

CODIFIED ORDINANCES OF CHARLES TOWN
PART SEVENTEEN - BUILDING AND HOUSING CODE

CHAPTER ONE - Technical Codes

- Art. 1705. West Virginia State Building Code.
- Art. 1733. National Electrical Code.

CHAPTER THREE - Local Provisions

- Art. 1741. Flood Control.
- Art. 1749. Swimming Pools.
- Art. 1757. Numbering Structures.

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ARTICLE 1705
West Virginia State Building Code

EDITOR'S NOTE: Pursuant to an ordinance passed July 15, 1991 all penalties of imprisonment presently contained in the Building and Housing Code are deleted and rescinded.

1705.01 Adoption.
1705.02 Amendments.

1705.03 Inspections.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4
Building regulation - see W. Va. Code 8-12-13
State Building Code - see W. Va. Code 29-3-5b

1705.01 ADOPTION.

(a) The City of Charles Town does hereby adopt the State Building Code pursuant to the City's powers contained in West Virginia Code Section 13, Article 12, Chapter 8, as the same has been **promulgated pursuant** to West Virginia Code Section **5b**, Article 3. **Chapter 29**. as if the same **were** fully **written** out herein.

(b) Article 1705 of the City of Charles Town entitled West Virginia State Building Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed, except that these repealed ordinances shall control and be applicable to all building permits issued and in effect as of the effective date of this article.

(Passed 8-4-03.)

1705.02 AMENDMENTS.

The following additions, insertions and changes are hereby made to the State Building Code:

- (a) Modify the International Building Code Edition 2000 of the State Code as follows:
 - (1) Replace with the following: Section 101.1 (page 1, second line). Insert City of Charles Town where the name "jurisdiction" appears.
 - (2) Replace with the following: Section 1612.3 (page 285, line 10). Insert City of Charles Town where "name of jurisdiction" appears.
 - (3) Replace with the following: Section 1612.3 (page ~~285~~, line 11). Insert "September 1, 2003" where "date to be inserted by the jurisdiction" appears.
 - (4) Replace with the following: Section 3409.2 (page 588, line 4). Insert "September 1, 2003" where "date to be inserted by the jurisdiction" appears.
- (b) Replace the International Plumbing Code/1995 Edition with the International Plumbing Code 2000 Edition and replace portions as follows:
 - (1) Replace with the following: Section 101.1 (page 1, line 2). Insert City of Charles Town where the name "jurisdiction" appears.
 - (2) Add the following: Section 106.6.2 (page 5, line 3). Insert See Schedule B where "jurisdiction to insert appropriate schedule" appears.
 - (3) Add the following: Section 106.6.3 (page 5, lines 12 and 16). Insert "twenty five (25%) percent" where the words "specify percentage" and "fifty (50%) percent" where the words "specify percentage" appears, respectively.
 - (4) Add the following: Section 108.4 (page 6, line 64 and 65). Insert "misdemeanor" where the word "offense" appears, "five hundred dollars (\$500.00)" where "dollar amount" appears and "thirty days" where "time" appears, respectively.
 - (5) Add the following: Section 108.5 (page 6, lines 82 and 83). Insert "fifty dollars (\$50.00)" where "amount" appears and "five hundred dollars (\$500.00)" where "amount" appears, respectively.
 - (6) Replace with the following: Section 305.6.1 (page 18, lines 114 and 115). Insert "eighteen (18)" inches" where the word "number" appears and insert "two feet and six inches (2'6)" where the word "number" appears, respectively.
- (c) Replace the following: The CABO One and Two Family Dwelling Code / 1995 replace with the International Residential Code 2000. Section R101.1 (page 1, line 2). Insert "City of Charles Town".
- (d) **Replace the following:** The International Mechanical Code/ 1996 to be replace with the 'International Mechanical Code/ 2000.
 - (1) Replace with the following: Section 101.1 (page 1, line 2). Insert "City of Charles Town" where name of "jurisdiction" appears.
 - (2) Add the following: Section 106.5.2 @age4, line 70). Insert "See Schedule C" where "fee schedule" appears.
 - (3) Replace with the following: Section 106.5.3 (page 78 and 82). **Insert** "twenty-five (25%) percent" where the words "specify percentage" and "fifty (50%) percent" where the words "specify percentage" appears, respectively.

