

Building Code Ordinance

For Town of Capon Bridge, Inc.

An ORDINANCE amending and enacting a Building Code Ordinance in the Town of Capon Bridge, Inc.

Purpose. The purpose of this ordinance is to ensure the minimum building and housing standards for the purpose of improving health, safety, and well-being of the citizens, residents and property owners of the Town.

Adoption and legislative rights. There is hereby adopted by Council, the State Building Code as promulgated by the W.Va. State Fire Commission pursuant to W.Va. Code §29-3-5b and the provisions of Legislative Rule Title 87 Series 4 filed on February 22, 2019, which consists of the standards and requirements as set out and as published by the International Code Council, the American National Standards Institute, and the National Fire Protection Association as listed below, and shall have the same force and effect as if set out verbatim in this ordinance, except all references to the ICC Electrical Code mean NFPA 70, the National Electric Code. Wherever referenced in several ICC codes adopted below, any reference to the International Fire Code should be substituted with NFPA Life Safety Code 2015 edition.

Adopt the following State Building Code with amendments:

- (a) 2015 International Building Code;
- (b) 2015 International Residential Code (delete Chapter 11); ;
- (c) 2015 International Existing Building Code;
- (d) 2007 ANSI/ASHRAE/IESNA Standard 90.1;
- (e) 2015 International Plumbing Code;
- (f) 2015 International Mechanical Code;
- (g) 2015 International Fuel Gas Code;
- (h) 2009 International Energy Conservation Code;
- (i) 2009 ICC/ANSI A117.1 Accessible & Usable Buildings & Facilities;
- (j) 2015 International Property Maintenance Code;
- (k) 2017 NFPA 70, National Electric Code;
- (l) 2015 International Private Sewage Disposal Code;
- (m) Appendices to the 2015 International Building Code
 - (1) Appendix G Flood-Resistant Construction
 - (2) Appendix H Signs;
- (n) Appendices to the 2015 International Residential Code
 - (1) Appendix E Manufactured Housing Used As Dwellings
 - (2) Appendix F Radon Control Method

Definitions.

- (a) Building or Structure is any improvement construction upon the land.
- (b) Building Code means all aspects of safe building construction and mechanical operations and all safety aspects related to building construction and mechanical operations.
- (c) ICC means International Code Council , 5203 Leesburg Pike Suite 708, Falls Church, VA 22041-3401.
- (d) Town or Local Jurisdiction means Capon Bridge, West Virginia.
- (e) Town Building Code is the entire contents of this ordinance and promulgated by the Town of Capon Bridge and the State of West Virginia.

Building Code Enforcement Officer. A Town Building Code Enforcement Officer (BCEO) shall have authorization to enforce this Town Building Code on behalf of the Town. The Mayor shall appoint this officer, with such appointment being subject to the approval by the Council. The BCEO will ensure that all inspections required under this code will be made by a qualified inspector.

An Improvement Location Permit (ILP) and building permits for construction required. No person shall, within the incorporated limits of the Town, move any house or other building over any public street, sidewalk, or public ground; or erect, construct, alter, enlarge, or provide capital improvement to any building or other structure, except pursuant to a Town improvement location (zoning) permit and building permit first issued to that person for such purpose.

Any building or structure that is present at the time of adoption of this ordinance will be considered pre-existing or “grandfathered.” Whereas any improvement upon a grandfathered structure may take place then a permit will be required. No permit will be issued until all related materials are filed and conformity to all laws is adhered to.

Permit for demolition required. A building permit must be obtained for any demolition on an improvement in the Town, whether or not the improvement exists prior to the enacting date of this ordinance.

Application for permit. Applications for building permits shall be submitted in writing on forms provided by the Town, to the Town. Each such application shall state the location of the proposed project, the character, design, and purpose thereof, the material proposed to be used, and the manner in which the work shall be done; and the Town may require that detailed plans and specifications be submitted with the application. The Town may require such other information as may be necessary to determine whether the proposed project meets all requirements of state law, this code, and other ordinances. Applications must be submitted no

later than the Friday before the second Tuesday of the month to be on the agenda for that month. If no plans are provided, at the Town's request or complications are expected, sixty (60) days shall be required for permit approval. Permits shall be valid for three-hundred sixty-five (365) days, or one year, after which one extension may be granted for thirty (30) days. If construction is not completed at the end of the permit or extension period, application for a new permit must be made.

Display of permit. Each applicant to whom a building permit has been issued shall keep such permit conspicuously posted upon or within the premises to which such permit relates. Each applicant shall display such permit upon request of the Town.

