

BUILDING DEPARTMENT ADMINISTRATIVE MANUAL

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Bill No. 7031, Committee Substitute, as amended

Introduced in Council

December 15, 2003

Introduced by

Charlie Loeb

Adopted by Council

March 1, 2004

Referred to

Rules and Ordinances Committee

Bill No. 7031, Committee Substitute, as amended – Amending and reenacting the Building Code for the City of Charleston to update provisions in light of the State’s adoption of the International Code Council’s building code models; to include inspection fees; to update the Building Department Administrative Manual with changes attached hereto; and, to provide for the release of demolition liens in exchange for timely improvements to property.

Now, Therefore, Be it Ordained by the Council of the City of Charleston, West Virginia:

That the Building code for the City of Charleston of Charleston is hereby amended and reenacted to read as follows:

“Chapter 14:

BUILDINGS AND BUILDING REGULATIONS

Article I. In General

- Sec. 14-1. Inspections; right of entry.
- Sec. 14-2. Fence regulations.
- Secs. 14-3—14.30. Reserved.

Article II. Building Code

¹Charter references: Building inspector, § 100.

Cross references: Community development, ch. 30; environment, ch. 50; fire prevention and protection, ch. 54; health and sanitation, ch. 58; manufactured homes and trailers, ch. 70; planning, ch. 90; solid waste, ch. 98; streets, sidewalks and other public places, ch. 102; street names and building numbers, § 102-151 et seq.; subdivision regulations, ch. 106; utilities, ch. 118; zoning, app. B.
State law references: General authority to regulate buildings, W. Va. Code §§ 8-12-5(23), 8-12-13; state building code, W. Va. Code § 21-3-5b.

- Sec. 14-31. Definitions.
- Sec. 14-32. Purposes; adopted; where filed and available to public; applicability; short title.

- Sec. 14-33. Adoption of state building code; exercise of authority beyond corporate limits.
- Sec. 14-34. Conflicts of law; construction.
- Sec. 14-35. Administration and enforcement.
- Sec. 14-36. Construction with respect to fire prevention code and with standards for gas piping and appliance venting.
- Secs. 14-37 - 14-70. Reserved.
- Sec. 14-71. Violations and penalty.
- Secs. 14-72 - 14-90. -Reserved.
- Sec. 14-91. Board of Appeals.
- Sec. 14-92. Assistants and employees of housing commissioner.
- Sec. 14-93. Duties of chief of fire prevention bureau.
- Secs. 14-94 - 14-110. Reserved.
- Sec. 14-111. Orders to correct substandard conditions.
- Sec. 14-112. Removal or demolition.
- Sec. 14-113. Nonliability of city employees.
- Secs. 14-114—14-140. Reserved.

ARTICLE I. IN GENERAL

Sec. 14-1. Inspections; right of entry.

Upon presentation of proper credentials, the code official, of the city or his or her assistant or designee, may, where permission is granted, enter at reasonable times any building, structure or premises in the city to perform any duty imposed on him by the building code. If any owner, occupant or other person in charge of a building subject to the provisions of the code, fails or refuses to permit free access and entry to the structure or premises under his control, or any part of such structure or premises, the code official or his or her assistant or other designee, may apply to the municipal judge for a warrant of search to conduct an inspection. A warrant of search to conduct an inspection shall not be issued except upon probable cause as provided by section 6, article III of the state constitution.
(Ord. No. 6392, § 5-2, 10-20-1997)

State law references: Authority to provide entry powers, W. Va. Code § 8-12-5.

Sec. 14-2. Fence regulations.

(a) Barbed wire fences within the City of Charleston. No fence, barrier or obstruction consisting or made in whole or in part of barbed wire shall be erected, constructed or maintained along or within 18 inches of the line of or in or upon any of the streets or other public walks within the city; and no such fence, barrier or obstruction shall be so erected, constructed or maintained along any street or driveway without a permit from the office of the building and housing commissioner.

(b) Electrically charged fences. No person shall construct, erect, maintain or use for any purpose any partition fence or fence adjoining public property charged with electrical current within the city.

(Code 1975, § 18-24)

Secs. 14-3 – 14-30. Reserved.

Article II. BUILDING CODE

Sec. 14-31. Definitions.

The following terms, wherever appearing in the city building code, shall have the meanings respectively ascribed to them by this section:

Code Official means the building inspector and housing inspector who shall serve as the "department head" for the Building Department of the City of Charleston.

Property Maintenance Inspector means any person employed by the City of Charleston who has been delegated the authority from the Code Official to conduct property maintenance inspections.

Municipality means the City of Charleston, West Virginia.
(Code 1975, § 5-23)

Sec. 14-32. Purposes; adopted; where filed and available to public; applicability; short title.

For the purposes of providing administrative and enforcement procedures and otherwise implementing the provisions of the state building code, and for the additional purpose of prescribing certain other regulations governing the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and the service equipment, apparatus and installation, as well as to license and regulate certain businesses and persons doing work or providing services to materials in connection therewith, there is adopted by the city council that certain document heretofore published by the city and which is entitled "City of Charleston Building Department Administrative Manual" (first adopted as the "Mayor's Office of Economic and Community Development, Building Department Administrative Manual," Bill No. 3703, as amended, and enacted March 19, 1984). The document enacted by this section, together with the state building code (section 14-33) shall be known and may be cited as the city building code, not less than one copy of which shall remain on file in the office of the city clerk, where it shall be available to the public for inspection and use during all regular business hours; and such manual is hereby incorporated in and made a part of this section as fully as though set out at length; and the provisions of such manual shall be controlling within the city limits in all matters relating to its subject matter.
(Code 1975 § 5-21)

Sec. 14-33. Adoption of state building code; exercise of authority beyond corporate limits.

(a) There is adopted the state building code as authorized by W.Va. Code §8-12-13 and promulgated pursuant to W. Va. Code § 29-3-5b, and as adopted on April 1, 2003, by the State of West Virginia in Title 87, Legislative Rule Series 4 (§87-4-1 et seq.), State Building Code, as fully as if set forth at length in this section; and the provisions of such code sections and regulations shall be controlling within the city.

(b) The following amendments (insertions into blank spaces) are made and incorporated into the codes adopted above:

International Building Code 2000:

Section 101.1	Insert "the City of Charleston"
Section 1612.3	Insert "the City of Charleston" dated "April 3, 1985"
Section 3409.2	Insert "April 1, 2003"

International Residential Code 2000:

Section R101.1	Insert "the City of Charleston"
Table R301.2(1)	Insert as follows:
	Roof Snow Load – "30 psf"
	Wind Speed – "90 mph"
	Seismic Design Category – "B"
	Weathering – "Severe"
	Frost Line Depth – "24 inch"
	Termite – "Moderate to Heavy"

Decay – "Slight to Moderate"
Winter Design Temperature – "11 degrees"
Flood Hazards – "see FIRM 1985 Floodplain Ordinance

No. ____."

International Plumbing Code 2000:

Section 101.1 Insert "the City of Charleston"
Section 106.6.2 Insert "the Building Department Administrative
Manual, Appendix A"
Section 101.6.3 Insert "100% ...100%"
Section 108.4 Insert "misdemeanor", "\$500", "30 days"
Section 305.6.1 Insert "24 inches"
Section 904.1 Insert "12 inches"

International Mechanical Code 2000:

Section 101.1 Insert "the City of Charleston"
Section 106.5.2 Insert "the Building Department Administrative
Manual, Appendix A"
Section 106.5.3 Insert "100%...100%"
Section 108.4 Insert "misdemeanor", "\$500", "30 days"
Section 108.5 Insert "up to \$500"

International Existing Building Code 2003:

Section 101.1 Insert "the City of Charleston"
Section 1201.2 Insert "April 1, 2003"

International Energy Conservation Code 2000:

Section 101.1 Insert "the City of Charleston"

International Fuel Gas Code 2000:

Section 101.1 Insert "the City of Charleston"
Section 106.5.2 Insert "the Building Department Administrative
Manual, Appendix A"
Section 106.5.3 Insert "100% ... 100%"
Section 108.4 Insert "misdemeanor", "\$500", "30 days"
Section 108.5 Insert "up to \$500"

International Property Maintenance Code 2000:

Section 101.1 Insert "the City of Charleston"
Section 103.6 Insert "the Building Department Administrative
Manual, Appendix A"
Section 303.14 Insert "January 1st to December 31st"
Section 602.3 Insert "January 1st to December 31st"

(c) Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any provision hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.
(Code 1975, § 5-21.1)

Sec. 14-34. Conflicts of law; construction.

If any provision of the city building code, including any provision of the Building Department Administrative Manual", conflicts with any provision of the city's Charter, other city ordinances or with any provision of state law or any rule or regulation lawfully promulgated and in effect pursuant to authority

of state law, the more stringent provision shall prevail if it is not inconsistent with the laws of West Virginia and is not contrary to recognized standards and good engineering practices. In any question, the decision of the state fire commission determines the relative priority of any such municipal ordinance or regulation and determines compliance with state building code by officials of the city. If any provision of the Building Department Administrative Manual conflicts with any ICC provision, the latter shall prevail. (Code 1975, § 5-22); State code reference W.Va. Code § 29-3-5b.

Sec. 14-35. Violation.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, remove, demolish, convert, equip, use, or occupy or maintain any building or structure contrary to or in violation of any provisions of the city building code, or cause, permit or suffer any such violations to be committed.

(Code 1975, § 5-24(a))

Sec. 14-35. Administration and enforcement.

The primary responsibility for the administration and enforcement of the city building code is vested in the building code official, with the cooperation of the, chief of police, fire chief and other city officers, each within the scope of his official duties.

(Code 1975, § 5-25) Cross references: Administration, ch. 2.

Sec. 14-36. Construction with respect to fire prevention code and with standards for gas piping and appliance venting.

The adoption of the city building code shall not be construed to affect or repeal any provisions of the fire prevention code nor be construed as permitting a standard for gas piping and appliance venting on a customer's premises less than now or hereafter required by any natural gas utility.

(Code 1975, § 5-26)

Secs. 14-37 - - 14-70. Reserved.

Sec. 14-71. -Violations and penalty.

Any person who shall violate or fail to comply with any of the provisions of this article shall be deemed guilty of a separate offense for each day or portion of a day during which the offense is committed, continued or permitted; and upon conviction of any such violation or noncompliance, such person shall be punishable by a fine of not more than \$500.00 or by imprisonment for not more than 30 days, or by both such fine and imprisonment: Provided, that, if the penalty prescribed in any of the adopted state codes conflicts, the more stringent penalties shall be imposed.

(Code 1975, § 5-60)

Sec. 14-72--14-90-Reserved.

Sec. 14-91. Board of Appeals.

(a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means, or that the strict application of any requirement of the code would cause an undue hardship.

