

ORDINANCE NO. 18-5(1)

AN ORDINANCE TO AMEND CHAPTER 5, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 5, Building Regulations, is hereby amended as follows:

By Amending:

- 5-200 Permit and inspection fees, generally.
- 5-201 Fees for building permits.
- 5-202 Fees for electrical permits.
- 5-203 Fees for plumbing permits.
- 5-204 Fees for mechanical permits.
- 5-205 Fees for amusement devices.
- 5-206 Fee for demolition permits.
- 5-207 Fees for zoning inspections.
- 5-208 Fees for other permits, plan amendments, and reinspections.
- 5-209 Refunds.
- 5-400 Applicability.
- 5-401 Smoke detector required.

By Amending and Renumbering/Renaming

From:

- 5-100 Purpose and intent.
- 5-101 Building inspection office established; powers and duties.
- 5-102 Board of appeals established; powers and duties.
- 5-103 Appeals of decisions of the building official.
- 5-104 Violation and penalty.
- 5-300 Order to remove, repair or secure.
- 5-302 Recovery of costs if building official removes, repairs or secures; lien.
- 5-303 Remedies of this article not exclusive.
- 5-403 Interim testing, repair and maintenance of smoke detector.
- 5-500 Purpose and intent.
- 5-501 Applicability.
- 5-502 Well testing and reporting.
- 5-503 Building permit; withholding.

To:

- 5-100 Purpose.
- 5-102 Building Inspection Office established; powers and duties.
- 5-104 Board of Appeals established; powers and duties.
- 5-105 Appeals of decisions of the Building Inspection Office.
- 5-106 Violation and penalty.
- 5-300 Removing, repairing, or securing structures.
- 5-301 Recovery of costs if the County removes, repairs, or secures; lien.
- 5-303 Remedies of this article not exclusive.
- 5-403 Interim testing, repairing, and maintaining a smoke detector.
- 5-500 Purpose.
- 5-502 Applicability.
- 5-503 Well testing and reporting.
- 5-504 Building permit; withholding.

By Adding:

- 5-101 The Building Code.
- 5-103 Building Official established; powers and duties.
- 5-302 Demolition or removal of certain structures.
- 5-303 Emergency repairs.
- 5-501 Definitions.

By Repealing:

- 5-301 Authority of building official to remove, repair or secure.

Chapter 5. Building Regulations

Article I 1. Administration

Sec. 5-100 Purpose ~~and intent~~.

A. ~~The purpose and intent~~ of this chapter is to promote and to protect the public health, safety and welfare by making the Virginia Uniform Statewide Building Code applicable to all matters affecting or relating to structures, including the construction, alteration, repair, addition, demolition and removal of all structures, and to the equipment in such structures. The purpose ~~and intent~~ of this chapter is also to establish a procedure by which unsafe buildings and structures are repaired, removed, or demolished.

B. ~~The Virginia Uniform Statewide Building Code shall be referred to in this chapter as the “building code” and shall include the building code in its current form and as amended in the future.~~

C. ~~A copy of the building code shall be kept on file in the department of community development.~~

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-1; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code §§ 36-97 et seq.; 36-105. See 13VAC5-63-10 et seq. for Virginia Uniform Statewide Building Code.

Sec. 5-101 The Building Code.

The Virginia Uniform Statewide Building Code shall be referred to in this chapter as the “Building Code” and shall include the Building Code in its current form and as amended in the future. A copy of the Building Code shall be kept on file in the Department of Community Development.

State law reference-Va. Code §§ 36-97 et seq.; 36-105. See 13VAC5-63-10 et seq. for Virginia Uniform Statewide Building Code.

Sec. 5-~~102~~ 101 ~~Building inspection office~~ Inspection Office established; powers and duties.

A Building Inspection Office ~~building inspection office~~ is hereby established in the Department of Community Development ~~department of community development~~, as ~~provided herein~~ subject to the following:

A. Powers and duties. The Building Inspection Office ~~building inspection office~~ shall be charged with ~~administration and enforcement of~~ administering and enforcing the Building Code ~~building code~~ and this chapter, ~~the review and approval of~~ reviewing and acting on plans, ~~the inspection of~~ inspecting buildings and structures, and ~~the issuance of~~ issuing related permits ~~or and~~ certificates ~~pertaining thereto~~.

B. Building Inspection Office reference. For purposes of this chapter, ~~the term~~ “Building Inspection Office ~~building inspection office~~” means the “local building department” as that term is used in the Building Code ~~building code~~.

