

# **BUILDING PERMIT ORDINANCE**

AN ORDINANCE ESTABLISHING THE REQUIREMENT FOR A BUILDING PERMIT FOR ALL UNINCORPORATED AREAS OF UPSHUR COUNTY AND REQUIRING THAT ALL PERSONS, PARTNERSHIPS, BUSINESS AND CORPORATION OBTAIN A PERMIT FOR ANY AND ALL SITE PREPARATION, DEVELOPMENT, RENOVATIONS, IMPROVEMENTS, CONSTRUCTION OR RELOCATION OF ANY BUILDING OR STRUCTURE, INCLUDING MANUFACTURED HOUSING UNITS, AND SET FORTH ADMINISTRATIVE PROCEDURES AND ESTABLISH PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISION OF THIS ORDINANCE. ALL ACTIVITIES WITHIN THE IDENTIFIED FLOODPLAIN MUST COMPLY WITH THE UPSHUR COUNTY FLOODPLAIN ORDINANCE.

BE IT ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF UPSHUR COUNTY, WEST VIRGINIA, AS FOLLOWS:

## **ARTICLE I - GENERAL PROVISIONS**

### **Section 1.1 Intent**

The intent of this ordinance is to:

- A. Promote the general welfare and safety of the community
- B. Require a building permit for all unincorporated areas of Upshur County (Permit must be obtained before start of project)
- C. Provide updated tax assessment information to the appropriate office(s) of Upshur County to assist in fair and equitable taxation

### **Section 1.2 Abrogation and Greater Restrictions**

This ordinance supersedes any ordinance(s) currently in effect that provide for the assessment of a fee for a building permit for any site preparation, development, renovations, improvements, construction or relocation of a building or structure.

### **Section 1.3 Applicability**

It shall be unlawful for any person, partnership, business, or corporation to undertake or cause to be undertaken any site preparation, development, renovations, improvements, construction or relocation of a building or structure (including manufactured housing) within the unincorporated areas of Upshur County unless a building permit has been obtained from the Permit Officer.

Provisions of all other local, state and/or federal codes, ordinances and regulations shall be applicable for any project approved by the issuance of a building permit by the Permit Officer. It shall be the sole responsibility of the property owner to comply with such.

## ARTICLE II - DEFINITIONS

### Appeals Authority

The County Commission of Upshur County, West Virginia

### County

All lands situated within the boundaries of Upshur County and not included within the corporate limits of the City of Buckhannon.

### Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, site preparation, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

### Improvement

Any addition or change to the interior or exterior of a building or structure that provides for an additional area to be utilized and/or increases the value of the building or structure. For the purpose of this ordinance, a building permit is required for any site preparation, development, renovations, improvements, construction or relocation of a building or structure (including manufactured housing) within the unincorporated areas of Upshur County. The building permit fee will be waived (permit is still required) for any activity that has a completed construction cost (value of materials and value of labor) of less than two hundred and fifty dollars (\$250).

### Manufactured Housing

A structure, transportable in one or more sections, which may be built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

### Permit Officer

Employee or representative deemed qualified and so appointed to the position by the Upshur County Commission.

### Person

Any individual or group of individuals, property owner or group of property owners, corporation, partnership, association or other entity, including federal, state and local governments and agencies.

### Renovation

Restoration and/or improvements to the interior or exterior of any building or structure. For the purpose of this ordinance, a building permit is required for any site preparation, development, renovations, improvements, construction or relocation of a building or structure (including manufactured housing) within the unincorporated areas of Upshur County. The building permit fee will be waived (permit is still required) for any activity that has a completed construction cost (value of materials and value of labor) of less than two hundred and fifty dollars (\$250).

### Structure

A walled and roofed building used for residential or non-residential purposes. For the purpose of this ordinance, a building permit is required for any site preparation, development, renovations, improvements, construction or relocation of a building or structure (including manufactured housing) within the unincorporated areas of Upshur County. The building permit fee will be waived (permit is still required) for any activity that has a completed construction cost (value of materials and value of labor) of less than two hundred and fifty dollars (\$250).

## ARTICLE III - ADMINISTRATIVE PROCEDURES

### Section 3.1 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 project is to occur
3. Name and address of contractor
4. Copy of the following:
  - a. Appropriate contractor's license
  - b. Proof of workers' compensation coverage
  - c. Certificate of insurance coverage
5. Site location
6. Brief description of proposed project and estimated cost
7. A plan of the site showing size and location of the proposed project as well as any existing buildings or structures.

### Section 3.2 Issuance of Permits

Permits shall be issued only after it has been determined that the proposed project to be undertaken will be in conformance with the requirements of this ordinance. The Permit Officer shall require copies of all necessary permits from those governmental agencies from which approval is required by federal, state and/or local code, ordinance or regulation. It is the sole responsibility of the property owner to comply with any and all local, state or federal requirements. Due to regulations and/or requirements of the Federal Aviation Administration (Section 77.13 of FAR Part 77, Subpart C, etc...), the County Commission of Upshur County, West Virginia has designated a height limitation area for the navigable airspace surrounding the Upshur County Regional Airport. If a structure, tower and/or object exceed the height as outlined by the regulations or requirements of the Federal Aviation Administration, an aeronautical study must be completed by the Federal Aviation Administration to determine the effect on the navigable airspace. If the study concludes a substantial adverse effect upon the safe and efficient utilization of such airspace, the County Commission of Upshur County, West Virginia may decline to issue the permit based upon the hazards to air navigation and thus protect the community's investment in the airport. A record of all information supplied to the Permit Officer shall be kept on file by The County Commission of Upshur County, West Virginia.

