

## Chapter 14

### BUILDINGS AND BUILDING REGULATIONS\*

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\* **Charter References:** Regulation of the location and orderly building of shops and structures, § 26; regulation of buildings and building lines, § 31.

**Cross References:** Community development, ch. 22; environment, ch. 26; fire prevention and protection, ch. 30; health and sanitation, ch. 34; damaging public buildings or property, § 42-83; planning, ch. 50; site plan requirements, § 50-111; nonconforming uses, § 50-146 et seq.; removal of construction or demolition materials, § 54-6; streets, sidewalks and other public places, ch. 58; trailers and trailer parks, ch. 70; utilities, ch. 74.

**State Law References:** Access to and use of buildings by handicapped, Code of Virginia, § 2.2-1159; removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.2-906 et seq.; light, ventilation, sanitation, use and occupancy of buildings, Code of Virginia, § 15.2-1117; ordinance regulating the building of houses, Code of Virginia, § 15.2-2279; limitation of prosecutions of building code violations, Code of Virginia, § 19.2-8; Virginia Industrialized Building Safety Law, Code of Virginia, § 36-70 et seq.; Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.; effect of building code on other building regulations,

Code of Virginia, § 36-98; provisions of building code, Code of Virginia, § 36-99; enforcement of building code, appeals from decisions of local building department, inspection of buildings, Code of Virginia, § 36-105; voluntary apprenticeship, Code of Virginia, § 40.1-117 et seq.; contractors, Code of Virginia, § 54.1-1100 et seq.; local licensing of certain contractors, Code of Virginia, § 54.1-1117.

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**ARTICLE I.**

**IN GENERAL**

**Sec. 14-1. Adoption of building code.**

(a) There is hereby adopted by reference for the town the most current edition, as amended, of the Virginia Uniform Statewide Building Code. The provisions of such code are adopted and shall control all matters concerning the design, construction, alteration, addition, enlargement, repair, removal, demolition, conversion, use, location, occupancy and maintenance of all buildings and structures and all other functions which pertain to the installation of systems vital to all buildings and structures in their service equipment, as defined by the Virginia Uniform Statewide Building Code, and shall apply to existing and proposed buildings or structures in this town.

(b) For the purposes of this Code and other ordinances and resolutions of the town council, the Virginia Uniform Statewide Building Code may be referred to and cited as the "Town of Shenandoah Building Code" or simply as the "building code."

(Code 1992, § 4-1)

#### **Sec. 14-2. Building inspection department.**

(a) There is hereby established a building inspection department whose responsibility it is to enforce the provisions of the Virginia Uniform Statewide Building Code, as stated in section 105.1 of the Uniform Statewide Building Code. The cost of enforcement may be defrayed through the levying of fees by the town as provided in Code of Virginia, § 36-105. The department shall have one or more building officials or inspectors who shall be appointed by the town council. The building official or inspector, in concurrence with the county board of supervisors, shall be responsible for the organization and daily operation of the department.

(b) Notwithstanding subsection (a) of this section, the town council may enter into an agreement with the county board of supervisors whereby an appropriate department or office of the county assumes responsibility for administering and enforcing the building code within this town. When such an agreement is in effect, such county department or office shall be deemed to be the department established pursuant to subsection (a) of this section, and the county building official and his subordinates shall be deemed to be the town building official and subordinate officers and inspectors.

(Code 1992, § 4-2)

**Editors Note:** Subsection (b) of section 14-2 has been implemented in the town.

**Cross References:** Administration, ch. 2.

**State Law References:** Enforcement of building code, Code of Virginia, § 36-105.

### **Sec. 14-3. Rules and regulations.**

Other rules and regulations necessary for the administration and enforcement of the building code may be promulgated by the building official, with the approval of the town council. It shall be unlawful for any person to violate or fail to comply with any such rule or regulation so promulgated and approved when a copy thereof has been placed on file in the office of the town clerk and is there made available to the public for inspection and use during all regular business hours.

(Code 1992, § 4-3)



**Sec. 14-4. Permit denial until fees paid.**

No permit to begin work for new construction or other building operation which, by way of illustration and not by way of limitation, is as set forth in section 14-1 shall be issued until the fees prescribed in this chapter have been paid.

