

CODIFIED ORDINANCES OF BRIDGEPORT
PART SEVENTEEN - BUILDING AND HOUSING CODE

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CODIFIED ORDINANCES OF BRIDGEPORT
PART SEVENTEEN - BUILDING AND HOUSING CODE

ARTICLE 1705
Building Standards; Permits

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CROSS REFERENCES

Building regulation generally - see W. Va. Code 8-12-5(28), 8-12-13 et seq.
Permits for construction or alteration - see W. Va. Code 8-12-14
Municipal inspection - see W. Va. Code 8-12-15
Obstructing an officer - see GEN. OFF. 501.05
Planning Commission to approve commercial building permits - see P. & Z. 1305.02(f)

1705.01 BUILDING INSPECTOR.

(a) The office of Building Inspector is hereby established.

(b) The provisions of this article shall be administered and enforced by the Building Inspector, with the cooperation of the Fire Chief and the Chief of Police.
(1976 Code Sec. 5-1)

1705.02 SKYLIGHTS AND FIRE ESCAPES.

No person in charge of any building shall permit the skylights and fire escapes of such

building to become covered with accumulations of ice, snow or materials of any kind.
(1976 Code Sec. 5-2)

1705.03 BUILDING STANDARDS.

(a) On and after the effective date of this section all buildings or other structures which are to be constructed or installed anywhere within the City, and all electrical wiring, apparatus and appliances, all gas systems, apparatus and appliances as well as all plumbing systems and fixtures which are to become a part of or are to be used within any such new building or other structure shall conform to nationally recognized safe and acceptable standards and specifications of design, construction and materials.

(b) On and after the effective date of this section all buildings and other structures anywhere within the City, and all electrical wiring, apparatus and appliances, all gas systems, apparatus and appliances as well as all plumbing systems and fixtures which are a part of or are used within any such old building or other structure, which are to be altered or enlarged shall, with respect to such alteration or enlargement, conform to nationally recognized safe and acceptable standards of design, construction and materials; provided, that any repair of any such old building, structure, apparatus, appliance, fixture, electric wiring or gas system costing fifty percent (50%) or more of the value of the thing repaired shall be deemed to be an alteration within the meaning of this subsection (b).

(c) Conformity with the applicable provisions of the following publications, when current, shall be deemed to be prima facie evidence of conformity with nationally recognized safe and acceptable standards:

- (1) National Building Code, recommended by the American Insurance Association and, as may be applicable in any case, the abbreviated edition thereof.
- (2) BOCA Basic/National Building Code, recommended by the Building Officials and Code Administrators International, Inc., and, as may be applicable in any case, the abbreviated edition thereof.
- (3) Southern Standard Building Code, recommended by the Southern Building Code Congress.
- (4) National Electrical Code, recommended by the National Fire Protection Association.
- (5) Fire Prevention Code, recommended by the American Insurance Association and, as may be applicable, the abbreviated edition thereof.
- (6) Southern Standard Gas Code, recommended by the Southern Building Code Congress.
- (7) BOCA Basic/National Existing Structures Code, recommended by the Building Officials and Code Administrators International, Inc.
- (8) BOCA Basic/National Plumbing Code, recommended by the Building Officials and Code Administrators International, Inc.
- (9) BOCA Basic/National Mechanical Code, recommended by the Building Officials and Code Administrators International, Inc.
- (10) Southern Standard Plumbing Code, recommended by the Southern Building Code Congress.
- (11) Southern Standard Fire Prevention Code, recommended by the Southern Building Code Congress.

(d) It is mandatory that all rules, regulations and orders promulgated by the State Fire Commission pursuant to West Virginia Code 29-3-5 be complied with.

(e) It is mandatory that all rules, regulations and orders promulgated by the State Board of Health pursuant to West Virginia Code 16-1-7 be complied with.
(1976 Code Sec. 5-3)

1705.04 BUILDING PERMITS.

(EDITOR'S NOTE: Former Section 1705.04 was repealed by ordinance on September 24, 1985.)

1705.05 BUILDING PERMIT APPLICATION.

(EDITOR'S NOTE: Former Section 1705.05 was repealed by ordinance on September 24, 1985.)

1705.06 CONSIDERATION OF BUILDING PERMIT APPLICATIONS; INSPECTIONS OF PREMISES.

(EDITOR'S NOTE: Former Section 1705.06 was repealed by ordinance on September 24, 1985.)

