

**BEFORE THE COUNTY COMMISSION
OF
BERKELEY COUNTY, WEST VIRGINIA**

**IN RE: ADOPTION OF WEST VIRGINIA BUILDING CODE
 AS BERKELEY COUNTY BUILDING CODE ORDINANCE**

On this the 17th day of June, 2010, in regular session, the Commission does hereby adopt the West Virginia State Building Code, comprised of the national standards and Codes as listed hereinbelow and as published by the International Code Council, American National Standards Institute, and the National Fire Protection Association. Those standards and Codes are as follows, including amendments:

1. **2009 Edition, International Building Code**, First Printing, with the following exceptions:
 - a. Section 101.1 Title These regulations shall be known as the Building Code of Berkeley County, hereinafter referred to as this code.
 - b. The section entitled "Fire Prevention" and identified as Section 101.4.5 is deleted and not considered to be a part of this Ordinance.
 - c. The entire section entitled "Board of Appeals" and identified as Section 113 is deleted and replaced with the following:

Section 113 Board of Appeals

113 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of Berkeley County. They may include, but are not limited to, a West Virginia Registered Professional Architect or Engineer, or a West Virginia Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work.

- d. Section 114.4 Violation Penalties is deleted and, in lieu thereof, the following is adopted:

Any person who violates a provision of this Ordinance or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Department of Land use Planning and Engineering, or of a permit or certificate issued under the provisions of this Ordinance, shall be guilty of a

misdemeanor punishable by a fine of not less than \$50.00 nor more than \$500.00. Each day of violation shall be considered a separate offense.

- e. Section 115.3 Unlawful Continuance is deleted and, in lieu thereof, the following is adopted:
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor punishable by a fine of not less than \$75.00 nor more than \$750.00. Each day of violation shall be considered a separate offense.
- f. Section 1612.3 Establishment of flood hazard areas is deleted and, in lieu thereof, the following is adopted:
Berkeley County hereby adopts by reference the flood hazard map and supporting data incorporated in the Federal Emergency Management Agency engineering report entitled "The Flood Insurance Study for Berkeley County", dated 1988, as amended or revised with the accompanying Flood Insurance Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. Such maps and supporting data are to be considered a part of this section of the Ordinance.
- g. Section 3412.2 Applicability Structures existing prior to September 1, 1990, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

2. **2009 Edition, International Plumbing Code, First Printing.**

- a. Section 101.1 Title These regulations shall be known as the International Plumbing Code of Berkeley County hereinafter referred to as this code.
- b. Section 106.6.2 Fee Schedule The fees for all plumbing work shall be as set forth in Attachment A.
- c. Section 106.6.3 Fee Refunds The code official shall authorize the refunding of fees as follows: **See General Exceptions and Miscellaneous Provisions**, hereinbelow.

- d. Section 108.4 Violation Penalties Any person who shall violate a provision of this code or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
 - e. Section 108.5 Stop Work Orders Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$75.00 or more than \$750.00.
 - f. Section 305.6.1 Sewer Depth Building sewers that connect to private sewage disposal systems shall be a minimum of 28 inches (710 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 28 inches (710 mm) below grade.
 - g. Section 904.1 Roof Extensions All open vent pipes that extend through a roof shall be terminated at least 12 inches (300 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.
3. **2009 Edition, International Mechanical Code, First Printing.**
- a. Section 101.1 Title These regulations shall be known as the Mechanical Code of Berkeley County, hereinafter referred to as this code.
 - b. Section 106.5.2 Fee Schedule The fees for mechanical work shall be as set forth in Attachment A.
 - c. Section 106.5.3 Fee Refunds The code official shall authorize the refunding of fees as follows: **See General Exceptions and Miscellaneous Provisions**, hereinbelow.
 - d. Section 108.4 Violation Penalties Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty

of a misdemeanor punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- e. Section 108.5 Stop Work Orders Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than \$75.00 or more than \$750.00.

4. **2009 Edition, International Fuel Gas Code**, First Printing, with the following exceptions:

- a. Section 101.1 Title These regulations shall be known as the Fuel Gas Code of Berkeley County, hereinafter referred to as this code.
- b. Section 106.6.2 Fee Schedule The fees for work shall be as indicated in Attachment A.
- c. Section 106.6.3 Fee Refunds The code official shall authorize the refunding of fees as follows:
- d. Section 108.4 Violation Penalties Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- e. Section 108.5 Stop Work Orders Upon notice from the code official that work is being done contrary to the provision of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than \$75.00 or more than \$750.00.

