

**ADOPTED**

**JAN 4 1988**

ORDINANCE NO. 81A-4

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE OF THE COUNTY OF JAMES CITY, VIRGINIA, PROVIDING FOR THE REPEAL OF SECTION 4-1 THROUGH SECTION 4-86 OF CHAPTER 4, BUILDING REGULATIONS, BY REPEALING AND REPLACING SAID SECTIONS WITH NEW SECTIONS 4-1 THROUGH 4-38.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Section 4-1 through Section 4-86 are hereby repealed and replaced by enacting and reordaining new Section 4-1. Purpose of article, Section 4-2. Conflict of this article with other articles and ordinances, Section 4-3. Adoption; amendments, Section 4-4. When and where copies may be obtained, Section 4-8. Generally, Section 4-9. Refunds, Section 4-10. Exemptions, Section 4-13. Limitation on authority to connect building to supply of electricity or gas, Section 4-14. Authority to disconnect electricity or gas supply, Section 4-15. Duty of public utility to disconnect premises on order, Section 4-16. Refusal of building permit when building cannot be served by public sewer or approved sewage disposal system, Section 4-21. Establishment, Section 4-22. Appointment, Section 4-23. Jurisdiction, Section 4-26. Board established, Section 4-27. Term of office, Section 4-28. Jurisdiction, Section 4-29. Procedure; duties, Section 4-30. Certification fees, Section 4-31. Noncertified tradesmen generally, Section 4-32.

Suspension; revocation of certification, Section 4-33. Registration of contractors performing work within the County, Section 4-36. Provisions governing prosecution; authority of building official or other special police officers, Section 4-37. Generally, and Section 4-38. Authority of county attorney as to abatement.

BE IT FURTHER ORDAINED that Municipal Code Corporation is hereby authorized to assign such chapter, article and section numbers, and to insert the provisions hereof at such location in the James City County Code as shall be deemed appropriate and editorially advisable.

#### Chapter 4. Building Regulations

##### Article I. Virginia Uniform Statewide Building Code

##### Division 1. Generally

###### Section 4-1. Purpose of article.

The purpose of this article is to preserve and secure the health, safety and general welfare of the citizens of the county, and for those who are domiciled elsewhere but visit or are employed in the county, by assuring proper construction, alteration, addition, repair, removal, demolition, location, use and occupancy, and maintenance of all buildings and structures and their service equipment within the county.

###### Section 4-2. Conflict of this article with other articles and ordinances.

Any ordinance or article of the Code of the County of James City, or any parts thereof, which are inconsistent with or are in conflict with the provisions herein contained are hereby repealed. This in no way, however, supersedes or nullifies any of the provisions of Chapter 20, Zoning, except as that chapter pertains to the elements set forth in section 4-1 above.

###### Section 4-3. Adoption; amendments.

There is hereby adopted by reference in the county that certain code known as the Virginia Uniform Statewide Building Code and all Virginia Administrative Amendments--Accumulative Supplements thereto in being as of the

effective date set forth below or subsequently issued, and the whole thereof and the same is hereby incorporated herein as fully as if set out in length. The effective date of the provisions of such code is September 9, 1974, and shall control all matters set forth in section 4-1 above, and all other functions which pertain to the installation of systems vital to all buildings and structures and their service equipment as defined by such code, and shall apply to all existing and proposed structures in the county; prior to the enactment of this code, all matters set forth in section 4-1 above were governed by the provisions of the Southern Building Code and amendments thereto. Certain sections and subsections of the Uniform Statewide Building Code are amended as follows:

(1) BOCA Basic Building Code.