- (4) Add the following: Section 108.4 (page 5, lines 115 and 116). Insert "misdemeanor" where "offense" appears, "five hundred dollars (\$500.00)" where "dollar amount" appears and "thirty days" where "time" appears, respectively.
- (5) Add the following: Section 108.5 (page 6, lines 9 and 10). Insert "fifty dollars (\$50.00)" where "amount" appears, and "five hundred dollars (\$500.00)" where "amount" appears, respectively.
- (e) Replace the following: The BOCA National Property Maintenance Code / 1993 to be replaced by the International Property Maintenance Code/2000. Add the following: Section 101.1 (page 1, line 2). Insert "City of Charles Town" where "name of jurisdiction" appears.
- (f) Replace the Following: The Model Energy Code/1993 Edition with the International Energy Conservation. Add the following: Section 101.1 (page 1, line 2). Insert "City of Charles Town" where "name of jurisdiction" appears.
- (g) Adopt the International Existing Building Code 2003 Edition.

SCHEDULE "A"
PERMIT FEES

- (a)
 - (1) For New Home Construction and Additions:
A \$25.00 Building Permit Fee, plus a fee of \$0.25 per square foot.
 - (2) For Renovation, Restoration, or Remodeling of Existing Structure:
A \$40.00 Building Permit Fee, plus a fee of \$0.10 per square foot.
(Passed 8-4-03.)
 - (3) For Porches, Decks, Garages and other Accessory Structures:
A \$40.00 Building Permit Fee, plus a fee of \$0.10 per square foot,
(Ord. 03-17. Passed 10-20-03.)
 - (4) For Demolition:
Residential: A \$50.00 Building Permit Fee.
Commercial: A \$100.00 Building Permit Fee,
 - (5) Re-inspection Fees:
A \$50.00 re-inspection fee if the Building Inspector is required to make more than two (2) visits for one inspection or if the electrical sticker is not in place.
 - (6) For Commercial Construction and Renovation:
A \$50.00 Building Permit Fee, plus \$0.30 per square foot.
 - (7) Temporary Structures:
A \$25.00 Building Permit Fee
 - (8) For Swimming Pools:
A \$50.00 Building Permit Fee, plus \$0.10 per square foot

- (9) For Roofing and Siding:
A \$20.00 Building Permit Fee, plus \$0.10 per square foot.
- (10) For Sidewalks and Driveways:
A \$20.00 Building Permit Fee, plus \$0.10 per square foot
- (11) Fences:
A \$25.00 Building Permit Fee.

SCHEDULE "B"
PLUMBING PERMIT FEES

- (b) (1) Permit Fees for all Plumbing Permits:
A \$25.00 Plumbing Permit Fee, plus \$2.50 per fixture.

SCHEDULE "C"
MECHANICAL PERMIT FEES

- (c) (1) Permit Fees for all HAVA Mechanical Permits:
A \$25.00 Mechanical Permit Fee plus \$0.01 per square foot of building covered.
- (2) Permit Fees for all new Refrigeration Equipment Permits:
A \$25.00 Mechanical Permit Fee plus \$5.00 per unit installed.
- (3) Permit Fees for replacement units or parts:
\$25.00 Mechanical Permit plus \$2.50 per unit replaced. (Passed 8-4-03.)

SCHEDULE "D"
MISCELLANEOUS FEES

- (d) (1) Beginning Construction without a permit:
First Time: \$50.00
Second Time: 150.00
Third Time: 300.00
- (2) Construction plan change after permit is issued: \$50.00
(Ord. 04-07. Passed 4-20-04.)

1705.03 INSPECTIONS.

All inspections will be in compliance with the International Building, Code 2000, International Plumbing Code, International Mechanical 2000, International Residential Code 2000, International Energy Code 2000, and the International Existing Building Code 2003.

Required Inspections are as listed below:

(a)	<u>New Construction:</u>		
	<u>FULL BASEMENT</u>	<u>CRAWL SPACE</u>	<u>SLAB</u>
1.	Footer	Footer	Footer
2.	Underground Plumbing Radon I Slab / Foundation	Underground Plumbing Radon / Foundation	Underground Plumbing Radon / Slab
3.	Frame/Rough Plumbing Rough Mechanical (Rough Electrical Sticker in place)	Frame/Rough Plumbing Rough Mechanical (Rough Electrical Sticker in place)	Frame/Rough Plumbing Rough Mechanical (Rough Electrical Sticker in place)