(b) The mayor of the City of Charleston shall appoint a board of appeals which shall consist of five individuals, one from each of the following professions or disciplines, with three forming a quorum at any appeal hearing:

1. A registered design professional who is a registered architect, or a builder or superintendent of building construction with at least ten years experience, five of which shall have been in responsible charge of work;
2. A registered design professional with structural engineering or architectural experience;
3. A registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years experience, five of which shall have been in responsible charge of work;
4. A registered design professional with electrical engineering experience; or an electrical contractor with at least ten years experience, five of which shall have been in responsible charge of work; and
5. A registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years experience, five of which shall have been in responsible charge of work.

(c) Time of Appeal. The board shall meet upon twenty (20) days written notice of an appeal or at stated periodic meetings. The Appeals Board shall render a decision within 30 days of receipt of appeal. The code official shall take immediate action in accordance with the decision of the board; unless he or she appeals to circuit court for a writ of certiorari to correct errors of law.

(d) Circuit Court Review: Any person aggrieved by a final decision by the Board of Appeals, may apply to the Circuit Court of Kanawha County for relief: Provided; that, all appeals must be filed within 30 days of entry of the final decision by the Board of Appeals.

(e) Open hearing. All hearing before the board shall be open to the public.

Sec. 14-92-Assistants and employees of code official.

The code official shall have such assistants, inspectors and other employees as the city council may direct. Such employees shall perform such duties and have such powers as the code official may direct.

(Code 1975, § 5-51)

Cross references: Officers and employees, § 2-131 et seq.

Sec. 14-93-Duties of chief of fire prevention bureau.

The chief of the bureau of fire prevention shall refer to the code official in writing all violations of the provisions of this article that come to their attention in the course of their regular duties, and such references shall have the effect of a written complaint as set forth in this division.

(Code 1975, § 5-52)

Secs. 14-94—14-110. Reserved.

Sec. 14-111. Orders to correct substandard conditions.

- (a) For purposes of this subsection "Substandard" means the failure to meet the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical

things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use.

(b) Whenever the code official or any of his or her assistants or designees determines by inspection that any building, structure or lot as set out in this article is substandard in accordance with the provisions of the building code, he shall issue an order in writing to the owner, occupant or person in charge of the premises concerned. Such order shall be served in accordance with the laws of the state concerning service of process in civil actions and shall, in addition, be posted in a conspicuous place on the premises affected by such order. The designated time periods shall begin as of the date the owner, occupant or person in charge of the premises is deemed to be served under the laws of the state concerning service of process in civil actions. The order shall set out the date of the inspection and by whom made, the substandard conditions found, in reasonable detail, and shall order specific corrective measures and give a date by which time such corrective measures shall be completed. The order shall require the owner, occupant or person in charge of the premises to comply with the order for corrective measures by the time allotted, which shall be at the discretion of the code official, but shall, in no case, be less than ten days, or to file an appeal with the board of appeals within twenty (20) days; however, whenever the code official finds that any emergency exists which, in his opinion, may involve the potential loss of life or severe property damage, he may issue an order reciting the existence of such an emergency and requiring that such an action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this section, such an emergency order shall be effective immediately. Any person to whom such an emergency order is directed shall be afforded a hearing before the appeals board upon petition to the appeals board; but if no such petition is filed within 24 hours of that person's being served with such an emergency order, the person to whom such an emergency order is directed shall comply with such order by the end of such 24-hour period.

(Code 1975, § 5-53)

Sec. 14-112. Duties of owners.

The owner of any property subject to the provisions of this article shall, upon receipt of the order as provided in section 14-111, correct the deficiencies noted in the time stipulated, or appear before the housing commissioner code official and show cause why he cannot or ought not comply with such order; and any owner who shall fail to do so shall, upon the expiration of the time allotted, be deemed to be maintaining a nuisance, which shall constitute a violation of the provisions of this article. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of such dwelling and its premises, shall maintain such dwelling in a rat proof and a reasonably insect proof condition, and shall be responsible for the extermination of such pests in the shared or public areas of such dwelling or any vacant portions of such dwelling.

(Code 1975, § 5-54)

Sec. 14-113. Duties of occupants.

The occupant of any dwelling unit subject to the provisions of this article, whether he is the owner or not, shall comply with the provisions of subsection 14-92(b) and section 14-114, or be guilty of a violation. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling unit and premises which he occupies and controls; shall dispose of all of his garbage and any other organic waste in a clean and sanitary manner by placing it in garbage disposal facilities or garbage storage containers; shall dispose of all of his rubbish in a clean and sanitary manner; shall be responsible for the extermination of any insects, rodents or other pests on the premises he occupies; and shall keep all plumbing fixtures in a clean and sanitary condition.

(Code 1975, § 5-55)

Sec. 14-112 . Removal or demolition.

Sec. 14-112. Removal or Demolition

The amount of the cost of removal or demolition shall be a lien against the real property upon which such cost was incurred, which lien shall be superior to all liens except those for taxes and paving assessments, and which may, if necessary, be enforced through any court of competent jurisdiction: Provided; that, in the event a property owner agrees, in writing, to rehabilitate such property to the satisfaction of the code official, within 6 months of said agreement, the Code official, with the approval of the City Manager, is authorized to release such liens in an amount not to exceed one-half (1/2) of the value of property upon which the lien attached.
(Code 1975, § 5-57)

Sec. 14-113. Nonliability of city employees.

No officer, agent or employee of the city shall be personally liable for damages arising from his lawful performance of his duties under this chapter.
(Code 1975, § 5-59)

Sec. 14-114- -14-140. Reserved.

ARTICLE I

SECTION 100.0 BUILDING CODES

100.1 Official Building Codes: The Building Department of the City of Charleston shall hereby enforce the West Virginia State Building Code as provided for in Section 5b, Article 3, Chapter 29 of the Code of West Virginia, 1931, as amended. The following building codes have been adopted and the latest edition adopted by the West Virginia State Legislature will be the edition in force in the City of Charleston, with legislative exceptions: The International Building Code, The International Plumbing Code, The International Mechanical Code, International Fuel Gas Code, The International Property Maintenance Code, The International Energy Conservation Code, International Residential Code, ICC/ANSI A1.1 Standards for Accessibility & Usable Buildings & Facilities, International Existing Building Code, NFPA Life Safety Code, National Fire Prevention Association Codes, West Virginia State Fire Code.

The aforementioned codes have been filed with the City Clerk's Office for review. The official building code books, collectively or separately, may be obtained in the Charleston Code Official's Office for a fee.

100.2 Administration and Enforcement: The Building Department of the City of Charleston shall enforce the official building codes outlined in Section 100.1 by administering the guidelines set forth in Article I, "Administration and Enforcement", of the West Virginia State Building Code. For purposes of enforcement of the Building and Housing Codes of the City of Charleston the following titles shall have the same meaning: Building Commissioner, Housing Commissioner, Building Inspector, Code Official.

100.3 Right of Entry: Under the provisions of the West Virginia State Building Code, Section 104.4 Right of Entry of the International Property Maintenance Code: the Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law. Pursuant to West Virginia Code Sections 8-12-13 and 29-3-5b, the governing body of every municipality shall have the plenary power and authority to provide for the entering and inspection of private premises to aid in the enforcement of any state law or municipal ordinance, provided that this section shall not be construed as purporting to authorize an unreasonable search and seizure prohibited by section 6, article III of the Constitution of this State.

ARTICLE II

SECTION 200.0 APPLICATION AND PERMIT REQUIREMENTS

200.1 Permit Required: Any owner, authorized agent or contractor who wishes to construct, enlarge, alter, repair, move, demolish or change a building or structure; to paint, wallpaper, install ceramic tile, or perform pest control in conjunction with construction; to excavate, landscape, or to pave; to erect or construct a sign of any description; to install or alter fire extinguishing apparatus, elevators, or engines; to install a steam boiler, furnace, heater, incinerator or other heat producing apparatus, or air conditioning; to install, repair or upgrade any electrical system or apparatus or other appurtenances, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Department and obtain the required permit therefor.

200.2 Owner Permit: Nothing in this code shall be construed as to prevent the owner from doing any work on his own building, provided he obtains the necessary permits and required inspections from the Building Department. For new construction an "owner permit" shall be issued to anyone owning property and who will own said property twelve (12) months after completion of a new primary structure. Any owner obtaining a permit shall list all subcontractors working under his supervision and shall be held solely responsible for all work being done by subcontractors. Owners and Subcontractors must be registered in the City of Charleston and will be required to provide a detailed financial accounting of all work done on a project prior to the project being given a final approval.

200.3 Sidewalk and Excavation Permits: Any contractor, owner, owner's representative, or utility company who wishes to excavate any street, sidewalk, or excavate any city right-of-way shall first make application to the City of Charleston and obtain a permit therefore. All work upon city right-of-way shall be done in accordance with the requirements as specified in the City of Charleston "Right of Way Excavation & Restoration Manual," available from the City Engineer, after obtaining a permit authorized by the City Engineer and issued by the Building Department. Any contractor working on city right-of-way shall be a West Virginia licensed contractor, licensed as a contractor by the City of Charleston Building Department and shall furnish the city with a bonding as specified in the "Right of Way Excavation & Restoration Manual".

200.4 Property Owner Permit for Right of Way Excavation: Any property owner obtaining a permit to perform work on city right-of-way shall be at the site and in charge of performing the work. Property owner must post a bond as outlined in the City of Charleston "Right of Way Excavation and Restoration Manual".

200.5 Application: Each application for a sidewalk or right of way excavation permit, along with the required fee, shall be filed with the Building Department, on the required form as specified in the City of Charleston "Right of Way Excavation & Restoration Manual".

200.6 Work Hours, Noise Nuisances: Construction work may only be performed at reasonable hours without undue nuisance to surrounding property owners. Construction work shall not be performed between the hours of 10:00 p.m. and 6:00 a.m. without special permission from the Building Commissioner and the Chief of Police.

200.7 Information Required to Accompany Permit Application: In the case where construction is being performed by a tenant or lessee, written authorization for work to be performed on the property must accompany the application. Where the cost of construction is \$10,000.00 or more a copy of an executed contract between the owner and the contractor and/or between the contractor and all sub-contractors must be supplied to the Building Department to comply with State of West Virginia Contractor Licensing requirements.

SECTION 201.0 DRAWINGS AND SPECIFICATIONS

201.1 Site Plan Requirements: The Code Official shall require building plans and specifications showing the location of the proposed building or structure on the site and of every existing building or structure on the site or lot and adjoining lots. The drawings shall also show all existing grades and changes to be made therein, and all underground and overhead utility services and sewers. The Code Official may also require a boundary line survey, if necessary, prepared by a qualified, State of West Virginia licensed surveyor.