- f. Section 404.10 Underground Piping Systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.
5. **2009 Edition, International Property Maintenance Code**, First Printing.
- a. Section 101.1 Title These regulations shall be known as the International Property Maintenance Code of Berkeley County, hereinafter referred to as this code.
- b. Section 103.5 Fees The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in Attachment A.
- c. Section 106.4 Violation Penalties Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- d. Section 112.4 Failure To Comply Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$75.00 or more than \$750.00.
- e. Section 302.4 Weeds All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- f. Section 304.14 Insect Screens During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed,

manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

- g. Section 602.3 Heat Supply Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 01 to May 31 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

- h. Section 602.4 Occupiable Work Spaces Indoor occupiable work spaces shall be supplied with heat during the period from September 01 to May 31 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

6. **2009 Edition, International Energy Conservation Code, First Printing.**
- a. Section 101.1 Title This code shall be known as the International Energy Conservation Code of Berkeley County, and shall be cited as such. It is referred to herein as this code.
 - b. Section 107.2 Schedule of Permit Fees The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in Attachment A.
 - c. Section 108.4 Failure to Comply Any person who shall continue any work after having been served with a stop work order, except

such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$75.00 or more than \$750.00.

7. **2009 Edition, International Residential Code for One and Two Family Dwellings**, First Printing, with the following exceptions:

- a. Section 101.1 Title These provisions shall be known as the Residential Code for One – and Two – Family Dwellings of Berkeley County; and shall be cited as such and will be referred to herein as this code.
- b. Section G2415.10 (404.10) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.
- c. Table R301.2 (1) **See Attachment C.**
- d. Section R303.6.1 Light Activation. The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any steps. The illumination of exterior stairways shall be controlled from inside the dwelling unit. Exceptions: 1. Lights that are continuously illuminated or automatically controlled. 2. Interior stairways consisting of less than three steps.
 - e. Section R311.3.1 Landings at doors. Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door.
 - f. Section 311.7.4.1 Riser Heights The maximum riser height shall be eight and one-quarter (8 1/4) inches.
 - g. Section 311.7.4.2 Tread Depth The minimum tread depth shall be nine (9) inches.
 - h. Section R403.1.7.1 Building Clearances From Ascending Slopes is not applicable to this Ordinance.
 - i. Section R403.1.7.2 Footing Setbacks From Descending Slope Surfaces is not applicable to this Ordinance.
 - j. Chapter 11, 2009 Edition, International Residential Code for One and Two Family Dwellings, entitled "Energy Efficiency", is deleted and not considered to be a part of this Ordinance.
 - k. Section 2603.6.1 Sewer Depth Building sewers that connect to private sewage disposal systems shall be a minimum of 28 inches (710 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 28 inches (710 mm) below grade.

8. **2003 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities**, First Printing.

9. **2009 International Existing Building Code**, First Printing, with the following exception:

- a. Omit reference to International Fire Code and substitute, in lieu thereof, NFPA Life Safety Code, 2009 Edition.
- b. Section 101.1 Title These regulations shall be known as the Existing Building Code of Berkeley County, hereinafter referred to as this code.
- c. Section 113.4 Violation Penalties Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor more than \$500.00. Each day of violation shall be deemed a separate offense.
- d. Section 114.3 Unlawful Continuance Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by fine of not less than \$75.00 and not more than \$750.00. Each day of violation shall be deemed a separate offense.
- e. Section 1301.2 Applicability Structures existing prior to September 01, 1990, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapter 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

10. 2008 Edition, National Electric Code, NFPA 70.

General Exceptions and Miscellaneous Provisions:

Group U utility structures and storage sheds comprising an area not more than 150 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections and are for a non-residential use or for the storage of explosives or other hazardous or explosive materials.

Each of the national codes adopted herein provides for a separate appeals board. However, the language in each of those Codes related to appeals boards except the language set out in Section 113 of the International Building Code, is deleted and is not incorporated into this Ordinance. The Appeals Board provided in the International Building Code is hereby adopted for use for appeals related to any and all of the Codes which comprise the Berkeley County Building Code Ordinance.