B. ~~The building inspection office shall be directed by a building official appointed by the county executive. The building official shall be charged with the administration and enforcement of this chapter and the building code and, as such, shall have the duties and powers of a building official set forth in the building code. The building official also shall be responsible for the supervision of the other employees of the building inspection office.~~

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code §§ 36-97 et seq.; 36-105.

Sec. 5-103 Building Official established; powers and duties.

The office of the Building Official is hereby established, subject to the following:

- A. *Appointment.* The Building Official shall be appointed by the County Executive.
- B. *Powers and duties under the Building Code and this chapter.* The Building Official shall administer and enforce the Building Code and this chapter. As such, the Building Official shall have the powers and duties of a building official pursuant to the Building Code.
- C. *Powers and duties to direct and supervise.* The Building Official shall direct the Building Inspection Office and supervise the employees of the Building Inspection Office.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code §§ 36-97 et seq.; 36-105.

Sec. 5-104 102 Board of Appeals appeals established; powers and duties.

A Board of Appeals ~~board of appeals~~ is hereby established, ~~as provided herein~~ subject to the following:

- A. *Composition.* The ~~Board~~ ~~board~~ shall ~~consist~~ ~~be composed~~ of five (~~5~~) members and two (~~2~~) alternates appointed by the ~~Board of Supervisors~~ ~~board of supervisors~~. ~~The Board members shall be persons who meet the qualifications for Board membership pursuant to the Building Code, to the extent that those persons are available and willing to serve.~~
- B. *Term.* Each member of the ~~Board~~ ~~board~~ shall serve a five (5) year term, which shall extend beyond ~~such~~ ~~the appointed~~ term until a successor is appointed.
- ~~C. To the extent that such persons may be available, the board shall consist of individuals who meet the qualifications for board membership set forth in the building code.~~
- C. *Reappointment.* The Board members and the alternates may be reappointed.
- D. *Compensation.* The ~~Board~~ members of the ~~board~~ shall be compensated as provided in ~~section~~ County Code § 2-1105 ~~of the Code~~.
- E. *Powers and duties.* The ~~organization~~ ~~powers~~ and duties of the ~~Board~~ ~~board~~ shall be as ~~set forth~~ ~~provided in the Building Code, building code~~ and ~~such duties shall~~ ~~and they~~ include considering appeals as provided in ~~section~~ County Code § 5-1035.
- F. *Board of Appeals reference.* For the purposes of this chapter, “Board of Appeals” means the “local board of Building Code appeals” or “LBBCA” as that term and acronym are used in the Building Code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code § 36-105.

Sec. 5-~~105~~ 103 Appeals of decisions of the ~~building official~~ Building Inspection Office.

The Board of Appeals ~~board of appeals~~ shall consider and act upon appeals from decisions of the Building Inspection Office ~~building official~~ as provided herein:

- A. Authority. The Board ~~board~~ shall consider appeals by any person aggrieved by concerning the Building Inspection Office's application of the Building Code ~~building code~~ or ~~the its~~ refusal to grant a modification of the provisions of the Building Code ~~building code~~.
- B. Appeal requirements and procedures. ~~The right of appeal, the parties to an appeal, the scope of an appeal, the procedure for an appeal, and the conduct of the appeal, The parties, scope, procedure, and conduct of an appeal shall be as set forth provided in the Building Code~~ building code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code § 36-105.

Sec. 5-~~106~~ 104 Violation and penalty.

It ~~shall be is~~ unlawful for any owner or any other person, ~~firm, or corporation~~ to violate any provision of this chapter or the Building Code ~~building code~~, and such Any violation of this chapter is shall be is punishable and shall be abated, ~~as provided herein~~ as follows:

- A. Violation of this chapter. A violation of this chapter, which is not a violation of the Building Code ~~building code~~, shall be punishable as ~~provided in section 1-115 of the Code~~ a Class 1 misdemeanor.
- B. Violation of the Building Code. A violation ~~of this chapter which is a violation~~ of the Building Code ~~building code~~ shall be punishable and shall be abated as provided ~~therein~~ in Virginia Code § 36-106.

(§ 5-7; Code 1988, § 5-7; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 36-106.

Article H 2. Fees

Sec. 5-200 Permit and inspection fees, generally.

