

*ALBEMARLE COUNTY CODE*

**Chapter 5**

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**Chapter 5. Building Regulations**

**Article 1. Administration**

**Sec. 5-100 Purpose.**

The purpose of this chapter is to promote and to protect the public health, safety and welfare by making the Virginia Uniform Statewide Building Code applicable to all matters affecting or relating to structures, including the construction, alteration, repair, addition, demolition and removal of all structures, and to the equipment in such structures. The purpose of this chapter is also to establish a procedure by which unsafe buildings and structures are repaired, removed, or demolished.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-1; § 5-100, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12; Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code §§ 36-97 et seq.; 36-105. See 13VAC5-63-10 et seq. for Virginia Uniform Statewide Building Code.

**Sec. 5-101 The Building Code.**

The Virginia Uniform Statewide Building Code shall be referred to in this chapter as the “Building Code” and shall include the Building Code in its current form and as amended in the future. A copy of the Building Code shall be kept on file in the Department of Community Development.

(Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code §§ 36-97 et seq.; 36-105. See 13VAC5-63-10 et seq. for Virginia Uniform Statewide Building Code.

**Sec. 5-102 Building Inspection Office established; powers and duties.**

A Building Inspection Office is hereby established in the Department of Community Development, subject to the following:

- A. *Powers and duties.* The Building Inspection Office shall be charged with administering and enforcing the Building Code and this chapter, reviewing and acting on plans, inspecting buildings and structures, and issuing related permits and certificates.
- B. *Building Inspection Office reference.* For purposes of this chapter, “Building Inspection Office” means the “local building department” as that term is used in the Building Code.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; § 5-101, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12; § 5-102, Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code §§ 36-97 et seq.; 36-105.

**Sec. 5-103 Building Official established; powers and duties.**

The office of the Building Official is hereby established, subject to the following:

- A. *Appointment.* The Building Official shall be appointed by the County Executive.
- B. *Powers and duties under the Building Code and this chapter.* The Building Official shall administer and enforce the Building Code and this chapter. As such, the Building Official shall have the powers and duties of a building official pursuant to the Building Code.

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- C. *Powers and duties to direct and supervise.* The Building Official shall direct the Building Inspection Office and supervise the employees of the Building Inspection Office.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; § 5-101, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12; § 5-103, Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code §§ 36-97 et seq.; 36-105.

### **Sec. 5-104 Board of Appeals established; powers and duties.**

A Board of Appeals is hereby established, subject to the following:

- A. *Composition.* The Board shall be composed of five members and two alternates appointed by the Board of Supervisors. The Board members shall be persons who meet the qualifications for Board membership pursuant to the Building Code, to the extent that those persons are available and willing to serve.
- B. *Term.* Each member of the Board shall serve a five year term, which shall extend beyond the appointed term until a successor is appointed.
- C. *Reappointment.* The Board members and the alternates may be reappointed.
- D. *Compensation.* The Board members shall be compensated as provided in County Code § 2-1105.
- E. *Powers and duties.* The powers and duties of the Board shall be as provided in the Building Code, and they include considering appeals as provided in County Code § 5-105.
- F. *Board of Appeals reference.* For the purposes of this chapter, “Board of Appeals” means the “local board of Building Code appeals” or “LBBCA” as that term and acronym are used in the Building Code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; § 5-102, Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12; § 5-104, Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-105.

### **Sec. 5-105 Appeals of decisions of the Building Inspection Office.**

The Board of Appeals shall consider and act on appeals from decisions of the Building Inspection Office as provided herein:

- A. *Authority.* The Board shall consider appeals by any person aggrieved by the Building Inspection Office’s application of the Building Code or its refusal to grant a modification of the provisions of the Building Code.
- B. *Appeal requirements and procedures.* The parties, scope, procedure, and conduct of an appeal shall be as provided in the Building Code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; § 5-103, Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12; Ord. 12-5(1), 3-7-12; § 5-105, Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-105.

### **Sec. 5-106 Violation and penalty.**

It is unlawful for any owner or any other person to violate any provision of this chapter or the Building Code. Any violation of this chapter is punishable and shall be abated as follows:

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- A. *Violation of this chapter.* A violation of this chapter, which is not a violation of the Building Code shall be punishable as a Class 1 misdemeanor.
- B. *Violation of the Building Code.* A violation of the Building Code shall be punishable and shall be abated as provided in Virginia Code § 36-106.

