

# Hampshire County Commission Hampshire County Building Codes Ordinance

## Section I Legislative Rights

West Virginia Code 29-3-5b, mandated that as of the 1<sup>st</sup> day of July 1988, the State Fire Commission was obligated to promulgate comprehensive rules and regulations to safeguard life and property and to ensure the quality of construction of all structures erected or removed throughout this State and that said rules and regulation be known as the "State Building Codes";

West Virginia Code 7-1-3n, mandated on February 6, 1968, the county commissions are authorized and empowered to adopt building and housing codes establishing the regulating minimum building and housing standards.

Legislative Rule Title 87 - 4; Adopts the following State Building Code with amendments:

2009 International Building Code  
2009 International Residential Code  
2009 International Existing Building Code  
  
2009 International Plumbing Code  
2009 International Mechanical Code  
2009 International Fuel Gas Code  
2003 International Energy Conservation Code  
2003 ICC/ANSI A117.1 Accessible & Usable Buildings  
2009 International Property Maintenance Code  
2008 NFPA 70, National Electric Code

## Section II Title

This Ordinance shall be known as the Hampshire County Building Code Ordinance.

## Section III 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 Hampshire County citizens.

## Section IV Definitions

1. **ICC** means International Code Council , 5203 Leesburg Pike Suite 708, Falls Church, VA 22041-3401



## **Section VIII Use and Occupancy Permit**

Once construction is completed and final inspection is conducted. A use and occupancy permit will be issued. The applicant can proceed with habitation or the intended usage of the building or structure.

## **Section IX Stop Work Order**

A stop work order may be issued upon discovery of a violation or violations of the Hampshire County Building Code. Applicants or contractors shall cease further building or construction until violations are improved to meet the code standards. Failure to adhere to a stop work order shall result in legal action taken by the Hampshire County Code Enforcement Officer.

## **Section X Severability and County Liability**

If any section, subsection, or paragraph, sentence, clause, phase, 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 propose 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 Hampshire County Commission 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 Hampshire County.

## **Section XI 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.

## **Section XII Fee Schedule**

A fee schedule will be enacted so that proper inspections will be made.

## **Section XIII Demolition**

A building permit must be obtained for any demolition on an improvement in Hampshire County, West Virginia, whether the improvement exists prior the enacting date of this ordinance. No charge for a demolition permit will be administered.

**Section XIV Refunds**

**It will be the policy of the Hampshire County Building Permit Office not to grant refunds on the fees enacted by this ordinance.**


**Section XV West Virginia State Fire Marshal Review**

Commercial, Industrial, or other improvements not classified as residential or appurtenant structures shall have plans submitted to the West Virginia State Fire Marshal and followed by required inspections by the State Fire Marshal. A permit will not be issued by the Hampshire County Planning Office 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 Marshal that the structure is ready for habitation.


**Section XVI Penalties**

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Building Code Official or any other authorized employee of the county shall be guilty of an offense and, upon conviction, shall pay a fine to Hampshire County Commission of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) 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 Hampshire County to be a public nuisance and abatable as such.

**This ordinance shall become effective July 1, 2010**

  
**Steve W. Shonka, President,  
Hampshire County Commission**

**Passed this 22<sup>nd</sup> day of June, 2010.**

**Attest**   
**County Clerk**

## FLOOD-RESISTANT CONSTRUCTION

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

### SECTION G101 ADMINISTRATION

**G101.1 Purpose.** The purpose of this appendix is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

1. Prevent unnecessary disruption of commerce, access and public service during times of flooding.
2. Manage the alteration of natural floodplains, stream channels and shorelines.
3. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential;
4. Prevent or regulate the construction of flood barriers which will divert flood waters or which can increase flood hazards; and
5. Contribute to improved construction techniques in the floodplain.

**G101.2 Objectives.** The objectives of this appendix are to protect human life, minimize the expenditure of public money for flood control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business interruption, minimize damage to public facilities and utilities, help maintain a stable tax base by providing for the sound use and development of flood-prone areas, contribute to improved construction

techniques in the floodplain, and ensure that potential owners and occupants are notified that property is within flood hazard areas.

**G101.3 Scope.** The provisions of this appendix shall apply to all proposed development in a flood hazard area established in Section 1612 of this code.

**G101.4 Violations.** Any violation of a provision of this appendix, or failure to comply with a permit or variance issued pursuant to this appendix or any requirement of this appendix, shall be handled in accordance with Section 113.

