

HAMPSHIRE COUNTY UNIFIED BUILDING PERMIT ORDINANCE
ORDINANCE NO. 26A

Section 1. Purpose and Authority

1.1. Purpose. The purpose of this Ordinance is to establish a unified process for the issuance of building permits for all construction projects in Hampshire County, ensuring compliance with the West Virginia State Building Code as adopted and the Hampshire County Floodplain Ordinance, and to require notification for new exempted projects for emergency response purposes to protect public health, safety, and welfare.

1.2. Authority. This Ordinance is enacted under W.Va. Code §7-1-3 et seq. and applies county-wide except in municipalities maintaining their own building code unless agreed otherwise.

Section 2. Definitions

Definitions applicable under this Ordinance include, but are not limited to, the following:

1. **Building Official:** The designated official for administration and enforcement of this Ordinance.
2. **Building Permit:** A permit authorizing construction conforming to the West Virginia State Building Code as adopted and any other applicable laws.
3. **Floodplain Ordinance:** Hampshire County's ordinance governing floodplain development.
4. **Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
5. **Construction:** The act of building, altering, repairing, or demolishing structures or related systems.
6. **Garden and Landscape Feature:** Any decorative, recreational, or landscaping element installed on a property's exterior grounds, which is incidental to the primary use of the property. This includes both structural and non-structural elements.
7. **Non-Structural Exterior Repairs:** Repairs or minor alterations to the exterior portions of any structure that do not involve any structural member of a building or structure (including load-bearing walls, beams, floor joists, or roof supports) nor require reconfiguring or installing new major system components regulated by the State Building Code. Non-Structural Exterior Repairs generally include, but are not limited to:
 - Exterior painting, parging, staining, etc.,
 - Replacement of damaged/aged siding, shingles, decking flooring boards, or other surface components with like-material replacement components (roof surface replacements, vinyl siding for vinyl siding, etc.),
 - Replacement of doors and/or windows - provided that no structural modifications are made (modified headers, jacks, etc.),
 - Replacement of existing exterior mechanical, HVAC, or plumbing fixtures where no new piping or vents are added
 - Replacement of exterior light fixtures or electrical devices where no new circuits or major re-wiring is added
 - Comparable in-kind exterior repairs or maintenance that do not compromise or change structural components or involve major system work

8. **Non-Structural Interior Repairs:** Repairs or minor alterations to the interior portions of any structure that do not involve any structural member of a building or structure (including load-bearing walls, beams, floor joists, or roof supports) nor require reconfiguring or installing new major system components regulated by the State Building Code. Non-Structural Interior Repairs generally include, but are not limited to:
- Interior painting, wallpapering, patching, or refinishing of surfaces
 - Replacement of trim, flooring, cabinets, countertops, or similar finish work
 - Replacement of existing mechanical or plumbing fixtures where no new piping or vents are added
 - Replacement of light fixtures or electrical devices where no new circuits or major re-wiring is added
 - Comparable in-kind interior repairs or maintenance that do not compromise or change structural components or involve major system work

Section 3. Scope and Applicability

3.1. Non-Modification of Building Code. This ordinance does not modify or change any standards or requirements related to structures or construction in the State Building Code as adopted by the Hampshire County Commission. This ordinance pertains only to the permit and notification process for permits for work performed in Hampshire County, West Virginia.

3.2. Permit Requirements. No construction or significant alteration of structures shall occur without first obtaining a Building Permit, excluding minor cosmetic improvements, ordinary repairs, and other exceptions as stated in this Ordinance. The Building Permit shall ensure compliance with the West Virginia State Building Code as adopted.

3.3. Floodplain Compliance. Construction in identified flood hazard areas requires additional floodplain verification by the Floodplain Administrator.

3.4. Compliance with Other Laws. Issuance of a Building Permit does not relieve any person of the obligation to obtain other necessary federal, state, or local approvals.

3.5. Work Commencing Without Permit. Work commenced without proper authorization is subject to Stop Work Orders and may incur increased permit fees or penalties as set forth in this Ordinance.

Section 4. Exceptions

1. The following are exceptions and do not require a Building Permit under this Ordinance:
 - a. All exceptions set forth in the State Building Code adoption ordinance (Ord. No. ____).
 - b. All sheds and outbuildings less than 200 square feet in size used for personal, non-commercial purposes.
 - c. All fences less than 8 foot in height.
 - d. All garden and landscape features.
 - e. All Non-Structural Repairs (Interior and Exterior)

2. For any new structure, addition, or Non-Structural Exterior Repair that is exempted or excepted under this Ordinance, including agricultural exemptions as defined in Section 5 below, the property owner shall notify the Hampshire County Planning Office on the County-provided notice of work form and receive an exemption placard prior to commencement of construction.

Section 5. Agricultural Exemption

The permitting requirements of this ordinance shall not apply to buildings or structures used primarily for agricultural purposes, including agritourism facilities. If the Hampshire County Planning Office determines there is insufficient evidence to establish an agricultural or agritourism purpose, owners or responsible parties claiming this exemption must submit the necessary information to the West Virginia Commissioner of Agriculture for formal determination. The exemption shall be effective upon a favorable determination by the Commissioner of Agriculture.