	<u>FULL BASEMENT</u>	<u>CRAWL SPACE</u>	<u>SLAB</u>
4.	Insulation	Insulation	Insulation
5.	Drywall	Drywall	Drywall
6.	Final/Final Plumbing Final Mechanical (Final Electrical Sticker in place)	Final/Final Plumbing Final Mechanical (Final Electrical Sticker in place)	Final/Final Plumbing Final Mechanical (Final Electrical Sticker in place)

(b) Renovations, Restoration Work and Remodeling. The inspections to be performed on renovation, restoration work, or the remodeling of an existing structure will be determined by the Building Inspector at the time of permit application and, in general shall be based on the following:

Footers, foundation, backfill, slab, rough-in electrical, rough-in plumbing, rough-in mechanical, framing, insulation, close-in, drywall, final electrical, final plumbing, final mechanical and building final.

(Passed 8-4-03.)

(The next printed page is page 19.)

ARTICLE 1733
National Electrical Code

1733.01	Adoption.	1733.06	Inspections.
1733.02	Copies.	1733.07	Right of entry.
1733.03	Conformity with approved standards and materials required.	1733.08	Emergency disconnection of electric equipment.
1733.04	Exceptions.	1733.09	Appeals.
1733.05	Electrical Inspector.	1733.99	Penalty.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4
Regulating electric wiring - see W. Va. Code 8-12-13(2)
Inspection - see W. Va. Code 8-12-15

1733.01 ADOPTION.

(a) All of the provisions of the National Electrical Code, 1999 Edition, all supplements thereto known and designated as NFPA #70 - 1999 are hereby adopted as the standard for electrical work in the City of Charles Town, Jefferson County, West Virginia.

(b) Further, all references to the 1996 National Electrical Code as contained in the City's Ordinances are hereby amended to reference the 1999 NFPA #70 Code.
(Ord. 04-03. Passed 4-5-04.)

1733.02 COPIES.

Copies of the National Electrical Code, adopted by reference as provided in Section 1733.01 may be obtained at the City Hall, George and Washington Streets, during regular business hours.
(Passed 9-8-81.)

1733.03 CONFORMITY WITH APPROVED STANDARDS AND MATERIALS REQUIRED.

(a) No electrical wiring for light, heat, power or other purposes shall be installed hereafter in any building or structure or for any outdoor electrical display or sign, nor shall any alteration or extension of any existing electrical wiring system be made except in conformity with approved electrical standards.

(b) Where no specific standards are prescribed by this article or any amendment hereof or addition hereto, then conformity with the latest edition of the National Electrical Code, including supplements thereto, shall be prima facie evidence of conformity with approved standards. The materials fittings and devices enumerated in the list of inspected electrical materials of Underwriters Laboratories, Inc. or its successor, as revised from time to time shall be acceptable as suitable for use under this article.

(c) The company, firm or corporation furnishing electric service to the City shall refuse electrical service to any installation when notified by the Electrical Inspector that such work is not being installed in conformity with the National Electrical Code, adopted by reference in Section 1733.01. Further, the company, ~~firm~~ or corporation furnishing electrical service shall further refuse electrical service to vacant buildings, until the Electrical Inspector approves such connection.

(Ord. 9-8-81.)

1733.04 EXCEPTIONS.

(a) The provisions of this article shall not apply to minor repair work, such as replacing flush and snap switches, replacing fuses, changing lamp sockets, taping bare joints, and replacing drop cords, nor to temporary electrical home displays.

(b) This article shall not apply to maintenance and repairs on the premises of a person regularly employing electricians for that purpose, nor to installation, construction, maintenance or repairs of public utility companies for the transmission of electricity from the source of supply to the service entrance on the premises where it is to be used, nor to the installation and maintenance of telephone and telegraph plants and equipment.

(Passed 9-8-81.)

1733.05 ELECTRICAL INSPECTOR.

(a) There is hereby created a position of Electrical Inspector for the City. The Electrical Inspector(s) for the City of Charles Town will be determined by Allegheny Power.

(b) The Electrical Inspector shall make all inspections and reinspections required in this chapter and which may be necessary from ~~time~~ to time. He shall perform the duties specified in this article and file reports of all electrical work inspected with the City Building Official.

(Ord. 97-0012. Passed 10-6-97.)

1733.06 INSPECTIONS.

(a) It shall be the duty of any person installing wires, conduits, apparatus, fixtures or other appliances for the use or transmission of electricity for **light**, heat, power or other purposes falling within the provisions of this article, first to file application for electrical inspection upon the ~~forms~~ furnished by the Building Department for the City of Charles Town at 101 East Washington Street, Charles Town, West Virginia.