Appendices of all Codes and Standards herein incorporated are hereby adopted and made a part hereof, as though the same were set out in full in this Ordinance.

Refunds, in all cases, shall be as follows:


This Ordinance, comprised of the several Codes and Standards referenced herein and the appendices relative to those same Codes and Standards, plus the amendments set out herein, is adopted for the benefit, health and welfare of the people of Berkeley County.

This Ordinance shall become effective July 1, 2010.

Entered this the 17th day of June, 2010.



Ronald K. Collins, President




William L. Stubblefield, Commissioner



Anthony J. Petrucci, Commissioner

ATTEST:



John W. Small, Jr., Clerk

BERKELEY COUNTY LAND USE PLANNING AND ENGINEERING BUILDING PERMIT FEES

ATTACHMENT A-PROPOSED FEES

RESIDENTIAL

Single Family Residential, Manufactured Housing, Additions, Town Homes, Finished Basements	\$50.00 plus .20 sq. ft.
Duplex	\$75.00 plus .20 sq. ft.
Interior Renovations/Remodeling	\$50.00 plus .12 sq. ft.
Storage Buildings (Over 150 sq. ft.) , Garages, Porches, Decks, Barns	\$35.00 plus .12 sq. ft.
Unfinished Basement (At time of New Construction)	.12 sq. ft.
Storage Building 150 sq. ft. or less (Cannot Be Connected to Any Utilities)	\$10.00
Relocation of Manufactured Housing (Including Relocation for Storage Use)	\$35.00 plus .12 sq. ft.
Finished Basements (NOT ASSOCIATED WITH NEW HOMES) *Finished Bsmt. Are Required to Pay Mechanical/Plumbing Review Fees.	.25 sq. ft.
Fences Over 6 ft. in Height-Must Provide Plans and Specs	\$40.00
Retaining Walls over 4 ft. in Height	\$40.00
Rebuilding Roof with New Framing Only	\$35.00
Installing a Door or Window (Per Door or Window). If changing a window in a sleeping room, the new window must meet egress requirements.	\$10.00 Per Window or Door
Chimney (If Added After New Home Construction)	\$40.00
Gas Fireplace Direct Vent/Ventless	\$40.00
Plan Change	\$25.00
Grading	\$50.00
HVAC Review	\$40.00
Gas Piping/LP Tank/Oil Tank Review	\$40.00
Hot Water Heater Review	\$35.00
Above Ground Pool Review	\$80.00 Base/Plus \$75.00 Review
In-Ground Pool Review	\$80.00 Base/Plus \$125.00 Review
Demolition (Structure to be demolished due to damage caused by acts of God or fire shall be exempt from the fee.)	\$50.00

COMMERCIAL

Multi-Family (Apartments)	\$250.00 plus .22 sq. ft.
Commercial/Industrial (Including Office Trailers, Churches, etc.)	\$250.00 plus .27 sq. ft.
Mechanical Review	\$125.00
Plumbing Review	\$125.00
Signs (On the Building)	\$75.00 plus .10 sq. ft.
Signs (Freestanding)	\$150.00 plus .10 sq. ft.
Signs (Portable)	\$50.00
Fences over 6 ft. in Height-Must Provide Plans and Specs	\$250.00
Retaining Walls over 4 ft. in Height	\$250.00
Demolition (Structure to be demolished due to damage caused by acts of God or fire shall be exempt from the fee.)	\$50.00
Plan Change	\$150.00
Grading	\$500.00
Change of Use (Will Require Mechanical and Plumbing Review)	\$250.00
Tents With Sidewalls	\$85.00
Tents Without Sidewalls	\$35.00

AGRICULTURAL AS APPROVED BY ASSESSOR'S OFFICE- N/C

INSPECTION FEES

Extra Trip Fees Will Be Assess For Premature Inspection Requests, Incomplete Work, and Work Areas Not Accessible.	1st Trip-\$50.00, 2nd Extra Trip-\$75.00, 3rd Extra Trip-\$100.00
Investigation Fee (Work Started Without A Permit)	\$200.00
Permit Extension	\$25.00
Expedited Certificate of Occupancy	\$75.00
Faxing Certificate of Occupancy	\$25.00
Replacement Placard	\$25.00