(Code 1992, § 4-4)

**Sec. 14-5. Consideration of applications for permits involving encroachment upon town property.**

In his examination of an application for a permit to construct, enlarge or alter any building or structure or to move an existing building on the line of any street or intended to enclose any unimproved lot, the building official shall, before issuing the permit applied for, satisfy himself that no encroachment upon any street, easement, right-of-way or property belonging to the town will occur by reason of undertaking the project which is the subject of such application. If there is disagreement between the applicant for the permit and the building official in this respect, the burden of proof shall be upon the applicant, and the expenses of any survey which may be required to settle the issue shall be borne by the applicant.

(Code 1992, § 4-5)

**Sec. 14-6. Consideration of applications for permits involving drainage or sewage disposal systems.**

In his examination of an application for a permit to construct, enlarge or alter any building or structure which has or is required to have any system of drainage or sewage disposal, either or both, the building official shall, before issuing the permit applied for, satisfy himself that the health director has approved such system. For this purpose the building official may require the applicant to file with him an original or authenticated copy of a certificate of approval issued to him by the health director.

(Code 1992, § 4-6)

**Sec. 14-7. Establishment of fire districts.**

- (a) The town shall be divided into two fire districts and outside fire limits as follows:

(1) Fire district number 1 shall comprise the areas housing highly congested business, commercial, manufacturing and industrial uses or in which such uses are developing.

(2) Fire district number 2 shall comprise the areas housing residential uses, together with retail stores, business and amusement centers, or in which such uses are developing.

(3) All other areas not included in this subsection shall be designated as "outside limits."

(b) The chief of the fire department shall prepare a map of the town upon which shall be marked conspicuously the boundaries of the two fire districts and the outside fire limits, as described, respectively, in subsection (a) of this section, which map shall bear the designation "Fire Limits Map of the Town of Shenandoah, Virginia," which may be cited simply as the "fire limits map." The fire limits map, when approved by the town council by vote entered in the minutes of the council and placed on file in the office of the town clerk, shall then be official with respect to the fire districts and outside fire limits of the town with respect to all applicable provisions of the building code and this Code.

(c) As buildings and structures are from time to time erected or demolished within the town to such an extent as to require any change of fire district or outside fire limit boundaries within the contemplation of the descriptions in subsection (a) of this section, the

chief of the fire department shall prepare an amended copy of the fire limits map and submit it to the town council. Upon approval thereof by the town council in the same manner as for the original map and the filing thereof in the office of the town clerk, such amended map shall thereupon become official for the same purposes as the original map.

(Code 1992, § 4-7)

**Cross References:** Fire prevention and protection, ch. 30.

**Sec. 14-8. Certification and bonding of contractors.**

(a) Except as to contractors currently licensed under the provisions of Code of Virginia, § 54.1-1106, every person who engages in or offers to engage in the business of home improvement, electrical, plumbing or heating or air conditioning contracting or the business of constructing single-family or multifamily dwellings in the town shall be certified in accordance with the Virginia Tradesmen Certification Standards. Appropriate fees shall be prescribed by the building official with the concurrence of the town council. Persons certified in other state localities, according to state certification standards, will be accepted in the town. Certification from other states will be considered on an individual basis.

(b) All persons referred to in subsection (a) of this section, doing business in the town, must be bonded.

(Code 1992, § 4-8)

**State Law References:** Local licensing of certain contractors, Code of Virginia, § 54.1-1117.

**Sec. 14-9. Board of building code appeals.**

(a) The owner of a building, the owner's agent or any other person directly involved in the design and/or construction of a building or structure may appeal to the county board of building code appeals as provided in the Uniform Statewide Building Code.

(b) The county board of building code appeals shall be appointed and function in conformity with the provisions of the Uniform Statewide Building Code and the administrative amendments.

(c) Compensation of the members of the county board of building code appeals shall be set by the county.

(Code 1992, § 4-9)

**Cross References:** Boards and commissions, § 2-156 et seq.

**Sec. 14-10. Electrical service connections.**

It shall be unlawful for any electrical supply company to furnish electrical power to any building or structure covered by this chapter until it has verified that a building permit has been issued for the structure in question or that none was required by the Uniform Statewide Building Code and that all necessary inspections have been completed or that none were required.

(Code 1992, § 4-10)

**Cross References:** Utilities, ch. 74.

**Sec. 14-11. Violations and penalties.**

It shall be unlawful for any person within the town to violate or fail to comply with any provision of the building code. Any person convicted of a violation or failure to comply with any provision of the building code within the town shall be punished by a fine of not more than \$2,500.00, and each day such violation or noncompliance continues shall constitute a separate offense.