- (a) Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" shall be found, the words "County of James City" shall be substituted therefor.
- (b) Wherever the parenthetical phrase "date of adoption of this code" shall be found, the word and numbers "September 1, 1974" shall be substituted therefor.
- (c) The words and numbers "10 feet" shall be inserted in the second line of Section 1807.2.1 and in the second line of Section 1807.2.2 on page 339 of the BOCA Basic Building Code.
- (d) The dollar amounts of one hundred thousand (\$100,000.00), two hundred thousand (\$200,000.00) and twenty-five thousand (\$25,000.00) shall be inserted in the fourth, fifth and sixth lines, respectively, of Section 1906.1 on page 350 of the BOCA Basic Building Code.

(2) BOCA Basic Plumbing Code.

- (a) Wherever the parenthetical phrase "date of adoption of this code" appears, substitute the word and numbers "September 1, 1974."
- (b) Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" shall appear, substitute the words "County of James City."
- (c) The words and numbers "1 foot and 18 inches" shall be inserted in the second and third lines of Section P-308.3 on page 31 of the BOCA Basic Plumbing Code.
- (d) The words "the distance as required by the James City Service Authority Regulations Governing Utility Service" shall be inserted in the third line of Section P-303.2 on page 30 of the BOCA Basic Plumbing Code.

(3) BOCA Basic Mechanical Code.

(a) The date of adoption of this code is September 1, 1974.

(b) Wherever the parenthetical phrases "name and municipality" or "name of jurisdiction" shall appear, substitute the words "County of James City."

(4) National Electrical Code.

(a) Wherever reference is made to governmental bodies or area jurisdiction the words "County of James City" shall be deemed to apply.

(b) Wherever the terms "authority having jurisdiction" or "competent authority" or terms similar in nature are used, it shall be deemed to mean the "building official or a representative he may designate." Such representative shall normally be the electrical inspector or chief electrical inspector.

(5) One- and Two-Family Dwelling Code.

(a) Table No. R-202 in Section R-202.2 of that code is amended by adding the following underlined words and numbers under each of the columnar headings as follows:

Roof live load, pounds per square feet	<u>20</u>
Roof snow load, pounds per square feet	<u>20</u>
Wind pressure in pounds per square feet	<u>25</u>
Seismic condition by zone	<u>4</u>
Subject to damage from:	
Weathering	<u>Yes, 12 inches</u>
Frost line depth	<u>Yes, 12 inches</u>
Termite	<u>Yes</u>
Decay	<u>Yes</u>

(6) Requirement to use Virginia Administrative Amendments-Accumulative Supplements.

It is mandatory that the codes referenced in subsection (1) through (5) above be compared with and updated by the Virginia Administrative Amendments-Accumulative Supplements prior to final interpretation of any of the provisions of those codes.

Section 4-4. When and where copies may be obtained.

Copies of the Virginia Uniform Statewide Building Code are available to members of the public in the office of the Board of Housing and Community Development in accordance with Section 36-104, Code of Virginia, 1950, as amended. Copies of the publications adopted herein shall be offered for public inspection and review when available at the office of code compliance during regular business hours.

Division 2. Permit and Inspection Fees

Section 4-8. Generally.

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code, as follows:

(1) Building Permits:

(a) The minimum fee for any building permit shall be ten dollars (\$10.00).

(b) For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be as follows:

Total Square Footage:

0 - 40,000 square feet, per square foot ..... \$0.06

40,001 or more square feet, \$2,400.00, plus \$0.05  
per square foot in excess of 40,000 square feet

(c) For the construction of a garage, barn, pole shed, or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be five cents (\$0.05) per square foot of the exterior dimensions of the building.

(d) For the alteration or repair of any building or structure, or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one (1) per cent of the current value of all service, labor and materials.

- (e) For the demolition or razing of any building or structure having a floor area greater than two hundred (200) square feet the fee shall be ten dollars (\$10.00). No fee shall be charged for a permit to raze a building with a floor area of two hundred (200) square feet or less.
- (f) For the erection, placement or removal of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land, the fee shall be at the rate of five cents (\$0.05) per square foot of the gross floor area.
- (g) For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one (1) per cent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be ten dollars (\$10.00).

