

## ARTICLE 1705

### West Virginia State Building Code

EDITOR'S NOTE: Pursuant to an ordinance passed July 15, 1991 all penalties of imprisonment presently contained in the Building and Housing Code are deleted and rescinded.

1705.01 Adoption.

1705.02 Amendments.

1705.03 Permits.

1705.04 Permit fees.

1705.05 City Code Official & Building Inspector.

1705.06 Appeals.

1705.07 Penalties.

1705.08 Injunctive relief.

1705.09 Severability.

### CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4

Building regulation - see W. Va. Code 8-12-13

State Building Code - see W. Va. Code 15A-11-5

#### 1705.01 ADOPTION.

(a) Pursuant to the City's powers and authority contained in West Virginia Code Section 13, Article 12, Chapter 8, the City of Charles Town does hereby adopt the State Building Code set forth at Series 4 of Title 87 of the West Virginia Code of State Rules, as it may be amended from time to time, as the same has been promulgated pursuant to West Virginia Code Section 5, Article 11, Chapter 15A, as if the same were fully written out herein but subject to the additions, insertions and changes specified below (authority for the promulgation thereof pursuant to West Virginia Code Section 5b, Article 3, Chapter 29 having been repealed and such authority pursuant to said Section 5, Article 11, Chapter 15A having been enacted).

(b) Any version of Article 1705 entitled West Virginia State Building Code adopted prior to enactment of this version of Article 1705 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed and are null and void, except that a repealed version shall continue to control and be applicable to all building permits issued and in effect while such version was in force and effect.

## 1705.02 AMENDMENTS.

The following additions, insertions and changes are hereby made to the codes and standards incorporated in the State Building Code as specified below:

(a) With respect to each of the codes and standards specified in the following Sections 1705.02(b) through 1705.02(m), inclusive:

(1) All appendices to such codes and standards, if any, are hereby adopted.

(2) All appeals under such codes and standards and all appeals under this Article 1705 shall be made pursuant to Section 1705.06, and all language to the contrary in such codes and standards shall be of no effect.

(3) All penalties for violation(s) of such codes and standards shall be punishable under the specific provisions of Section 1705.07, and all language to the contrary in such codes and standards shall be of no effect.

(b) With respect to the International Building Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(2) Insert "July 1, 2013", where prompted to do so in Section 1612.3.

(c) With respect to the International Plumbing Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(2) Insert "See Section 1705.04" where prompted to insert the jurisdiction's schedule in Section 106.6.2.

(3) Insert "twenty-five (25%) percent" where prompted to do so in subparagraph 2 of 106.6.3, and "fifty (50%) percent" where prompted to do so in subparagraph 3 of 106.6.3.

(4) Insert "eighteen inches (18")" where first prompted to do so and insert "two feet and six inches (2'6")" where next prompted to do so in Section 305.4.1.

(d) With respect to the International Residential Code for One- and Two-Family Dwellings, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(e) With respect to the International Mechanical Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(2) Insert "See Section 1705.04" where prompted to do so in Section 106.5.2.

(3) Insert "twenty-five (25%) percent" where prompted to do so in subparagraph 2 of 106.5.3 and "fifty (50%) percent" where prompted to do so in subparagraph 3 of 106.5.3.

(f) With respect to the International Property Maintenance Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(g) With respect to the International Energy Conservation Code, 2015 Edition for Residential Buildings:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(h) With respect to the International Existing Building Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(i) With respect to the 2020 Edition of the National Electric Code, NFPA 70, no further additions, insertions or changes are made

(j) With respect to the International Fuel Gas Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(k) With respect to the 2017 ICC/ANSI A117.1 American National Standards for Accessibility and Usable Buildings and Facilities, no further additions, insertions or changes are made.

(l) With respect to the 2013 ANSI/ASHRAE/IESNA Standard 90.1 for Commercial Buildings, no further additions, insertions or changes are made.

(m) With respect to the International Swimming Pool and Spa Code, 2018 Edition, no further additions, insertions or changes are made.