201.2 Detailed Requirements: For commercial projects, three sets of specifications and drawings, drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany each application. Such drawings and specifications shall contain information in the form of notes or otherwise as to the quality of materials, where quality is essential to conformity with the code. Such information shall be specific, and the code shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. The drawings shall include tabulation of floor areas, room areas, and window areas, both fixed and ventilating, type construction, use, occupancy load, fire ratings and separations, typical wall section, and handicap accessibility compliance. The Building Department may require additional details, computation, stress diagrams, and other technical data necessary to describe the construction and basis of calculations.

For residential construction projects, two full sets of plans and specifications, including site, sanitary sewer, storm sewer, storm water drainage control plan, and parking details shall be submitted. Plans shall bear the signature and seal of the architect or engineer, registered by the State of West Virginia, who is responsible for the design as required by Section 201.3. All drawings and specifications for buildings and structures shall also bear the signatures of the owner or his agent. If a fire rated component system is used, the UL rated Number for that particular system shall be shown.

201.3 WV Registered Architect/Engineer Required: The construction or alteration of any single family dwelling, and the construction or alteration of any other building or structure having a construction cost of up to \$50,000.00, shall have plans drawn and construction supervised by a West Virginia registered architect or engineer when required by the Code Official. The construction or alteration of all buildings (other than single family dwellings) having a construction cost of \$50,000.00 or more shall have plans drawn and construction supervised by a West Virginia registered architect or engineer. In addition to the inspections required by the Code Official, the owner or agent shall employ a special inspector who shall be present at all times during construction of the following types of work:

- (1) Concrete – On concrete work when the design is based on an f'c in excess of three thousand (3,000) pounds.
- (2) Welding – On all structural welding.
- (3) Reinforced Gypsum – When cast-in-place reinforced gypsum is being mixed or deposited.

- (4) **Special Cases** – On special construction or work involving unusual hazards or requiring constant inspection.

EXCEPTION: The Code Official hereby waives the requirements for the employment of a special inspector unless it is determined that the construction work is such that unusual hazards or conditions exist.

201.4 Special Inspector: The special inspector shall be a qualified person approved by the Code Official. The special inspector shall furnish continuous inspection on the construction and work requiring his or her employment. He or she shall report, in writing, on a weekly basis to the Code Official noting all code violations and other information as required.

201.5 Exceptions: Unless required by the Code Official, plans and specifications need not be submitted for work not exceeding two hundred (200) square feet or for accessory buildings not exceeding one hundred (100) square feet.

201.6 Special Plan Review: The Code Official can require plans to be reviewed by the headquarters of the national code as adopted by the State of West Virginia for code compliance. All costs incurred by the review shall be paid by the owner.

201.7 Regular Plan Review: All requests for permits for construction shall be submitted to the Building Department where the Code Official or his authorized agent will coordinate plan reviews with all required City of Charleston Departments upon submittal of the required plans, specifications, and payment of the required plan review fees. The applicant will receive all plan review comments and requests for revisions to plans or necessary changes from the Building Department directly.

201.8 West Virginia Registered Architects and Engineers: For the purpose of construing this manual, “Registered Architect” or “Registered Professional Engineer” is hereby defined as, and limited to, architects and engineers registered with the state of West Virginia.

202.0 ACTION ON APPLICATION

202.1 Plan Review Time: The Code Official or his authorized agent shall act upon an application for a permit with plans filed, or as amended, as follows: When possible, plan review for residential construction shall be completed within three (3) working days; plan review of commercial structures shall be completed with ten (10) working days; plan review of industrial structures shall be completed within thirty (30) working days unless special conditions arise. Revisions required to plans submitted will begin a new review period once submitted and each revision required due to non-compliance with codes will be assessed additional plan review fees per Appendix X.

202.2 Additional Compliance: The application, plans and specifications filed by an applicant for a permit, shall be checked by the Code Official or his authorized agent. Such plans and specifications shall be reviewed by other departments of the City, where required, to check compliance with the laws and ordinances under their jurisdiction, specifically Planning and Zoning, Engineering, Sanitary Board, Traffic Engineering and the Charleston Fire Department, and the Charleston Urban Renewal Authority in areas under its jurisdiction.

202.3 Permit Issuance: If the Code Official is satisfied that the work described in an application for a permit and the drawings filed therewith conform to the requirements of this code and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant. If changes are required, they shall be made, and revised drawings submitted prior to issuance of the permit. Minor changes can be noted by the Code Official.

202.4 Permit Denied: If the application for a permit, and the drawings filed therewith, describe work which does not conform to the requirements of this code, or other pertinent laws or ordinances, the Code Official shall not issue a permit, but shall return the drawings to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor. Red lining of violations to be corrected on drawings shall become part of the plans since issuance of a permit is contingent upon items being corrected.

The Code Official shall not issue a permit or contractor license to any applicant who: 1) has failed to file any City tax return or has failed to pay any delinquent taxes, fees or any interest or penalty thereon due and owing the City of Charleston; 2) has failed to obtain proper permits, City of Charleston Contractor registrations, or required inspections; 3) has an expired certificate of insurance; or 4) where applicable, has an expired State contractors license. (Adopted 2/7/00, Bill No. 6643-A).

202.5 Board of Appeals: Any person directly affected by a decision of the code official or a notice or order issued by the Building Department under this code shall have the right to appeal to the Building Code Board of Appeals as provided for in Section 14-91 of the Charleston City Code. An application for appeal shall be based on a claim that the true intent of the code or the rules has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other

means, or that the strict application of any requirement of the code would cause an undue hardship.

202.6 Reviewed Plans: When the Code Official issues a permit, he shall endorse, in writing, or stamp, plans as “Approved”. One set of drawings, so reviewed, shall be retained by the Code Official until completion of the building and a Certificate of Occupancy has been issued, and then, unless reclaimed by the owner, may be destroyed. Other sets of plans may be retained by city departments for use in inspection. One set shall be returned to the applicant and shall be kept at the site of the work open to inspection by the Code Official or his authorized representative.

No Certificate of Occupancy or final approvals shall be given unless all permits required have been issued, all sub-contractors for the project have been properly registered with the Code Official and the City Collector, all required inspections have been performed, and all fees paid.

202.7 Inspection Requirements: Final inspections and Certificates of Occupancy will be issued after all inspections required on the project have been performed by the Building Department and by all other City Departments that reviewed the building plans prior to the issuance of a permit. A Certificate of Occupancy is required for all work that adds square footage, changes the use and occupancy, and for all new construction. It is the responsibility of the owner or contractor to call the Building Department to schedule all required inspections. Re-inspections required due to missed appointments or improper work shall be subject to additional inspection fees per Appendix A. Prior to scheduling a Certificate of Occupancy Inspection the owner or contractor must submit to the Building Department a list of all sub-contractors and the contract amount of labor and materials performed on the project. The Building Department will notify other reviewing departments of the request for a Certificate of Occupancy inspection and will require the approval of those departments before issuing final approvals.

Inspection Criteria

All agencies, reviewing the building plans, shall inspect the construction for compliance with the requirements noted on the building permit. Final inspections for occupancy will not be performed until all reviewing agencies have signed off on the construction.

Building Department – Inspects all aspects of the construction of buildings and other structures for compliance with code requirements. These inspections include: Footer and foundations, rough-in plumbing, electric, HVAC, framing, and ADA accessibility on private property.

Planning Department – Inspects to certify to the Building Department that all zoning requirements such as setbacks, type use, parking requirements, signage, landscaping, and other requirements of the zoning ordinance have been satisfied.

Charleston Fire Department – Inspects the structure for compliance with the requirements of the permit as it relates to the NFPA codes. The Fire Department requires that they be notified one-week prior to the date a final inspection is required.

Charleston City Engineering Department – Inspects the progress of construction at various points to check for compliance with the requirements of the permit and it pertains to storm water drainage

facilities, sidewalk construction, and ADA compliance on city right-of-way. Schedule inspections prior to covering up newly installed pipe or prior to pouring concrete.

Charleston Traffic Engineering Department – Inspects the site to check for compliance for requirements regarding field of vision, ingress and egress onto right-of-way, and curb cuts.

Charleston Sanitary Board - Inspection of sanitary sewer facilities and tap locations for compliance with the provisions of the permit.

202.8 Violation to Provisions of Code: The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or approval of, any violation of the provisions of this code or any code of the City of Charleston. No applicant shall consider the issuance of a permit as authority to violate the provisions of this code. The issuance of a permit, based upon plans and specifications, shall not prevent the - Code Official from thereafter requiring the correction of errors in said plans and specifications, or preventing operations from being carried on thereunder in violation of this code or any other ordinance of the city. Should a violation of the codes of the City of Charleston not be abated after the permittee has been notified, the permit may be revoked by the Code Official.

202.9 Permit Expiration: Every permit issued by the Code 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 six (6) months from the date of issuance. If the building or work authorized by such permit is suspended or abandoned for a period of sixty (60) days at any time after the work is commenced, the permit shall expire. Before work can resume, a new permit shall first be obtained, and the fee therefor shall be one-half the amount required for the original permit, and provided, further, that such suspension or abandonment has not exceeded one year. No residential permit shall extend beyond one year. If the Code Official determines the applicant is creating a nuisance by failing to complete the work on the permit, he shall attach a fine to the permit pursuant to Section 204.0. No work shall be done until after the reissuance of a new permit.

202.10 Special Foundation Permit: When an application for a permit to erect or enlarge a building has been filed, pending issuance of such permit, the Code Official may, at his discretion, issue a special permit for clearing and grading and for the foundation of such building. The issuance of a clearing and grading and/or a foundation permit shall be subject to the approval of the use and location of the proposed building by the Planning and Zoning Department, review of the site utilities and storm water control by the City Engineer and Sanitary Board and review of the ingress and egress to the site by the Traffic Engineer. The holder of such special permit shall proceed at his own risk and without the assurance that a permit for the superstructure will be granted.

SECTION 203.0 FEES

203.1 General: Any person desiring a building permit shall, in addition to filing an application therefor as provided in Section 202.0 of this code, pay to the Code Official a fee as required in this section prior to issuance. This fee shall be determined by cost of construction as shown by the applicant. The applicant must supply an affidavit that an executed contract exists on the project for all projects costing \$10,000.00 or more and indicating proof of the construction cost, a brief description of the project and the signatures of both owner and contractor to comply with provisions of the WV State Contractor Licensing Act.

Construction cost shall include the complete cost of all labor and materials incorporated in the project, regardless of who performed the work or installed the equipment or fixtures. All fees shall be as outlined in Appendix X.

203.2 Working Without Proper Permit: In case any work for which a permit is required by this code has begun prior to obtaining a permit, the prescribed permit fees shall be paid as a double fee or an additional fee of \$100.00 above the usual permit fee shall be incurred whichever is greater, but the payment of such double or additional fee shall not relieve any person from complying fully with the requirements of this code in the execution of the work, nor from other penalties prescribed herein. All contractors documented by the Building Department to be working without obtaining proper permits prior to starting projects three (3) times within a one-year license period shall have their contractor license with the City of Charleston suspended for a period not to exceed three months.