(Passed 6-3-96.)

(b) No person shall make new installations of electrical wiring, alterations or additions to the existing wiring of any building, or to wire any building for the placing therein of any electric lights, motors, heating devices or other apparatus for the use or transmission of electricity without first making application for the inspection of such work.

(c) No person shall conceal electric wiring in any building or wall until it has been inspected and approved.

(d) The Electrical Inspector shall, within a reasonable time after receiving the application for inspection of electric wiring installed or altered, make an inspection of such work and such tests as may be necessary to determine whether it conforms with the provisions of the National Electrical Code, adopted as provided in Section 1733.01, and shall make a reinspection of electrical wiring installations whenever he deems it necessary in the interest of public safety.

(e) Upon finding defects in electric wiring, upon inspection under subsection (d) hereof, it shall be the duty of the Electrical Inspector to notify the person installing such wiring of such defect and to further notify such person, firm or corporation that such work must be remedied within thirty days from date of notification.

(f) No person installing electric wiring shall fail or refuse to correct any defective wiring reported to him as provided in subsection (e), within thirty days from the date of notification thereof, or within any extension of time granted by the Electrical Inspector to remedy such defects. The penalty will be a fine not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). In addition to this penalty, the City may avail themselves all other remedies provided by law to effect compliance with this article.
(Passed 9-8-81.)

1733.07 RIGHT OF ENTRY.

The Electrical Inspector shall have the right, during reasonable hours, to enter any building in the discharge of his official duties or for the purpose of making any inspection, reinspection or test of the electrical equipment or its installation.
(Passed 9-8-81.)

1733.08 EMERGENCY DISCONNECTION OF ELECTRIC EQUIPMENT.

In cases of emergency where necessary for safety to persons or property or where electrical equipment may interfere with the work of the Fire Department, the Electrical Inspector may cause the immediate disconnection of any electrical equipment.
(Passed 9-8-81.)

1733.09 APPEALS.

Any person aggrieved by any action or decision of the Electrical Inspector under this article may appeal to Council within thirty days from the date of the action or decision in question.
(Passed 9-8-81.)

1733.99 PENALTY.

Any person violating any of the provisions of this article, except as otherwise expressly provided herein, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). Failure or refusal to comply with this article, each and every day the violation continues, shall constitute a separate and distinct offense. However, this penalty shall not be the exclusive remedy of the City, the City reserving all of the remedies provided by law.

(Passed 9-8-81.)

CHAPTER THREE - Local Provisions
Art. 1741. Flood Control.
Art. 1749. Swimming Pools.
Art. 1757. Numbering Structures.

ARTICLE 1741
Flood Control

1741.01	Intent, abrogation and applicability.	1741.05	Criteria for building and site plan approval.
1741.02	Definitions.	1741.06	Specific requirements.
1741.03	Establishment of the Flood Plain Area.	1741.07	Administration.
1741.04	Utilization of the Flood Plain Area.	1741.08	Appeals.
		1741.99	Penalty.

CROSS REFERENCES

Floodplain area management - see W. Va. Code 7-1-3(v)
Flood control projects - see W. Va. Code 8-30-1

1741.01 INTENT, ABROGATION AND APPLICABILITY.

(a) The intent of this article is to:

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

(b) This article supersedes any ordinances currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

(c) No person, partnership, business, or corporation shall undertake or cause to be undertaken, any development or new construction, substantial improvement, the placement or relocation of any structure (including manufactured homes) within the Flood Plain Area, unless a permit has been obtained from the Permit Officer. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Permit Officer prior to any development.
(Passed 4-20-92.)

1741.02 DEFINITIONS.

(a) "Base flood" means the flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this article, the 100 year flood.

(b) "Basement" means any area of the building having its floor **subgrade** (below ground level) on all sides.

(c) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, **grading**, paving, excavation or drilling operations or storage of equipment or materials.

(d) "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this article.

(e) "Expansion to an Existing Manufactured Home Park or Subdivision." The preparation of additional sites by the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(f) "Flood" means a general and temporary inundation of normally dry land areas.

(g) "Flood plain" means:

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation;
- (2) An area **subject** to the unusual and **rapid** accumulation or runoff of surface waters from any source.

(h) "Floodway" means the **channel** of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.