### SECTION G102 APPLICABILITY

**G102.1 General.** This appendix, in conjunction with the *International Building Code*, provides minimum requirements for development located in flood hazard areas, including the subdivision of land, installation of utilities, placement and replacement of manufactured homes, new construction and repair, reconstruction, rehabilitation, or additions to new construction, and substantial improvement of existing buildings and structures, including restoration after damage.

**G102.2 Establishment of flood hazard areas.** Flood hazard areas are established in Section 1612.3 of the *International Building Code*, adopted by the governing body on (INSERT DATE).

### SECTION G103 POWERS AND DUTIES

**G103.1 Permit Applications.** The building official shall review all permit applications to determine whether proposed development sites will be

reasonably safe from flooding. If a proposed development site is in a flood hazard area, all site development activities, including grading, filling, utility installation, and drainage modification, and all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be designed and constructed with methods, practices, and materials that minimize flood damage and that are in accordance with this code and ASCE 24.

**G103.2 Other permits.** It shall be the responsibility of the building official to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by federal or state agencies having jurisdiction over such development.

**G103.3 Determination of design flood elevations.** If design flood elevations are not specified, the building official is authorized to require the application to:

1. Obtain, review and reasonably utilize data available from a federal, state or other source, or
2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be undertaken by a professional engineer licensed in this state who shall certify that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval by the building official. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

**G103.4 Activities in riverine flood hazard areas.** In riverine situations, until a

regulatory floodway is designated, the building official shall not permit any new construction, substantial improvement or other development, including fill, unless the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the design flood elevation more than one foot at any point within the community.

**G103.5 Floodway encroachment.** Prior to issuing a permit for any floodway encroachment, including fill, new construction substantial improvements and other development or land disturbing activity, the building official shall require submission of a certification, along with supporting technical data that demonstrates that such development will not cause any increase of the level of the base flood.

**G103.5.1 Floodway revisions.** A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a conditional FIRM revision and has received the approval of FEMA.

**G103.6 Watercourse alteration.** Prior to issuing a permit for any alteration or relocation of any watercourse, the building official shall require the applicant to provide notification of the proposal to the appropriate authorities of all affected adjacent government jurisdictions, as well as appropriate state agencies. A copy of the notification shall be maintained in their permit records and submitted to FEMA.

**G103.6.1 Engineering analysis.** The building official shall require submission of an engineering analysis, which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased. Such watercourses shall be maintained in a manner, which preserves the channel's flood-carrying capacity.

**G103.7 Alterations in coastal areas.** Prior to issuing a permit for any alteration of sand dunes and mangrove stands in flood hazard areas subject to high velocity wave action, the building official shall

require submission of an engineering analysis which demonstrates that the proposed alteration will not increase the potential for flood damage.

**G103.8 Records.** The building official shall maintain a permanent record of all permits issued in flood hazard areas, including copies of inspection reports and certifications required in Section 1612.

### SECTION G104 PERMITS

**G104.1 Required.** Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the building official and shall obtain the required permit.

**G104.2 Application for permit.** The applicant shall file an application in writing on a form furnished by the building official. Such application shall:

1. Identify and describe the development to be covered by the permit.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitely locate the site.
3. Include a site plan showing the delineation of flood hazard areas, floodway boundaries, flood zones, design flood elevations, ground elevations, proposed fill and excavation, and drainage patterns and facilities.
4. Indicate the use and occupancy for which the proposed development is intended.
5. Be accompanied by construction documents, grading and filling plans, and other information deemed appropriate by the building official.

6. State the valuation of the proposed work.
7. Be signed by the applicant or the applicant's authorized agent.

**G104.3 Validity of permit.** The issuance of a permit under this appendix shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the building official from requiring the correction of errors. The building official is authorized to prevent occupancy or use of a structure or site that is in violation of this appendix or other ordinances of this jurisdiction.

**G104.4 Expiration.** A permit shall become invalid if the proposed development is not commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

**G104.5 Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under this appendix wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

### SECTION G105 VARIANCES

**G105.1 General.** The board of appeals established pursuant to Section 112 shall hear and decide requests for variances. The board of appeals shall base its determination on technical justifications, and has the right to attach such conditions to variances, as it deems necessary to further the purposes and objectives of this appendix and Section 1612.

**G105.2 Records.** The building official shall maintain a permanent record of all variance actions, including justification for their issuance.