A BUILDING PERMIT FEE SHALL BE DOUBLE FOR ANY CONSTRUCTION THAT HAS COMMENCED BEFORE A PERMIT IS OBTAINED.

(2) Plumbing Permits:

- (a) The minimum fee for any plumbing permit shall be ten dollars (\$10.00).
- (b) For the installation of each plumbing fixture or appliance, the fee shall be four dollars (\$4.00).
- (c) For the installation of the water distribution system in each building, the fee shall be four dollars (\$4.00).
- (d) For the connection of any building drain to a public or private sanitary sewage disposal system, the fee shall be four dollars (\$4.00).
- (e) For each sewer (sanitary or storm), manhole (sanitary or storm), roof drain, or other similar device, the fee shall be four dollars (\$4.00).

(3) Electrical Permits:

- (a) The minimum fee for any electrical permit shall be ten dollars (\$10.00).
- (b) For the installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:

	Single Phase	Three Phase
0 - 60 amps	\$20.00	\$25.00
61 - 100 amps	25.00	30.00
101 - 150 amps	30.00	35.00
151 - 200 amps	35.00	40.00
Over 200 amps, plus \$10.00 for each additional 50 amps or fraction thereof over 200 amps	35.00	40.00

(c) For the installation of a temporary service, or the reconnection of a mobile home, the fee shall be ten dollars (\$10.00).

(d) For increasing the size of the electrical service to any building structure, or mobile home, the fee shall be twenty dollars (\$20.00) for service up to and including two hundred (200) amperes; or twenty dollars (\$20.00) plus ten dollars (\$10.00) for each fifty (50) amperes or fraction thereof over two hundred (200) amperes. For relocation of any existing service for which the size is not increased, the fee shall be ten dollars (\$10.00). No additional fee shall be charged for outlets when the size of the service is increased.

(e) For the addition to any existing electrical installation, the fee shall be based on the number of outlets to be installed at the following rates:

1 - 100 outlets .....	\$10.00
Over 100 outlets, plus \$0.10 for each outlet over 100.....	10.00

(4) Mechanical and Gas Permits:

(a) The minimum fee for any mechanical or gas permit shall be ten dollars (\$10.00).

(b) Basic permit fee:

(1) First \$1,000.00 value .....	\$20.00
(2) Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof .....	20.00

(c) For the replacement, repair, or alteration of mechanical systems or equipment in existing buildings, structures, or additions thereto:

(1) First \$1,000.00 value .....	\$10.00
(2) Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof .....	10.00

EXCEPTIONS: Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required.

- (d) Fuel piping permit fee: 0.005 x \$1,000.00 of valuation or fraction thereof. Note: Fee applies when permit is issued for fuel piping work only.
- (e) L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit fee (total water capacity in gallons):
  - 0 - 500 ..... \$15.00
  - 501 - 2,000 ..... 20.00
  - Over 2,000, plus \$1.00 per 10,000 gallons ..... 20.00
- (f) Tanks and associated piping for flammable liquids permit fee (capacity in gallons):
  - 0 - 10,000 ..... \$15.00
  - 10,001 - 20,000 ..... 20.00
  - 20,001 - 50,000 ..... 25.00
  - Over 50,000, plus \$5.00 per 25,000 gallons or fraction thereof ..... 25.00
- (g) For the removal of storage tanks, the minimum fee shall be ten dollars (\$10.00).
- (h) For fire suppression systems, the permit fee shall be (includes standpipes):
  - (1) New construction: Same as basic fee in subsection (b)(1) above.
  - (2) All others: Same as basic fee in subsection (b)(1) above.
- (i) Elevators, dumbwaiters, moving stairways, moving walks, manlifts on special hoisting and conveying equipment permit fee:
  - (1) New construction: Same as basic fee in subsection (b)(1) above.
  - (2) All others: Same as basic fee in subsection (b)(1) above.
- (j) Permit reissuance fee: Permits becoming invalid, as specified by the Code, may be reissued up to a period of five (5) years and charged a fee of ten dollars (\$10.00) for each six-month period.



