



Albemarle County

Legislation Details (With Text)

File #: 18-197 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 2/15/2018 **In control:** Board of Supervisors
On agenda: 3/14/2018 **Final action:** 3/14/2018

Title: Ordinance to Amend County Code Chapter 5, Building Regulations. To receive public comment on its intent to adopt an ordinance to amend Chapter 5, Building Regulations, of the Albemarle County Code by: reorganizing the chapter; amending § 5-104 (Violation and penalty) to specify that violations of the building code shall be punishable and shall be abated as provided in Virginia Code § 36-106; amending § 5-200 (Permit and inspection fees, generally) to allow for payment of fees by commercially acceptable means other than cash or check, and to require the department of community development to keep an accurate account of all fees collected; amending § 5-203 (Fees for plumbing permits) to specify fees for plumbing permits in use groups F-1 and F-2; amending § 5-205 (Fees for amusement devices) to provide that fees for amusement devices shall be as provided in the Virginia Amusement Device Regulations (Chapter 31, Agency 5, Title 13 of the Virginia Administrative Code); amending existing § 5-208 (Fees for other permits, plan amendments, and reinspections) to remove fees for amusement device permits from that section; amending § 5-300 (Order to remove, repair, or secure) to eliminate the requirement of the Building Official to order the removal, repair, or securing of unsafe buildings and structures before the removal, repair, or securing of the unsafe buildings and structures, consistent with Virginia Code § 15.2-906; deleting existing § 5-301 (Authority of building official to remove, repair or secure); amending and reorganizing existing § 5-302 (Recovery of costs if building official removes, repairs or secures; lien) as a new § 5-301 that follows Virginia Code § 15.2-906(3) and § 15.2-906(4); adding a new § 5-302 (Demolition or removal of certain structures) to allow the County to demolish or remove certain derelict nonresidential buildings or structures with the written consent of the property owner, consistent with Virginia Code § 15.2-906(5); amending § 5-400 (Applicability) to make the building code pertaining to smoke detectors apply to all dwelling units instead of just buildings or structures containing four or more dwelling units, and making other non-substantive stylistic amendments or amendments to track current State law.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attach.A Proposed Ordinance

Date	Ver.	Action By	Action	Result
3/14/2018	1	Board of Supervisors	adopted	Pass

AGENDA DATE: 3/14/2018

TITLE:

Ordinance to Amend County Code Chapter 5, Building Regulations

SUBJECT/PROPOSAL/REQUEST: Public hearing to consider an ordinance to amend Chapter 5, Building Regulations

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kampthner, Herrick, Dellinger

PRESENTER (S): Andy Herrick

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 5 contains building regulations, outlining required applications, permits, and certifications for certain structures.

State law provides only limited local discretion in this area. Specifically, *Virginia Code* § 36-98 mandates a Uniform Statewide Building Code, which supersedes any local building codes and regulations. However, *Virginia Code* § 36-105 makes local building departments responsible for enforcement of the provisions of the Building Code for construction and rehabilitation. County Code Chapter 5 fulfills this State mandate by specifying local procedures consistent with the Uniform Statewide Building Code.

STRATEGIC PLAN: *Quality Government Operations:* Ensure County's government capacity to provide high quality service that achieves community priorities.

DISCUSSION: Because County Code Chapter 5 is already largely consistent with the current Uniform Statewide Building Code, most proposed ordinance amendments are stylistic. However, staff highlights the following proposed substantive changes:

* **Secs. 5-300 to 5-303** - Unsafe buildings and structures - State law authorizes local building officials to remove, repair or secure unsafe buildings and structures, after reasonable notice to the owner(s). Under the current ordinance, the building official must first "order" the removal, repair or securing of the unsafe building or structure, a requirement not found in State law. Staff's proposed amendments would more closely track the State enabling authority in this area.

* **Sec. 5-302** - Demolition or removal of certain structures - This proposed amendment would allow the County to demolish or remove certain derelict nonresidential buildings or structures, with the written consent of the property owner.

* **Sec. 5-400** - Smoke detectors - Because of a change in State law, staff recommends that the building code pertaining to smoke detectors apply to all dwelling units, not just buildings or structures containing four or more dwelling units.

Most other proposed amendments are either stylistic or updates intended to track current State law.

BUDGET IMPACT: No significant budget impact is expected.

RECOMMENDATION:

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

ATTACHMENTS:

A - Proposed Ordinance