~~The fees for a permit or inspection required pursuant to the building code and this chapter shall be paid as provided herein:~~

- ~~A. Except as provided in paragraph (E), no permit application shall be accepted until the applicable fees required by this article have been paid. The fee shall be for the purpose of reimbursing, in whole or in part, the department of community development's cost to review plans, issue permits and conduct up to one reinspection of work performed pursuant to a permit.~~
- ~~B. Each fee shall be in the form of cash, or a check payable to the "County of Albemarle." Payment shall be made in the department of community development.~~
- ~~C. The payment of fees for a permit or permit amendment shall not relieve any person from the payment of any other fees that may be required by law including, but not limited to, fees for water connections and sewer connections.~~
- ~~D. The building official shall keep an accurate account of all fees collected pursuant to this chapter and shall deposit all fees collected with the department of finance.~~

~~E. Neither the county nor the county school board shall be required to pay any fee otherwise required by this article for a permit or inspection required by this chapter.~~

An owner or other person is required to pay the fees for a permit or inspection required by the Building Code or this chapter as follows:

A. *Basis for fee.* Any fee paid is to reimburse, in whole or in part, the Department of Community Development's cost to review plans, issue permits, and conduct up to one reinspection of work performed pursuant to a permit.

B. *Amount.* The amount of the fees are as provided in this article.

C. *When the fee must be paid.* Any fee must be paid at the time any application or request is filed. An application or request shall not be filed if the required fee is not paid.

D. *Form of payment accepted.* The fee must be paid in cash, by a check payable to the "County of Albemarle," or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.

E. *County and County School Board excepted.* The County and the County School Board are not required to pay any fee imposed by this article.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference-Va. Code § 36-105.

Sec. 5-201 Fees for building permits.

The fees for building permits are ~~hereby established as provided herein:~~

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), other than a garage, deck, or porch, or for an addition to an existing residential structure in either such use group, ~~shall be~~ is \$0.53 per square foot, calculated on gross finished square footage. The minimum fee ~~shall be~~ is \$80.00.

B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, ~~or deck,~~ or porch ~~ten~~ 10 square feet or larger, ~~shall be~~ is \$0.16 per square foot, calculated on gross finished square footage. The minimum fee ~~shall be~~ is \$27.00.

C. *Residential swimming pools, hot tubs and spas.* The fee for each residential swimming pool, hot tub, or spa ~~shall be~~ is \$54.00.

D. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home ~~shall be~~ is \$48.00.

E. *New commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, ~~shall be~~ is \$0.22 per square foot for the first 5,000 square feet, plus \$0.15 per square foot for each square foot in excess of 5,000 square feet, calculated on gross square footage. The minimum fee ~~shall be~~ is \$80.00.

- F. *Change of building occupancy classification.* The fee for a change of occupancy classification evaluation ~~shall be~~ is \$161.00.
- G. *Commercial swimming pools.* The fee for each commercial swimming pool ~~shall be~~ is \$328.00.
- H. *Elevators, escalators and lifts.* The fee for each elevator, escalator, or lift is \$258.00.
- I. *Paint spraying booths.* The fee for each paint spraying booth ~~shall be~~ is \$27.00.
- J. *Mobile offices and premanufactured units.* The fee for each mobile office or premanufactured unit ~~shall be~~ is \$48.00.
- K. *Tents.* The fee for each tent ~~shall be~~ is \$54.00.
- L. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group ~~shall be~~ is \$ 0.18 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee ~~shall be~~ is \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-202 Fees for electrical permits.

The fees for electrical permits are ~~hereby established as provided herein:~~

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, ~~shall be~~ is included as part of the building permit fee under ~~section~~ County Code § 5-201(A).
- B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, ~~or~~ deck, or porch ten square feet or larger, ~~shall be~~ is \$32.00.
- C. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home ~~shall be~~ is \$32.00.
- D. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, ~~shall be~~ is \$0.04 per square foot. The minimum fee ~~shall be~~ is \$80.00.
- E. *Swimming pools, hot tubs and spas.* The bonding fee for each swimming pool, hot tub, or spa ~~shall be~~ is \$32.00. The equipment wiring fee for each swimming pool, hot tub, or spa ~~shall be~~ is \$32.00.
- F. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group ~~shall be~~ is \$0.04 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee ~~shall be~~ is \$80.00.
- G. *Signs.* The fee for each sign ~~shall be~~ is \$48.00.

