

VILLAGE OF BEECH BOTTOM

ORDINANCE #49

DILAPIDATED AND ABANDONED BUILDING ORDINANCE

49.1	Scope	49.9	Decision
49.2	Definitions	49.10	Order
49.3	Abatement	49.11	Action upon noncompliance
49.4	Enforcement Agency	49.12	Assessment and lien on property
49.5	Standards for repair, vacation or demolition	49.13	Service of notices and orders
49.6	Right of Entry	49.14	Appeal
49.7	Commencement of Proceedings	49.15	Demolition of buildings
49.8	Hearings and Records	49.16	Emergency Measures
		49.99	Penalty
		49.A	Appendix (Terms Defined)

49.1 SCOPE

49.1.1 The provisions of this article shall apply to all buildings as hereinafter designated which are now in existence or which may hereafter be constructed within the limits of the Village of Beech Bottom

49.1.2 Exterior Structure

49.1.2.1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

49.1.2.2. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, fences, gutters, and downspouts shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

49.1.2.3. Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

49.1.2.4. Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads by board or beam specification.

49.1.2.5. Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

49.1.2.6. Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

49.1.2.7. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Gutters should not hang under fascia or away from the fascia board but shall be attached securely to the fascia board. Roof water shall not be discharged in a manner that creates a public nuisance.

49.1.2.8. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

49.1.2.9. Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

49.1.2.10. Stairways, Decks, Porches, and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

49.1.2.11. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained free of creosote and other such unburned residue, structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

49.1.2.12. Handrails and Guards. Every handrail and guard shall be firmly fastened and provide a minimum of 200 pounds of leaning support and shall be maintained in good condition.

49.1.2.13. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

49.1.2.14. Basement hatchways. Every basement hatchway shall be maintained with a railing or protective covering to prevent injury.

49.1.3 Interior Structure

49.1.3.1. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

49.1.3.2. Structural Members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

49.1.4. Handrails and Guardrails

49.1.4.1. General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 32 inches above the floor or grade below shall have guards. Handrails shall not be less than 32 inches high or more than 46 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 32 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

49.1.4.2. Exception. Guards shall not be required where exempted by the adopted building code.

49.2 DEFINITIONS

49.2.1 Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

49.2.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

49.2.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code*, *International Existing Building Code* or the *ICC Electrical Code*, such terms shall have the meanings ascribed to them as in those codes.

49.2.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

49.2.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

49.3 ABATEMENT

49.3.1 The unsafe condition of buildings as defined in this ordinance shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure provided for in this ordinance.

49.4 ENFORCEMENT AGENCY

49.4.1 Creation and Composition. There is hereby created a Beech Bottom Building Enforcement Agency which shall consist of the following members: the Mayor; a representative of the Village being an Engineer or Certified, Licensed Contractor, a member of Council, and two citizens of the Village all to serve at the will and pleasure of Council and all shall be appointed annually during the first regular meeting of Council each July. The ranking County Health Officer, or his/her designee, the Chief of Police of the Village, the Local Fire Chief shall serve as ex-officio members of the Agency without a vote.

49.4.2 Alternates. Should Council deem it necessary to select alternates for the appointed citizens, said appointments can be made by majority vote. Alternates may attend all meetings of the Enforcement Agency, but shall only be eligible to vote if the duly appointed citizens are unable to vote due to absence, conflict of interest, or other such circumstances that may arise where voting shall be impractical or improper.

49.4.3 Vacancies. Should vacancies occur among the appointed citizens, alternates (if so named) shall be appointed to fill the unexpired term created by such vacancy. Should there be no alternates to select from, Council shall post the vacancy, accept applications for a period of at least 7 days, and then appoint a citizen of the Village to fill the unexpired term at their next regular meeting.

49.4.4 Purpose. The purpose of the Enforcement Agency is to serve as a Building Code Appeals Board, thereby giving the property owners the ability to resolve any complaint at the lowest possible level and in accord with the provisions of this ordinance concerning proceedings and hearings contained herein.