1705.07 BUILDING PERMIT ISSUANCE OR DENIAL GENERALLY; FORM.

(EDITOR'S NOTE: Former Section 1705.07 was repealed by ordinance on September 24, 1985.)

1705.08 BUILDING PERMIT AND INSPECTION FEES.

A schedule of fees for all building permits, certificates and inspections is hereby established pursuant to the applicable provisions of the Codified Ordinances requiring building permits, certificates and inspections.

Schedule of Fees

Fees for permits and inspections of new buildings, additions and alterations, signs, demolition of buildings, moving of buildings, and if the Code requires a permit for mechanical, plumbing, electrical, roofing, etc.:

\$1.00 to \$3,000: \$15.00.

\$3,001 and over: Five dollars (\$5.00) per thousand dollars (\$1,000) or any portion thereof of all construction costs including labor and materials

Reinspections: \$25.00

This charge is to be implemented upon the required third inspection of any specific construction type which fails the first two inspections.

Permit Renewals: \$15.00

Initial permit is valid for six months from issue.

Requested inspections of existing buildings: 35.00

This charge is for existing buildings that have no construction activity underway, but want a safety check of their premises.

Working without a permit: A double permit fee shall be assessed.

(Ord. 8-99. Passed 10-25-99.)

1705.081 EXEMPTION.

The building permit and inspection fees imposed by Section 1705.08 of this article shall not apply to the construction, alteration or improvement of churches, synagogues or other places of worship. (Ord. 9-91. Passed 6-11-91.)

1705.09 MOVING OR DEMOLITION OF BUILDINGS.

(a) Before a building may be demolished or moved, the owner thereof shall notify all utilities having service connections within the building such as water, electric, gas, telephone, sewer and other connections. A permit to demolish or move a building shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

(b) Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wires or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the moving of a building or structure.

(c) Whenever a building is demolished or moved, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences. (1976 Code Sec. 5-9)

1705.10 INSPECTIONS.

The Building Inspector may inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building or structure upon completion, prior to the issuance of the certificate of occupancy required by this article. (1976 Code Sec. 5-10)

1705.11 CERTIFICATE OF OCCUPANCY.

(a) Upon completion of a building erected after the effective date of this section and in accordance with approved plans, and after the final inspection referred to in this article, and upon application therefor, the Building Inspector, upon his finding that all requirements of State law and this article have been complied with, shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accord with nationally accepted safe standards; provided, that a temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building.

(b) No person owning or in charge of any building or other structure in the City which has been erected, constructed, installed, repaired, altered or enlarged pursuant to a building permit issued under this article on or after the effective date of this section shall permit the use or occupancy of such building or other structure without having first obtained the certificate of occupancy mentioned in this section. (1976 Code Sec. 5-11)

1705.12 RULES AND REGULATIONS.

Council may promulgate and from time to time amend rules and regulations, not inconsistent with State law, the Codified Ordinances or other ordinance, for the implementation of the provisions of this article and to carry out the intent and spirit thereof. Such rules and regulations may include, among other pertinent subjects not herein mentioned, the following:

- (a) The issuance, suspension and revocation of building permits and certificates of occupancy.
 - (b) Inspection of work done, materials used, etc., pursuant to permit.
 - (c) Variations from and waivers of provisions of this article in cases of undue hardship, when any such variation or waiver would not result in a departure from the intent and spirit of this article or a fire hazard or hazard to the health, safety or well-being of the public or any segment of the public or any individual.
 - (d) Stop-work orders and other enforcement powers of the Building Inspector.
 - (e) Appeals to Council or one of its committees or to some other body from decisions, orders and actions of the Building Inspector.
- (1976 Code Sec. 5-12)

1705.13 VIOLATIONS.

No person shall violate or fail to comply with any of the provisions of this article or with any of the terms and conditions of any building permit issued pursuant to this article or the application for such permit or the plans, specifications and other papers accompanying such application, as approved by the Building Inspector, or shall do any work pursuant to a permit which has been suspended or revoked or shall violate or fail to comply with any rule or regulation of Council promulgated pursuant to this article.

(1976 Code Sec. 5-13)

1705.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

ARTICLE 1706
Registration of Contractors

1706.01	Definitions.	1706.04	Registration revocation; appeal.
1706.02	Registration; restrictions.	1706.99	Penalty.
1706.03	City registration issuance; fees.		

