

Greenbrier County Building Code Administrative Policy Manual

ARTICLE I – STATE BUILDING CODE

The State Building Code has been adopted as The Greenbrier County Building Code (“Code”) with all discretionary elements inserted as relevant to Greenbrier County.

Section 1.0 - State Building Code Adoption

- A. On February 26, 2008 the Greenbrier County Commission adopted the West Virginia State Building Code for the purpose of establishing rules and regulations, the State Building Code as promulgated by the West Virginia State Fire Commission pursuant to West Virginia Code §29-3-5(b) and the provisions thereof shall be controlling within the limits of Greenbrier County, not including incorporated municipalities. One (1) copy, certified by the County Commission, shall be maintained in the Planning and Permits Office and shall be available to the public for examination and use during all regular business hours, and one (1) copy, certified by the County Commission, shall be maintained on file in the Office of the County Clerk.
- B. Any existing ordinance that is more stringent or imposes a higher standard than is required by the above referenced codes shall govern, provided such ordinance is not inconsistent with the laws of West Virginia and is not contrary to recognized standards and good engineering practices.
- C. Any existing ordinance that is less stringent or imposes a lower standard than is required by the above referenced codes is hereby amended to comply therewith.

Section 2.0 - Office and Staff Designation

- A. The Greenbrier County Commission designates the Planning and Permits Office (“Permits Office”) as the department to execute the duties associated with the administration and enforcement of the Code.
- B. The Chief Building Code Inspector or Building Code Official, shall oversee the administration and enforcement of the Code. This individual shall have the appropriate certification as required by the West Virginia State Fire Commission. Additionally, this or other assistant inspectors shall also possess or obtain certification as a Building Code Inspector as required by the West Virginia State Fire Commission within three (3) years of hire.

ARTICLE II – BUILDING PERMIT

The owner or agent of a property desiring to complete any type of construction shall apply for and obtain a valid permit from the Permits Office prior to commencing work. No construction shall be exempt from the application requirement. A permit will be required for any work associated with a new structure, renovations, repair to or demolition of any existing structure, or placement of a pre-built structure. A permit shall also be obtained prior to moving dirt in preparation for any construction. The definition of “structure” includes but is not limited to all commercial buildings, residences, mobile homes, modular homes, accessory buildings, and recreational vehicles that are situated as a full or part time dwelling in the same location for longer than 180 days. Permit fees and or inspections may not be required for some projects, but application is required.

Section 1.0 - Application for Permits

- A. Application: Application for a building permit shall be made to the Permits Office on forms provided by that office. In order to obtain a building permit, the owner or agent of a property shall present the application, one copy of project plans for review, and a materials list. Plans hand drawn by homeowner to scale will be accepted for single story residential jobs that are less than 2,000 square feet. At the time of application, the applicant shall be informed of the permits and inspections required for the specific project.
- B. Timeframe: The construction must begin within 180 days and each permit shall be valid for one year; a renewal will be required if the construction is not complete within that time. Permits shall be issued or denied within 7 working days of complete application submittal and plan review.
- C. Permit Types: For commercial jobs or for jobs that are only applicable to one area of construction (electrical, mechanical, plumbing) separate electrical, mechanical, and plumbing permits may be required. The Types of permits are as follows:
 - 1) Building Permits: A master residential building permit will be required for all one and two family dwellings, and a master commercial building permit will be required for all structures not covered in one and two family residential code which would include multi-family housing as well as utility and storage buildings. If applicable, sub-permits may be required as listed:
 - 2) Grading Permit - A grading permit will be required prior to any earth moving or excavating , to obtain a grading permit a site plan will need to be submitted that addresses general location of structures, septic and well (when applicable), as well as slope to consider runoff.
 - 3) Electrical Permit – A separate electrical permit may be required for electrical upgrades and commercial construction .

