

ARTICLE 1705
Building Code

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CROSS REFERENCES

Adoption of State standards required - see WV Code 8-12-13
 West Virginia State Building Code - see WV Code 29-3-5(b)

1705.01 ADOPTION OF STATE BUILDING CODE.

- (a) There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of safeguarding life and property and to ensure the quality of construction of all structures erected or removed throughout the Town that certain code known as the State Building Code, set forth and defined by Legislative Rule Title 87, Series 4 of the West Virginia Code of State Rules, as amended, as promulgated by the Fire Marshal under West Virginia Code 29-3-5b.
- (b) The executive official, or code official, in charge of the departments referred to in the respective national codes adopted hereinabove by reference in subsection (a), as defined in Title 87, Series 4 of the West Virginia Code of State Rules, is the Building Inspector.
- (c) The Building Inspector or his designated representative shall enforce the provisions of the State Building Code adopted herein.
- (d) Each of the national codes, adopted hereinabove by reference in subsection (a), as defined in Title 87, Series 4 of the West Virginia Code of State Rules, provides for a separate appeals board. However, the intent and requirements for an appeal board for said codes shall be met through a single appeals board of the entire Town Building Code herein known as the Board of Appeals as defined by the ICC.

1705.02 CONFLICT OF LAWS.

- (a) Whenever there arises a conflict between the State Fire Code and the State Building Code, the State Fire Code shall take precedence.
- (b) Whenever there arises a conflict between the International Plumbing Code section of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources (DHHR), the rules of the DHHR shall take precedence.
- (c) Whenever there arises a conflict between the State Building Code and the statutory laws of the State of West Virginia, the West Virginia State Code shall take precedence.
- (d) In the event of any conflict between any of the provisions of this article and any provisions of any other City ordinance, this article shall take precedence.

1705.03 VIOLATIONS AND PENALTIES.

Article 1705.03 is hereby deleted in its entirety and the following is hereby enacted in its place and stead:

- (a) Failure to Comply: If the owner of a structure fails to comply with a demolition order within the time prescribed, the building inspector or his designated representative shall cause the structure to be demolished and removed, either through Town forces, any available public agency or by contract or arrangement with a private demolition contractor licensed to do business in West Virginia, and in the event that any cost or expense is incurred by the Town in connection with such demolition, the said owner or owners of the real property upon which the said structure is situate shall reimburse and pay the Town for all cost and expense incurred, and the Town shall have the right to file a lien against said real property in question for an amount not to exceed the assessed value of the property as recorded in the office of the Harrison County Assessor, and/or to institute a civil action in a court of competent jurisdiction against the landowner or other responsible party for all costs incurred by the Town with respect to the property and for reasonable attorney fees and court costs incurred in the prosecution of the action.
(Passed 8-28-07)

- (b) In addition to the Violations and Penalties set forth in the State Building Code adopted herein, any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$10.00 nor more than \$500.00; or imprisonment for a term not to exceed ten (10) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
(Passed 10-23-07)

1705.04 RESERVED.

(This section reserved for future legislation.)

1705.05 PERMITS.

- (a) No person shall, within the Town, move any house or other building over any public street, sidewalk or public grounds, or demolish any building or other structure, or erect, construct, install, repair alter or enlarge any building or other structure or any electrical wiring, apparatus or appliance, any gas system, apparatus or appliance or any plumbing system or fixture which is or is to become a part of any building or structure except pursuant to a Town building permit first issued to him for such purpose.
- (b) Applications for building permits shall be submitted in writing, on forms provided by the Town, to the Building Inspector. Each such application shall state the location of the proposed project, the character, design and purpose thereof, the materials proposed to be used and the manner in which the work shall be done, and submitted with the application. The Building Inspector may require such other information as may be necessary to enable him to determine whether the proposed project meets all requirements of State law, the Codified Ordinances and other ordinances.
- (c) Each application shall be accompanied by any permit fee which may be required for the issuance of the permit applied for. A fee for inspections of electrical service upgrade will be collected along with the permit fee. The Code Enforcement Officer will complete the electrical service inspection after the required fee has been collected. An inspection fee of fifty dollars (\$50.00) for single-phase and one hundred dollars (\$100.00) for three-phase will be collected prior to inspection.
- (d) Upon the filing of a proper application for a building permit, the Building Inspector shall proceed to determine whether the proposed project, if undertaken and completed according to the statements contained therein and in any accompanying plans, specifications or other papers, would meet all requirements of State law, this Code and other ordinances, and he may refer any part or all of such application and accompanying papers to the Fire Chief and to other Town and County officers whose authority extends to any subject covered therein for their comments and recommendations; and, to enable those officers and the Building Inspector to make proper findings, each shall have authority to inspect premises which are the subject of such applications, at reasonable times and upon reasonable notice to the owners and occupants, and in compliance with all applicable provisions of law.
- (e) The Building Inspector shall issue a building permit, when properly applied for upon the payment of any fee which may be required, upon determination by him that the proposed project, if undertaken and completed according to the statements contained in the application and in any accompanying plans, specifications and other papers, would meet all requirements of State law, the Codified Ordinances and other ordinances, and he shall deny a permit when he determines that such requirements would not be met; provided, that the Building Inspector may permit any application to be amended by the applicant so as to meet such requirements. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid.
- (f) Building permits shall be in such form as may be prescribed by the Building Inspector, unless otherwise provided by the rules and regulations of Council promulgated pursuant to this article. In either case, the application for each building permit, together with its accompanying plans, specifications and other papers, if any, as approved by the

Building Inspector, shall be deemed an integral part of the permit.