(5) Elevator Inspections:

- (a) The fee for a semiannual elevator inspection shall be thirty-five dollars (\$35.00).
- (b) Reinspection: When an inspector is required to make a reinspection of an elevator for the convenience of the owner of the elevator or because the elevator fails to pass the inspection, there shall be a twenty-five dollar (\$25.00) reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

(6) Plan Review Fee:

- (a) The fee for the review of building plans shall be ten dollars (\$10.00) for each one thousand square feet of floor space, or part thereof, reviewed. Such review fee shall be paid at the office of building inspections prior to the plan review, or at the discretion of the Building Official, at the time of permit issuance.
- (b) Revised plans: There shall be no fee for the review of revised building plans unless such plans are substantially different than the original plans and necessitate the issuance of additional review comments. Such revised plans shall be subject to an additional fee equal to the fee provided for in subsection (a) above.

(7) Certificate of Occupancy Inspection:

- (a) The fee for an inspection for a certificate of occupancy shall be twenty dollars (\$20.00).
- (b) No certificate of occupancy shall be issued until all inspection fees have been paid.

(8) Mobile Home Installation Fee:

- (a) The fee for the inspection of the installation of a mobile home shall be forty dollars (\$40.00).
- (b) The fee for the inspection of the mobile home installation shall supersede any fee otherwise required for the inspection for an electrical or plumbing permit for that mobile home.

- (9) Reinspection: When any building, electrical, mechanical or plumbing inspector is required to make a reinspection of work or a mobile home for the convenience of the contractor, subcontractor, or mobile home owner because of incomplete, inadequate, or improper work or installation, or because the inspector could not obtain reasonable access to the work or mobile home to be inspected, there shall be a fifteen dollar (\$15.00) reinspection

fee for each reinspection, except as otherwise provided herein. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

Section 4-9. Refunds.

No fee paid for any permit covered under Section 4-8 of this Code shall be refunded unless the permit application is denied and a permit is not issued or if the permit is issued in error. If a permit is revoked, abandoned, or the project for which the permit is obtained is discontinued, a portion of the permit fee may be refunded after deducting ten dollars (\$10.00) for administrative costs plus fifteen dollars (\$15.00) for each normal inspection that has been made. No permit fee, the value of which is ten dollars (\$10.00) or less shall be refunded.

Section 4-10. Exemptions.

Where the owner of any premises is the United States of America, the commonwealth, the county or instrumentalities thereof, the payment of any permit fee established in Section 4-8 is hereby waived.

Article II. Supplemental Regulations

Section 4-13. Limitation on authority to connect building to supply of electricity or gas.

It shall be unlawful for any public utility company providing service in the county to furnish electricity or gas to make or permit to be made any connections with its electric or gas supply lines to any building, unless such electrical or gas piping installation in such building has been inspected and a certificate of inspection has been issued.

Section 4-14. Authority to disconnect electricity or gas supply.

- (a) In case of fire, natural disaster or other emergency the building official or his authorized representative, or any officer of the police department or fire department shall have the authority to order a public utility company to disconnect its electric or gas supply lines to any building or premises.
- (b) If any existing electrical wiring or equipment in or upon any building or premises in the county is found hazardous, defective or unsafe by any electrical inspector he shall give a written notice to the property owner enumerating the deficiencies and stating the time allowed to correct the electrical system. If upon reinspection at the end of the stated time period the electrical system has not been corrected, the electrical inspector shall order the electrical service to be disconnected under the authority contained in this section. Such order shall not bar any

prosecution for failing to comply with a lawful order to correct the electrical system. Should the electrical service be disconnected pursuant to this section, the owner shall have such electrical system inspected by the building official or his designee prior to the power being reconnected.