Inspection. It is the right of the applicant to have timely and professional inspections once the building permit is issued and construction begins. For this to be done the applicant must advise the Town when the appropriate phases of construction are completed so that an inspection visit may be scheduled.

State Fire Marshall review. Commercial, industrial, or other improvements not classified as residential or appurtenant structures shall have plans submitted to the W.Va. State Fire Marshall and followed by required inspections by the State Fire Marshall. A permit will not be issued by the Town until approval from the State Fire Marshal is received and a use and occupancy permit will not be granted until signed off by the State Fire Marshall that the structure is ready for habitation.

Use and occupancy permit. Once construction is completed and final inspection is successfully conducted, the Town will issue a use and occupancy permit. The applicant may not proceed with habitation or the intended usage of the building or structure until this permit is granted.

Stop-work order. The Town may issue a stop-work order upon discovery of a violation or violations of the Town Building Code. Applicants or contractors shall cease further building or construction until violations are improved to meet code standards. Failure to adhere to a stop-work order shall result in legal action taken by the Town.

Severability and Town liability. If any section, subsection, or paragraph, sentence, clause, phrase, or word of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect, and for this purpose the provisions of this ordinance are hereby declared to be severable. The granting of a permit or approval shall not constitute a representation, guarantee, or warranty of any kind by the Town or by any other official, employee, or individual or company contracted thereof of the practicability or safety of the proposed use and shall create no liability upon the Town.

Greater requirements. Any existing ordinance that is more stringent or imposes a higher standard than is required by the codes enacted by this ordinance shall govern, provided such ordinance is not inconsistent with the laws of the State of West Virginia and is not contrary to recognized standards and good engineering practices. Any existing ordinance that is less stringent or imposes a lesser standard than is required by the codes of this ordinance is hereby amended to comply therewith.

Fee schedule. A fee schedule for permitting and inspections will be enacted so that costs will be covered, and proper inspections will be made and set forth in the General Municipal Fee Schedule, per Town Code.

Insertions.

The following sections are hereby revised:

All Codes and Standards where "Name of Jurisdiction" appears in the International Building Codes shall be replaced and hereinafter known as "Town of Capon Bridge, West Virginia."

All Codes and Standards where the term "Title of Jurisdiction Keeper of Records" appears shall be replaced and hereinafter known as "the Capon Bridge Recorder"

All Codes and Standards where the term "State Name" appears shall be replaced and hereinafter known as "West Virginia".

All Codes and Standards where the term "Governing Body" appears shall be replaced and hereinafter known as the "Capon Bridge Town Council"

All Codes and Standards where the term "Time Period" appears shall be replaced and hereinafter known as "immediately upon passage".

All Codes and Standards where the term "Ordinance/Statute/Regulation" appears shall hereinafter be known as "Ordinance".

In the International Property Maintenance Code of Capon Bridge, Section 302.4, the term "jurisdiction to insert height" shall be replaced and hereinafter known as "twelve (12) inches"

Section 101.1. Insert: "Town of Capon Bridge"

Section 103.5. Insert: "The fees for activities and services performed by Town of Capon Bridge personnel or its agents in carrying out its responsibilities under this code shall be set forth in a fee schedule adopted by the Town of Capon Bridge Commission by Resolution, which may be amended from time to time."

Section 112.4. Insert: "a fine of no less than \$100 dollars or more than \$500 dollars."

Section 302.4. Insert: "twelve (12) inches"

Section 304.14. Insert: “from April 1 to October 1”

Section 602.3. Insert: “from November 1 to April 1”

Section 602.4. Insert: “from November 1 to April 1”

Penalties. Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the designated Building Code Enforcement Officer or any other authorized employee of the Town shall be guilty of an offense and, upon conviction, shall pay a fine to the Town as set forth in the General Municipal Fee Schedule, plus cost of prosecution. Each day during which any violation of this ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this ordinance shall not excuse the violation or non-compliance with the ordinance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in non-compliance with this ordinance may be declared by the Town to be a public nuisance and abatable as such.

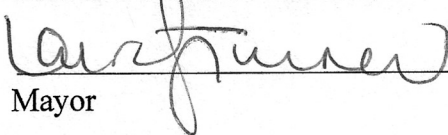
Effective. This Ordinance shall take effect immediately following public hearing hereon.

Passed on First Reading: June 23, 2021

Passed on Second/ Final Reading

Following Public Hearing: July 13, 2021

TOWN OF CAPON BRIDGE



Mayor