

ADOPTED

JUL 17 1995

ORDINANCE NO. 81A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION I, GENERALLY, SECTION 4-3, ADOPTION; AMENDMENTS; AND ARTICLE V, VIOLATIONS AND PENALTIES, SECTION 4-37, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, is hereby amended and reordained by amending Section 4-3. Adoption; amendments; and Section 4-37, Penalties; sanctions, injunctive relief, fines.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 1. Generally

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 *Volume I* 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~~ 309.4 on page ~~31~~ 14 of the BOCA Basic Plumbing Code. 1993 ED.
- (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~~ 304.3 on page ~~30~~ 13 of the BOCA Basic Plumbing Code, 1993 ED.

(3) BOCA Basic Mechanical Code.

- (a) The date of adoption of this code is September 1, 1974.
- (b) ~~whenever~~ *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, *or fire official.*

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

- (a) Table No. ~~R-202~~ 201.2 in Section ~~R-202.2~~ 201 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 - 20

Roof snow load, pounds per square feet - 20

Wind pressure in pounds per square feet - 25

Seismic condition by zone - ~~4~~ (one)

Subject to damage from:

Weathering	<u>Yes, 12 inches</u> , severe
Frost line depth	<u>Yes, 12 inches</u>
Termite	<u>Yes</u>
Decay	<u>Yes</u>
Winter Design Temp	None Required

- (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.

Article V. Violations and Penalties

Section 4-37. ~~Generally~~: Penalties; sanctions, injunctive relief, fines.

- (a) It shall be unlawful for any person to violate any provision of the Virginia Uniform Statewide Building Code ("VUSBC") 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); the following: Each day that a violation continues shall be deemed a separate offense.~~

(1) *Criminal sanctions. Upon conviction, any owner or any other person, firm or corporation shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$2,500.00. Any person convicted of a second offense committed within less than five (5) years after a first offense shall be punished by a fine of not less than \$1,000.00 nor more than \$2,500.00. Any person convicted of a second offense committed within a period of five (5) to ten (10) years of a first offense shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00. Any person convicted of a third or subsequent offense committed within ten (10) years of an offense shall be punished by a fine of not less than \$1,500.00 nor more than \$2,500.00. Provisions requiring a minimum fine shall apply only to convictions for building code violations which cause a building or structure to be unsafe or unfit for human habitation.*

(2) *Civil fines:*

(a) *Any person who violates any provision of the building code and who fails to abate or remedy the violation promptly upon receipt of notice of the violation from the local enforcement officer shall be assessed a civil penalty in accordance with the following schedule:*

- 1. *Failure to obtain a building permit before work begins:*
 - a. *First offense \$25.00 per day*
 - b. *Subsequent offenses for same violation . . \$50.00 per day*

- 2. *Failure to obtain a certificate of occupancy before commencement of occupancy:*
 - a. *First offense \$25.00 per day*
 - b. *Subsequent offenses for same violation . . \$50.00 per day*

- 3. *Failure to obtain any required inspection:*
 - a. *First offense \$50.00 per day*
 - b. *Subsequent offenses for same violation . \$100.00 per day*

- 4. *Violation of any other provision of Volume I of the VUSBC:*
 - a. *First offense \$75.00 per day*

b. *Subsequent offenses for same violation . \$150.00 per day*

Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten-day period and in no event shall a series of such violations result in civil penalties of more than \$3,000.00.

(b) Any person summoned for a scheduled violation may make an appearance in person or in writing by mail to the county treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offenses charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

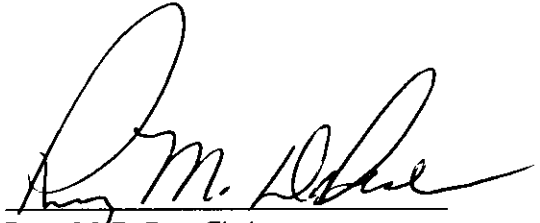
(c) No provisions herein shall be construed to allow the imposition of civil penalties for:

- 1. Activities related to land development;*
- 2. Violations of any provisions of the local zoning ordinance relating to the posting of signs on public property or public right-of-ways; or*
- 3. Violations resulting in the injury to any person or persons.*

~~(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).~~

(d) *Injunctive relief. Except as otherwise provided by the court for good cause shown, any violation or attempted violation of this chapter shall be abated or remedied within six months of the date of the assessment of the conviction. If the violation concerns a residential unit and if the violation remains uncorrected at the time of the conviction, the court shall order that the violation be abated or remedied in order to comply with the VUSBC. Injunctive relief shall be in addition to any criminal or civil penalty imposed by the court. Civil or criminal action may be brought in conjunction with a separate action for injunctive relief. However, the offenses designated for civil penalties above shall be in lieu of criminal enforcement.*

State Code reference - Va. Code Sections 36-106 and 15.1-499.1.



Perry M. DePue, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
EDWARDS	AYE
MAGOON	AYE
TAYLOR	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 17th day of July, 1995.