- (c) If any existing consumer's gas piping or gas burning equipment in or upon any building or premises in the county is found hazardous, defective, or unsafe by any mechanical inspector he shall give a written notice to the property owner enumerating the deficiencies and stating the time allowed to correct the gas system. If upon reinspection at the end of the stated time period the gas system has not been corrected, the mechanical inspector shall order the gas service to be disconnected under the authority contained in this section. Such order shall not bar any prosecution for failing to comply with a lawful order to correct the gas system. Should the gas service be disconnected pursuant to this section, the owner shall have such gas system inspected by the building official or his designee prior to the gas service being reconnected.

Section 4-15. Duty of public utility to disconnect premises on order.

It shall be the duty of the public utility company providing service in the county to disconnect any building or premises from its electrical or gas supply lines upon an order issued under the provisions of section 4-14 of this chapter. It shall be the further duty of such company to have a competent employee on duty at all times who shall promptly proceed to disconnect electrical or gas services upon issuance of such order.

Section 4-16. Refusal of building permit when building cannot be served by public sewer or approved sewage disposal system.

No building permit shall be issued by the building official for a proposed or existing building on any property within the county where the building is required to connect to a public sewer system by the James City Service Authority and such a connection is not provided or where the building is not required to connect to a public sewer system and is not served by a sewage disposal system approved by the Virginia Department of Health.

Article III. Board of Appeals

Section 4-21. Establishment.

There is hereby established a board of appeals as provided for in section 118.0 of the Virginia Uniform Statewide Building Code adopted in article I of this chapter.

Section 4-22. Appointment.

Members appointed to the building board of appeals in office prior to July 1, 1987, shall remain in office with the board of appeals until his term of office shall expire. Subsequent appointments and reappointments shall be made under the provisions of section 118.0 of the Virginia Uniform Statewide Building Code with respect to term of office and qualifications of members; provided, that no member shall be appointed for more than two consecutive five-year terms. The building official shall serve as secretary to the building board of appeals.

Section 4-23. Jurisdiction.

The jurisdiction of such board in acting on any appeal shall include the entire scope of the Virginia Uniform Statewide Building Code, as the same may be amended, and as adopted in article I of this chapter. Such board shall also act on any appeal specifically provided for in such other building regulations as may be established in this Code.

Article IV. Tradesmen Certification Board

Section 4-26. Board established.

There is hereby established a tradesmen certification board which shall consist of five members: one master electrician, one journeyman electrician, one master plumber, one journeyman plumber, and one citizen of the county.

Section 4-27. Term of office.

Initial appointments to the tradesmen certification board shall be made as follows:

- (a) Two journeymen members for a term of one year.
- (b) Two master members for a term of two years.
- (c) One citizen member for a term of three years. Subsequently, members shall be appointed or reappointed for terms of three years; provided that no member shall serve more than two three-year terms on the tradesmen certification board.

Section 4-28. Jurisdiction.

The tradesmen certification board is hereby empowered, in accordance with the "Standards To Be Used By Counties, Cities, And Towns In Determining The Ability, Proficiency and Qualifications Of Applicants For Certification As Plumbers, Building-Related Mechanical Workers and Electricians" promulgated by the Board of Housing and Community Development to:

- (a) Forward qualifying applications to the national testing organization which will administer the appropriate test of qualifications;
- (b) Receive and examine the test results from the national testing organization; and
- (c) Issue certificates of qualification provided by the board to applicants receiving a notice of satisfactory test results or otherwise being qualified under the tradesmen certification standards to perform work.

Section 4-29. Procedure; duties.

- (a) Such board shall elect a chairman who shall serve for the term to which they were appointed to the board. Re-elections shall be held whenever a member elected as chairman shall be reappointed to such board or whenever a vacancy shall occur.
- (b) Such board shall meet at the request of any member or at the call of the secretary. Three members of such board shall constitute a quorum to act on any application or examination for certification.
- (c) The chairman shall have the duty to coordinate and consult with the county attorney on matters of interpretation of regulations promulgated by the state board of housing as may pertain to the certification, examination, qualification, licensing or registration of electricians.
- (d) The building official shall serve as secretary to the board, and shall have the duty to record the proceedings of such board. Such record shall include attendance of members at each meeting and any official action taken by the board.