- H. *Temporary service.* The fee for each temporary electric service ~~shall be~~ is \$102.00, unless the service is sought as part of a building permit for which a fee is paid under ~~section~~ County Code § 5-201(A).
- I. *Early service.* The fee for each early electric service shall be \$65.00, unless the service is sought as part of a building permit for which a fee is paid under ~~section~~ County Code § 5-201(A).
- J. *Fuel dispensing pumps.* The fee for each fuel dispensing pump ~~shall be~~ is \$32.00.
- K. *Alarm systems.* The fee for each alarm system ~~shall be~~ is \$0.04 per square foot of the gross square footage of the structure. The minimum fee ~~shall be~~ is \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-203 Fees for plumbing permits.

The fees for plumbing permits are ~~hereby established as provided herein:~~

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either ~~such~~ use group, ~~shall be~~ is included as part of the building permit fee under ~~section~~ County Code § 5-201(A).
- B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home ~~shall be~~ is \$32.00.
- C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, ~~F~~, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, U, or an addition to an existing commercial structure in any ~~such~~ use group, ~~shall be~~ is \$9.00 per fixture. The minimum fee ~~shall be~~ is \$80.00.
- D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group ~~shall be~~ is \$9.00 per fixture, provided that there is no increase in gross square footage. The minimum fee ~~shall be~~ is \$80.00.
- E. *Water lines.* The fee for each water line ~~shall be~~ is \$27.00, unless the lines are included as part of a building permit for which a fee is paid under ~~section~~ County Code § 5-201(A).
- F. *Sewer laterals.* The fee for each sewer lateral is \$27.00, unless the lateral is included as part of a building permit for which a fee is paid under ~~section~~ County Code § 5-201(A).
- G. *Fire suppression systems.* The fee for each fire suppression system is \$0.86 per head. The minimum fee ~~shall be~~ is \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-204 Fees for mechanical permits.

The fees for mechanical permits are ~~hereby established as provided herein:~~

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either ~~such~~ use group, ~~shall be~~ is included as part of the building permit fee under ~~section~~ County Code § 5-201(A).
- B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home ~~shall be~~ is \$32.00.
- C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any ~~such~~ use group, ~~shall be~~ is \$0.04 per square foot of gross square footage. The minimum fee ~~shall be~~ is \$80.00.
- D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.04 per square foot of gross square footage, provided that there is no increase in gross square footage. The minimum fee ~~shall be~~ is \$80.00.
- E. *Underground tanks.* The fee for each underground tank, including associated piping, ~~shall be~~ is \$183.00, unless the tanks are included as part of a building permit for which a fee is paid under ~~section~~ County Code § 5-201(A).
- F. *Aboveground tanks.* The fee for each aboveground tank, including associated piping, ~~shall be~~ is \$108.00, unless the tanks are included as part of a building permit for which a fee is paid under ~~section~~ County Code § 5-201(A).
- G. *Gas and oil lines.* The fee for each gas or oil line ~~shall be~~ is \$38.00, unless the lines are included as part of a building permit for which a fee is paid under ~~section~~ County Code § 5-201(A).
- H. *Furnaces, wood stoves and gas log systems.* The fee for each furnace, wood stove, or gas log system ~~shall be~~ is \$70.00, unless the furnace, stove, or gas log system is included as part of a building permit for which a fee is paid under ~~section~~ County Code § 5-201(A).
- I. *Range hoods.* The fee for each range hood ~~shall be~~ is \$27.00.
- J. *Hood suppression systems.* The fee for each hood suppression system ~~shall be~~ is \$32.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-205 Fees for amusement devices.

The fees for amusement devices are ~~hereby established as provided herein: are as provided in the fee schedule in 13VAC5-31-75.~~

- A. ~~Kiddie rides.~~ The fee for each kiddie ride shall be \$16.00.
- B. ~~Major rides.~~ The fee for each major ride shall be \$27.00.

~~C~~ ~~Spectacular rides.~~ The fee for each spectacular ride shall be \$43.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105; ~~13VAC5-31-75~~.

Sec. 5-206 Fee for demolition permits.

The fee for each demolition permit ~~shall be~~ is \$102.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-207 Fees for zoning inspections.

The fees for inspections to determine compliance with the zoning ordinance are ~~hereby established as provided herein:~~

- A. *Initial zoning inspection.* The fee for each inspection related to the issuance of a building permit for main or accessory structures ~~shall be~~ is \$16.00 per inspection.
- B. *Final site inspection.* The fee for each final site inspection before a certificate of occupancy may be issued ~~shall be~~ is \$16.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-208 Fees for other permits, plan amendments, and reinspections.