- 4) Mechanical Permit - A separate mechanical permit may be required for mechanical upgrades and commercial construction.
 - 5) Plumbing and Gas Piping Permit – A separate plumbing and gas piping permit may be required for upgrades plumbing and gas piping and commercial for construction.
- D. Owner Permit: Nothing in this code shall be construed as to prevent the owner from doing any work on his own building, provided he obtains the necessary permits and required inspections from the Permits Office. For a new construction an “owner permit” shall be issued to anyone owning property and who will own said property twelve (12) months after completion of a new primary structure. Any owner obtaining a permit shall list all subcontractors working under his supervision and shall be held solely responsible for all work being done by subcontractors.
- E. Demolition Permits: All demolitions must comply with all state and federal regulations, asbestos testing and abatement may be required, and all materials must be disposed of properly.
- F. Permits from Other Agencies: Approvals from other departments or agencies may be required to obtain county permits. The following permit will be required as applicable:
- 1) Sewer: Written proof of public sewer service will be required for any habitable structure that has access to public services. For structures that do not have public sewer access, a septic approval number from the Greenbrier County Health Department will be required prior to issuance of a building permit.
 - 2) Water: Written proof of public water services will be required for any habitable structure that has access to public services, for structures that do not have public water access, a well approval number from the Greenbrier County Health Department will be required prior to issuance of a building permit.
 - 3) DOH Access: A Department of Highways access permit will be required for any driveway or road that meets a state or other public road.
 - 4) Stormwater Construction Permit: For any disturbance greater than one acre, a stormwater construction permit may be required from the Department of Environmental Protection.
- G. Approval Time: Application processing for residential permits will be 3-5 days, processing for commercial permits will be 6-10 days.

- H. Appeal: Any person directly affected by a decision of the code official or a notice or order issued by the Permits Office under the Code or this document shall have the right to appeal to the Building Code Board of Appeals as provided for in Chapter 1, Section 112 of the International Building Code. A written application for appeal shall be submitted within 20 days after the disputed decision, notice, or order was served, and be based on a claim that the true intent of the Code or rules has been incorrectly interpreted, the provision of the Code do not fully apply, or the requirements of the Code are adequately satisfied by other means or that the strict application of any requirements of the Code would cause an undue hardship.

- I. Exemptions: Structures constructed strictly for agriculture purpose and those items that are listed as exempt according to the International Building Code are exempt from building permits, **however**, the activity may fall under the regulation of the Zoning Ordinance, the Floodplain Ordinance, or other local ordinances, and need to be registered with the assessor, so permit application may be required for construction of all new structures, significant upgrades (over \$2,500), and for projects where fill or excavation is necessary.

ARTICLE III - PLAN REVIEW

For all construction projects, one full set of specifications and drawings, drawn to scale with sufficient clarity and details to indicate the nature and character of the work, shall accompany each application. A materials list shall also be included sufficient to complete the proposed construction as stated on the plans. Depending on the size of the project **submission in electronic format only may be acceptable.** Submission in electronic format in addition to hard copy is encouraged.

Section 1.0 Site Plan

- A. The permits office shall require plans and specifications showing the location of the proposed building or structure on the site and of every existing building or structure on the site or lot. The detail required on the site plan is determinate of the type and scale of construction proposed. The drawing may be required to show all existing grades and changes to be made therein, and the location of any proposed utilities including the placement of septic tanks and wells. The plan may also be required to show all underground and overhead utility services and sewers. A boundary line survey may also be required that has been prepared by a qualified, State of WV licensed, surveyor.

Section 2.0 Project Plans

- A. Hard copy construction plans and construction documents must be submitted with application for commercial or residential construction. Plans, drawings, and specifications should show all design criteria information necessary for the plans examiner to complete a plan review. Information should include but is not limited to layout, square footage, materials list, building use, group, and type if known.
 - 1) Commercial: The construction or alteration of all commercial buildings or structures shall have plans stamped by a Registered Architect or Engineer licensed to conduct work in the State of West Virginia.
 - 2) Residential: The construction or alteration of all residential structures of 2,000 square feet or more shall have plans stamped by a Registered Architect or Engineer licensed to conduct work in the State of West Virginia. The construction or alteration of all residential buildings or structures under 2,000 square feet may require plans stamped by a Registered Architect or Engineer licensed to conduct work in the State of West Virginia if it is determined that unusual hazards or conditions exist (flood plain, steel, or laminated beams, etc.)