203.3 Valuation (Estimated Construction Cost): If, in the opinion of the Code Official, the valuation of the building, alteration, or structure appears to be underestimated on the application, permit shall be denied unless the applicant can show a copy of executed contract documents or detailed estimated costs to satisfy the Code Official.

SECTION 204.0 VIOLATIONS AND PENALTIES

204.1 General: It shall be unlawful for any person to undertake any construction activities as outlined in Section 200.1 contrary to, or in violation of, any provisions of this code; or cause, permit or suffer the same to be done.

204.2 Fine: In addition to provisions providing for revocation of permits and licenses and additional fees for working without a valid permit, any person willfully violating any of the provisions of this code may be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued or permitted. Upon conviction of any such violation, such violation shall be punishable by a fine of not less than One-Hundred Dollars (\$100.00), nor more than Five-Hundred dollars (\$500.00), or by confinement in jail for not more than thirty (30) days, or by both such fines and imprisonment.

204.3 Definition: The term "person", within the meaning of this section, shall include: owner, architect, builder, engineer, carpenter, mason, contractor or subcontractor, foreman, employee, or any person employed to undertake any activities as outlined in Section 200.1.

204.4 Issuance of Citations: The City of Charleston Code Official or the City Manager shall issue a citation for violations of the City of Charleston Building Code. Violations for which citation may be issued include, but are not limited to:

- (1) Failing to correct code item(s) as directed by the Code Official.
- (2) Performing work without a permit.
- (3) Failing to honor a stop-work-order issued by the Code Official.
- (4) Tampering with, or rendering inoperable, on-premise fire fighting equipment, fire detection equipment or fire alarm systems.

Each and every day, during which any illegal erection, construction, reconstruction, alteration, maintenance or use continues after official notice has been given in writing, shall be deemed a separate offense and subject to being recited for the offense.

SECTION 205.0 TIMBERING

205.1 Definition: Timbering shall be construed to include the removal by select-cut or clear-cut of trees and brush, for commercial or personal purposes, which would allow the possibility of additional storm water runoff.

205.2 Application and plans: A plan showing all haul roads, harvesting areas, property lines, skid trails, streams, and all affected city streets, shall be submitted to the Code Official for approval. This plan shall also show all storm drainage and erosion control. Drainage calculations shall be submitted to indicate the proposed timbering operation on all affected watershed. These submitted plans and specifications shall be reviewed by the City Engineer prior to issuance of a permit by the Building Department.

205.3: Public notification and public meeting: In addition the applicant shall provide the Code Official's office with a list of the names and addresses of property owners who own property abutting the property to be timbered. This list may be prepared utilizing the tax maps in the Charleston Planning Department and Kanawha County Assessor's records. Upon receipt of a proper application and property owner list, the Code Official's staff shall mail a notice to said owners advising them of the time, place and date of a public meeting at which the application will be discussed and explained. The notification must be mailed at least thirty (30) days prior to the commencement of the timbering. The Code Official may prescribe a reasonable filing fee to offset the cost of this procedure."

205.4 Speed Limits: Speed limits on all city streets to be traveled by all timbering trucks shall be established by the Traffic Engineer prior to logging. The contractor shall exercise extreme caution in and around school zones. Any violation of speed limits shall be cause for revocation of permit and immediate suspension of work.

205.4.1 Weight Limits: Under WV Code (Section 17C-17-12) local authorities may restrict the right to use city roads or streets under the following conditions:

1. Subsection (a) gives local authorities the right to prohibit the operation of vehicles or impose weight limits for vehicles on city roads or streets for a period not to exceed 90 days in any one calendar year, if such roads because of deterioration, rain, snow, or other climatic conditions would be seriously damaged or destroyed unless the use of vehicles was prohibited or weight limits reduced.
2. Subsection (b) provides that local authorities enacting such ordinance or resolution shall erect signs designating the provisions of the ordinance or resolution at each end of that portion of the road or street affected, and that the ordinance or resolution shall not be effective unless and until such signs were erected and maintained.

205.5 Environmental Regulations: All applicable regulations issued by state and local agencies shall be followed during the timbering operation. These shall include, but are not limited to, regulations of the West Virginia Department of Natural Resources, Department of Agriculture and the West Virginia Department of Transportation.

205.6 Hours of operation: No logging trucks shall be in use before 6:00 A.M. or after 6:00 P.M. Additional limitations may be imposed if local requirements dictate the need for such limitations.

205.7 Street repairs: The contractor shall agree to repair, at his own expense and in a timely manner, or compensate the City of Charleston in full, for any necessary repairs due to timbering including, but not limited to, repairing streets affected as determined by the City Engineer. These repairs shall be performed at any time necessary during the logging operation and immediately upon completion of the timbering operation.

205.8 Bonding requirements: The contractor shall supply the city with a performance bond, (representative to be registered in West Virginia), in an amount to be determined by the City Engineer prior to the commencement of any work. This bond amount should not be construed in any manner to relieve the contractor of his obligations under Section 205.7 above. The amount of the bond shall not be considered as a maximum amount of obligation on the part of the contractor.

205.9 Truck cleaning: All logging trucks shall be cleaned of any mud before entering upon city streets. As a minimum, the contractor shall place a stone blanket near the intersection of his haul road and the paved street with such length to insure the cleaning of mud from the logging truck tires. The contractor shall be responsible for cleaning any city street where mud has been tracked due to his operations or operations of his subcontractors.

205.10 Reimbursement for city services: If, due to the negligence on the part of the contractor or any other reason, the city is required to clean streets of mud and debris resulting from the operation, or is required to perform any emergency street repairs, the contractor shall be billed, and he shall compensate the City of Charleston for above work at a rate to be determined by the City of Charleston City Engineer

SECTION 206.0 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REQUIREMENTS ON CONSTRUCTION JOB SITES

206.1 Sanitation:

- (1) An adequate supply of potable water shall be provided at all construction sites.
- (2) Portable containers for dispensing drinking water shall be capable of being tightly closed and equipped with a tap. Water shall not be dipped from containers.
- (3) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.
- (4) The common drinking cup is prohibited.
- (5) Where single service cups, (to be used but once), are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

206.2 Toilets at construction job sites:

- (1) Toilets shall be provided for employees according to the following table:

TABLE

<u>Number of employees</u>	<u>Minimum number of facilities</u>
5 to 20	1
20 or more	1 toilet seat and 1 urinal per 40 workers
200 or more	1 toilet seat and 1 urinal per 50 workers

- (2) Under temporary field conditions, provisions shall be made to assure that not less than one toilet facility is available.
- (3) Job sites, not provided with a sanitary sewer, shall be provided with one of the following toilet facilities unless prohibited by local codes:
 - (i) Privies (where use will not contaminate ground or surface water);
 - (ii) Chemical toilets;
 - (iii) Recirculating toilets;
 - (iv) Combustion toilets;

ARTICLE III

SECTION 300. PROPERTY MAINTENANCE ENFORCEMENT AND DEMOLITION

300.1 The Property Maintenance Code: The City of Charleston Building Department enforces property maintenance violations based upon the International Property Maintenance Code (latest edition adopted by the State of West Virginia), hereinafter referred to as the IPMC, which was adopted by the City of Charleston April 1, 2003. The following sections of the IPMC shall be enforced from January 1st through December 31st of each year: Sect. 303.14 Insect Screens; 602.3 Heat Supply; and 602.4 Occupied Work Spaces.

300.2 Corrections of Property Maintenance Violations: Property Maintenance corrections shall require a permit as outlined in the procedures in Article II for obtaining permits and securing necessary inspections. A permit issued for correcting a property maintenance code violation(s) will expire thirty (30) days after it is issued. Additional time to make corrections may be granted for good cause at the discretion of the Code Official. Prior to dismissal of the violations cited, a final site inspection by the Code Official or his or her authorized designee must be performed and corrections must be approved.

300.3 Property Maintenance Inspection Procedures:

1. When a complaint is received that alleges a violation not posing a threat of imminent danger, a courtesy letter will be issued informing the property owner of the violation and allowing the property owner a correction time of two (2) weeks and instructing the owner to contact the Building Department regarding correction of the violation. Any additional complaints will result in a site visit and the issuance of a violation notice citing all IPMC violations.
2. All complaints alleging imminent danger to public health, safety, and welfare, will require an immediate site visit. The Code Official or his or her designee will keep a complete record of his or her inspections of alleged violations, including photographs where applicable. Such records are to be maintained in both hardcopy and computer files to the extent appropriate.
3. If the complaint is of a violation which requires an interior inspection or an on-premises inspection of an area not visible from a public right of way, or from another location where then the inspector has a legal right to be, he or she shall seek legal written consent to enter. If this consent is not given voluntarily, in writing, the inspector cannot enter the premises, and must seek a court order to enter from the Municipal Court before entering.
4. The property owner of record shall be sent a violation letter including photos to identify the property and violation(s). The violation letter will be written and delivered as outlined in the IPMC.
5. Any person directly affected by a decision of the Code Official or an order issued by the Building Department, including orders of demolition, under this code shall

have the right to appeal to the Building Code Board of Appeals within twenty (20) days of receipt of notice of violation, as provided for in Section 14-91 of the Charleston City Code and IMPC section 111.1.

6. If an owner who received a notice of violation obtains a building permit to rehabilitate and correct the violations, the Code Official will allow a thirty (30) day grace period before taking any further action against the property owner. If substantial improvement is shown within thirty (30) days, additional grace periods may be granted if full compliance appears imminent.
7. If no appeal is filed and no permit for rehabilitation is obtained, re-inspection of the property will be completed no sooner than 21 days after the owner of record receives the notification letter. Upon re-inspection, if the property is in compliance with the code, no further action on the part of the city will be taken. If a violation(s) continues to exist, a citation to appear in Municipal Court will be issued for non-compliance.
8. The Code Official or his designated representative will follow the directions of the court in pursuing correction of violations. Once the Municipal Court has rendered a decision, if the property has been brought into compliance the Code Official or his designated representative will request the City Attorney to move for dismissal of the case. If the property remains in violation the case will continue with further site visits, violation letters and court appearances until the violations are abated or dismissed by the court. Re-inspections of the property due to non-compliance with the orders of the Municipal Court will be assessed re-inspection fees as outlined in Appendix X of this manual for each re-inspection beyond the first to check for compliance. Re-inspection fees may be waived by the Code Official.

300.4 Demolition List:

If, in the opinion of the Code Official, a structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, and is such that it is unreasonable to repair the structure or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, the Code Official shall order the owner to demolish and remove the structure and place it on the City's potential demolition list.

