

AN ORDINANCE AMENDING THE CITY OF MARTINSBURG CODE, PART 5, GENERAL OFFENSES CODE, CHAPTER 5, ADMINISTRATIVE, BY ADDING ARTICLE 550, RECKLESSLY PERMITS THE PHYSICAL CONDITION OR FACILITIES OF THE RESIDENTIAL REAL ESTATE TO BECOME OR REMAIN IN ANY CONDITION WHICH ENDANGERS THE HEALTH OR SAFETY OF ANY PERSON, SECTION 550-01 TO SECTION 550-02.

Section 550.01 Recklessly Permits The Physical Condition Or Facilities Of The Residential Real Estate To Become Or Remain In Any Condition Which Endangers The Health Or Safety Of Any Person

It shall be a violation of this section when any person who, when having management authority over or control of residential real estate, whether as a legal or equitable owner or as a managing agent or otherwise, recklessly permits the physical condition or facilities of the residential real estate to become or remain in any condition which endangers the health or safety of any person.

Such conduct shall include, but not be limited to,

- a) recklessly allowing property to be improperly secured, resulting in the commission of a crime against a resident of the property or against any other person,
- b) recklessly allowing property to collapse or partially collapse, resulting in injury to a person inside or outside of a building,
- c) recklessly allowing property to remain in violation of applicable building code, fire code, or other applicable code provisions,
- d) recklessly failing to respond to reasonable requests by the city to repair a property that is in violation of an applicable provision of the City Code, or
- e) recklessly endangering the health and safety of any person by illegally altering or modifying a structure to increase the number of dwelling units or living spaces within the structure, or by allowing any such alteration or modification to continue or to be used.

Section 550.01 Penalty

- (a) Any person found to have violated this section shall be subject to a fine of not less than \$500.00 for each offense,
- (b) separate and distinct offense shall be regarded as committed each day on which such person shall continue any such violation.

Be it further Ordained by the City Council of the City of Martinsburg that this Ordinance shall take effect upon the date of adoption.

Introduced: _____

Adopted: _____

THE CITY OF MARTINSBURG, WEST
VIRGINIA, a Municipal corporation

By: _____
_____ Mayor

Attest:

_____, City Recorder