ARTICLE IV – INSPECTIONS

The Greenbrier County Building Inspector or authorized agent shall inspect all aspects of the construction of buildings and other structures for compliance with the Code requirements

With all construction being required the application for building permit as stated in Article II of this ordinance, the level of inspections necessary for each structure as required by the Code will be determined after the completed application is submitted. The permit applicant will be notified of the inspection requirements at the time of the application. All inspections shall be completed and properly documented in the Permits office before the issuance of an occupancy permit or certification of final inspection which will be necessary before the legal occupation or use of a structure.

Section 1.0 – Inspection Types

Inspections that will be necessary as applicable for each project will include but are not limited to the following:

- A. Site Inspection Pre-Construction
- B. Footer and Foundation
- C. Plumbing
- D. Electrical
 - 1) Electrical Inspectors: Electrical Inspections will be done by West Virginia Certified Electrical Inspectors (as certified by the Office of the State Fire Marshal). A list of the individuals qualified to perform these inspections will be provided to the applicant at the time of permit application, and payment for these services will be rendered directly to the electrical inspector. It will be the responsibility of the permit applicant to contact the electrical inspector independent of the County, as the electrical inspectors may not be employed by the County. The electrical inspections required as part of the Code will be added to the current inspections required by the power company for initiation of services. The inspector providing the inspections as required by the Power Company may or may not be the same electrical inspector providing the inspections in association with the Code. A copy of all electrical inspection reports shall be submitted to the Permits Office before a final occupancy permit will be issued.
- E. HVAC
- F. Framing
- G. ADA accessibility
- H. Final Inspection for Certificate of Occupancy
- I. Special inspections if applicable
 - 1) Special Projects: A special inspector may be required for work where unusual hazards or conditions exist and/or concrete work is based on a psi (pounds per square inch) in excess of three thousand pounds (3000), welding is required, and reinforced gypsum is being mixed or deposited, or as deemed necessary as the planning and permits office.
 - 2) Floodplain Inspections: All construction including grading that takes place in an identified flood hazard area is subject to inspections.

- J. Rental Property Inspections: The Code requires an initial inspection of rental properties prior to the first occupation, annually, and after each tenant vacates a unit prior to the occupancy of the unit by a new tenant. This inspection will evaluate general condition and safety issues based on the requirements of the Code. A hard copy of the inspection results will be issued to the owner.

- K. Change of Use Inspections: If an owner intends to change the use of a structure an inspection is required prior to occupancy for the new use.

ARTICLE V – PERMIT COST

Any person desiring a building permit shall in addition to filing an application, pay a fee as required in this section prior to issuance of the permit(s). There will be a \$25 fee for returned checks.