300.5 Demolition Procedure:

If the Code Official orders demolition in the notice of violation, then the following additional procedures apply before the City can demolish a structure:

1. Black and white photos of front and rear or front and side views of the property should be taken for historical clearance review with an attached copy of the tax map with parcel of the property highlighted and sent to the WV Div. Of Culture and History, The Cultural Center, 1900 Kanawha Blvd. E, Charleston, WV 25305-0300 with the historic clearance form.
2. The Code Official will send the property owner of record a notice of demolition letter, written and delivered per the IPMC, Section 107. If the property owner is unable to demolish the property him or herself, and the owner is agreeable to

- having the City demolish the property, the Code official shall have the property owner execute a Demolition Agreement which will be available in the office for the owner to sign.
3. A title search will be obtained to verify that notice is being sent to the correct owner of record. Additional courtesy letters to any lien holders will be sent after title search is reviewed.
 4. Twenty-one (21) days after the property owner of record has received notification, the house will be posted with a copy of the violation letter and a placard of condemnation. If there is no verification of ownership, the house will be posted with a copy of the letter and after 21 days a placard of condemnation will be posted.
 5. The Code Official or his authorized representative shall consult with the City Attorney on any properties where proper service of notification is in question.
 6. After the notification period ends a citation mandating the owner's appearance in Municipal Court will be issued. The Property Maintenance Code Official and his designees shall follow all directions of the court in proceeding.
 7. An asbestos survey will be ordered and a legal advertisement listing the proposed demolition shall be placed in the newspaper for final notification to run for three consecutive weeks in both Charleston newspapers.
 8. A 48-hour notification letter to remove personal belongings should be mailed to the owner and the asbestos removal company retained by the city contacted to obtain an asbestos removal permit and remove asbestos.
 9. After asbestos removal, a demolition permit shall be issued to the demolition contractor retained by the city. The contractor is responsible for obtaining all necessary city and state permits necessary and providing legal dump sites for any material removed. The contractor shall also contact electric and gas providers to have connections to the property severed prior to demolition. The site shall be leveled, seeded and straw mulch placed prior to a final inspection.
 10. When demolition is complete the site will be inspected for compliance with standards and notice sent to the property owner of the final total cost of demolition. If costs are not paid within 30 days, a lien shall be filed against the property at the Kanawha County Court House.
 11. Case records of non demolitions will be kept on file in the Building Department for five years from the date of the dismissal of the case by the court or correction of all violations. Case records involving properties demolished by the City will be maintained as a permanent record. Records of liens shall be kept until the lien is paid or released. Copies of records will be available for public viewing during work hours of 8 a.m.-5 p.m., Monday through Friday, excluding holidays.

300.6 Demolition Permit Required: No building or structure shall be demolished before a demolition permit has been obtained from the Code Official. Application for, and the issuing of such permits, shall conform to all requirements regardless of the cost of demolition. The estimated cost, upon which fees are based, shall be the estimated cost of labor and equipment involved in such wrecking or demolition and removal of structure and dressing of site. All demolition permits up to the estimated construction cost of \$5,000.00 shall be \$30.00 and all demolition permits with a demolition estimated cost of

\$5,000.00 and above shall be based on the Building Permit/Demolition Permit Schedule of Fees. A time limit of thirty (30) days shall be placed upon a demolition permit after which a re-application will be required. If an applicant fails to complete a demolition within the thirty (30) days, and an application for a new permit has not been received, the Code Official shall, if in his opinion the structure is creating a dangerous situation to the public or adjoining property, declare the structure a hazard, and contract the necessary service to correct the situation and place a lien upon the property for all cost incurred. Prior to the issuance of a demolition permit the applicant/contractor must submit an affidavit stating the approved location of the disposal site for all materials removed.

300.7 Inspection prior to demolition: A fence, or an approved protection barrier, must be placed around the building as protection to the general public, and to prevent outsiders from entering the property while the demolition work is in progress. All electrical, gas and sewer services to the building shall be properly disconnected and/or capped. Water services shall be properly disconnected and capped prior to completion of work.

300.8 Fire protection: No fire is allowed on or near demolition sites without special written permission of the Charleston Fire Prevention Bureau and notification to the Building Department.

300.9 Health Department inspection: Before starting demolition, the Kanawha-Charleston Health Department must be notified

300.10 Demolishing: In demolishing any building, commencing at the top, story after story shall be completely removed. No material shall be placed upon the floor of any building in the course of demolition. The bricks, timbers and other parts of each story shall be lowered to the ground immediately upon displacement. Other methods may be used when specifically approved by the Code Official, and when proper protection to or separation from adjoining property or public right-of-way is provided. The material to be removed shall be properly wet down to lay dust incidental to removal. All debris shall be entirely removed from the lot after demolition of any building, and any disturbed ground shall be seeded and strawed.

300.11 Other Demolition Procedure: A detailed outline of the proposed demolition procedure and, where required by the Code Official, plans and calculations substantiating the procedure, shall be submitted and approved by the Code Official prior to starting to wreck or demolish any building or structure with one or more of the following features:

- (1) Walls more than 25' in height story by story.
- (2) A basement which is closer than a distance equal to its depth from adjacent property or public right-of-way.
- (3) Footing, adjacent to and extending below the footing of another building.
- (4) When the entire structure is not to be demolished.
- (5) One or more party walls.
- (6) Any prestressed concrete structure.
- (7) When, in the opinion of the Code Official, a hazard is created.

300.12 Asbestos Testing and Removal: The Contractor shall contact the appropriate state and federal environmental protection agencies with respect to asbestos testing and removal and conform to all applicable regulations. Prior to a demolition permit being issued an affidavit verifying the disposal site location shall be submitted to the Building Inspector. Asbestos must be disposed at an approved asbestos disposal site.

300.13 Chutes: Chutes for the removal of materials and debris shall be provided in all such parts of demolition operations that are more than 20 feet above the point where the removal of material is affected. These chutes shall be completely enclosed. They shall not extend in an unbroken line for more than 25 feet, but shall be equipped at intervals of 25 feet or less, with substantial stops to prevent descending material from attaining dangerous speeds. The bottom of each chute shall be equipped with a gate or stop with suitable means for closing or regulating the flow of materials.

300.14 Unique Building Conditions: It shall be the responsibility of the demolition contractor to investigate and ascertain the existence of any unique building conditions such as common walls, plumbing, venting, heating, etc., so that proper action may be taken.

300.15 Filling of basements and excavations: After demolition of any structure in the City of Charleston is completed, any basement or other excavation, left as a result of said demolition, shall be filled to grade level with such fill material as may be designated by the Code Official. Prior to any filling, concrete or other hard surface floor shall be sufficiently cracked so as to allow adequate drainage. In the event a building permit is obtained within ten (10) days after the completion of the demolition to construct a new structure on this site, thereby using said basement or excavation as a part of the new structure, this sub-section shall not be applicable.

300.16 Deposit for demolition permit: Before any permit is issued to authorize the demolition of any building or structure within the jurisdictional limits of the City of Charleston, a minimum deposit of Two Hundred Dollars (\$200.00), in the form of a cashier's check or cash, shall be made by the applicant. In lieu thereof, a performance bond of the same amount with a corporate surety shall be provided by the applicant to insure the demolition is performed in accordance with this code. Such minimum deposit or bond shall be provided for each building or structure to be demolished by said applicant. If, in the sound discretion of the Code Official, a deposit or bond larger than the minimum set forth above is required, he may so designate an amount sufficient to insure the proper performance of said demolition. Bonds will not be required for structures of less than 500 square feet. If a deposit in the form of cash or a cashier's check is proposed by the applicant, he shall, upon meeting all other requirements for obtaining the permit, make such deposit with the City Collector's Office. After demolition is complete, the Code Official shall inspect the demolition site and, if all the requirements of this Code have been complied with and the site properly cleared, the Code Official shall direct the City Collector, in writing, to repay said funds to the

applicant. The Code Official shall have the right to waive said deposit or bond if conditions warrant such a waiver.

If the applicant presents a bond in compliance with the provisions of this section, the same shall be filed with the Code Official and released by him upon satisfactory completion of the demolition work.

If the applicant fails to comply with any of the provisions of this code or fails to properly leave said demolition site in a condition satisfactory to the Code Official within thirty days from the conclusion of the actual demolition, the said deposit shall be forfeited, or the bond enforced, and the city shall use said funds to put the site in proper order.

SECTION 301 Moving of Permanent Structures

Section 301.1 Permit Required: No person shall move any permanent building or structure over or upon the streets, alleys, or sidewalks of the city without applying for, and obtaining, a permit from the office of the Code Official. The fee for issuance of such permit shall be twenty-five dollars (\$25.00) for each permit, payable in the City Collector's Office. This section shall not apply to moving permits regulated by the West Virginia Department of Transportation for the moving of mobile and manufactured homes with axles and wheels by licensed and bonded haulers.

301.2 Inspection by Code Official: No owner of any building or structure covered by this section shall be authorized to move the same to another location until the Code Official has been notified. Within forty-eight hours (48) after receiving notice, the Code Official shall make a structural, exterior, interior, plumbing, heating, and electrical wiring inspection. After the inspection has been completed, the Code Official shall notify the owner of the condition of the building or structure.

301.3 Bond: The applicant for a permit for moving buildings or structures shall file with the City Manager, a bond showing the City of Charleston as certificate holder, for the sum of ten thousand (\$10,000.00) with sufficient sureties to be approved by the City Manager. If a permit is issued said applicant will be responsible to the city for any and all damages to any pavement, sidewalk, hydrant, street, alley or other property of the City, occasioned or made by said applicant, his agents, servants or employees in the course of moving buildings or structures, and further conditioned that all liability for damages, costs or expenses, arising, or which may arise in favor in of any person by reason of any negligence on the part or account of the applicant, his agents, servants or employees in connection with the moving of the Building or Structures over the sidewalks, alleys or streets of the city.

301.4 Permit Authorized by City Manager: No owner of any building or structure shall be authorized to move the same, or cause the same to move over or upon any street, alley or sidewalk of the city without authorization from the City Manager. Such permit shall describe the route to be taken in moving such building or structure or part thereof, and the length of time that may be consumed in the work. Such permit upon the payment of a fee of twenty-five dollars (\$25.00), shall be issued by the Code Official and paid to the City Collector if, in his judgement, the building or structure can be moved without endangering the property of the city or the property of any person.

301.5 Old Building Site Inspection: Old building sites must be inspected by the Health Department for sanitation and pest control, and by the Code Official for land fill and clean up.

301.6 Injury or removal of property other than that of City: No permit granted pursuant to the terms of this article shall be construed as authorizing the holder thereof to break, injure or move any telegraph, telephone or electric light poles or electric lines or

telecommunication lines, wires or in any way to injure shade trees or any other property without securing permission from the owner thereof.

301.7 Obstructing of Street: No building, structure, or part thereof, shall be allowed to remain standing in any public ground of the city for more than twenty-four hours (24), except that the City Manager shall be empowered to grant an extension of, in his judgement, such extension is reasonable necessary.