#### 1705.03 PERMITS.

No building permit or other permit required under any provision of the State Building Code shall be issued or renewed with respect to any property that is then subject to a notice of violation or order issued under the State Building Code unless the work authorized by the contemplated permit will timely rectify all violations set forth in such notice of violation or order. Notwithstanding the foregoing, the City Code Official may, in his or her reasonable discretion and upon determination that such will further the City's objective of obtaining compliance with this Article, enter with the owner(s) of any property a written agreement providing for issuance of a permit on specified terms and conditions including, without limitation, benchmarks for work progress.

#### 1705.04 PERMIT FEES.

(a) For New Home Construction and Additions: a \$200.00 Building Permit Fee, plus a fee of \$0.75 per square foot finished area and \$0.20 per square foot unfinished area.

(b) For Residential Renovation, Restoration, or Remodeling of Existing Structure: a \$75.00 Building Permit Fee, plus a fee of \$0.20 per square foot.

(c) For Residential Porches, Decks, Garages, and other Accessory Structures: a \$50.00 Building Permit Fee, plus a fee of \$0.15 per square foot.

(d) For Demolition:

(1) Residential: a \$50.00 Building Permit Fee

(2) Commercial: a \$150.00 Building Permit Fee

(e) Re-inspection Fees: a \$75.00 re-inspection fee if the Building Inspector is required to make more than one (1) visit for one inspection. Job not ready for inspection will also result in \$50.00 re-inspection fee.

(f) For Commercial Construction, Additions and Accessory Structures: a \$300.00 Building Permit Fee, plus \$0.75 per square foot finished area.

(g) For Commercial Renovation, Restoration, Remodeling of Existing Structure: a \$200.00 Permit Fee plus \$0.50 per square foot.

(h) For Commercial Accessory Structures with no plumbing or electricity: a \$100.00 Permit Fee.

(i) For All Temporary Structures: a \$50.00 Building Permit Fee.

(j) For All Swimming Pools: a \$250.00 Building Permit Fee, plus \$0.10 per square foot.

(k) For Roofing and Siding:

(1) Residential: A \$75.00 Building Permit Fee, plus \$1.00 per 100 square feet

(2) Commercial: A \$150.00 Building Permit Fee, plus \$1.00 per 100 square feet

(l) For Sidewalks and Driveways:

(1) Residential: A \$30.00 Building Permit Fee, plus \$0.10 per square foot over 500 sq ft.

(2) Commercial: A \$100.00 Building Permit Fee, plus \$0.10 per square foot over 500 sq ft.

(m) Fences:

(1) Residential: A \$40.00 Building Permit Fee

(2) Commercial: A \$100.00 Building Permit Fee

(n) For Plumbing Permits:

- (1) Residential: A \$75.00 Permit Fee plus \$2.50 per fixture
- (2) Commercial: A \$100.00 Permit Fee plus \$5.00 per fixture

(o) For Mechanical Permits:

- (1) Residential: A \$75.00 Permit Fee plus: \$0.10 per square foot of new conditioned space in new structures or \$15.00 per unit replaced in existing structures
- (2) Commercial: A \$100.00 Permit Fee plus: \$0.20 per square foot of new conditioned space in new structures or \$25.00 per unit replaced in existing structures

(p) For Electrical Permits:

- (1) Residential: A \$100.00 Permit Fee plus: \$0.15 per fixture or device
- (2) Commercial: A \$250.00 Permit Fee plus: \$0.25 per fixture or device
- (3) Panel or Meter upgrade only: \$100.00

(q) Plan Review:

- (1) Residential \$150.00
  - (A) Residential Renovations: \$75.00
  - (B) Residential Decks and Fences: \$50.00
- (2) Commercial \$300.00

**1705.05 CITY CODE OFFICIAL & BUILDING INSPECTOR.**

(a) The City of Charles Town shall comply with the requirements of the Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners set forth at Series 6 of Title 103 of the West Virginia Code of State Rule (the "Certification/Continuing Education Standards").

(b) The City Manager or designee shall designate a City Building Official, who shall also be known as the City Code Official, who meets the qualifications of a "Code Official" set forth in the Certification/Continuing Education Standards and is duly certified as such thereunder.

(c) All inspections required under the State Building Code shall be conducted on behalf of the City only by the City Code Official or any other individual who is authorized by the City Code Official to perform the relevant category of inspection on behalf of the City and who is duly certified (or otherwise permitted to act) as an "Inspector" in such category pursuant to the Certification/Continuing Education Standards. Any such other individual shall be under the authority of the City Code Official and shall issue a report regarding an inspection to the City Code Official for further action.