(i) "Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

- (j) "Historic Structure" means any structure that is:
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By approved state program as determined by Secretary of the Interior; or,
 - B. Directly by the Secretary of the Interior in States without approved programs.

(k) "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

(l) "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(m) "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(n) "New construction" means structures for which the start of construction as herein defined commenced on or after the effective date of this article and includes any subsequent improvements to such structures.

(o) "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be a f f i i (including at a minimum, the installation of utilities, the construction of **streets**, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this article.

(p) "100 Year Flood" means a flood that has one chance in 100 or a one percent (1%) chance of being equaled or exceeded in any given year.

(q) "Person" means any individual or group of individuals, corporation, partnership, association, or other entity, including State and local governments and agencies.

(r) "Principally above ground" means where at least fifty-one percent (51%) of the actual cash value of a structure, less land value, is above ground.

(s) "Recreational Vehicle" means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently **towable** by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(t) "Start of construction" means for other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub Law 97-348, includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets **and/or** walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

(u) "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(v) "Substantial damage"^w means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage **occurred**.

(w) "Substantial improvement" means any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the Start of Construction of the improvement. This term includes structures which have incurred "substantial damage", as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
(Passed 4-20-92.)

1741.03 ESTABLISHMENT OF THE FLOOD PLAIN AREA.

(a) **Identification.** The identified flood plain area shall be those areas of the City of Charles Town, which are subject to the 100 year flood, as shown on the **Floodway** map or Flood Insurance Rate Map (FIRM) and described in the Flood Insurance Study (FIS) prepared for the City of Charles Town by the Federal Emergency Management Agency dated June 1979, or the most recent revision thereof.

(b) **Description of Floodplain Areas.** The identified floodplain area shall consist of the following two specific areas:

- (1) The **Floodway** area shall be those areas identified as **such** in the FIS and as shown on the **Floodway** map or FIRM.
- (2) The **Floodway** Fringe area shall be those areas for which specific 100 year flood elevations have been provided in the FIS but which lie beyond the **Floodway** area. These areas are shown on the **Floodway** map or FIRM.

(c) **Changes in Designation of Area.** The delineation of the identified flood plain area may be revised by the City of Charles Town where natural or man-made changes have **occurred and/or** more detailed studies conducted or undertaken by the US. Army Corps of Engineers, a River Basin Commission or other qualified agency or individual document the necessity for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

(d) **Boundary Disputes.** Should a dispute concerning any district boundary arise, an initial determination shall be made by the Permit Officer and any party aggrieved by this decision may appeal to Council. The burden of **proof** shall be on the appellant.

(Passed 4-20-92.)

1741.04 UTILIZATION OF FLOOD PLAIN AREA.

(a) In the Flood Plain Area any development **and/or** use of land may be permitted provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations.

(b) Within any **floodway** area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the Base Flood Elevation.

(c) Whenever a developer intends to alter or relocate a watercourse within the Floodplain Area, the developer shall notify in writing by certified mail all adjacent communities and the State Coordinating office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the City of Charles Town in writing that flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

(Passed 4-20-92.)

1741.05 CRITERIA FOR **BUILDING** AND **SITE** PLAN APPROVAL.

(a) General. Building Permits are required in order to determine whether all new construction or substantial **improvements** are:

- (1) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) Constructed with materials and utility equipment resistant to flood damage.
- (3) Constructed by methods and practices that minimize flood damage.
- (4) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(b) Basic Format. The basic format of the Building Permit shall include the following:

- (1) Name and address of applicant.
- (2) Name and address of owner of land on which proposed construction **is** to occur.
- (3) Name and address of contractor.
- (4) Site location.
- (5) Brief description of proposed work and **estimated cost.**
- (6) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(c) Elevation and **Floodproofing** Information. Depending on the type of structure involved, the following information shall also be included in the application for work within the Flood Plain Area:

- (1) For structures to be elevated to the Base Flood Elevation:
 - A. A plan showing the size of the proposed structure and its relation to the lot where it is to be constructed.
 - B. A determination of elevations of the existing ground, proposed finished ground and lowest floor, certified by a Registered Professional Engineer, Surveyor or Architect.
 - C. Plans showing the method of elevating the proposed structure, includes details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the Permit Officer, these plans shall be prepared by a Registered Professional Engineer or Architect.