The fees for other permits, plan amendments, and reinspections are ~~hereby established as provided herein:~~

- A. *Other permits.* The fees for any other building, electrical, plumbing, or mechanical, ~~or amusement device~~ permit not identified in this article ~~shall be~~ is \$32.00 per inspection.
- B. *Plan amendments.* The fee for each new plan submitted which requires any structural or fire safety review ~~shall be~~ is \$32.00.
- C. *Reinspections.* The fee for each inspection of work performed, after the second inspection of ~~such~~ the work, ~~shall be~~ is \$32.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-209 Refunds.

~~Upon receipt by the building official of a written request by the owner within six (6) months of the events identified below, a fee paid pursuant to this article may be refunded as provided herein follows:~~

- A. Written request by owner; timing. An owner shall submit a written request for a refund to the Building Official. The request must be received by the Building Official within six months after either of the events identified in subsection (B).
- B. Events entitling owner to a refund. An owner is entitled to a refund under the following circumstances:
1. Permit application withdrawn or voided. If a permit application is withdrawn or voided after the plan is reviewed, in whole or in part, but before the work authorized by the permit begins, the owner shall be refunded an amount not to exceed ~~eighty (80)~~ 80 percent of the original fee. The amount of the refund shall be the original fee minus the costs for plan review and administration.
 2. Permit expired, abandoned, or revoked; work discontinued. If an issued permit ~~expires or is abandoned or is expired, abandoned, or~~ revoked, or if the work authorized by the permit is discontinued, the owner shall be refunded an amount of the original fee which corresponds to the percentage of the work not completed, minus plan review and administrative fees and penalties.
- C. Plan review and administrative fees. For ~~purposes of this section~~ the purpose of calculating a refund, the plan review and administrative fees shall be at least ~~twenty (20)~~ percent of the original fee.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 36-105.

Article ~~III~~ 3. Unsafe Buildings and Structures

Sec. 5-300 ~~Order to remove, repair or secure~~ Removing, repairing, or securing structures.

~~The building official may order any the owners of property in the county to remove, repair or secure any building, wall or other structure which the building official determines might endanger the public health or safety of other residents of the county.~~

- ~~A. The order shall be contained in a notice issued by the building official to the owner. The notice shall be in writing and shall identify each condition of the building, wall or other structure that constitute a danger to the public health or safety, specify the measures that must be taken to eliminate the danger, and state a reasonable time within which the measures must be taken.~~
- ~~B. The notice shall be (i) mailed by certified or registered mail, return receipt requested, and be sent to the last known address of the property owner. The notice shall also be published once a week for two successive weeks in a newspaper having general circulation in the county.~~
- ~~C. For purposes of this section, repair includes maintenance work to the exterior of a building to prevent deterioration of the building wall or structure or adjacent buildings.~~

Any building, wall, or other structure that might endanger the public health or safety of other residents of the County may be removed, repaired, or secured as follows:

- A. By the owner when required by the Board of Supervisors. The Board of Supervisors may require any property owner to remove, repair, or secure any building, wall, or other structure that it determines might endanger the public health or safety of other residents of the County. The Board shall communicate its requirement in a notice provided to the property owner, as follows:

1. Contents of the notice. The notice shall be in writing and: (i) identify each condition of the building, wall, or other structure that constitutes a danger to the public health or safety; (ii) specify the measures that must be taken to eliminate the danger; and (iii) state a reasonable time within which the measures must be taken.
2. How notice provided. The Building Official shall mail the notice by certified or registered mail, return receipt requested, sent to the last known address of the property owner.

B. By the County through its employees or agents. The County, through its own agents or employees, may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the County, if the property owner and lienholder of the property, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall or other structure, as follows:

1. Form and content of notice. The notice shall be in writing, and shall: (i) identify each condition of the building, wall, or other structure that constitutes a danger to the public health or safety; (ii) specify the measures that must be taken to eliminate the danger; and (iii) state a reasonable time within which the measures must be taken.
2. How notice provided. The notice shall be: (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner; and (ii) published once a week for two successive weeks in a newspaper having general circulation in the County
3. No action by County until 30 days after last notice; exception. The County shall not take any action authorized by this subsection for at least 30 days after the later of the return of the receipt or newspaper publication (the "last notice"), provided that the County may act to prevent unauthorized access to the building within seven days after the last notice if it is deemed to pose a significant threat to public safety and that fact is stated in the notice.
4. Recovery of costs. The County may recover its costs to remove, repair, or secure any building, wall, or other structure pursuant to County Code § 5-301.
5. Repair clarified. For the purpose of this section, *repair* includes maintenance work to the exterior of a building to prevent the building or adjacent buildings from deteriorating.