**G105.3. Historic structures.** A variance is authorized to be issued for the repair or rehabilitation of a historic structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

**G105.4 Functionally dependant facilities.** A variance is authorized to be issued for the construction or substantial improvement of a functionally dependant facility provided the criteria in Section 1612.1 are met and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to methods and materials that minimize flood damages during the design flood and create no additional threats to public safety.

**G105.5 Restrictions.** The board of appeals shall not issue a variance for any proposed development in a floodway if any increase in flood levels would result during the base flood discharge.

**G105.6 Considerations.** In reviewing applications for variances, the board of appeals shall consider all technical evaluations, all relevant factors, all other portions of this appendix, and the following.

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.

4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise, and debris and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the sites; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**G105.7 Conditions for issuance.** Variances shall only be issued by the board of appeals upon:

1. A technical showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site renders the elevation standards inappropriate;
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;



4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
5. Notification to the applicant in writing over the signature of the building official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

## SECTION G201 DEFINITIONS

**G201.1 General.** The following words and terms shall, for the purposes of this appendix, have the meaning shown herein. Refer to Chapter 1 for general definitions.

### **G201.2 Definitions.**

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, operations and other land disturbing activities.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**MANUFACTURED HOME.** A structure that is transportable in one or more sections,

built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Mobile Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers, and similar transportable structures that are placed on a site for 180 consecutive days or longer.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**RECREATIONAL VEHICLE.** A vehicle that is built on a single chassis, 400 square feet (37.16M<sup>2</sup>) or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**VARIANCE.** A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

**VIOLATION.** A development that is not fully compliant with this appendix or Section 1612, as applicable.

## SECTION G301 SUBDIVISIONS

**G301.1 General.** Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new

development in a flood hazard area shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electric, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

**G301.2 Subdivision requirements.** The following requirements shall apply in the case of any proposed subdivision, including proposals for manufactured home parks and subdivisions, any portion of which lies within a flood hazard area:

1. The flood hazard area, including floodways and areas subject to high velocity wave action, as appropriate, shall be delineated on tentative and final subdivision plats;
2. Design flood elevations shall be shown on tentative and final subdivision plats;
3. Residential building lots shall be provided with adequate; and
4. The design criteria for utilities and facilities set forth in this appendix and appropriate *International Codes* shall be met.

#### SECTION G401 SITE IMPROVEMENT

**G401.1 Development in floodways.** Development or land disturbing activity shall not be authorized in the floodway unless it has been demonstrated through hydrologic analyses performed in accordance with standard engineering practice that the proposed encroachment will

not result in any increase in the level of the bases flood.

**G401.2 Flood hazard areas subject to high velocity wave action.**

1. Development or land disturbing activity shall only be authorized landward of the reach of mean high tide.
2. The use of fill for structural support of buildings is prohibited.

**G401.3 Sewer facilities.** All new or replaced sanitary sewer facilities, private sewer treatment plants (including all pumping stations and collector systems) and onsite waste disposal systems, shall be designed in accordance with Chapter 8, ASCE 24, to minimize or eliminate infiltration of flood waters into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

**G401.4 Water facilities.** All new replacement water facilities shall be designed in accordance with the provisions of Chapter 8, ASCE 24, to minimize or eliminate infiltration of flood waters into the systems.

**G401.5 Storm drainage.** Storm drainage shall be designed to convey the flow of waters to minimize or eliminate damage to persons or property.

**G401.6 Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

#### SECTION G501 MANUFACTURED HOMES

**G501.1 Elevation.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the lowest floor of the manufactured home is elevated to or above the design flood elevation.

**G501.2 Foundations.** All new and replacement manufactured homes, including substantial

improvement of existing manufactured homes, shall be placed on a permanent, reinforced foundation that is designed in accordance with Section 1612 of the building code.

**G501.3 Anchoring.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Methods of anchoring are authorized to include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**SECTION G701  
REFERENCED STANDARDS**

ASCE 24-98	Flood Resistance Design And Construction Standard	G103.1, G104.3, G401.4
HUD 24 CFR Part 3280-94	Manufactured Home Construction and Safety Standards, 1994	G201
JBC-2000	<i>International Building Code</i>	G102.2

**SECTION G601  
RECREATIONAL VEHICLES**

**G601.1 Placement prohibited.** The placement of recreational vehicles shall not be authorized in flood hazard areas subject to high velocity wave action and in floodways.

**G601.2 Temporary placement.** Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.

**G601.3 Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway uses, or that are to be placed on a site for more than 180 consecutive days shall meet the requirements of Section G501 for manufactured homes.