301.8 Fire Protection: The Fire Chief of the City of Charleston must be supplied the date, time, and route of movement.

301.9 Warning Lights Required: It shall be unlawful to leave a building or structure standing on any street or alley of the city from thirty (30) minutes before sunset to thirty minutes (30) after sunrise, unless the same shall be posted by an adequate number of red lights placed in such positions as will adequately warn pedestrians and vehicular traffic.

301.10 Moving Location: The owner of any building or structure shall not be authorized to move the same to another location, unless notification has been made to the Code Official. The Code Official shall make full investigation to determine that the building or structure is permitted to move into the requested zoning district.

301.11 Building Permits for New Locations: All permits issued by the Code Official for moving a building onto a new location shall not be construed as permitting any violation of regulations that have, or may be set, by the Police, Fire, Engineering Department or the City Manager or any other authority having jurisdiction over the use of public street or highways.

301.12 Inspections Required: The following inspections must be made and approved prior to moving the structure.

- (1) Footer, Foundation, Final, Request for Certificate of Occupancy.
Footers must be ready to receive said building before moving begins.
- (2) Any underground plumbing.

ARTICLE IV

SECTION 400.0 Mechanical Systems

401.0 Permit Required: All mechanical systems shall conform to the requirements of this section.

401.1 Application: Application for a permit for any type of HVAC system shall be made on suitable forms provided by the Building Department. The application shall be accompanied by fees in accordance with the schedule of fees.

401.2 Plans and specifications: Mechanical plans and specifications shall be submitted to the Building Department in duplicate.

The Code Official shall determine, from examination of such plans and specifications, that the work will conform to the provisions of this code, and, when approved, return one stamped and approved set to the applicant.

These plans and specifications shall show in sufficient detail all pertinent features and clearances of the appliances and systems, including: size and type of apparatus, construction of flue stack or chimney, stack connections, kind of fuel, method of operation, safety devices, control system, and duct system.

A stamped and reviewed copy of the plans and specifications shall be available at the job site at all times.

401.3 Mechanical schedule of fees: (See Appendix A)

401.4 Registration required: No person shall, within the jurisdiction of this code, engage in or work at the business or occupation of installing, altering, repairing, cleaning or adding to any warm-air heating system, cooling system or any type of refrigeration, unless licensed to do so by the City of Charleston.

401.5 Registration not required: Exempted from licensing requirements are property owners who install repair, alter, clean, or add to a warm-air heating system located in their own residence, provided that an owner who installs any type of HVAC system in his own residence, shall take out all permits for such work as required by the code and general ordinances of the City of Charleston, and shall personally perform the installation.

401.6 Licenses: The requirements for registration application, fees, examination, etc., are continued in Article VII, Section 800.0.

ARTICLE V

SECTION 500.0 Plumbing and Gas Piping

501.1 Requirements for a permit: Application for a permit for plumbing work shall be made on suitable forms provided by the Building Department. The application shall be accompanied by a fee in accordance with the schedule of fees.

501.2 Plans and Specifications: Plans and specifications shall be submitted to the Building Department in duplicate.

The Code Official shall determine from examination of such plan and specifications that the work will conform to the provisions of this Code and, when approved, return one stamped set to the applicant.

These plans and specifications shall cover, in detail, the water supply, method of sewage disposal, drainage and gas system, and shall include an isometric stack layout of the soil, waste and vent lines of the sanitary plumbing and drainage systems. The quality, kind, sizes and characteristics of materials, fixtures, and equipment intended to be used, shall be described and identified. The plans shall be drawn to scale, and shall indicate the location, direction of flow and sizes of all lines. They shall also show the location and size of the public sewer or other disposal system.

A stamped and reviewed copy of the plans and specifications shall be available at the construction site at all times.

501.3 Plumbing Schedule of Fees: (See Appendix A)

501.4 License: The requirements for registration application, license, examination, fees, etc. are continued in Article VIII, Section 800.0.

501.5 Limitations: Any person, duly licensed by virtue of any ordinance by the City of Charleston to perform sewer work, shall have the authority to install sewers and drains from a public sewer or other sewers of disposal to within five (5) feet of a building.

501.6 Gas Piping Installation: Piping for any and all types of gas used for fuel or lighting in buildings and structures shall be designed and installed so as to be safe to persons and property. Piping designed in conformance with the applicable provisions of the City Building Code, and this code, shall be deemed to be reasonably safe to persons and property.

501.7 Utility Standards: All piping must meet the applicable provisions of the "National Fuel Gas Code" by the American Gas Association, the National Fire Protection Association, latest edition, and the International Fuel Gas Code as adopted by the State of West Virginia Building Code.

ARTICLE VI

SECTION 600.0 ELECTRICAL INSTALLATIONS CONFORMANCE

601.1 Permit Application: Application for a permit for electrical work shall be made on forms provided by the Building Department.

601.2 Plans and Specifications: Plans, specifications, and schedules, in sufficient detail, shall be filed, in duplicate, with the Building Department. They shall show the location and capacity of all lighting facilities, electrically operated equipment and light and power circuits required for all service equipment of the building or structure. Plans shall also show all electrically controlled devices, signal, alarm and communicating systems.

The Code Official shall determine, from examination of such plans and specifications, that the work will conform to the provisions of this code and when reviewed, return one stamped set to the applicant.

A stamped and reviewed copy of the plans and specifications shall be available at the construction site at all times.

601.3 Certification: Certification of electricians prior to performing electrical work within the jurisdictional limits of the City of Charleston shall conform to the requirements of this section.

601.4 West Virginia Code Requirements: Pursuant to the provisions of Section Fourteen A, Article 12, Chapter 8 of the Code of West Virginia, One Thousand Nine Hundred and Thirty-one, as amended, no electrical work may be performed within the jurisdictional limits of the City of Charleston after August 1, 1973, by an electrical contractor or electrician, as those terms are defined herein, unless such electrical work is performed by an electrician holding an unexpired certificate of competency for the level of electrical work in question, issued by the State Fire Marshall, as provided for in said section of the West Virginia code in addition to holding the required license issued by the West Virginia Contractor Licensing Board.

601.5 Definition: As used in this section, "Electrical Contractor" means any person who engages in the business of, or employs others for, the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power. "Electrician" means any individual who either on his own, or as an employee of an electrical contractor, is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power. "Electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, the installation of fixtures and equipment in connection therewith, or both. Provided, that the terms, "electrical contractor" and "electrician", shall not be construed so as to apply to: (1) any electrician who performs electrical work with respect to any property owned or rented by him; (2) any electrician who performs electrical work at any manufacturing

plant or other industrial establishment as an employee of the person operating such plant or establishment; (3) any electrician who, while employed by a person engaged in the business of selling appliances at retail, performs electrical work with respect to installation and repair of appliances as part of his regular duties; or (4) any electrician who, while employed by a public utility or any of its affiliates, performs electrical work in connection with the furnishing of public utility service.

ARTICLE VII

SECTION 700.0 SIGNS AND OUTDOOR DISPLAY STRUCTURES

701.0 Permit Required: No ground, roof, wall, projecting, billboard, off- premise, or marquee signs shall be erected, moved or maintained by any person, firm, or corporation, except as prescribed in this code, nor until approval has been received by the Planning Department, and a permit has been issued by the Building Department.

701.1 Application: No permit shall be granted until after an application, in the form prescribed by the Building Department has been filed with the Building Department showing the dimensions, materials and details of construction of the proposed structure, nor until all the provisions of this code relating to such structure shall have been complied with, nor until after the City of Charleston has been paid the prescribed fee for such a permit.

701.2 Construction: Construction of all electrical signs must comply with the requirements of the National Electric Code, and be under the supervision of the Code Official or his agent.

701.3 Sign permit fees: (See Appendix A)

701.4 License required: No person, firm, or corporation shall engage in the business of sign or outdoor advertising by painting, erecting, or maintaining ground, roof, wall, projecting, billboard, off-premise, or marquee signs within the corporate limits without first having procured a license from the city to conduct such business.

701.5 License: The requirements for registration, application fees, examination, bond, etc., are continued on Article IX, Section 800.0.

701.6 Owners installing signs on their property: The owner of property may erect a sign on his property without having to secure a sign license, providing he has obtained a sign permit and has submitted proof of liability insurance coverage.

701.7 Identification: Every off-premise sign hereafter constructed, erected, or maintained, shall be plainly marked with the name and license number of the person, firm, or corporation so doing.

701.8 Special classifications: Permits for installation of awnings and canopies shall conform to the requirements of this section.

701.9 Awnings and canopies with sign: Awnings and canopies, with a sign or identification shown on the surface shall, be subjected to review by the Planning Department before issuance of a sign permit.

701.10 Awnings and canopies without sign: Awnings and canopies, without a sign or identification shown on the surface shall be subject to review by the Planning Department before issuance of building permit.

701.11 Existing awning and canopies: Signs, and/or identification, placed on existing awnings and canopies shall be subject to review by the Planning Department before issuance of a sign permit for the area of the sign or identification only.

ARTICLE VIII

SECTION 800.0 LICENSING

801.1 License Required: The City of Charleston requires the licensure of all Contractors who do work as defined by this Administrative Manual within the limits of the City of Charleston.

801.2 Contractor Definition: For purposes of this Administrative Manual, the word "Contractor" shall have the same meaning as set forth in the West Virginia Licensing Act, Chapter 21, Article II, of the Code of West Virginia.

801.3 Licensure: No person shall engage in the business of building contractor without first having obtained a license as hereinafter provided. The provisions of this section shall not apply to such occupations as are specifically licensed under other provisions of this code.

801.4 Application: An application for a Building Contractor's registration shall be made to the Building Department. The application shall state in which building trade specialty, or specialties, the applicant seeks a license. Where applicant is a firm or corporation, such applicant shall state in writing the name of the person who will submit qualifications. In case such person there after severs his connection with the firm or corporation, in the event that no member of said firm, or officer of said corporation, has qualified as required by this section, the license granted to such firm or corporation shall no longer be in force, and such firm or corporation shall be required to make new application for a license in the same manner as before.

801.5 Forms: Every applicant for a Building Contractor's license shall complete application forms supplied by the Building Department supplying the following:

1. Name of individual, corporation, LLC, etc.
2. Address, telephone number, fax number.
3. Federal Identification number or Social Security Number.
4. Two personal references.
5. Statement that workers' compensation is provided as required.
6. Certificate of liability insurance (minimum of \$100,000 liability).
7. City of Charleston must be certificate holder on insurance.
8. Copy of a current license issued by the State of West Virginia.

801.6 License Fee: Registration fee shall be Ninety dollars (\$90.00) annually. Renewal fees are due by July 1st of each year.

801.7 License Term: Building Contractor's registration shall be valid, and have force for a period of one (1) year beginning July 1 of each year. A contractor may not be issued a building permit unless his or her license is current, and he or she has paid the license fee. In addition, a permit will not be issued to any contractor found to be

delinquent in Business and Occupation taxes. No registration issued hereunder shall be transferable.