(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-906(1), (2).

~~Sec. 5-301 Authority of building official to remove, repair or secure.~~

~~The building official is authorized to remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the county, if:~~

- ~~A. The building official has provided the owner of the property notice as provided in section 5-300;~~
- ~~B. At least thirty (30) days have passed since the later of either the return of the receipt or newspaper publication, as provided in section 5-300(B); and~~
- ~~C. The owner and the lienholder of the property have failed to remove, repair or secure the building, wall or other structure within the time period specified in the notice.~~

~~(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)~~

~~State law reference-Va. Code § 15.2-906.~~

Sec. 5-~~301~~ 302 Recovery of costs if the County ~~building official~~ removes, repairs or secures; lien.

The County may recover its costs to remove, repair, or secure any building, wall, or other structure as provided in County Code § 5-300(B) as follows:

A. Costs chargeable to owner. ~~If the County, through its own agents or employees, If the building official removes, repairs or secures a~~ any building, wall, or other structure after complying with the notice provisions of this article or as otherwise permitted under the Building Code in the event of an emergency pursuant to section 5-301, the cost or expenses thereof shall be chargeable to and paid by the owners of the such property and may be collected by the County as taxes are collected.

~~B. Every charge authorized by this section may be collected by the county as taxes are collected.~~

~~B~~C. Unpaid charges constitute a lien on the property. Every charge authorized by this section ~~or Virginia Code § 15.2-900 with for~~ which the owners of the any property has have been assessed and which that remains unpaid shall constitutes a lien against the property. The lien ranks on parity with liens for unpaid local real estate taxes and shall be is enforceable in the same manner as provided in Articles 3 Virginia Code (Virginia Code §§ 58.1-3940 et seq.) and 4 (Virginia Code § 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Virginia Code.

C. County may waive lien to facilitate sale; remains personal obligation of owner. The County may waive any lien in order to facilitate the sale of the property, provided that the lien may be waived only as to a purchaser who is unrelated by blood or marriage to the owner, and who has no business association with the owner. Any lien remains a personal obligation of the owner of the property at the time the lien was imposed.

(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-906(3), (4).

Sec. 5-302 Demolition or removal of certain structures.

The County may, through its agents or employees, demolish or remove a derelict nonresidential building or structure with the consent of the owner, subject to the following:

A. Written consent of owner. The owner shall provide written consent, which shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent.

B. Building or structure does not have historic designation. The building or structure is neither located within or determined to be a contributing property within a State or local historic district nor individually designated in the Virginia Landmarks Register.

C. Costs constitute a lien on the property. The costs of demolition or removal constitutes a lien against the property. If the consent of the first lienholder or the first lienholder's authorized agent is obtained, the lien shall rank on a parity with liens for unpaid local real estate taxes and is enforceable in the same manner as provided in Articles 3 (Virginia Code §§ 58.1-3940 et seq.) and 4 (Virginia Code § 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Virginia Code. If the consent of the first lienholder or the first lienholder's authorized agent is not obtained, the lien is subordinate to that first lien but is otherwise subject to this subsection and subsection (D).

D. County may waive lien to facilitate sale; remains personal obligation of owner. The County may waive any lien in order to facilitate the sale of the property, provided that the lien may be waived only as to a purchaser who is unrelated by blood or marriage to the owner, and who has no business

association with the owner. Any lien remains a personal obligation of the owner of the property at the time the lien was imposed.

State law reference-Va. Code § 15.2-906(5).

Sec. 5-303 Emergency repairs.

The Building Official may authorize emergency repairs as follows:

- A. *Immediate danger of collapse or fall.* The Building Official may authorize emergency repairs to unsafe buildings or structures if he determines that there is an immediate danger of any portion of the unsafe building or structure collapsing or falling and when life is endangered.
- B. *Violation of the Building Code.* The Building Official may authorize emergency repairs to unsafe buildings or structures if he determines that a violation of the Building Code exists resulting in a serious and imminent threat to the life and safety of the occupants or the public.
- C. *Extent of emergency repairs.* When authorizing emergency repairs under subsection (A) or (B), the Building Official may authorize the necessary work, to the extent funding for the work has been appropriated, to make the unsafe building or structure temporarily safe, where or not legal action to compel compliance has been instituted.
- D. *Costs chargeable to the owner.* The cost or expenses incurred from emergency repairs are chargeable to, and shall be paid by, the owners of the property and may be collected by the County as taxes are collected.