(§ 5-7; Code 1988, § 5-7; § 5-104, Ord. 98-A(1), 8-5-98; § 5-106, Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-106.

**Article 2. Fees**

**Sec. 5-200 Permit and inspection fees, generally.**

An owner or other person is required to pay the fees for a permit or inspection required by the Building Code or this chapter as follows:

- A. *Basis for fee.* Any fee paid is to reimburse, in whole or in part, the Department of Community Development’s cost to review plans, issue permits, and conduct up to one reinspection of work performed pursuant to a permit.
- B. *Amount.* The amount of the fees are as provided in this article.
- C. *When the fee must be paid.* Any fee must be paid at the time any application or request is filed. An application or request shall not be filed if the required fee is not paid.
- D. *Form of payment accepted.* The fee must be paid in cash, by a check payable to the “County of Albemarle,” or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.
- E. *County and County School Board excepted.* The County and the County School Board are not required to pay any fee imposed by this article.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-200, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-105.

**Sec. 5-201 Fees for building permits.**

The fees for building permits are:

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), other than a garage, deck, or porch, or for an addition to an existing residential structure in either use group, is \$0.53 per square foot, calculated on gross finished square footage. The minimum fee is \$80.00.
- B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, deck, or porch 10 square feet or larger, is \$0.16 per square foot, calculated on gross finished square footage. The minimum fee is \$27.00.
- C. *Residential swimming pools, hot tubs and spas.* The fee for each residential swimming pool, hot tub, or spa is \$54.00.

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- D. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$48.00.
- E. *New commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, is \$0.22 per square foot for the first 5,000 square feet, plus \$0.15 per square foot for each square foot in excess of 5,000 square feet, calculated on gross square footage. The minimum fee is \$80.00.
- F. *Change of building occupancy classification.* The fee for a change of occupancy classification evaluation is \$161.00.
- G. *Commercial swimming pools.* The fee for each commercial swimming pool is \$328.00.
- H. *Elevators, escalators and lifts.* The fee for each elevator, escalator, or lift is \$258.00.
- I. *Paint spraying booths.* The fee for each paint spraying booth is \$27.00.
- J. *Mobile offices and premanufactured units.* The fee for each mobile office or premanufactured unit is \$48.00.
- K. *Tents.* The fee for each tent is \$54.00.
- L. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group is \$ 0.18 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee is \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-201, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-105.

### **Sec. 5-202 Fees for electrical permits.**

The fees for electrical permits are:

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings) other than a garage, deck, or porch, or for an addition to an existing residential structure in either such use group, is included as part of the building permit fee under County Code § 5-201(A).
- B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, deck, or porch ten square feet or larger, is \$32.00.
- C. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$32.00.
- D. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, is \$0.04 per square foot. The minimum fee is \$80.00.
- E. *Swimming pools, hot tubs and spas.* The bonding fee for each swimming pool, hot tub, or spa is \$32.00. The equipment wiring fee for each swimming pool, hot tub, or spa is \$32.00.

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- F. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group is \$0.04 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee is \$80.00.
- G. *Signs.* The fee for each sign is \$48.00.
- H. *Temporary service.* The fee for each temporary electric service is \$102.00, unless the service is sought as part of a building permit for which a fee is paid under County Code § 5-201(A).
- I. *Early service.* The fee for each early electric service shall be \$65.00, unless the service is sought as part of a building permit for which a fee is paid under County Code § 5-201(A).
- J. *Fuel dispensing pumps.* The fee for each fuel dispensing pump is \$32.00.
- K. *Alarm systems.* The fee for each alarm system is \$0.04 per square foot of the gross square footage of the structure. The minimum fee is \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-202, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18)

State law reference-Va. Code § 36-105.

### Sec. 5-203 Fees for plumbing permits.

The fees for plumbing permits are:

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either use group, is included as part of the building permit fee under County Code § 5-201(A).
- B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$32.00.
- C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, U, or an addition to an existing commercial structure in any use group, is \$9.00 per fixture. The minimum fee is \$80.00.
- D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group is \$9.00 per fixture, provided that there is no increase in gross square footage. The minimum fee is \$80.00.
- E. *Water lines.* The fee for each water line is \$27.00, unless the lines are included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- F. *Sewer laterals.* The fee for each sewer lateral is \$27.00, unless the lateral is included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- G. *Fire suppression systems.* The fee for each fire suppression system is \$0.86 per head. The minimum fee is \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-203, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18)

State law reference-Va. Code § 36-105.