## 1705.06 APPEALS.

(a) There is established one Appeals Board for all appeals arising under Article 1705, comprised of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. At least one member of the Appeals Board shall be a West Virginia Registered Professional Architect or Engineer, or a West Virginia Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical, or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge of work. In addition to such members, the City Code Official shall be an ex-officio member but shall have no vote on any matter before the Appeals Board. The members of the Appeals Board shall be appointed by the City Council and shall serve staggered and overlapping terms.

(b) The Appeals Board shall adopt Rules of Procedure governing appeals before it; *provided* such Rules of Procedure shall provide that: (i) a majority of the five (5) voting members of the Appeals Board shall constitute a quorum and no meeting or hearing of the Appeals Board shall be conducted unless a quorum is present; (ii) notwithstanding that a quorum may be present to hear any appeal, the appellant or the appellant's representative may request postponement of the hearing at its commencement if five (5) voting members of the Appeals Board are not present; (iii) at any hearing, the appellant or the appellant's representative, the Code Official, and any other person whose interests are affected shall be given the opportunity to be heard and, for such purpose, the presiding officer of the Appeals Board shall administer oaths and affirmations; (iv) except as specified in the following item (v), any action of the Appeals Board at a meeting or hearing shall be taken and be official only upon the concurring vote of a majority vote of the voting members present; (v) the Appeals Board may modify or reverse a decision of the City Code Official only by the concurring vote of a majority of its five (5) voting members; and (vi) meetings and hearings of the Appeals Board may be held by electronic means by which all persons participating may hear and communicate with each, including, without limitation, by telephonic conference or by video conference, and any member of the Appeals Board participating in a meeting or hearing by such means shall be deemed present in such meeting or hearing for all purposes.

(c) All administrative appeals from actions of the City Code Official must be filed within twenty (20) days of service of the order, decision, or determination to be appealed and will follow the procedures set forth in the respective codes and standards incorporated in the Building Code where not inconsistent with this Section. At the time of filing any appeal to the Appeals Board, the appellant shall be required to pay a filing fee in the same amount as specified in Section 59-1-11(a)(1) of the West Virginia Code for docketing of civil appeals from magistrate court; *provided that*, such fee shall be refunded to the appellant in the event the appellant prevails on all matters appealed.

(d) Any appeals from decisions of the Appeals Board must be filed within thirty (30) days of the decision by Petition for Writ of Certiorari to the Circuit Court of Jefferson County.

(e) Appeals to the Appeals Board and appeals from the Appeals Board to the Circuit Court shall be based on, and limited to, a claim that the true intent of this Article and/or the State Building Code has been incorrectly interpreted, the provisions of this Article and/or

the State Building Code do not fully apply, or the requirements of this Article and/or State Building Code are adequately satisfied by other means.

1705.07 PENALTIES.

Any person violating any of the provisions of this Article, except as otherwise expressly provided herein, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Failure or refusal to comply with this Article shall constitute a separate offense for each and every day the violation continues. However, this penalty shall not be the exclusive remedy of the City, the City reserving all of the remedies provided by law.

1705.08 INJUNCTIVE RELIEF.

The City Code Official is authorized, with the consent of the Mayor, to institute judicial proceedings seeking injunctive relief to restrain any violation of this Article or compel compliance with this Article.

1705.09 SEVERABILITY.

If any provision of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

Passed on First Reading:

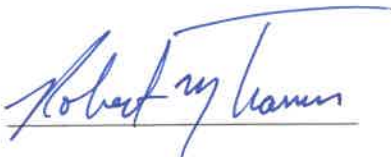
December 18, 2023

Passed on Second Reading:

January 17, 2024

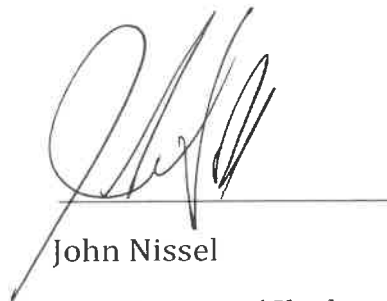
(following Public Hearing)

Attest:



Robert M. Trainor

Mayor



John Nissel

City Manager/Clerk