- D. Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the Base Flood Elevation at the Building Site.
- (2) For structures to be floodproofed to the Base Flood Elevation (nonresidential structures only):
 - A. Plans showing details of all floodproofing measures, prepared by a Registered Professional Engineer or Architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
 - B. A determination of elevations of existing ground, proposed finished ground, lowest floor, and floodproofing limits; certified by a Registered Professional Engineer, Surveyor, or Architect.
 - C. A certificate prepared by the registered Professional Engineer or Architect who prepared the plans in A. above, that the structure in question, together with attendant utility and sanitary facilities is designed so that:
 - 1. Below the Base Flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
 - 2. The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.

(d) **Site Plan Criteria.** The owner or developer of any proposed subdivision, manufactured home park or subdivision or other development shall submit a site plan to the Permit Office which includes the following information:

- (1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
- (2) A map showing the location of the proposed subdivision and/or development with respect to the Municipality's flood plain areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is the lesser, shall include base flood elevation data.
- (3) Where the subdivision and/or development lies partially or completely in the flood plain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two or five feet depending upon the slope of the land and identify accurately the boundaries of the flood plain areas.

(Passed 4-20-92.)

1741.06 SPECIFIC REQUIREMENTS.

In order to prevent excessive damage to buildings, structures and related utilities and facilities, the following restrictions apply to all development, subdivision proposals, manufactured home parks, new construction and to construction of substantial improvements to existing structures occurring in the Flood Plain Area.

(a) Basements and Lowest Floors.

- (1) All new construction and substantial improvements of residential structures must have the lowest **floor** (including basement) elevated to or above the Base Flood Elevation.
- (2) All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated to or above the Base Flood Elevation; or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Elevation the structure is floodproofed in accordance with Section 1141.05(c)(2).
- (3) For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to **flooding** shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - B. The bottom of all openings shall be no higher than one **foot** above grade.
 - C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) Manufactured Home Placement.

- (1) Manufactured homes to be placed or substantially improved within any floodplain area on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision or in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage", as defined herein, as the result of a flood shall:
 - A. Be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the Base Flood Elevation and,
 - B. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (2) Manufactured homes to be placed or substantially improved within any flood plain area in an existing manufactured home park or subdivision and not subject to the provisions of the paragraph above shall be elevated so that either:
- A. The lowest floor of the manufactured home is at or above the Base Flood Elevation, or
 - B. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation **system** to resist flotation, collapse and lateral movement.
- (c) Recreational Vehicle Placement. Recreational vehicles to be placed within any floodplain area shall either: be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet the provisions of subsection (b)(1). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanently attached additions.
- (d) Fill. If fill is used to raise the finished surface of the lowest floor to the Base Flood Elevation:
- (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally fifteen feet beyond the building line, shall be provided to a minimum of twenty-five percent (25%) of the perimeter of a non-residential structure.
 - (2) Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.
 - (3) Fill materials shall be compacted to provide the necessary stability and resistance to erosion, **scouring**, or settling.
 - (4) Fill slopes shall be no steeper than one vertical on two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Permit Officer.
 - (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
- (f) Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
 - (2) All air ducts, large pipes and storage tanks located at or below the Base Flood elevation shall be firmly anchored to resist flotation.

- (3) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to the over-the-top and frame ties to ground anchors such as the following:
- A. Over-the-top ties shall be provided at each of the four comers of the manufactured home, with two additional ties per side for manufactured homes less than fifty feet long.
 - B. Frame ties shall be provided at each comer of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side.
 - C. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - D. Any additions to a manufactured home shall be similarly anchored.

This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

- (g) **Storage.** No materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be stored below Base Flood Elevation.
- (h) **Utility and Facility Reuirements.**
- (1) All new or replacement water systems whether public or private, shall be designed to minimize or eliminate infiltration of flood waters into the systems.
 - (2) All new or replacement sanitary disposal systems, whether public or private, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (3) All other new or replacement public **and/or** private utilities and facilities shall be located and constructed to minimize or eliminate flood damage.
 - (4) **Onsite** waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (i) **Drainage.** Adequate drainage shall be provided to reduce exposure to flood hazard.
(Passed 4-20-92.)

1741.07 ADMINISTRATION.

(a) **Buildine Permits and Site Plan Approvals Reauired.** No person, partnership, business, or corporation shall undertake or cause to be undertaken, any development or the new construction, substantial improvement, the placement or relocation of any structure (including manufactured homes) with the Flood Plain Area, unless a permit has been obtained from the Permit Officer. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Permit Officer prior to any development.