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**Sec. 5-204 Fees for mechanical permits.**

The fees for mechanical permits are:

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either use group, is included as part of the building permit fee under County Code § 5-201(A).
- B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$32.00.
- C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any use group, is \$0.04 per square foot of gross square footage. The minimum fee is \$80.00.
- D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.04 per square foot of gross square footage, provided that there is no increase in gross square footage. The minimum fee is \$80.00.
- E. *Underground tanks.* The fee for each underground tank, including associated piping, is \$183.00, unless the tanks are included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- F. *Aboveground tanks.* The fee for each aboveground tank, including associated piping, is \$108.00, unless the tanks are included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- G. *Gas and oil lines.* The fee for each gas or oil line is \$38.00, unless the lines are included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- H. *Furnaces, wood stoves and gas log systems.* The fee for each furnace, wood stove, or gas log system is \$70.00, unless the furnace, stove, or gas log system is included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- I. *Range hoods.* The fee for each range hood is \$27.00.
- J. *Hood suppression systems.* The fee for each hood suppression system is \$32.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-204, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-105.

**Sec. 5-205 Fees for amusement devices.**

The fees for amusement devices are as provided in the fee schedule in 13VAC5-31-75.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-205, Ord. 98-A(1), 8-5-98; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-105; 13VAC5-31-75.

**Sec. 5-206 Fee for demolition permits.**

The fee for each demolition permit is \$102.00.

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(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-206, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-105.

**Sec. 5-207 Fees for zoning inspections.**

The fees for inspections to determine compliance with the zoning ordinance are:

- A. *Initial zoning inspection.* The fee for each inspection related to the issuance of a building permit for main or accessory structures is \$16.00 per inspection.
- B. *Final site inspection.* The fee for each final site inspection before a certificate of occupancy may be issued is \$16.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-207, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-105.

**Sec. 5-208 Fees for other permits, plan amendments, and reinspections.**

The fees for other permits, plan amendments, and reinspections are:

- A. *Other permits.* The fees for any other building, electrical, plumbing, or mechanical permit not identified in this article is \$32.00 per inspection.
- B. *Plan amendments.* The fee for each new plan submitted which requires any structural or fire safety review is \$32.00.
- C. *Reinspections.* The fee for each inspection of work performed, after the second inspection of the work, is \$32.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-208, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 36-105.

**Sec. 5-209 Refunds.**

A fee paid pursuant to this article may be refunded as follows:

- A. *Written request by owner; timing.* An owner shall submit a written request for a refund to the Building Official. The request must be received by the Building Official within six months after either of the events identified in subsection (B).
- B. Events entitling owner to a refund. An owner is entitled to a refund under the following circumstances:
  - 1. *Permit application withdrawn or voided.* If a permit application is withdrawn or voided after the plan is reviewed, in whole or in part, but before the work authorized by the permit begins, the owner shall be refunded an amount not to exceed 80 percent of the original fee. The amount of the refund shall be the original fee minus the costs for plan review and administration.



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2. *Permit expired, abandoned, or revoked; work discontinued.* If an issued permit is expired, abandoned, or revoked, or if the work authorized by the permit is discontinued, the owner shall be refunded an amount of the original fee which corresponds to the percentage of the work not completed, minus plan review and administrative fees and penalties.

C. *Plan review and administrative fees.* For the purpose of calculating a refund, the plan review and administrative fees shall be at least 20 percent of the original fee.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-209, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

State law reference-Va. Code § 36-105.

### Article 3. Unsafe Buildings and Structures

#### Sec. 5-300 Removing, repairing, or securing structures.

Any building, wall, or other structure that might endanger the public health or safety of other residents of the County may be removed, repaired, or secured as follows:

- A. *By the owner when required by the Board of Supervisors.* The Board of Supervisors may require any property owner to remove, repair, or secure any building, wall, or other structure that it determines might endanger the public health or safety of other residents of the County. The Board shall communicate its requirement in a notice provided to the property owner, as follows:
  1. *Contents of the notice.* The notice shall be in writing and: (i) identify each condition of the building, wall, or other structure that constitutes a danger to the public health or safety; (ii) specify the measures that must be taken to eliminate the danger; and (iii) state a reasonable time within which the measures must be taken.
  2. *How notice provided.* The Building Official shall mail the notice by certified or registered mail, return receipt requested, sent to the last known address of the property owner.
- B. *By the County through its employees or agents.* The County, through its own agents or employees, may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the County, if the property owner and lienholder of the property, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall or other structure, as follows:
  1. *Form and content of notice.* The notice shall be in writing, and shall: (i) identify each condition of the building, wall, or other structure that constitutes a danger to the public health or safety; (ii) specify the measures that must be taken to eliminate the danger; and (iii) state a reasonable time within which the measures must be taken.
  2. *How notice provided.* The notice shall be: (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner; and (ii) published once a week for two successive weeks in a newspaper having general circulation in the County.
  3. *No action by County until 30 days after last notice; exception.* The County shall not take any action authorized by this subsection for at least 30 days after the later of the return of the receipt or newspaper publication (the "last notice"), provided that the County may act to prevent unauthorized access to the building within seven days after the last notice if it is deemed to pose a significant threat to public safety and that fact is stated in the notice.
  4. *Recovery of costs.* The County may recover its costs to remove, repair, or secure any building, wall, or other structure pursuant to County Code § 5-301.

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5. *Repair clarified.* For the purpose of this section, *repair* includes maintenance work to the exterior of a building to prevent the building or adjacent buildings from deteriorating.

(§ 5-6, 8-3-77; Code 1988, § 5-6; § 5-300, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 15.2-906(1), (2).

### **Sec. 5-301 Recovery of costs if the County removes, repairs or secures; lien.**

The County may recover its costs to remove, repair, or secure any building, wall, or other structure as provided in County Code § 5-300(B) as follows:

- A. *Costs chargeable to owner.* If the County, through its own agents or employees, removes, repairs or secures any building, wall, or other structure after complying with the notice provisions of this article or as otherwise permitted under the Building Code in the event of an emergency, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes are collected.
- B. *Unpaid charges constitute a lien on the property.* Every charge authorized by this section or Virginia Code § 15.2-900 for which the owners of any property have been assessed and that remains unpaid constitutes a lien against the property. The lien ranks on parity with liens for unpaid local real estate taxes and is enforceable in the same manner as provided in Articles 3 (Virginia Code § 58.1-3940 *et seq.*) and 4 (Virginia Code § 58.1-3965 *et seq.*) of Chapter 39 of Title 58.1 of the Virginia Code.
- C. *County may waive lien to facilitate sale; remains personal obligation of owner.* The County may waive any lien in order to facilitate the sale of the property, provided that the lien may be waived only as to a purchaser who is unrelated by blood or marriage to the owner, and who has no business association with the owner. Any lien remains a personal obligation of the owner of the property at the time the lien was imposed.

(§ 5-6, 8-3-77; Code 1988, § 5-6; § 5-302, Ord. 98-A(1), 8-5-98; § 5-301, Ord. 18-5(1), 3-14-18)

**State law reference-**Va. Code § 15.2-906(3), (4).

### **Sec. 5-302 Demolition or removal of certain structures.**

The County may, through its agents or employees, demolish or remove a derelict nonresidential building or structure with the consent of the owner, subject to the following:

- A. *Written consent of owner.* The owner shall provide written consent, which shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent.
- B. *Building or structure does not have historic designation.* The building or structure is neither located within or determined to be a contributing property within a State or local historic district nor individually designated in the Virginia Landmarks Register.
- C. *Costs constitute a lien on the property.* The costs of demolition or removal constitutes a lien against the property. If the consent of the first lienholder or the first lienholder's authorized agent is obtained, the lien shall rank on a parity with liens for unpaid local real estate taxes and is enforceable in the same manner as provided in Articles 3 (Virginia Code §§ 58.1-3940 *et seq.*) and 4 (Virginia Code § 58.1-3965 *et seq.*) of Chapter 39 of Title 58.1 of the Virginia Code. If the consent of the first lienholder or the first lienholder's authorized agent is not obtained, the lien is subordinate to that first lien but is otherwise subject to this subsection and subsection (D).
- D. *County may waive lien to facilitate sale; remains personal obligation of owner.* The County may waive any lien in order to facilitate the sale of the property, provided that the lien may be waived only as to a purchaser who is unrelated by blood or marriage to the owner, and who has no business association with the owner. Any lien remains a personal obligation of the owner of the property at the time the lien was imposed.