49.4.5 Powers. The enforcement Agency shall exercise such powers as may be necessary or convenient to carry out and effectuate the purposes of this ordinance, including the following powers in addition to others herein granted:

- (a) Administer oaths, affirmations, examine witnesses and receive evidence;
- (b) Enter upon premises for the purpose of making inspections as hereinafter provided
- (c) Appoint and fix the duties of such officers, agents, and employees as it deems necessary to carry out the purpose of this article;
- (d) Delegate any of its functions and powers under this article to such officers or agents as it may designate; and
- (e) Adopt such rules, regulations and bylaws for the conduct of its business and affairs.

49.4.6 Meetings. The members of the Enforcement agency should meet one evening each quarter (January, April, July, October) in public session in Council chambers.

49.4.6.1 Quorum. Three (3) voting members (including alternates) of the Enforcement Agency in attendance at the quarterly meeting shall constitute a quorum.

49.4.6.2 Special Meetings. Should a complaint require a meeting of the Enforcement Agency, a Special Meeting in public session in Council Chambers shall be called by the Mayor.

49.4.6.3 Order of Business.

Meetings shall be conducted in accordance with the Robert's Rules of Order.

At the meeting the Enforcement Agency shall receive complaints from the general public concerning: dwellings or other buildings or any combination thereof that may be unfit for human habitation due to dilapidation, defects, increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or any other conditions prevailing in these dwellings or other buildings whether used for human habitation or not, which would cause such dwellings or other buildings to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare whether the result of natural or man made force or effect; and complaints concerning accumulation of refuse or debris, overgrown vegetation or toxic spillage or toxic seepage located on private lands which may be deemed to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare whether the result of natural or man made force or effect.

49.4.6.4 Handling Of Citizen Complaints

The members of the Enforcement Agency may, if a quorum is present, by a majority vote of those present accept the complaint for investigation by the Enforcement Agency.

Upon the completion of the investigation of the citizen's complaint, and without further public input, the members of the Enforcement Agency staff, by a majority vote of those members present in public session may:

- (a) dismiss the citizen's complaint; or
- (b) continue the matter over until a later meeting to permit further investigation; or
- (c) adopt an agreement to remedy deficiencies and continue the matter over until a later meeting to permit the property owner time to remedy deficiencies in accordance to an agreement between the Enforcement Agency and the property owner; or
- (d) determine that the dwelling, building, accumulation of refuse or debris, overgrown vegetation, toxic spillage, or toxic seepage is unsafe, unsanitary, dangerous or detrimental to the public safety or welfare and should be repaired, altered, improved, vacated, removed, closed, cleaned up or demolished as the case may be.
- (e) order the Water Department to disconnect service to the property at the water main or the property's curb valve after the building has been vacant for more than twelve consecutive months (as indicated by account records kept by the Water Department's billing clerk).
- (f) conduct proceedings and hearings as specified in sections 49.7 and 49.8
- (g) and direct the Chief of Police to serve upon the owner and parties in interest an order indicating the required action under Section 49.5 to be taken as determined by the Enforcement Agency in accordance with the provisions of this ordinance.

49.4.6.5 Guidelines for Investigations Conducted by Enforcement Agency

Upon the members of the Enforcement Agency voting to accept the citizen's complaint and conduct an investigation, the Code Official may contact the following public officials and ascertain the following information:

- (a) Sheriff's tax office to ascertain the property owner's address, the tax district, tax map and parcel number for the property in question; its assessed value for both the lands and buildings; acreage or lot size if known by the Sheriff's tax office and the status of taxes paid or due and owing on this property; any lien information.
- (b) Clerk of the County Commission to ascertain any information about judgment liens, tax liens, mechanics liens or deed of trust liens on the subject property and obtain a copy of the deed, or other document by which the owner obtained title to the property in question.
- (c) Assessor's Office to ascertain lot or parcel size and a copy of the tax map for the property in question.
- (d) County Health Officer to ascertain the type of water and sewer system serving the property in question.
- (e) Beech Bottom Volunteer Fire Department to ascertain the number of fire service or ambulance calls to that property in the last three years.
- (f) Planning Commission staff to ascertain the number of improved lots in that or nearby subdivisions; location of the property in question insofar as flood prone areas, river, streams, ponds, are concerned; the location of nearby schools, hospitals, and residences in the immediate area and in the watershed area.
- (g) United States Department of Agriculture Offices to ascertain the types of farming operations in the area in question and the soil types.
- (h) West Virginia State Police and Brooke County Sheriff's Department to ascertain the nature and number of law enforcement problems originating from the property in question in the last two (2) years.

The Code Official shall deliver notice to the property owner by the United States Mail postage prepaid and by certified mail, return receipt requested, to the property owner's address as ascertained from the Sheriff's tax office informing the property owner of the general nature of the complaint and informing the property owner that the Code Official, the Beech Bottom Police Department, and other members of the Enforcement Agency will visit the property at a specific time and date to investigate the allegations set forth in the complaint. The notice shall inform the property owner that photographs will be taken of the property in question and/or that soil samples may be taken from the property in question. However, any such entrance upon the property in question shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.

The Code Official shall whenever possible take written statements from the complaining party, the property owner, neighbors and other interested persons and attach these statements to the investigative report.

The Code Official shall at the conclusion of the investigation prepare a written investigative report providing a copy to each member of the Enforcement Agency at least three (3) days before the next meeting of the Enforcement Agency where the investigative report shall be considered.

49.5 STANDARDS FOR REPAIR, VACATION, OR DEMOLITION

49.5.1 The following standards shall be followed in substance by the Enforcement Agency in ordering repair, vacation, or demolition:

- (a) If the unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.
- (b) If the unsafe building is in such condition as to make it imminently dangerous to the public or its occupants, it shall be ordered vacated.
- (c) If the unsafe building can not be reasonably repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered demolished.

49.6 RIGHT OF ENTRY

Whenever any member of the Enforcement Agency or its authorized agent may upon proper authorization, enter such buildings at all reasonable times to inspect same or perform any duties required under this ordinance; provided that if such building is occupied, he/she shall first present proper credentials and request entry, and if such building is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building and request entry. If any request for entry is refused, then any member of the Enforcement Agency or its agents shall have recourse to every remedy provided by law to secure entry.

49.7 COMMENCEMENT OF PROCEEDINGS.

The Enforcement Agency shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of unsafe buildings by having served upon the owner and parties in interest any such building, a complaint stating the conditions found making the building an unsafe building, together with the notice that a hearing will be held before the Enforcement Agency at a place therein designated not less than ten days and not more than thirty days after serving the complaint and notice. The owner and parties interested shall have the right to file an answer to such complaint.

49.8 HEARINGS AND RECORDS.

All hearings before the Enforcement Agency shall be open to the public. The Agency shall keep minutes of its proceedings, keep records of its examinations and other official action, prepare findings and record the vote of each member voting upon each question. All minutes and records shall be filed in the Village's municipal office and shall be a public record.

49.9 DECISION.

49.9.1 No member or alternate of the Enforcement Agency who did not hear the evidence or has not read the record of the proceedings shall vote or take part in the decision.

49.9.2 At least three members of the enforcement agency shall be necessary to constitute a quorum and render a decision.

49.10 ORDER.

Should the Enforcement Agency after notice and hearing, determine that a building is unsafe, it shall make written findings of fact from the testimony offered and shall issue and caused to be served upon the owner and parties in interest an order indicating the required action under section 49.5 to be taken as determined by the Enforcement Agency in accordance with the provisions of this ordinance.

