

**H. B. 2701**

(By Delegates Ennis and Givens)

[Introduced January 21, 2011; referred to the  
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §7-1-3pp, relating to  
granting county commissions with the plenary power and  
authority to establish by ordinance a vacant building  
registration program; setting forth procedures for  
administration and enforcement.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §7-1-3pp, to read as  
follows:

**ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

**§7-1-3pp. Registration of vacant buildings; registration fees;  
procedures for administration and enforcement.**

(a) Every county commission shall have plenary power and

1 authority to establish by ordinance a vacant building registration  
2 program. For purposes of this section, the term "vacant building"  
3 means a building or other structure that is unoccupied, or  
4 unsecured and occupied by one or more unauthorized persons for an  
5 amount of time as determined by the ordinance: Provided, That a  
6 new building under construction or a building that by definition is  
7 exempted by ordinance of the county, is not deemed a vacant  
8 building: Provided, however, That the county commission, shall on  
9 a case by case basis, upon request by the property owner, exempt a  
10 vacant building from registration upon a finding for good cause  
11 shown that the person will be unable to occupy the building for a  
12 determinant period of time.

13 (b) An owner of real property subject to registration may be  
14 charged a fee or fees as provided by ordinance. The ordinance  
15 shall provide administrative procedures for the administration and  
16 enforcement of registration and payment and collection of  
17 registration fees.

18 (c) The ordinance may require that when the owner of the  
19 vacant building resides outside of the state that the owner provide  
20 the name and address of a person who resides within the state who  
21 is authorized to accept service of process and notices of fees due  
22 under this section on behalf of the owner and who is designated as  
23 a responsible, local party or agent for the purposes of  
24 notification in the event of an emergency affecting the public

1 health, safety or welfare.

2 (d) The ordinance may authorize the county commission to  
3 institute a civil action against the property owner and/or file a  
4 lien on real property for unpaid and delinquent vacant building  
5 registration fees. Before any lien is filed, the county commission  
6 shall give notice to the property owner or owner's agent, by  
7 certified mail, return receipt requested, that the county  
8 commission will file the lien unless the delinquent fees are paid  
9 by a date stated in the notice, which must be no less than thirty  
10 days from the date the notice is received by the owner or the  
11 owner's agent, which shall be the date of delivery shown on the  
12 signed certified mail return receipt card. The ordinance may  
13 provide for alternative means of service when service cannot be  
14 obtained by certified mail.

15 (e) The ordinance shall permit a property owner to challenge  
16 any determination made pursuant to the ordinance. The  
17 administrative procedures adopted pursuant to the ordinance shall  
18 include the right to appeal to the circuit court of the county in  
19 which the property is located.

20 (f) The county commission shall deposit the fee into a  
21 separate account, which shall be used to:

22 (1) Improve public safety efforts, especially for police and  
23 fire personnel, who most often contend with the dangerous  
24 situations manifested in vacant properties;

- 1       (2) Monitor and administer this section; and  
2       (3) Repair, close or demolish a vacant structure as authorized  
3 by section three-ff of this article.

NOTE: The purpose of this bill is to grant county commissions with the plenary power and authority to establish by ordinance vacant building registration programs; setting forth procedures for administration and enforcement of those programs.

§7-1-3pp is new; therefore, it has been completely underscored.