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(§ 5-302, Ord. 18-5(1), 3-14-18)

**State law reference**-Va. Code § 15.2-906(5).

### **Sec. 5-303 Emergency repairs.**

The Building Official may authorize emergency repairs as follows:

- A. *Immediate danger of collapse or fall.* The Building Official may authorize emergency repairs to unsafe buildings or structures if he determines that there is an immediate danger of any portion of the unsafe building or structure collapsing or falling and when life is endangered.
- B. *Violation of the Building Code.* The Building Official may authorize emergency repairs to unsafe buildings or structures if he determines that a violation of the Building Code exists resulting in a serious and imminent threat to the life and safety of the occupants or the public.
- C. *Extent of emergency repairs.* When authorizing emergency repairs under subsection (A) or (B), the Building Official may authorize the necessary work, to the extent funding for the work has been appropriated, to make the unsafe building or structure temporarily safe, where or not legal action to compel compliance has been instituted.
- D. *Costs chargeable to the owner.* The cost or expenses incurred from emergency repairs are chargeable to, and shall be paid by, the owners of the property and may be collected by the County as taxes are collected.

(§ 5-303, Ord. 18-5(1), 3-14-18)

**State law reference**-Va. Code §§ 36-97 *et seq.* 15.2-906(3); Virginia Uniform Statewide Building Code, Part I, § 118.7.

### **Sec. 5-304 Remedies of this article not exclusive.**

The remedies authorized by this article are not exclusive of any other remedy provided by law, including any remedy to abate, raze, or remove an unsafe structure or equipment as provided in the Building Code, or any remedy to abate, raze or remove a building, wall or structure that constitutes a public nuisance as provided in Virginia Code §§ 15.2-900 and 48-1 *et seq.*

(§ 5-303, Ord. 98-A(1), 8-5-98; § 5-304, Ord. 18-5(1), 3-14-18)

## **Article 4. Smoke Alarms**

### **Sec. 5-400 Smoke alarms required in certain buildings.**

Smoke alarms shall be installed in the following structures or buildings if smoke alarms have not been installed in accordance with the Building Code:

- A. *Dwelling units.* Any building containing one or more dwelling units.
- B. *Hotels and motels.* Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
- C. *Rooming houses.* Any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-400, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18; Ord 18-5(2), adopted 6-6-18, effective 7-1-18)

**State law reference**-Virginia Code § 15.2-922.

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### **Sec. 5-401 Installation of smoke alarms.**

Smoke alarms required to be installed pursuant to County Code § 5-400 shall be installed only in conformance with the provisions of the Building Code. In addition:

- A. *Power.* Smoke alarms may be either battery operated or AC powered.
- B. *Wiring.* The installation of smoke alarms shall not require new or additional wiring.
- C. *Maintenance.* Smoke alarms shall be maintained in accordance with the Statewide Fire Prevention Code (Virginia Code § 27-94 *et seq.*) and Virginia Code § 36-105(C)(6), Part III of the Uniform Statewide Building Code.
- D. *Upgrading not required.* Nothing in this article shall be construed to require the upgrading of any smoke alarms provided by the Building Code in effect at the time of the last renovation of the building, for which a building permit was required, or as otherwise provided in the Building Code.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-401, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18; Ord 18-5(2), adopted 6-6-18, effective 7-1-18)

**State law reference-**Virginia Code § 15.2-922.

### **Sec. 5-402 Certificate that smoke alarm is in working order.**

The owner of a rental unit shall provide the tenant a certificate that all smoke alarms are present, have been inspected by the owner, his employee, or an independent contractor, and are in good working order.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-402, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18; Ord 18-5(2), adopted 6-6-18, effective 7-1-18)

**State law reference-**Virginia Code § 15.2-922.

### **Sec. 5-403 Interim testing, repairing, and maintaining a smoke alarm.**

Except for smoke alarms located in public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke alarms in rented or leased dwelling units shall be the responsibility of the tenant in accordance with Virginia Code § 55-225.4 or 55-248.16, as applicable.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-403, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18; Ord 18-5(2), adopted 6-6-18, effective 7-1-18)

**State law reference-**Virginia Code § 15.2-922.

## **Article 5. Private Ground Water Well Testing**

### **Sec. 5-500 Purpose.**

The purpose of this article is to protect the public health, safety, and welfare in areas of the County where there has been a petroleum release or a discharge that has been confirmed by the Virginia Department of Environmental Quality that remains an active contamination area by requiring that private ground water wells in these areas be tested for petroleum contamination. The tests will determine the extent of the contamination, if any, and ensure that any new wells satisfy existing federal or state drinking water quality standards for the contaminants.