(g) Any permit with the estimated cost to complete the project valued at less than \$50,000.00 and issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within three months and completed within six months from the issue date of the permit.

Any permit with an estimated cost of \$50,000.00 or more which is not completed six months from the date of issuance shall automatically be granted a one-time renewal for another six-month period, making the original permit valid for a total of one year.

If an issued permit expires prior to completion of the work for which it was authorized, a new permit shall be obtained for the remainder of the project and the fee therefore shall be the standard fee for the cost of the remainder of the project. Once a new permit is issued, the six-month work period shall begin anew.

(Passed 3-13-07)

(h) Work exempt from permit fees. There is no requirement for a building permit for flooring, painting, or minor landscaping unless a contractor or handyman is performing this service.

(Passed 9-25-07)

1705.06 FEES.

The Town hereby establishes a schedule of fees for permits and certificates applied for and issued and for inspections made pursuant to the provisions of this article as follows:

<u>Estimated Cost:</u>	<u>Fee:</u>
0 - 99.99	\$10.00
100.00 - 999.99	15.00
Anything 1,000.00 or over will be 1%	

* No fee required for flooring, painting or minor landscaping.

(Passed 5-22-07)

1705.07 MOVING OR DEMOLITION OF BUILDINGS.

(a) Before a building may be demolished or moved, the owner thereof shall notify all utilities having service connections within the building such as water, electric, gas, telephone, sewer and other connections. A permit to demolish or move a building shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

(b) Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wires or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the moving of a building or structure.

(c) Whenever a building is demolished or moved, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot,

restoration of established grades and the erection of the necessary retaining walls and fences.

1705.08 INSPECTIONS REQUIRED.

The Building Inspector may inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building or structure upon completion, prior to the issuance of the certificate of occupancy required by this article.

1705.09 CERTIFICATE OF OCCUPANCY.

(a) Upon completion of a building erected after the effective date of the Codified Ordinances and in accordance with approved plans, and after the final inspection referred to in this article, and upon application therefore, the Building Inspector, upon his finding that all requirements of State law and this article have been complied with, shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accord with nationally accepted safe standards.

(b) No person owning or in charge of any building or other structure in this Town which has been erected, constructed, installed, repaired, altered or enlarged pursuant to a building permit issued under this article on or after the effective date of the Codified Ordinances shall permit the use or occupancy of such building or other structure without having first obtained the Certificate of Occupancy. In the circumstance of a newly constructed building or a structure undergoing major renovation, a Certificate of Occupancy may be issued temporarily for a portion or portions of a building which may safely be occupied prior to final completion of the building and issuance of a Certificate of Occupancy for the entire building.

(c) A Certificate of Occupancy, indicating completion of the work for which a permit was issued for new construction, shall be obtained prior to any occupancy of a building or structure, or unit therein, except as provided for in the State Building Code. The following fee schedule shall be collected prior to the issuance of a Certificate of Occupancy:

New construction single or multi-unit residential structure	\$50.00/unit
Commercial structure or unit	\$50.00/unit
(Passed 3-10-10)	

(d) If, upon inspection, the property is found to conform to the requirements of this article and/or the State Building Code, the Building Inspector shall issue a Certificate of Use and Occupancy within ten (10) days.
(Passed 3-13-07)

1705.10 RULES AND REGULATIONS.

Council may promulgate and from time to time amend rules and regulations, not inconsistent with State law, the Codified Ordinances or other ordinances, for the implementation of the provisions of this article and to carry out the intent and spirit thereof. Such rules and regulations may include, among other pertinent subjects not herein mentioned, the following:

- (a) The issuance, suspension and revocation of building permits and Certificates of Occupancy.
- (b) Inspection of work done, materials used, etc., pursuant to permit.
- (c) Variations from and waivers of provisions of this article in cases of undue hardship, when any such variation or waiver would not result in a departure from the intent and spirit of this article or a fire hazard or hazard to the health, safety or well being of the public or any segment of the public or any individual.
- (d) Stop-work orders and other enforcement powers of the Building Inspector.
- (e) Appeals to Council or one of its committees or to some other body from decisions, orders and actions of the Building Inspector.
(Orig. passed 5-9-06; 8-8-06)

1705.11 SWIMMING POOLS, SPAS AND HOT TUBS.

- (a) Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- (b) Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.
(Passed 8-10-10)

2010 Replacement