### Section 3.3 Changes

After issuance of a building permit, no changes of any kind shall be made to the application, permit or other documents submitted with the application without the written consent or approval of the Permit Officer.

### Section 3.4 Placards

The building permit / placard 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 issuance and be signed by the Permit Officer.

### Section 3.5 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 applicable laws and ordinances. In the event the Permit Officer or other authorized official discovers that the work does not comply with the permit application or any applicable laws or 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 County Commission of Upshur County, West Virginia, for whatever action it considers necessary.

Any construction, improvement and/or renovation covered by the permit must begin within a six (6) month period beginning from the date of issuance. Time extensions must be requested in writing for consideration and approval by the Permit Officer. If the Permit Officer determines that the delay does not warrant a time extension, a new permit must be purchased by the applicant.

### Section 3.6 Fees

Application for a building permit shall be accompanied by cash, check or money order in the amount of fifteen dollars (\$15.00) payable to: The County Commission of Upshur County. The building permit fee will be waived (permit is still required) for any activity that has a completed construction cost (value of materials and value of labor) of less than two hundred and fifty dollars (\$250).

## ARTICLE IV - APPEALS AND PENALTIES

### Section 4.1 Appeals

Whenever any person is aggrieved by a decision of the Permit Officer with respect to the provision of this ordinance, it is the right of that person to appeal to The County Commission of Upshur County, West Virginia, which shall be known as the Appeals Authority. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Permit Officer. Upon receipt of such appeal, the Appeals Authority shall set a time [not less than ten (10) days nor more than thirty (30) days] and place 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 unless reversed, changed or modified by a federal or state court of appropriate jurisdiction.

### Section 4.2 Penalties

Any person and contractor who fails to comply with any or all of the requirements or provisions of this ordinance shall be guilty of an offense and, upon conviction, shall pay a fine to The County Commission of Upshur County, West Virginia, of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) plus the cost of prosecution. In default of such payment, such person shall be imprisoned in any designated county or regional correctional facility for a period not to exceed ten (10) days. Each day during which any violation of this ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for proper enforcement of this ordinance. The imposition of a fine or penalty for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance with this ordinance or permit it to continue and all such persons shall be required to correct or remedy such violation or non-compliance in a reasonable time. Any site preparation, development, structure constructed, reconstructed, enlarged, altered, or relocated in non-compliance with this ordinance may be declared by The County Commission of Upshur County, West Virginia, to be a public nuisance and abatable as such.

## ARTICLE V - SEVERABILITY AND LIABILITY

### Section 5.1 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and for this purpose the provisions of this ordinance are hereby declared to be severable.

### Section 5.2 Liability

The granting of a building permit shall not constitute a representation, guarantee or warranty of any kind by The County Commission of Upshur County, West Virginia, or by any official, employee or agent thereof of the practicability or safety of the proposed use and shall create no liability upon The County Commission of Upshur County, West Virginia, any official, employee or agent thereof.

(ENACTMENT AND SIGNATURE PAGE TO FOLLOW)

ARTICLE VI - ENACTMENT

Passed on FIRST READING this the 30<sup>th</sup> day of July, 1998.

Passed on SECOND AND FINAL READING this the 13<sup>th</sup> day of August, 1998. Effective date will be thirty (30) days from passage on second reading.

Amended (Section 3.2 - Airspace Restrictions) this the 7<sup>th</sup> day of October, 1999. Amendment will be effective from passage. Signatures below indicate approval of this ordinance as amended on the specified date.

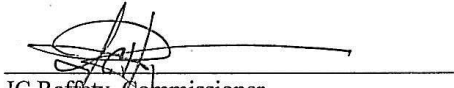
Amended (Building Permit Ordinance Introduction Purpose, Section 1.2 - Abrogation and Greater Restrictions, Section 1.3 - Applicability, Article II Definitions, Section 3.6 - Fees, Section 4.2 - Penalties) Amendments will be effective July 1, 2012. Signatures below indicate approval of this ordinance as amendment date. First Reading – Approved on June 14, 2012; Second Reading – Approved on June 21, 2012; Final Reading and Adoption – June 28, 2012



Donnie R. Tenney, President  
The County Commission of Upshur County, West Virginia

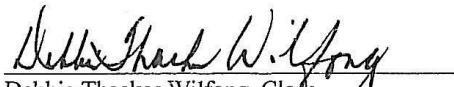


Creed G. Pletcher, Commissioner  
The County Commission of Upshur County, West Virginia



JC Raffety, Commissioner  
The County Commission of Upshur County, West Virginia

ATTEST:



Debbie Thacker Wilfong, Clerk  
The County Commission of Upshur County, West Virginia