In support of this purpose, the Board of Supervisors finds:

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- A. *Unsafe drinking water.* The release or discharge of petroleum from leaking underground storage tanks may pollute ground water and, at high enough levels, these pollutants may render water unsuitable for drinking and may cause adverse effects on the public health, safety and welfare.
- B. *Adverse impacts of new private ground water wells.* Establishing new private ground water wells in the immediate area of a contamination plume could alter the conditions of existing contamination plumes and draw contaminants into areas that are currently free from contamination.

(§ 5-500, Ord. 05-5(1), 5-4-05; Ord. 18-5(1), 3-14-18)

**State law reference**-Virginia Code § 32.1-176.5.

**Sec. 5-501 Definitions.**

The following definitions apply to this article:

*Active contamination area* means those lands within the area identified by the Virginia Department of Environmental Quality (“VDEQ”) to be contaminated such that, in its judgment, the contamination poses a risk to human health and the environment and warrants corrective action or remediation, and those lands within two thousand (2,000) feet of the contaminated area determined by VDEQ to be at risk for contamination.

*MCL* means the maximum contaminant level, which is the highest level of a contaminant that is allowed in drinking water. The units are expressed in milligrams per liter (mg/L); milligrams per liter are equivalent to parts per million.

(§ 5-501, Ord. 18-5(1), 3-14-18)

**State law reference**-Virginia Code § 32.1-176.5.

**Sec. 5-502 Applicability.**

This article applies to each applicant for a building permit for a structure that will be located within an active contamination area and will be served by a private ground water well as the primary potable water supply.

(§ 5-501, Ord. 05-5(1), 5-4-05; § 5-502, Ord. 18-5(1), 3-14-18)

**State law reference**-Virginia Code § 32.1-176.5.

**Sec. 5-503 Well testing and reporting.**

Each applicant for a building permit to which this article applies shall have the well tested as provided in this section before a building permit for the structure may be issued by the County:

- A. *Contaminants to be tested.* The tests shall determine whether the following volatile organic compounds are present in the water: Benzene, Toluene, Ethylbenzene, and Xylenes.
- B. *Applicable standards.* Each contaminant identified in subsection (A) shall be tested for compliance with the maximum contaminant level established for that contaminant under the federal Safe Drinking Water Act, as follows:

1. Benzene: 0.005 MCL (mg/L).

2. Toluene: 1 MCL (mg/L).

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3. Ethylbenzene: 0.7 MCL (mg/L).
  4. Xylenes (total): 10 MCL (mg/L).
- C. *Sampling and testing methods and services.* Samples shall be taken and tests shall be performed using appropriate testing methods by either the Virginia Department of Environmental Quality or by a laboratory certified by the Commonwealth of Virginia to perform the services. No tests shall be conducted by Consolidated Laboratories. The cost of the tests shall be paid by the landowner.
- D. *Reporting test results.* The testing laboratory shall notify the landowner of the test results in a written report.

(§ 5-502, Ord. 05-5(1), 5-4-05; § 5-503, Ord. 18-5(1), 3-14-18)

State law reference-Virginia Code § 32.1-176.5.

**Sec. 5-504 Building permit; withholding.**

Each applicant for a building permit for a structure to be served by a private ground water well as the primary potable water supply within an active contamination area shall present the report containing the test results required by County Code § 5-503 before a building permit for the structure is issued by the County:

- A. *No contaminants detected.* The County shall issue the building permit if there are no test contaminants detected at or below the federal Safe Drinking Water Act standards identified in County Code § 5-503(B), provided that all other applicable requirements are satisfied.
- B. *Contaminants detected; exceed applicable standards.* The County shall not issue a building permit if one or more test contaminants are detected and they exceed the federal Safe Drinking Water Act standards identified in County Code § 5-503(B), unless and until the applicant has identified and provided an approved alternative primary potable water supply.

(§ 5-503, Ord. 05-5(1), 5-4-05; § 5-504, Ord. 18-5(1), 3-14-18)

State law reference- Virginia Code § 32.1-176.5.