(Code 1992, § 4-11)

**State Law References:** Violations of building code, Code of Virginia, § 36-106.

**Secs. 14-12--14-40. Reserved.**

## **ARTICLE II.**

### **PERMIT AND INSPECTION FEES\***

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\* **Editors Note:** Building permit fees are collected by the county.

**State Law References:** Levy of fees for building code enforcement and appeals, Code of Virginia, § 36-105.

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**Sec. 14-41. New construction.**

The fee for all building permits for new construction shall be at the rate of \$0.04 per square foot of floor space on the ground or main floor of the building, including carports and garages, and at the rate of \$0.02 per square foot of floor space on each and every other floor of the building. There shall be no charge assessed on the floor space of an unfinished basement. The minimum fee for such building permits shall be \$10.00.

(Code 1992, § 4-31)

**Sec. 14-42. Additional fees for electrical, plumbing and mechanical.**

- (a) The electrical, plumbing and mechanical fees for new residential buildings shall



be as follows:

(1) Electrical:

a. Per unit up to 200 amps . . . . . \$25.00

b. Per unit over 200 amps . . . . . 40.00

(2) Plumbing . . . . . 20.00

(3) Mechanical . . . . . 10.00

(b) The electrical, plumbing and mechanical fees for additions to residential buildings and/or utility buildings on residential property shall be as follows:

(1) Electrical . . . . . \$15.00

(2) Plumbing . . . . . 10.00

(3) Mechanical . . . . . 5.00

(c) The electrical, plumbing and mechanical fees for all new and additions and remodels to public buildings with 2,000 square feet or more shall be as follows:

(1) Electrical . . . . . \$100.00

(2) Plumbing . . . . . 100.00

(3) Mechanical . . . . . 100.00

(d) The electrical, plumbing and mechanical fees for all new and additions and remodels to public buildings under 2,000 square feet shall be as follows:

(1) Electrical . . . . . \$50.00

(2) Plumbing . . . . . 50.00

(3) Mechanical . . . . . 50.00

(e) Apartments, motels, etc., are charged residential fees per the number of rooms.

(Code 1992, § 4-32)

**Sec. 14-43. Alterations.**

The fee for alterations or repairs of any building or structure, where there is no addition or enlargement, shall be based on the estimated or contract cost of the work and shall be as follows:

(1) \$250.00 to \$1,000.00 . . . . . \$10.00

(2) \$1,001.00 to \$2,000.00 . . . . 11.00

(3) For each additional \$1,000.00 or fraction . . . . 1.00

(Code 1992, § 4-33)

**Sec. 14-44. Placement of manufactured, modular and mobile homes.**

The following fees shall be charged for permits allowing the placement of manufactured, modular or mobile homes:

(1) Manufactured homes (doublewides) and modular . . . . \$50.00

(2) Mobile homes (singlewides) . . . . 25.00

(3) Plus, for electrical inspection . . . . . 15.00

(Code 1992, § 4-34)

**Cross References:** Trailers and trailer parks, ch. 70.

**Sec. 14-45. Demolition.**

The fee for the demolition of a building or structure shall be \$10.00. In addition, the applicant must post a cash bond of \$50.00 to be refunded when the job is completed and approved. If, upon completion, unsafe or hazardous conditions remain, the building department is authorized and empowered to use such portion of the bond as necessary to free the premises from unsafe conditions. If more than \$50.00 is required, the permit holder shall be liable to the county for the difference between the bond and the cost.

(Code 1992, § 4-35)

**Sec. 14-46. Farm buildings.**

There shall be a clerical fee of \$10.00 for the issuance of farm buildings permits.

(Code 1992, § 4-36)

**Sec. 14-47. Confined feeding operations.**

There will be a flat rate of \$25.00 for buildings housing confined feeding operations where commercial use is involved.