(b) **Approval of Permits and Plans.**

- (1) All **permits** and **plans** shall be **approved only** after its has been **determined** that the proposed **work** to be **undertaken** will be in conformance with the requirements of the State and all other applicable codes and ordinances.

- (2) The Permit Officer shall require copies of all necessary permits from those governmental agencies from which approval is required by Federal State Law.
- (3) A record of all information supplied to the Permit Officer shall be kept on file by the City of Charles Town.

(c) **Application Procedures.** Application for building permit and site plan approvals shall be made, in writing, to the Permit Officer, and shall include all information stipulated under Section 1741.05.

(d) **Changes.** After the issuance of a building permit or site plan approval by the Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Permit Officer.

(e) **Placards.** In addition to the building permit, the Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Permit Officer.

(f) **Start of Construction.** Work on the proposed construction shall begin within six months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Permit Officer.

(g) **Inspection and Revocation.** During the construction period, the Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event the Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the Permit Officer shall revoke the building permit and report such fact to the City of Charles Town for whatever action it considers necessary.

(h) **Fees.** Application for a building permit shall be accompanied by a fee, payable to the City of Charles Town, based upon the estimated cost of the proposed construction as determined by the Permit Officer at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$100.00	No fee
\$101.00 to \$2,000.00	\$5.00 per thousand or fraction thereof.
\$2,001.00 to \$15,000.00	\$10.00 for the first \$2,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$15,000.00.
\$15,001.00 to \$50,000.00	\$49.00 for the first \$15,000.00 plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000.00

<u>Estimated Cost (Cont.)</u>	<u>Fee (Cont.)</u>
\$50,001.00 to \$100,000.00	\$136.50 for the first \$50,000.00 plus \$2.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$236.50 for the first \$100,000.00 plus \$1.25 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$736.50 for the first \$500,000.00 plus \$.75 for each additional thousand or fraction thereof.

(Passed 4-20-92.)

1741.08 APPEALS.

(a) **Appeals.** Whenever any person is aggrieved by a decision of the Permit Officer with respect to the provisions of this article, it is the right of that person to appeal to the City of Charles Town Council which shall be known as the Appeals Authority. Such appeal must be filed, in writing, within thirty days after the determination by the Permit Officer. Upon receipt of such appeal, the Appeals Authority shall set a time and place not less than ten nor more than thirty days for the purpose of hearing the appeal. Notice of the time and place of the hearing shall be given to all parties at which time they may appear and be heard. The determination by the Appeals Authority shall be final in all cases.

(b) **Appeal Review Criteria.** All Appeals contesting only the permit fee established by the Permit Officer may be handled at the discretion of the Appeals Authority. All decisions on appeals to all other provisions of this article shall adhere to the following criteria:

- (1) Affirmative decisions shall only be issued by the Appeals Authority upon a showing of good and sufficient cause, a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (2) An affirmative decision shall be issued only upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.
- (3) An affirmative decision may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) The Appeals Authority shall notify the applicant in writing over the signature of a community official that the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance, such construction below the Base Flood Elevation increases risk to life and property. Such notifications shall be maintained with a record of all decisions as required in paragraph (5) of the section; and

- (5) The Appeals Authority shall maintain a record of all decisions including justification for their issuance, and report such decisions issued in its biennial report submitted to the Federal Insurance Administration.
- (6) An affirmative decision shall not be **granted** for any construction, development, use or activity within any **floodway** area that would cause any increase in the Base Flood Elevation.
(Passed 4-20-92.)

1741.99 PENALTY.

Any person who fails to comply with any or all of the requirements or provisions of this article or direction of the Permit Officer or any other authorized employee of the community shall be guilty of an offense and, upon conviction, shall pay a fine to the City of Charles Town of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) plus cost of prosecution. In default of such payment such person shall be imprisoned in county prison for a period not to exceed ten days. Each day during which any violation of this article continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or non-compliance with, this article shall not excuse the violation or non-compliance with this article or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the City of Charles Town to be a public nuisance and abatable as such.
(Passed 4-20-92.)