Section 1.0 – Fees

- A. The fees shall be determined by cost of construction as shown by the applicant. If in the opinion of the Permits Office the valuation of the construction (including labor) appears to be underestimated on the application, permit shall be denied unless the applicant can show a copy of executed contract documents or detailed estimated costs.
- B. The services being provided by the County for the permit fees are floodplain determination and consultation, zoning determination and consultation, plan review and consultation, contractor licensure review, inspections (excluding electrical), which includes the mileage and issuance of a certificate of occupancy.
- C. No permit or certification as required by the Code and this document shall be issued until the fees prescribed in this section have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, has been paid. Upon completion of any work for which a permit has been obtained as provided in this article, if the actual costs exceed the estimated costs upon which the permit was granted, then an additional fee shall be due and shall be paid prior to the issuance of the certificate of occupancy or certification of final inspection as provided for by this Code.
- D. A nonrefundable processing fee of five dollars (\$10.00) is included in the fee listed below, as well as all regular inspection costs excluding electrical inspections. For re-inspections that are necessary due to non-compliance, mileage may be charged for each visit at the then current reimbursement rate as set by the county.
- E. Fee Structure*:
 - 1. Commercial Fees- All commercial permits will be priced on total cost of the project which consists of all materials and labor. The commercial rate is \$6 per thousand.
 - 2. Residential Fees- All residential permits will be priced on total cost of the project which consists of all materials and labor. The residential rate is \$6 per thousand.
 - 3. Temporary Structures- All temporary structure permits will be priced on total cost of the project which consists of all materials and labor. The temporary structure rate is \$6 per thousand.
 - 4. Rebuilding of Fire Destroyed Structures- The first \$300.00 of permit fee will be waived.
 - 5. Work Started Without a Permit-
 - a. Stop Work order will be issued automatically.
 - b. Work may not proceed until a permit is issued.

- c. Permit fee is double normal permit fee or \$100.00 plus normal permit fee whichever is higher.
- 6. Renewal Fees-
 - a. If the permit is renewed before it expires, there is no fee.
 - b. If the permit has expired, the fee is \$1.00 per thousand with a \$25.00 minimum.

* Fee schedule was approved on April 14, 2015 with an effective date of May 1, 2015.

Fees for re-inspections, change of use, or rental property inspections will \$25 plus mileage (based on federal rate).

Occupancy permits will not be issued for existing structures; however, the County will provide optional inspections to owners to determine the level of Code compliance for existing structures. This service will be provided to citizens for \$200, and appointment availability will be based on the current schedule for ongoing construction projects.

ARTICLE VI – LICENSING

All persons undertaking construction as a paid agent shall hold a valid West Virginia Contractor License. All construction whether completed by a paid agent or unpaid agent shall be subject to the inspection processes deemed applicable through the Code.

Section 1.0. Contractor Policy Declared

Greenbrier County hereby adopts, by reference, the provision of West Virginia Contractor Licensing Act, Chapter 21, Article 11 of the Code of West Virginia, as amended, including Legislative Rules.1

Any person or entity required to be issued and maintain a West Virginia Contractor’s License shall be required to provide the Permits Office with a copy of the most current license.

ARTICLE VII – PENALTIES AND SEVERABILITY

It shall be unlawful for any person to undertake any construction activities as outlined in this document contrary to, or in violation of, and provisions of the Code or this document; or cause permit or suffer the same to be done.

Section 1.0. Penalties

- A. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of permits, imposition of forfeitures, injunctive action, together with the costs for such action, including, but not limited to, all costs, disbursements and attorneys’ fees incurred by the County.
- B. Failing to Obtain Permit: In case any work for which a permit is required by the Code or this document has begun prior to obtaining a permit, the prescribed permit fees shall be paid as a double fee or an additional fee of \$100.00 above the usual permit fee whichever is greater. The payment of such a fee shall not relieve any person from complying fully with the requirements of the building code in the execution of the work, nor from other penalties prescribed herein.
- C. Other Violations: In addition to provisions providing for revocation of permits and additional fees for working without a valid permit, any person willfully violating any of the provisions of the Code or this document may be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each day the violation is continued. Upon conviction, such violation shall be punishable by a fine of not less than \$50.00 nor more than \$500.00 for each day of noncompliance. Such violations are listed in the Code and include but are not limited to the following:
 - 1) Failing to apply for and obtain a permit after notification from the Permits Office
 - 2) Failing to correct Code item(s) as directed by the Permits Office

- 3) Failing to Honor a Stop Work Order Issued by the Permits Office
- 4) Tampering with Permit, Citation, or Equipment related to the Code Process.

Section 2.0. Severability

- A. If any provision of this document or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this document that can be given effect without the invalid provision or application, and to this end, the provisions of this document are severable.