Section 6. Building Permit Application and Review Process

6.1. Application Submission. Applications must be submitted to the Hampshire County Planning Office on the required forms. Plans, specifications, contractor licensing, property location, and other relevant data are required to demonstrate compliance with the adopted State Building Code and, if applicable, the Floodplain Ordinance.

6.2. Fees. Permit applications shall be accompanied by such fees as set forth in the County's fee schedule.

6.3. Timeline and Requests for Additional Information. The Building Official shall review applications within 10 business days of receipt. If additional information is necessary, the applicant shall be notified within this period. Upon submission of additional information, the Building Official shall complete review within an additional 10 business days.

6.4. Plan Review and Permit Issuance. If the Building Official finds that the proposed construction satisfies the West Virginia State Building Code and all relevant laws, a permit shall be issued with any necessary conditions.

6.5. Display and Validity of Permits.

- i. Permits must be visibly posted on the job site in a position that is clearly visible from the property entrance to the public roadway.
- ii. Electric Service permits are valid for a period of three months from the date of issuance.
- iii. Permits for the construction of single-family residential units are valid for a period of two years from the date of issuance.
- iv. All other permits are valid for a period of six months.
- v. No extensions shall be granted for permits obtained under this ordinance; any work that is not completed within the permit period will require a new permit, including applicable permit and inspection fees in order to continue, or will otherwise constitute a violation of this ordinance.

6.6. Permit Amendments. Any significant change, as determined at the discretion of the Building Official, to the approved plans requires an amended permit from the Building Official.

Section 7. Inspections, Enforcement, and Penalties

7.1. Inspections. Periodic inspections may be performed by the Building Official to ensure compliance. Floodplain development requires additional inspections by the Floodplain Administrator.

7.2. Stop Work Orders. Work being performed without a required permit, or work that is contrary to County's adopted Building Code and creates an unsafe condition may be halted by a Stop Work Order. The Hampshire County Sheriff may assist in enforcement if necessary.

7.3. Permit Revocation. Permits issued based on false statements or substantial noncompliance may be revoked.

7.4. Violations and Penalties. Unless otherwise specified, any violation of this Ordinance constitutes a misdemeanor, punishable by a fine of \$50 to \$500 per day of offense.

Failure to provide notice of work for exempted new structures or additions under Section 4 shall constitute a civil offense punishable by a fine of \$25 to \$250.

7.5. Fines and Fine Appeals. A civil monetary penalty may, at the discretion of the Building Official, be issued in lieu of immediate prosecution, up to the amount of the fines described herein. Civil penalties assessed under this Ordinance may be paid directly to the Hampshire County Planning Office within the period stated in the citation or notice, all fines derived from criminal penalties must follow the magistrate court process. If the cited person fails to pay the civil penalty within the designated time, or contests the charge, the violation may be brought as a misdemeanor complaint before the Magistrate Court of Hampshire County.

7.6. Fraudulent Information. Knowingly providing false or misleading information in any application or document related to a Building Permit is a separate misdemeanor offense punishable by a fine of \$250 to \$500.

7.7. Injunctive Relief. The County Planning Office may seek injunctive relief requiring removal or remediation of any work performed in violation of this Ordinance.

Section 8. Appeals

8.1. Appeals for Substantive Decisions - Board of Appeals. Any person aggrieved by a decision or interpretation of the Building Official (not pertaining to fines associated with lack of permit or notice), including denial of a Building Permit or additional requirements imposed, may appeal in writing within 20 days of such decision. A Building Code Board of Appeals shall render a decision within 45 days of receiving a complete appeal.

8.2. Floodplain Appeals. Appeals related to the Floodplain Ordinance shall be heard by the Hampshire County Commission in accordance with the procedures established therein.

8.3. Judicial Review. Appeals to the circuit court must be filed within 60 days of any final administrative decision under this Ordinance.

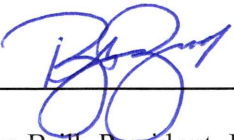
Section 9. Severability

If any section, subsection, or provision of this Ordinance is held invalid by a court of competent jurisdiction, the remainder shall not be affected and shall remain in full force and effect.

Section 10. Effective Date

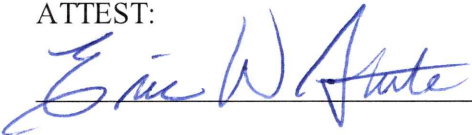
This Ordinance shall become effective immediately upon passage by the Hampshire County Commission.

ENACTED AND ORDAINED this 13th day of October, 2026



Brian Brill, President, Hampshire County Commission

ATTEST:



Clerk, Hampshire County Commission

Hampshire County
Eric W. Strite, Clerk
Instrument 248543
10/13/2026 @ 10:50:32 AM
ORDINANCE
Book 25 @ Page 735
Pages Recorded 5