ARTICLE 1749
Swimming Pools

1749.01 Definitions.
1749.02 Fence **required.**

1749.99 Penalty.

1749.01 DEFINITIONS.

The following words and phrases when used in this article shall have the following respective meanings:

- (a) "Owner" includes individuals, firms, partnerships, associations, corporations and combinations thereof, of whatever form or character which have a fee simple interest or controls or leases real estate within the City of Charles Town.
- (b) "Swimming Pool" means any man-made container or tank which is used for the purpose of trapping or containing water and used for the purposes commonly associated with swimming having a maximum depth capacity of over five inches of water.
- (c) "Fence" means a barrier to prevent intrusion, being at least five feet in height and being constructed of wood, brick, metal, chain-link, fiber glass or similar materials which will prevent persons or animals from crawling or going under or through.
- (d) "Gate" means a door which occupies an opening in the fence for purposes of ingress and egress.
(Passed 8-5-74.)

1749.02 FENCE REQUIRED.

(a) There is hereby ordained upon each and every owner of a swimming pool within the City limits, the requirement that they erect and maintain a fence around their swimming pool or pools and that a gate or gates may be placed in this fence, but each gate shall be capable of being latched or secured; and each gate shall be so secured or latched at all times except for ingress and egress by users of the swimming pool.

(b) For the purposes of swimming pools being constructed, the aforementioned fence shall be completed prior to the introduction of water into the tank or container.
(Passed 8-5-74.)

1749.99 PENALTY.

Any owner, of a swimming pool, who fails or refuses to comply with this article or any parts thereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). The failure or refusal to comply with this article each and every day shall constitute a separate and distinct offense.
(Passed 8-5-74.)

ARTICLE 1757
Numbering Structures

1757.01 Numbering required.

1757.02 Plan of numbering.

1757.01 NUMBERING REQUIRED.

All buildings fronting on the streets of the City shall be plainly and distinctly numbered by the owner, or by the agent having the same in charge, by Arabic numerals at least three inches (76mm) high and ½ inch (13mm) stroke, in accordance with the BOCA National Property Maintenance Code, 1993. (Passed 6-3-96.)

1757.02 PLAN OF NUMBERING.

(a) The axial basis of the numbering of buildings as required by Section 1757.01 shall be Washington Street, the east and west axes, and George Street, the north and south axes. The portion of George Street and other streets crossing Washington Street and lying north thereof, shall be designated by the prefix "North" and other streets crossing Washington Street and lying south thereof, shall be designated by the prefix "South", and like manner, streets crossing George Street, shall be designated East or West, as applicable. For streets crossing Washington Street, the building numbers in the block immediately north of Washington Street shall be of the one hundred series, the next block of the two hundred series, and so on. The buildings on the west side of the streets shall be given even numbers and those on the east side shall be given odd numbers, as hereinafter provided for. Similar numbering shall be given buildings and streets crossing Washington Street and south thereof, those in the block immediately south of Washington Street, being the one hundred series, those of the next block of the two hundred series, and so on. Similarly, blocks of streets crossing George Street, shall be numbered in the one hundred series for the blocks immediately east or west of George Street, and the two hundred series for the next block, and so on. Buildings on the north side shall be given even numbers, and those on the south side shall be given odd numbers. The numbering of streets not crossing either of the axis, shall be as follows:

(b) Such streets shall be designated by a suffix, North, South, East or West, as is indicated by the general direction of the street from that intersection, which is the nearer to a major axis. and being numbered in the first block in the one hundred series, in accordance with the above. Certain existing streets not crossing either axis and not readily classified as to direction are listed below, and the numbering system designated for each.

<u>Street</u>	<u>Suffix</u>	<u>Begins at intersection with</u>
Augustine Avenue	South	South West Street
Blakeley Place	West	South George Street
Creamery Road	South	Augustine Avenue, south
Eagle Avenue	West	West North Street
Harewood Avenue	West	West Washington Street
Mordington Avenue	South	South West Street
Weirick Street	South	South West Street

(c) Numbers will be affixed in the various blocks on a basis of twenty-five feet spacings; thus a building in the block of one hundred series, whose entrance is twenty-five feet from the corner nearer the axis will be numbered one hundred, if on the side previously designated as even numbered, or one hundred one, if on the odd numbered side. Number of buildings shall increase by two for each twenty-five foot space, fractional spaces of less than twelve and one-half feet being disregarded, and such spaces of twelve and one-half feet or more being considered a full space. Similar numbering will be carried out in block of other series. If more doors or entrances are found on fifty foot lots than two, those in excess of the stated number shall be designated by adding an alphabetical suffix to the number preceding it, it being the intention to assign one number to every twenty-five feet on such street. Numbers shall be applied or affixed to the building or erected on the property so as to be readily legible from the street.