(Code 1992, § 4-37)

**Sec. 14-48. Electrical and/or plumbing inspections not under permit.**

The fees for any electrical or plumbing inspection not under permit shall be as follows:

(1) For the first trip . . . . . \$15.00

(2) For each additional trip . . . . . 5.00

(3) For each electrical outlet, switch, etc. . . . . 0.25

(Code 1992, § 4-38)

**Sec. 14-49. Swimming pools.**



The fees for construction of a swimming pool shall be as follows:

(1) Per square foot of the area of the pool . . . . \$ 0.005

Minimum fee . . . . 5.00

(2) Electrical service installation in the pool area . . . . 15.00

(Code 1992, § 4-39)

**Sec. 14-50. Storage tanks.**

The fee for all types of storage tanks shall be based on the estimated cost, as follows:

(1) For the first 1,000 gallons . . . . \$10.00

(2) Per 1,000 gallons after the first 1,000 gallons . . . . 1.00

(Code 1992, § 4-40)

**Sec. 14-51. Refund of fees.**

If a permit is revoked or if a building project is abandoned or discontinued, the town shall provide fee refunds for the portion of the work that was not completed, when requested in writing by the permit holder. Any building permit issued pursuant to this Code shall become null and void after the expiration of six months if no work is commenced thereunder during such six-month period; provided, however, that any permit so voided may be reinstated upon application of the original applicant within one year from the issuance with no additional fee and, further provided, that at the time of application for reinstatement, such plans and application comply with the then-existing building code and other applicable ordinances of the county.

(Code 1992, § 4-41)

**Sec. 14-52. Other fees.**

The payment of the fee for the construction, alteration, removal or demolition and for all work done in connection with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are or may be prescribed by other laws or ordinances for water taps, sewer connections, electrical service, erection of signs and display structures or fees for inspections, certificates for use and occupancy or other privileges or requirements, both within and without the jurisdiction of the building official.

(Code 1992, § 4-42)

**Sec. 14-53. Penalties for failure to obtain permits.**

Failure to secure a building permit may result in fines and/or imprisonment in accordance with provisions of the Virginia Uniform Statewide Building Code.

(Code 1992, § 4-43)

**Secs. 14-54--14-80. Reserved.**

### **ARTICLE III.**

## **DANGEROUS BUILDINGS, WALLS AND OTHER STRUCTURES\***

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\* **Cross References:** Environment, ch. 26.

**State Law References:** Authority of town to require removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.2-906.

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**Sec. 14-81. Application of article.**

This article shall apply to buildings and their equipment that, through damage, deterioration, infestation, improper maintenance or for other reasons, become unsafe, unsanitary or deficient in adequate exit facilities and which constitute a hazard or are otherwise dangerous to human life, health or safety, or the public welfare. All such buildings shall be declared by the building official to be a public nuisance and unfit for human habitation and shall be made safe through compliance with the Virginia Uniform Statewide Building Code or shall be vacated and either secured against public entry or taken down and removed as directed by the building official. A vacant building, unsecured or open at door or window, may be deemed a fire hazard and unsafe within the meaning of this section.

(Code 1992, § 4-61)

**Sec. 14-82. Responsibility of owner.**

The owner of any property in the town shall, at such time as the council may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of such owner or any town residents.

(Code 1992, § 4-62)

**Sec. 14-83. Inspection of unsafe buildings.**

The building official shall examine every building reported as unsafe and shall prepare a report to be filed in the records of the enforcing agency. In addition to a description of unsafe conditions found, the report shall include the use of the building and the nature and extent of damages, if any, caused by a collapse or failure.

(Code 1992, § 4-63)

**Sec. 14-84. Evidence of what might endanger public health or safety or health or safety of town residents.**

A finding by the building official, the chief of the fire department or the health director made after his inspection of any building, wall or other structure within the town that such building, wall or other structure is deficient to such an extent that it constitutes a hazard to the public safety or health or that it stands in violation of any provision of the building code or the fire prevention code or any state or county law, ordinance or regulation relating to the public health or safety shall be deemed prima facie evidence that such building, wall or other structure might endanger the public health or safety or the health or safety of other town residents within the meaning of Code of Virginia, § 15.2-906.

(Code 1992, § 4-64)

**Sec. 14-85. Action upon report of dangerous conditions; notice to owners of property involved; service of notice.**

(a) Upon report to the town council by the building inspector, the chief of the fire department or the health director that he has inspected any building, wall or other structure in the town and that, because of facts to be stated in such report, such building, wall or other structure is deficient to such an extent that it constitutes a hazard to the public safety or health or that it stands in violation of some provision, which he shall identify by section number or other appropriate reference, of the building code, the fire prevention code or any state or county law, ordinance or regulation relating to the public health, the building official shall cause written notice to be:

(1) Given to the owner, the owner's agent or the person in control of such building, wall or other structure; and

(2) Published once a week for two successive weeks in a newspaper having general circulation in the town.