49.11 ACTION UPON NONCOMPLIANCE.

If the owner and parties in interest fail to comply with any order issued pursuant to section 49.10, then the Enforcement Agency may appropriately implement the order by:

- (a) applying to the County Circuit Court, for an injunction prohibiting the use and occupancy of such building.
- (b) cause the repair or restoration to be made.
- (c) cause the demolition and removal of such building.
- (d) assessing a fine as specified in Section 49.99.5

49.12 ASSESSMENT AND LIEN ON PROPERTY.

In the event any expense or cost is incurred pursuant to Section 49.11, then any such expense or cost over and above the proceeds of sale or salvage of all or any part of the building shall be assessed against the real estate. Such assessment shall bear interest at six percent (6%) per annum and shall be immediately due and payable. If such assessment is not paid within thirty days after the same is made, the Village Treasurer may certify the amount of any such assessment with a description of the property chargeable therewith, and the name of the owner thereof, to the Clerk of the County Court to be recorded in the Trust Deed Books of such Clerk's Office; and such assessment shall be and constitute a lien against such property.

49.13 SERVICE OF NOTICES AND ORDERS.

All notices, complaints, or orders issued pursuant to the provisions of this ordinance shall be served in accordance with Sate law concerning the service of process in civil actions, and shall in accordance thereto, be posted in a conspicuous place on the premises affected by the complaint or order.

49.14 APPEAL.

Any person affected by an order issued by the Enforcement Agency or its officer, may appeal to the Circuit Court for an injunction or such other relief pursuant to West Virginia Code 8-12-16 or any other applicable laws.

49.15 DEMOLITION OF BUILDINGS.

49.15.1. No building in the Village shall be intentionally demolished by or at the instance of its owner (or his/her authorized agent, such authority to be evidenced in writing) shall have first obtained a demolition permit from the Mayor, or his/her designee, upon a form and in the manner prescribed by the Mayor.

49.15.2 The Mayor or his/her designee shall require the following conditions to be satisfied by the applicant prior to issuance of the permit:

- (a) Written notification to all public utilities having service lines or facilities in, over, under, or near the subject property, of the anticipated dates of demolition, and that the utility provider's assistance will be required to secure any affected utility lines or facilities.
- (b) Purchase or maintenance of a casualty and liability insurance policy protecting and indemnifying the owner, his contractor or employees, the Village, adjoining property owners, and members of the public from injury, loss of life, or property damage resulting from the anticipated demolition work, and delivery of a certificate of insurance evidencing such coverage.
- (c) Any owner wishing to raze or demolish his/her own house or other business or structure may do so upon securing a permit from the Village, and delivering a bond. No permit shall be issued until a bond in the penal sum of ten thousand dollars (\$10,000) has been delivered to the Licensing Officer so as to save the Village against loss as the result of injury to the person or property of a third person. No permit or license shall be issued unless the required documents have been received by the Village which include the following: all signatures for disconnection for service; liability of insurance or bond within the Village of Beech Bottom as additionally insured; letters to adjoining property owners (copies of letters and certified mail receipts to be submitted); and completed demolition permit application.
- (d) The applicant may be relieved of the requirements of subsection (b)(2) or (3) in the event of extreme financial hardship and upon approval of the Building Enforcement Agency following a review of the condition of the subject property, the necessity for its prompt demolition, the financial circumstances given in support of the applicant's hardship and the likelihood of injury or damage to the public from the subject demolition.
- (e) A permit fee in the amount of five dollars (\$5.00) shall be paid by the applicant.

49.15.3. Demolition shall be completed within thirty (30) days from issuance of the permit; provided, for good cause shown, the Mayor may extend the completion period an additional thirty (30) days. No further extension shall be granted, except with the approval of the Building Enforcement Agency.