801.8 Permit Required: It shall be the absolute duty and irrevocable responsibility of the building contractor to secure, or confirm that the property owner has secured, the appropriate and necessary building permits required under this code before undertaking to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building or structure or other permit requirement as outlined by the Administrative Manual.

801.9 License: The Code Official shall be charged with the enforcement of the provisions of this section and issue license numbers to each contractor who obtains a license.

801.10 Re-issuance of Revoked License: No subsequent license shall be issued to a person whose said license has been revoked within a period of ninety (90) days from the date of such revocation.

801.11 Revoking of License: A license, issued pursuant hereto, may be revoked by the Code Official, at his discretion, when he finds that the registrant is guilty of fraudulent use of his license, or of incompetency in the exercise of the privileges of said license, or of fraud or misrepresentation in securing the registration of permits granted, pursuant to the Building Department Administrative Manual, or refusal to conform his work to the requirements of law, or of such other breaches of duty by the registrant hereunder as the Code Official may regard contrary to the intent and purposes of this code. Failure to obtain permits or required inspections shall be considered as direct violation of this code and grounds for revocation of license. Other grounds for revocation shall include failure to file any City tax return or failure to pay any delinquent taxes, fees or any interest or penalty thereon due and owing the City of Charleston; having an expired certificate of insurance, or having an expired State contractors license. In all cases involving revocation of licenses at least fifteen (15) days notice of the contemplated revocation shall be served in the form of a summons, as provided by the laws of West Virginia in civil actions, and shall be served in the manner provided by said law of the service of said summons. It shall indicate the licensee's right to a hearing before the Building Code Board of Appeals as outlined in City Code Section 14-91, and the general grounds of said contemplated revocation and shall advise the registrant of his right to appear at said hearing in person and be represented by counsel, and be heard orally upon the merits of his defense. A revocation of a registration shall not entitle a registrant to a refund of any part of the registration fee, which he may have paid.

802.1 Mechanical Systems: The licensure of mechanical contractors shall conform to the requirements of this section as outlined in the West Virginia Licensing Act, Chapter 21, Article 11 of the Code of West Virginia.

802.2 Licensure Fee: All persons, firms, or corporations, regardless of residency, engaging in the business of occupation of installing, altering, repairing, cleaning, of

adding to any mechanical system, in the city, shall be required to secure a license before engaging in such work. This license is to be issued by the Code Official to the applicant provided the provisions of this code have been fulfilled. The license fee shall be Ninety Dollars (\$90.00) annually. Fees are due by July 1st of each year. A license issued to a firm or corporation shall permit such firm or corporation to engage in said business or occupation for such portion of the term of said license as long as the particular member, officer or officers, agent or employee licensed maintains his connection with the firm or corporation; provided, however, that upon the termination of his connection with the firm or corporation, said license may be restored to effectiveness by the qualification of any of its members or officers who may have successfully registered or by the employment of the person, firm or corporation of other agents or employees who are licensed. Any person, firm or corporation will be granted a thirty (30) day grace period to secure another person duly licensed. Any person, persons, firm or corporation who or which operate more than one establishment, branch or outlet for the purpose of doing business as a mechanical contractor within the corporate limits of the City of Charleston, shall be able to secure a license for more than one (1) person, firm or corporation simultaneously. No part of any license fee shall be refunded for any cause. No licenses are transferable.

802.3 Plumbing and gas piping, license required: The licensure of plumbing contractors shall conform to the requirements of this section and as outlined in the West Virginia Licensing Act, Chapter 21, Article 11 of the Code of West Virginia.

802.4 Issuance: The Code Official is hereby authorized and empowered to grant and issue licenses and permits to master plumbers, journeyman plumbers, and plumbing contractors as provided for in this section and as outlined in the West Virginia Licensing Act, Chapter 21, Article 11 of the Code of West Virginia.

802.5 Required: Every plumbing contractor shall be required at all times to have a licensed master plumber in charge of installing plumbing as a condition for the continuance of his or the firm's license. It shall be the responsibility of the contractor to hire licensed plumbers to complete said work.

802.6 Journeyman License: Before an applicant for a journeyman license is permitted to obtain a license with the City of Charleston he shall show satisfactory evidence that he or she has satisfied the requirements of the West Virginia Licensing Act, Chapter 21, Article 11 of the Code of West Virginia.

802.7 Master License: Before an applicant for a master plumbers license is permitted - to obtain a registration with the City of Charleston he or she shall show satisfactory evidence that he has satisfied the requirements of the West Virginia Licensing Act, Chapter 21, Article 11 of the Code of West Virginia.

802.8 Contractor License and Business License: When an applicant has satisfied the requirements of the West Virginia Licensing Act, Chapter 21, Article 11 of the Code of West Virginia and the code of the City of Charleston for contractor licensing, the license therefor shall not be issued until he has paid the licensure fee, been issued a store license

by the City giving his business or home address if the business is located within the Charleston city limits, and indication that he is regularly engaged in the plumbing business.

802.9 Permit: No person shall apply for, or secure, a plumbing permit to install plumbing for any use other than his personal or business use, nor shall he secure or apply for a permit for persons, firms or corporations where a Master Plumber's employees are not installing the plumbing work

802.10 License Fees: All journeyman plumbers, master plumbers or plumbing contractors engaged in business in this City, desiring to continue as such, are hereby required to procure a license with fees hereby fixed at:

Master Plumbers	\$90.00 annually
Journeyman Plumbers.....	\$25.00 annually

803.1 Signs and Outdoor Display Structures: The licensure of all sign contractors shall conform to the requirements of this section as it applies to the registration of specialty contractors and per the requirements of the West Virginia Licensing Act, Chapter 21, Article 11 of the Code of West Virginia.

803.2 Application: Application for a license shall be made on forms provided by the Code Official who shall require the applicant to submit a copy of the license issued by the State of West Virginia, and proof of liability insurance.

803.3 Fee: The fee for such license shall be Ninety Dollars (\$90.00) annually.

804.1 Refusal to renew annual license for failure to file tax returns or remit taxes due the City of Charleston: The Code Official shall refuse to renew an annual registration issued under this section to any person or business who have failed to file any tax return, permit or registration application as required by this code or other city ordinance or has failed to pay any delinquent taxes or fees or any interest or penalty thereon due and owing the City of Charleston by reason of operating a business within the city's jurisdiction. Any person or business which has been adversely affected by an order or decision of the Code Official relating to the granting of a renewal registration, may appeal such determination by requesting a hearing from the Board of Appeals within (30) days from receipt of such order or decision.

805.1 Disposition of Fees: All licenses and permits required by this code shall be issued by the Code Official, and all money derived from fees and permits shall be paid to the City Collector.

ARTICLE IX

SECTION 900.0 FLOOD ZONE AND RESTRICTIONS

901.1 General Provisions Intent:

The intent of this section is to:

- (1) Promote the general health, welfare, and safety of the community.
- (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- (3) Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal, and natural drainage.
- (4) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

901.2 Abrogation and Greater Restrictions: This ordinance supersedes any ordinances currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

901.3 Applicability: Provisions of all other codes, ordinances and regulations shall be applicable insofar as they are consistent with the provisions of this ordinance, and the City of Charleston's need to minimize the hazards and damage resulting from flooding.

902.1 Definitions: The following definitions are introduced to provide a better understanding.

902.2 Base Flood: The flood which has been selected to serve as the basis upon which the flood plain management provisions of this ordinance have been prepared. For the purposes of this ordinance, the base flood shall be one-hundred (100) year flood.

902.3 Base Flood Elevations: The 100-year flood elevation. Within the Approximate Flood Plain, the Base Flood Elevation shall be established as a point on the boundary of the Approximated Flood Plain which is nearest to the construction site in question.

902.4 Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

902.5 Factory Built Home/Housing: "Factory-built home" or "factory-built housing" shall include the terms "mobile home" and "manufactured home".

902.6 Flood: A general and temporary inundation of normally dry land areas.

902.7 Flood Plain: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

902.8 Flood-proofing: Any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

902.9 Manufactured Home: "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length or when erected on sight, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning and electrical systems contained therein which meets the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 885401 et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six, and the federal manufactured home construction and safety standards and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development. The term "manufactured home" does not include commercial trailers, job site trailers, or temporary classroom trailers or structures.

902.10 Factory Built Home Park or Subdivision: A parcel or contiguous parcel of land containing two or more factory built home sites, including facilities for servicing the sites on which the factory built homes are to be affixed, (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets).

902.11 New Construction: Structures for which the start of construction, as therein defined, commenced on or after the effective date of this ordinance. This term does not apply to any work on a structure existing before the effective date of this ordinance.

902.12 One Hundred (100 Year Flood): A flood that has one chance in one hundred or a one percent chance of being equaled or exceeded in any given year.

902.13 Person: Any individual, group of individuals, corporation, partnership, association, or other entity, including local governments and agencies.

902.14 Principally Above Ground: Where at least fifty-one percent of the actual cash value of a structure, less land value, is above ground.

902.15 Start of Construction: The first placement of permanent construction of a structure, (other than a factory built home), on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the

installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units and not part of the main structure. For a structure, (other than a factory built) home, without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation. For factory built homes not within a factory built home park or factory built home subdivision, "start of construction," means the affixing of the factory built home to its permanent site. For factory built homes within factory built home parks or factory built home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the factory built home is to be affixed, (including at a minimum the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities), is completed.

902.16 Structure: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

902.17 Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- (1) Before the improvement or repair is started, or,
- (2) If the structure has been damaged and is being restored before the damage occurred.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (3) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or,
- (4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

903.1 Establishment of the Flood Zone: The flood zone shall include all areas subject to inundation by the waters of the One Hundred (100) Year Flood. The source of this delineation shall be the Flood Insurance Study for the City of Charleston, Kanawha County, West Virginia, as prepared by the U.S. Federal Emergency Management Agency, Federal Insurance Administration.

903.2 Subdistricts: The Flood Zone shall be comprised of three (3) subdistricts as follows:

- (1) **Floodway (F1):** That portion of the Flood Zone required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions, as demonstrated in the Flood Zone Insurance Study referred to above.
- (2) **Floodway Fringe (F2):** Those portions of land within the Flood Zone subject to inundation by the One Hundred (100) Year Flood, lying beyond the floodway in areas where detailed study data and profiles are available.
- (3) **Approximated Flood Plain (F3):** Those portions of land within the Flood Zone, subject to inundation by the One Hundred (100) Year Flood, where a detailed study has not been performed, but where a One Hundred (100) Year Flood Plain Boundary has been approximated.

The delineation of the Flood Zone may be revised, amended and modified by the City Council in compliance with the National Flood Insurance Program when there are changes through natural, or other causes, or changes are indicated by future detailed hydrologic and hydraulic studies.

All changes shall be subject to the review and approval of the Federal Insurance Administrator.

904.1 Utilization of the Flood Zone: Utilization of the flood zone areas shall conform to the requirements of this section.

