAIR OF DANGEROUS BUILDINGS

WHEREAS, the Town Council of the Town of Smithfield finds it to be in the best interest of the public health, safety and welfare of the citizens of the Town to provide for the removal or repair of dangerous buildings within the corporate limits of the Town; and,

WHEREAS, the Town Council, deems it in the best interest of the citizen of the Town of Smithfield to amend and readopt Chapter 22, Article 1, Section 22-2 of the Code of the Town of Smithfield, Virginia; and,

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, VIRGINIA:

1. That Chapter 22, Article 1, Section 22-2 of the Code of the Town of Smithfield, Virginia is repealed and readopted as follows:

Chapter 22-2

BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 22-2. Removal or repair of dangerous buildings

SEE EXHIBIT "A" FOR TEXT

2. This ordinance shall take effect upon adoption.

ENCLOSURE 1

Adopted this 6th day of April, 2021.

TOWN OF SMITHFIELD

By: T. Carter Williams
T. Carter Williams, Mayor

Attest:

Lesley G. King
Lesley G. King, Clerk

ENCLOSURE 1

Sec. 22-2. - Removal or repair of dangerous buildings, spot blight abatement.

(a) General

- (1) The Smithfield Town Council (hereinafter referred to as "Council") from time to time may find that deteriorating properties, including the improvements and the land on which they are built, have a deleterious effect on property values and the quality of life in the areas surrounding them. This Spot Blight Abatement Ordinance is enacted to provide for the abatement of blight that threatens the health, safety, and welfare of the community.
- (2) The Town of Smithfield (hereinafter referred to as "Town") may acquire or repair any blighted property, as defined below, by exercise of the powers of eminent domain provided in Title 25 of the *Code of Virginia* and, further, shall have the power to hold, clear, repair, manage, or dispose of such property for purposes consistent with this Section. In addition, the Town may recover the costs of any repair or disposal of such property from the owner.
- (3) Blighted property shall mean and refer to any property, uninhabited, improved with buildings in excess of 256 square feet, which, by reason of dilapidation, obsolescence, absence of electricity, water, and sanitary facilities, or any combination of these or other factors, are detrimental to the health, safety, or welfare of the community. These buildings:
 1. are missing a window(s), door(s), and/or another feature that would normally protect their interior from the elements, or the interior is otherwise too easily accessible;
 2. feature noticeable overgrowth originating from the interior;
 3. have no easily attainable means of securing the interior of the building on the property from trespass; or
 4. have not had active construction and/or received a Certificate of Occupancy within one (1) year of receiving a valid zoning permit from the Town.
- (4) For the purposes of this Section, the Zoning Administrator (hereinafter referred to as "Administrator") of the Town, or their designee, shall serve as the chief executive or designee of the locality or authority.
- (5) For the purpose of this Section, the Spot Blight Abatement Plan shall hereinafter be referred to as "the Plan."

(b) Procedure

- (1) The Administrator shall make a preliminary determination that a property is blighted in accordance with this Section, and shall send notice via certified and regular mail to the owner(s) of record determined in accordance with Section 36-27.B of the *Code of Virginia*, specifying the reasons why the property is blighted. The owner or owners of record shall have thirty (30) days from the date the notice is sent in which to respond in writing with a Plan to address the blight. The thirty (30) day deadline may be extended at the Administrator's discretion.
- (2) The Administrator shall circulate the proposed Plan to the Council for their review and decision on the Plan's adequacy to cure the blight.
- (3) Upon approval of the Plan to cure blight by the Council, the owner(s) shall have ninety (90) days to complete all work approved in the Plan. The Administrator may grant extensions of time to complete work where, in his opinion, the owner has completed substantial portions of the work in compliance with the Plan.
- (4) If the owner(s) fails to respond with an abatement Plan within the thirty (30) day period, responds with a Plan that is not acceptable to the Council, or fails to complete the work approved in the Plan within the ninety (90) day period allotted to cure the blight, and has not been granted an extension of time to complete such, the Council shall declare the property as blighted and develop an abatement Plan.
- (5) Written notice to the property owner shall be sent by certified and regular mail to the last address

ENCLOSURE 1

listed for the owner on the Town's assessment records for the property, together with a copy of the Plan approved by the Council.

- (6) The Town shall carry out the approved Plan to repair or acquire and dispose of the property in accordance with the approved Plan, the provisions of this Section, and applicable law. The Town shall have a lien on all property so repaired under an approved Plan to recover the cost of improvements made by the Town to bring the blighted property into compliance with applicable codes and ordinances, and disposal, if any. The lien authorized by this Section shall be filed in the Isle of Wight County Circuit Court and shall be subordinate to any prior liens of record. The Town may recover its costs of repair from the owner of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner. If the property is acquired by the Town through eminent domain, the cost of repair may be recovered when the Town sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.
- (7) The provisions of this Section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.