49.15.4. Burying of construction debris which consists of lumber shall not be allowed on the demolition site. A demolition shall be completed when the following conditions are satisfied:

- (a) All utility services and lines have been properly secured in a manner acceptable to the utility provider; and
- (b) All visible debris and materials shall have been removed from the Village; and
- (c) Any remaining cellar, basement, or excavation shall have been filled with fill materials suitable for the intended future purpose of the site.

49.15.5. Upon failure of the applicant to faithfully comply with the provisions of the demolition permit, the Mayor may declare a default, providing written notice thereof to the owner at his/her last given address. In the event of such default is not cured within ten (10) days of mailing such notice of default, the Mayor may declare a forfeiture of the surety bond or cash bond and collect the proceeds thereof. Such proceeds shall be applied by the Village toward completion of the demolition or to any costs or fees incurred by collecting such proceeds.

49.15.6. The Village may, but shall not be obligated merely by such forfeiture, to enter upon the subject property to complete the demolition, and the owner shall remain liable to the Village for all reasonable costs, fees, and expenses incurred thereby, including and deficiency after application of the forfeited bond proceeds. The Village may record a lien for such deficiency against the subject property in the Office of the County Clerk, and may thereafter foreclose same in the manner provided by law for foreclosure of mechanics liens.

49.16 EMERGENCY MEASURES

49.16.1. Imminent Danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

49.16.2. Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall request the Mayor call a special meeting of Council to request authorization of and orders for the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe as expeditiously as possible whether or not the legal procedure herein described has been instituted; and shall consider to cause such other action to be taken as the code official deems necessary to meet such emergency.

49.16.3. Closing Streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

49.16.4. Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

49.16.5. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

49.99 PENALTY

49.99.1. Failure of the owner to faithfully comply with the provisions of section 49.15 and all conditions of the demolition permit, as extended or modified, shall be deemed a violation punishable upon conviction in a court of competent jurisdiction by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the county jail for up to thirty days, or both. The penalties contained in this section shall be in addition to any civil remedies otherwise available, including, but not limited to, injunctive relief or bond forfeiture, assessment and collection of a deficiency.

49.99.2. The occupant or lessee in possession who fails to comply with an order to vacate shall be fined not exceeding one hundred dollars (\$100.00) for each offense, and may in addition be fined the sum of one hundred dollars (\$100.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

49.99.3. Whoever removes any notice or order of the Enforcement Agency posted as required under any provision of this ordinance shall be fined not exceeding one hundred dollars (\$100.00).

49.99.4. Whoever obstructs, impedes, or interferes with the Enforcement Agency, or any representative or officer thereof, or with any person who owns or holds any estate or interest in such building, or with any person to whom such building has been lawfully sold, pursuant to the provisions of this ordinance, shall be fined not exceeding one hundred dollars (\$100.00) for each offense.

49.99.5. The owner who fails to comply with an order from the Enforcement Agency to repair or demolish the structure by the date set forth in the order shall be fined not exceeding one hundred dollars (\$100.00) per day for each day beyond the expected date of compliance that the property fails to meet the requirements of the given order.

49.A APPENDIX OF GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BUILDING. Means any dwelling, building, structure, or part thereof, whether or not used or occupied for human habitation or intended to be so used.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

ENFORCEMENT AGENCY. Means the Beech Bottom Building Enforcement Agency.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

LICENSING OFFICER. The Mayor, or his/her designee that shall be the person responsible for issuing permits for demolition of buildings within the Village of Beech Bottom.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PARTIES IN INTEREST. Means all individuals, firms, associations, and corporations including mortgagees and other lien holders who have an interest of record in such building, and who are in possession thereof.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PLUMB: An exactly vertical line. For the purpose of this ordinance, any comparable line of measure within 5% variance (4.5 degrees off plumb) of an exactly vertical line shall be considered plumb.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

STRUCTURE UNFIT FOR HUMAN OCCUPANCY. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

UNSAFE EQUIPMENT. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

UNSAFE STRUCTURES. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.