The report shall enumerate the findings of the reporting officer and shall direct the addressee to remove, repair or secure such building, wall or other structure in such manner as prescribed by the reporting officer in his report to the council, which shall be stated in the notice, and to do so within such reasonable period of time as shall be specified in such notice. The notice shall specify the required repairs or improvements to be made to the building or require the unsafe building or portion of the building to be taken down and removed. Such notice shall require the person notified to declare to the designated official without delay acceptance or rejection of the terms of the notice. Whenever possible, the notice of unsafe building should also be given to the tenants of the unsafe building.

(b) If the person named in the notice of the unsafe building cannot be found after diligent search, such notice shall be sent by registered or certified mail to the last known address of such person. A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.

(c) Notices given pursuant to subsection (a) of this section shall also contain a statement that:

(1) Failure to comply with the terms thereof within the period of time stated therein shall subject the addressee to prosecution for violation of this section;



(2) If, upon the expiration of the period of time for compliance as stated in the notice, the terms of the notice have not been fully complied with, the town may proceed to have such work done as may be necessary to comply fully with the terms of such notice;

(3) In such case, all costs and expenses thereby incurred by the town shall be chargeable to and paid by the owner of the property in default and may be collected by the town as taxes and levies are collected; and

(4) Every such charge which remains unpaid shall constitute a lien upon such property.

(d) Notices given pursuant to this section may be served in any manner authorized by law.

(Code 1992, § 4-65)

**Sec. 14-86. Disregard of notice.**

Upon refusal or neglect of the person served with a notice of unsafe building to comply with requirements of the notice to abate the unsafe condition, the building official may revoke the certificate of occupancy. For a vacant building, including one vacated through revocation of the certificate of occupancy, the building official may cause the building to be closed through any available means.

(Code 1992, § 4-66)

**Sec. 14-87. Authority to vacate building.**

When, in the opinion of the building official, there is actual and immediate danger of failure or collapse of a building or any part of a building which would endanger life, any building or part of a building has fallen and life is endangered by occupancy of the building, any other hazardous condition poses an immediate and serious threat to life, or when a building is declared a public nuisance and unfit for human habitation, the building official may order the occupants to vacate the building. The building official shall post a notice at each entrance to such building that reads: "THIS STRUCTURE IS UNSAFE OR UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." Upon the posting of the notice, no person shall enter such a building except upon authorization of the building official for the purpose to:

- (1) Make the required repairs.
- (2) Take the building down and remove it.
- (3) Make inspections.

(Code 1992, § 4-67)

**Sec. 14-88. Temporary safeguards and emergency repairs.**

When, in the opinion of the building official, there is an immediate danger of collapse or failure of a building or any part of a building which would endanger life or when a violation of the Uniform Statewide Building Code results in a hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants, the building official may have the necessary work done to the extent permitted by the town council to make such building or part of the building temporarily safe, whether or not legal action to force compliance has begun.

(Code 1992, § 4-68)

**Sec. 14-89. Recourse of town for noncompliance with notice; recording and release of lien upon property in default.**

(a) If, upon notice having been given and served as provided in section 14-85 and upon expiration of the period of time for compliance with such notice as stated therein, the directives of such notice have not been fully complied with, the town, through its agents or employees or through an independent contractor when the town has no or an insufficient number of qualified employees or suitable equipment, may remove, repair or secure the building, wall or other structure being the subject of such notice, and all costs and expenses thereby incurred shall be chargeable to and paid by the owner of the property in default and may be collected by the town as taxes and levies are collected. The council shall instruct the town treasurer to record a lien against such property, and he shall not execute a release of such lien until every such charge has been paid.

(b) Any of the remedies described in section 26-125 shall be applicable to this article.

(Code 1992, § 4-71)

**Sec. 14-90. Demolition of buildings.**

Whenever a building is to be demolished pursuant to any provision of the Uniform Statewide Building Code, the work shall be carried out in compliance with the requirements of the Uniform Statewide Building Code.

(Code 1992, § 4-72)

**Sec. 14-91. Article supplemental to other laws, ordinances and regulations relating to same subject matter.**

Various methods for the removal, repair and securing of buildings, walls and other structures which might endanger the public health or safety or the health or safety of town residents are prescribed in other chapters of this Code, in the building and fire prevention codes and in state and county laws, ordinances and regulations. It is the intent of the town council in enacting this article to make it supplemental to those other chapters, codes, laws, ordinances and regulations, and this article shall be regarded as an alternative method for the removal, repair and securing buildings, walls and other structures when such other methods are provided.

(Code 1992, § 4-73)