State law reference-Va. Code §§ 36-97 et seq. 15.2-906(3); Virginia Uniform Statewide Building Code, Part I, § 118.7.

Sec. 5-304 303 Remedies of this article not exclusive.

The remedies authorized by this article ~~shall not be~~ are not exclusive of any other remedy provided by law, including any remedy to abate, raze, or remove an unsafe structure or equipment as provided in the Building Code building code, or any remedy to abate, raze or remove a building, wall or structure that constitutes a public nuisance as provided in Virginia Code §§ 15.2-900 and 48-1 *et. seq.*

Article IV 4. Smoke Detectors

Sec. 5-400 Applicability.

~~In addition to any other applicable requirement of the building code pertaining to smoke detectors, this article shall apply to each building or structure which:~~ The following buildings and structures shall have smoke detectors installed as provided in this article:

- 1A. *Dwelling units.* ~~Contains four or more dwelling units;~~ Any building containing one or more dwelling units.
- 2B. *Hotels and motels.* ~~Is a~~ Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons;~~or.~~
- 3C. *Rooming houses.* ~~Is a~~ Any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference-Virginia Code § 15.2-922.

Sec. 5-401 Smoke detector required.

Smoke detectors shall be installed in each building or structure identified in ~~section~~ County Code § 5-400 in conformance with the provisions of the Building Code ~~building code~~. The type of Each smoke detector may be either battery operated or AC powered units.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference-Virginia Code § 15.2-922.

Sec. 5-402 Certificate that smoke detector in working order.

At the beginning of each tenancy and at least annually thereafter, the owner of each rented or leased dwelling unit ~~which is rented or leased~~ shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference-Virginia Code § 15.2-922.

Sec. 5-403 Interim testing, repairing, and ~~maintenance of~~ maintaining a smoke detector.

~~Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily dwellings, the interim testing, repair and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant. However, the owner of a unit shall service, repair, or replace any malfunctioning smoke detector within five (5) days of receipt of written notice from the tenant that a smoke detector is in need of service, repair, or replacement.~~

The tenant and the owner of a rented or leased dwelling unit is responsible to test, service, repair, maintain, or replace a smoke detector as follows:

A. Responsibility of the tenant. The tenant is responsible for interim testing, repairing, and maintaining any smoke detector within the dwelling unit. The tenant is not responsible for interim testing, repairing, or maintaining any smoke detector in any hallway, stairwell, or other public or common area of a multifamily dwelling.

B. Responsibility of the owner. The owner is responsible to service, repair, or replace any malfunctioning smoke detector within five days after receiving written notice from a tenant that a smoke detector needs service, repair, or replacement.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference--Virginia Code § 15.2-922.

Article V 5. Private Ground Water Well Testing

Sec. 5-500 Purpose and intent.

The purpose of this article is to protect the public health, safety, and welfare in areas of the County where there has been a petroleum release or a discharge that has been confirmed by the Virginia Department of Environmental Quality that remains an active contamination area by requiring that private ground water wells in these areas be tested for petroleum contamination. The tests will determine the extent of the contamination, if any, and ensure that any new wells satisfy existing federal or state drinking water quality standards for the contaminants.

In support of this purpose, the Board of Supervisors ~~The board of supervisors finds that:~~

A. *Unsafe drinking water.* ~~The release or discharge of petroleum from leaking underground storage tanks may pollute ground water and, at high enough levels, these pollutants may render water unsuitable for drinking and may cause adverse effects on the public health, safety and welfare. The board~~ Board ~~also finds that~~

B. *Adverse impacts of new private ground water wells.* ~~Establishing new private ground water wells in the immediate area of a contamination plume could alter the conditions of existing contamination plumes and draw contaminants into areas that are currently free from contamination.~~

~~The purpose and intent of this article is to protect the public health, safety and welfare in areas where there has been a petroleum release or discharge within the county confirmed by the Virginia Department of Environmental Quality. Therefore, new private ground water wells in such areas shall be tested for petroleum contamination as provided herein to determine the extent of the contamination, if any, and to assure that the wells satisfy existing federal or state drinking water quality standards for the contaminants.~~

(Ord. 05-5(1), 5-4-05)

State law reference-Virginia Code § 32.1-176.5.

