

ORDINANCE NO. 60A-4

ELECTRICAL AND PLUMBING
ORDINANCE AMENDMENTS

AN ORDINANCE TO ADD SECTION 10A, TO THE ELECTRICAL CODE ORDINANCE; AND TO AMEND SECTION 2, OF THE PLUMBING CODE ORDINANCE WITH THE ADDITION OF SECTION 109.7; BOTH OF WHICH ARE ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, PURSUANT TO SECTIONS 510.3 AND 504, ARTICLE 1, CHAPTER 12, TITLE 15.1, CODE OF VIRGINIA OF 1950, AS AMENDED, AS FOLLOWS:

SECTION 1
ADDITION TO ELECTRICAL CODE

1-1 Section 10A is added as follows:

Section 10A - ELECTRICAL BOARD OF ADJUSTMENTS AND APPEALS

There is hereby established a board to be called the Electrical Board of Adjustments and Appeals which shall consist of the same membership as the Electrical Examining Board. The by-laws of said Electrical Examining Board, such as appointments and rules, with any amendments thereto, shall also apply to the Electrical Board of Adjustments and Appeals.

Section 10A.1 - APPEALS

A. Whenever the Electrical Inspector shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the installation of electrical wiring or apparatus or when it is claimed that the provisions of the Electrical Code do not apply, or that an equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of this Electrical Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner or contractor of such building or structure or his duly authorized agent, may appeal from the decision of the Electrical Inspector to the Board of Adjustments and Appeals. Notice of appeals shall be in writing and filed within ninety (90) days after the decision is rendered by the Electrical Inspector and shall be accompanied by a check made payable to the County in the amount of Twenty-Five (\$25.00) Dollars.

B. In case apparatus installed is unsafe or dangerous, the Electrical Inspector may, in his order, limit the time for such an appeal to shorter period. Appeals hereunder shall be on forms provided by the Electrical Inspector.

Section 10A.2 - VARIATIONS AND MODIFICATIONS:

A. The Board of Adjustments and Appeals, when so appealed to and after a hearing may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would be contrary to the spirit and purpose of this Code or public interest, or when, in its opinion the interpretation of the Electrical Inspector should be modified or reversed.

B. A decision of the Board of Adjustment and Appeals to vary the application of any provisions of this Code or to modify an order of the Electrical Inspector shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

Section 10A.3 - DECISIONS

A. Every decision of the Board of Adjustments and Appeals shall be final, subject however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Electrical Inspector, and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Electrical Inspector for two weeks after filing.

B. The Board of Adjustments and Appeals shall in every case reach a decision without unreasonable or unnecessary delay.

C. If a decision of the Board of Adjustments and Appeals reverses or modifies a refusal, order or disallowance of the Electrical Inspector, or varies the application of any provisions of this Code, the Electrical Inspector shall immediately take action in accordance with such decision.

SECTION 2

PLUMBING CODE AMENDED

2-1 Section 2(A) is amended as follows:

Section 109.7 is added as follows:

Section 109.7 - PLUMBERS BOARD OF ADJUSTMENTS AND APPEALS

There is hereby established a board to be called the Plumbers' Board of Adjustments and Appeals which shall consist of the same membership as the Plumbers' Examining Board. The by-laws of said Plumbers' Examining Board, such as appointments and rules, with any amendments thereto, shall apply to the Plumbers' Board of Adjustments and Appeals.

Section 109.7.1 - APPEALS

A. Whenever the Plumbing Inspector shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the installation of apparatus, or when it is claimed that the provisions of the Plumbing Code do not apply, or that an equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of this Plumbing Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner or contractor of such building or structure or his duly authorized agent, may appeal from the decision of the Plumbing Inspector to the Board of Adjustments and Appeals. Notice of appeals shall be in writing and filed within ninety (90) days after the decision is rendered by the Plumbing Inspector and shall be accompanied by a check made payable to the County in the amount of Twenty-Five (\$25.00) Dollars.

B. In case apparatus installed is unsafe or dangerous, the Plumbing Inspector may, in his order, limit the time for such an appeal to a shorter period. Appeals hereunder shall be on forms provided by the Plumbing Inspector.

Section 109.7.2 - VARIATIONS AND MODIFICATIONS

A. The Board of Adjustments and Appeals, when so appealed to and after a hearing may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would be contrary to the spirit and purpose of this Code or public interest, or when, in its opinion the interpretation of the Plumbing Inspector should be modified or reversed.

B. A decision of the Board of Adjustments and Appeals to vary the application of any provisions of this Code or to modify an order of the Plumbing Inspector shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

Section 109.7.3- DECISIONS

A. Every decision of the Board of Adjustments and Appeals shall be final, subject however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Plumbing Inspector, and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Plumbing Inspector for two weeks after filing.

B. The board of Adjustments and Appeals shall in every case reach a decision without unreasonable or unnecessary delay.

C. If a decision of the Board of Adjustments and Appeals reverses or modifies a refusal, order, or disallowance of the Plumbing Inspector, or varies the application of any provisions of this Code, the Plumbing Inspector shall immediately take action in accordance with such decision.

SECTION 3
EFFECTIVE DATE

3-1 The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter, save those provisions which may, from time to time, be amended or repealed.

Adopted by the Board of Supervisors on April 9, 1973.