Section 4-30. Certification fees.

Each applicant for a certificate of qualification shall pay an examination fee at the time he or she submits an application. Examination fees shall be:

- (a) Master Plumber ... \$35.00
- (b) Journeyman Plumber ... \$25.00
- (c) Master Electrician ... \$35.00
- (d) Journeyman Electrician ... \$25.00

Section 4-31. Noncertified tradesmen generally.

Plumbers, electricians, and building-related mechanical workers not holding a current certificate of qualification granted by the tradesmen certification board may perform their trade within the scope of their employment only under the following conditions:

- (a) When working under the immediate supervision of a master as defined in the "Standards To Be Used By Counties, Cities and Towns In Determining The Ability, Proficiency And Qualifications of Applicants For Certification As Plumbers, Building-Related Mechanical Workers And Electricians"; or
- (b) When working on property owned by the noncertified tradesman performing the work; or
- (c) When working on any public right-of-way or easement where such work is under the direction, supervision or control of a master who is in the employ of the county.

Section 4-32. Suspension; revocation of certification.

- (a) The building official shall have the power to temporarily suspend the certificate of any plumber, building-related mechanical worker or electrician found to have performed work in an unsafe, dangerous or substandard manner. Such suspension shall continue in force and effect until such work is corrected and brought into compliance with the applicable code. Any such suspension shall be reported by the building official to the tradesmen certification board.
- (b) The tradesmen certification board shall have the power to revoke any certificate of qualification granted by such board when, after a hearing, it determines by an affirmative vote of not less than three members that the holder of such certificate is not qualified to supervise or perform his or her trade by reason of negligence or inability to understand and comply with the technical provisions of the applicable code. Such board shall also have the power to revoke any certificate of qualification when it determines that the application upon which such certificate was based contains any false statement, misrepresentation or omission of a material fact.

Section 4-33. Registration of contractors performing work within the County.

Any contractor performing work within the County shall present to the building official satisfactory proof of a current Virginia contractor's license before obtaining any building permits. Such local registration with the building official shall be updated annually or within 14 days of any change of qualification or address.

Article V. Violations and Penalties

Section 4-36. Provisions governing prosecution; authority of building official or other special police officers.

The provisions of the Virginia Uniform Statewide Building Code shall govern the prosecution of violations of such code as adopted in section 4-3 of this chapter; provided, that the building official or any person assigned to building inspection who has been appointed as a special police officer shall have the authority to serve a written notice of violation and to order the abatement of such violation. The building official or any such special police officer is hereby granted the authority to swear a summons to the general district court for any person in the county who shall fail to obey a lawful order contained in such notice of violation.

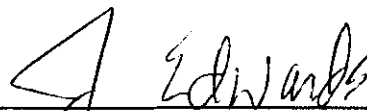
Section 4-37. Generally.

- (a) It shall be unlawful for any person to violate any provision of the Virginia Uniform Statewide Building Code or fail to comply with any of the requirements thereof or erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the building official or in violation of a permit or certificate issued under the VUSBC, and shall be punishable pursuant to Section 36-106 of the Code of Virginia by a fine of not more than one thousand dollars (\$1,000.00). Each day that a violation continues shall be deemed a separate offense.
- (b) It shall be unlawful for any person to continue any work in or about the building after having been served with a stop work order, except such work as he or she is directed to perform to remove a violation, unsafe or substandard condition, and shall be punishable by a fine of not more than one thousand dollars (\$1,000.00).

Section 4-38. Authority of county attorney as to abatement.

The imposition of the penalties herein prescribed shall not preclude the county attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct business or use of a building or structure in or about any premises.

0191U



Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 4th day of January, 1988.

0191U