Sec. 5-501 Definitions.

The following definitions apply to this article:

Active contamination area means those lands within the area identified by the Virginia Department of Environmental Quality (“VDEQ”) to be contaminated such that, in its judgment, the contamination poses a risk to human health and the environment and warrants corrective action or remediation, and those lands within two thousand (2,000) feet of the contaminated area determined by VDEQ to be at risk for contamination.

MCL means the maximum contaminant level, which is the highest level of a contaminant that is allowed in drinking water. The units are expressed in milligrams per liter (mg/L); milligrams per liter are equivalent to parts per million.

State law reference-Virginia Code § 32.1-176.5.

Sec. 5-~~502~~ 501 Applicability.

~~This article shall apply to those areas of the county where the release or discharge of petroleum from leaking underground storage tanks has been confirmed by the Virginia Department of Environmental Quality (“VDEQ”) and such an area remains an active contamination area.~~

~~For the purposes of this article, the term “active contamination area” means those lands within the area identified by the Virginia Department of Environmental Quality to be contaminated such that, in its judgment, the contamination poses a risk to human health and the environment and warrants corrective action or remediation, and those lands within two thousand (2,000) feet of the contaminated area determined by the Virginia Department of Environmental Quality to be at risk for contamination.~~

This article applies to each applicant for a building permit for a structure that will be located within an active contamination area and will be served by a private ground water well as the primary potable water supply.

(Ord. 05-5(1), 5-4-05)

State law reference-Virginia Code § 32.1-176.5.

Sec. 5-~~503~~ 502 Well testing and reporting.

Each applicant for a building permit for a structure to be located within an active contamination area and to be served by a private ground water well as the primary potable water supply to which this article applies shall have the well tested as provided ~~herein prior to the issuance of a building permit in this section before a building permit for the structure may be issued by the County:~~

- A. *Contaminants to be tested.* The tests shall determine whether the following volatile organic compounds are present in the water: Benzene, Toluene, Ethylbenzene, and Xylenes.
- B. *Applicable standards.* Each contaminant identified in ~~section 5-502 subsection~~ (A) shall be tested for compliance with the maximum contaminant level established for that contaminant under the federal Safe Drinking Water Act, as follows:
 - 1. Benzene: 0.005 MCL (mg/L).
 - 2. Toluene: 1 MCL (mg/L).
 - 3. Ethylbenzene: 0.7 MCL (mg/L).
 - 4. Xylenes (total): 10 MCL (mg/L).

~~For the purposes of this article, the term "MCL" means the maximum contaminant level, which is the highest level of a contaminant that is allowed in drinking water. The units are expressed in milligrams per liter (mg/L); milligrams per liter are equivalent to parts per million.~~

- C. *Sampling and testing methods and services.* Samples shall be taken and tests shall be performed using appropriate testing methods by either the Virginia Department of Environmental Quality or by a laboratory certified by the Commonwealth of Virginia to perform ~~such~~ the services. No ~~such~~ tests shall be conducted by Consolidated Laboratories. The cost of ~~such~~ the tests shall be paid by the landowner.
- D. *Reporting of test results.* The testing laboratory shall notify the landowner of the test results in a written report.

(Ord. 05-5(1), 5-4-05)

State law reference-Virginia Code § 32.1-176.5.

Sec. 5-~~504~~ 503 Building permit; withholding.

Each applicant for a building permit for a structure to be served by a private ground water well as the primary potable water supply within an active contamination area shall present the report containing the test results required by ~~section 5-502 prior to issuance of the building permit~~ County Code § 5-503 before a building permit for the structure is issued by the County:

- A. *No contaminants detected.* ~~If there are no tested contaminants detected, then the building permit shall be issued~~ The County shall issue the building permit if there are no test contaminants detected at or below the federal Safe Drinking Water Act standards identified in County Code § 5-503(B), provided that all other applicable requirements are satisfied.
- B. *Contaminants detected; exceed applicable standards.* ~~No building permit shall be issued~~ The County shall not issue a building permit if one or more test contaminants are detected and they exceed the federal Safe Drinking Water Act standards identified in ~~section 5-502(B)~~ County Code § 5-503(B),

unless and until the applicant has identified and provided an approved alternative primary potable water supply.

(Ord. 05-5(1), 5-4-05)

State law reference- Virginia Code § 321-176.5.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____