904.2 General Requirements Floodway (F1): In the Floodway, no development shall be permitted which would result in any increase in the Base Flood Elevation during the occurrence of the Base Flood discharge. When a developer proposes to offset the effects of development in the Floodway by construction of stream improvements, he shall submit an engineering study, prepared by a Registered Professional Engineer, which fully evaluates the effects of such construction. The report shall use the Base Flood, as herein defined, as the basis of analysis. All adjacent communities and the State Coordinating Office shall be notified by the developer, by certified mail, of all such intended activities prior to any alteration or relocation of watercourse and shall submit copies of such notification to the Federal Insurance Administrator. In addition, the developer shall assure the Charleston Code Official, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

All uses, activities, and other developments shall be undertaken in strict compliance with the flood-proofing and related provisions contained herein, and in all other applicable codes, ordinances and regulations.

904.3 Factory-Built Homes: In the Floodway, the placement of any factory built home, except in an existing factory built home park or subdivision within the Floodway, the owner or operator of the factory built home park or subdivision shall file, with the

Disaster Preparedness authorities of Kanawha County and the City of Charleston, an evacuation plan which indicates alternate vehicular access routes and escape routes.

904.4 Floodway Fringe (F2) and Approximate Flood Plain (F3): In the Floodway Fringe and Approximated Flood Plain, development and/or use of land shall be permitted consistent with zoning regulations, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained herein, and in all other applicable codes, ordinances and regulations. For any factory built home park or subdivision within the Floodway Fringe or Approximated Flood Plain, the owner or operator of the factory built home park or subdivision shall file with the Disaster Preparedness authorities of Kanawha County and the City of Charleston, an evacuation plan which indicates alternate vehicular access routes.

In addition, whenever a developer intends to alter or relocate a watercourse within the Floodway Fringe or Approximated Flood Plain, the developer shall notify, in writing by certified mail, all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall assure the Charleston Building Commissioner, in writing, that the flood-carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

904.5 Criteria for Building Permit and Site Plan Approval: Building permit applications in the Flood Zone shall be reviewed by the Code Official's Office to determine whether all new construction or substantial improvements are:

- (1) Designed, (or modified), and adequately anchored to prevent flotation, collapse, or lateral movement.
- (2) Constructed with materials and utility equipment resistant to flood damage.
- (3) Constructed by methods and practices that minimize flood damage.

905.1 Application: Depending on the type of structure involved, the following information shall be included in the building permit application for work within the Flood Zone:

905.2 Elevated Structures, Design Criteria: Structures to be elevated to the Base Flood Evaluation shall be as follows:

- (1) The plans to be submitted must show the size of the proposed structure and relation to the lot where it is to be constructed.

- (2) A determination of elevations of the existing ground, proposed finished ground, and lowest floors must be certified by a Registered Professional Engineer, Surveyor, or Architect and be shown on plans.
- (3) The method of elevating the proposed structures, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc., are to be shown on plans. When required by the Code Official, these plans shall be prepared by a Registered Professional Engineer or Architect.
- (4) Plans must show the methods to be used to protect utilities, (including sewer, water, telephone, electric, gas, etc.), from flooding to the Base Flood Elevation at the building site.

905.3 Flood-proofing: Non-residential structures to be flood-proofed to the Base Flood Elevation shall meet the following criteria:

- (1) The plans shall show details of all flood-proofing measures, be prepared by a Registered Professional Engineer or Architect, and show the size of the proposed structure and its relation to the lot where it is to be constructed.
- (2) The plans shall show elevations of existing ground, proposed finished ground, lowest floors, and flood-proofing limits, and be certified by a Registered Professional Engineer, Surveyor, or Architect.
- (3) A certificate shall be attached to the plans by the Registered Professional Engineer or Architect who prepared the plans. The structure in question, together with attendant utility and sanitary facilities, must be designed so that, below the Base Flood Elevation, the structure is watertight with walls substantially impermeable to the passage of water, and so that the structure will withstand the hydrostatic, hydrodynamic, buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.

905.4 Minimum Flood Protection Standards: In order to prevent excessive damage to buildings and structures, the restrictions of this section shall apply to all new construction and to construction of substantial improvements to existing structures occurring in the Flood Zone.

905.5 Basement and Lowest Floors: All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to or above the Base Flood Elevation. All new construction, and substantial improvements of non-residential structures, must have the lowest floor, (including basement), elevated to, or above, the Base Flood Elevation, or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Elevation, the structure is watertight,

with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

905.6 Fill: If fill is used to raise the finished surface of the lowest floor to or above the Base Flood Elevation, the fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a non-residential structure. The fill shall consist of soil or rock materials only. Sanitary landfills shall not be permitted. The fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring, or settling. The fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to, and approved by, the Code Official. The fill shall be used only to the extent to which it does not adversely affect adjacent properties.

905.7 Placement of Buildings, Structures, and Factory Built Homes: All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of flood water. The following shall not be placed, or caused to be placed, in the designated Floodway: fences, except two-wire fences, or other matter which may impede, retard, or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that are placed where the natural flow of the stream or flood waters would carry the matter downstream to the damage or detriment of either public or private property adjacent to the flood plain. Factory built homes shall be elevated on compacted fill, or on pilings, so that the lowest floor of each factory built home will be at or above the Base Flood Elevation. Adequate surface drainage and access for a factory built home hauler shall be provided. When factory built homes are to be elevated on pilings, lots shall be large enough to permit steps. Pilings shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for pilings more than six (6) feet above the ground level.

905.8 Anchoring: All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse. All air ducts, large pipes and storage tanks located, at or below the Base Flood Elevation, shall be firmly anchored to resist flotation.

905.9 Factory Built Homes: All factory built homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Over-the-top ties shall be provided at each of the four corners of the factory built home, with two additional ties per side at intermediate locations, and factory built homes less than 50 feet long will require four additional ties per side. Frame ties shall be

provided at each corner of the factory built home, with five additional ties per side at intermediate points, with homes less than 50 feet long requiring one additional tie per side. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds. Any additions to a mobile home shall be similarly anchored.

905.10 Storage: No new construction which stores materials that are buoyant, flammable, explosive, or, in times of flooding, could be injurious to human, animal, or plant life, shall be stored below Base Flood Elevation.

905.11 Site Plan Criteria: The owner or developer of any proposed subdivision factory built home park or factory built home subdivision, or other development, shall submit a site plan to the Code Official which includes information as provided under this section.

905.12 Designer: The name of the engineer, surveyor, or other qualified person responsible for providing the information required in this section shall be shown on the plans.

905.13 Site plan and flood elevation data: A map showing the location of the proposed subdivision and/or development, with respect to the municipality's flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restriction shall be provided. In addition, it is required that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is less, shall include base flood elevation data.

905.14 Utilities, contours, and flood prone areas: Where the subdivision and/or development lies partially or completely in the flood-prone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and shall accurately identify the boundaries of the flood-prone areas.

906.1 Construction requirements: For all new factory built home parks, or expansions to existing factory built home parks, and for existing factory built home parks where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement has commenced, the following requirements shall be met for any construction within the Floodway Fringe or Approximated Flood Plain:

- (1) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at the Base Flood Elevation.
- (2) Adequate surface drainage and access for a mobile home hauler shall be provided.
- (3) When factory built homes are to be elevated on pilings, lots shall be large enough to permit steps. Piles shall be placed in stable soil no more than

ten (10) feet apart, and reinforcement shall be provided for pilings more than six (6) feet above ground level.

907.0 Utility and facility requirements: For all proposed subdivisions, factory built home parks or factory built home subdivisions, or other developments, the Code Official shall require:

- (1) All new or replacement water systems located in the Flood Zone, whether public or private, shall be flood-proofed to the Base Flood Elevation.
- (2) All new or replacement sanitary disposal systems located within the Flood Zone, whether public or private, shall be flood-proofed to the Base Flood Elevation.
- (3) All new or replacement public and/or private utilities and other facilities in the Flood Zone shall be elevated or flood-proofed to the Base Flood Elevation.

908.0 Drainage: For all proposed subdivisions, factory built home parks or factory built home subdivisions, or other developments in the Flood Zone, adequate drainage shall be provided to reduce exposure to flood hazards.

909.1 Building permits and site plan approvals required: It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, the new construction, substantial improvement, or relocation of any structure, (including mobile homes), within the Flood Zone, unless the necessary permits have been obtained from the Code Official. In addition, where land is to be subdivided, utilized for a mobile home park or mobile home subdivision, or otherwise developed, a site plan must be submitted to, and approved by, the Code Official prior to any development.

909.2 Approval of permits and plans: All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances. The Code Official shall require copies of all necessary permits from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. C. 1334.A record of all information supplied to the Building Department shall be kept on file by the City of Charleston.

909.3 Application procedures: Application for a building permit and site plan approvals shall be made in writing, to the Code Official, and shall include all information stipulated in Section 201.0 of this ordinance.

909.4 Severability and municipality liability: If any section, subsection, paragraph, sentence, clause, or phrase 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 of a subdivision or development plan in an identified flood-prone area shall not constitute a representation, guarantee, or warranty of any kind by the City of Charleston, or by any official or employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the City of Charleston, its officials or employees.

909.5 Appeals and penalties: Whenever any person is aggrieved by a decision of the Code Official with respect to the Flood Zone requirements of this section, it is the right of that person to appeal to the Board of Zoning Appeals. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Code Official. Upon receipt of such appeal, the Code Official shall set a time and place not less than ten (10) nor more than thirty (30) days hereafter for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the Board of Zoning Appeals shall be final in all cases.

909.6 Appeals review criteria and procedures: All decisions on appeals to the provisions of this section shall adhere to the following criteria and procedures:

- (1) An affirmative decision shall not be issued by the Board of Zoning Appeals within the designated floodway, if any increase in flood levels during the base flood discharge would result.
- (2) A decision may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size, contiguous to, and surrounded by, lots with existing structures constructed below the Base Flood Elevation in conformance with the procedures of paragraphs 3, 4, 5, and 6 of this subsection.
- (3) Affirmative decisions shall only be issued by the Board of Zoning Appeals upon: (a) a showing of good and sufficient cause; (b) a determination that failure to grant the appeal would result in exceptional hardship to the applicant; and (c) a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, or create nuisances, cause fraud on, or victimization of the public, or conflict with other existing local laws or ordinances.
- (4) Affirmative decisions shall only be issued upon determination that requirements are the minimum necessary, considering the flood hazard, to afford relief.
- (5) The Board of Zoning Appeals shall notify the applicant, in writing over the signature of a community official, that: (a) the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance, and (b) such construction below the Base Flood Elevation increases risks to life and

- property. Such notification shall be maintained with a record of all decisions as required in paragraph (6) of this section, and,
- (6) The City of Charleston shall: (a) maintain a record of all decisions including justification for their issuance, and (b) report such decisions issued in its annual report submitted to the Federal Insurance Administration.