CROSS REFERENCES
Certification of electricians - see W. Va. Code 8-12-14a

1706.01 DEFINITIONS.

For the purpose of this article, "contractor" means any person who undertakes to, or offers to undertake, or submits a bid to or does himself or by or through others, furnishes work, or both materials and work, in the erection, construction, repair or alteration of structures including, but not limited to, buildings, sidewalks, roads, etc., of every kind within the corporate limits of the City.

(Ord. 6-88. Passed 5-24-88.)

1706.02 REGISTRATION; RESTRICTIONS.

No person shall engage in the business of contractor without first obtaining a registration as hereinafter provided, nor shall a person continue to engage in any such activity after his registration has expired, been suspended or revoked. It shall be the responsibility of every general contractor to hire only such subcontractors as are registered under this Building Code. All contractors shall be current on their City business and occupation taxes before a registration will be issued.

(Ord. 6-88. Passed 5-24-88.)

1706.03 CITY REGISTRATION ISSUANCE; FEES.

(a) An application for a contractor's registration shall be made to the office of the Building Inspector, on such forms as may be required or prescribed by the Building Inspector and shall be available for public inspection.

(b) Upon approval of the application for a contractor's registration by the Building Inspector, a fee of fifteen dollars (\$15.00) for the first year and fifteen dollars (\$15.00) for each year thereafter shall be paid to the Director of Finance, whereupon the registration shall be issued. Such application form should include, in the discretion of the Building Inspector, but may not be limited to, the following information and such applicant shall state such information on the application.

- (1) Name of individual applying and company name is desired.
- (2) Address and telephone number.
- (3) Federal identification number and social security number.
- (4) Two personal references.
- (5) Bank references.

(c) Contractor's registration shall be valid for a period of one year beginning July 1 of each year. No registration issued hereunder shall be transferable. A contractor may not be issued a building permit unless he possesses a valid contractor's registration. No fee shall be prorated.

(Ord. 6-88. Passed 5-24-88.)

1706.04 REGISTRATION REVOCATION; APPEAL.

A registration issued pursuant to this section may be revoked by the Building Inspector if he finds that the contractor is guilty of fraudulent use of his registration, incompetency in the exercise of the privileges of such registration, fraud or misrepresentation in securing the registration or permits granted under the Building Code, refusal to conform his work to the requirements of law, or breaches of such other duties placed on the contractor by this Building Code or general law. Any such revocation shall be preceded by written notice of the anticipated revocation sent by certified mail to the contractor's last known address at least fifteen days prior to revocation, but not before the Building Inspector has made every effort to serve the contractor in person. Such notice shall inform the contractor of the grounds for revocation and his right to an appeal to the Code Appeals Board. A revocation of a registration shall not entitle a contractor to a refund of any part of the fee.

If the Building Inspector refuses to register any contractor or if a contractor is notified by the Building Inspector that he was not in compliance with any provision of this article, such contractor shall have the same right of appeal as under a revocation of a registration. If any decision of the Code Appeals Board is adverse to any contractor, the contractor may apply to the Circuit Court of Harrison County for review of such decision in the appropriate manner within thirty days of such decision.

The Building Inspector shall advise the contractor of his/her/its rights under this section on any notice given to such contractor relating to the review of the Building Inspector's decision. (Ord. 6-88. Passed 5-24-88.)

1706.99 PENALTY.

Whoever engages in any activity contrary to the provisions of this article, whether without obtaining a registration certificate required therefor before commencing the same or by continuing the same after the termination of the effective period of any such registration certificate, may, in addition to paying the registration fee, be liable for a penalty of fifty dollars (\$50.00) for each month or fraction thereof during which he has been in default of the registration fee. The Building Inspector, after written notification, shall collect the full amount of the registration fee and penalty imposed and he shall not issue any registration certificate until the registration fee and the penalty have been paid in full.

(Ord. 6-91. Passed 4-9-91.)

ARTICLE 1707
Registration of Landlords

1707.01	Definitions.	1707.04	Registration revocation; appeal.
1707.02	Registration; restrictions.	1707.99	Penalty.
1707.03	City registration issuance; fees.		

1707.01 DEFINITIONS.

For the purpose of this article, "landlord" means any person who undertakes to, or offers to undertake or does himself or by or through others, furnishes real property for lease or rent for any purpose.

(Ord. 5-88. Passed 5-24-88.)

1707.02 REGISTRATION; RESTRICTIONS.

No person shall engage in the business of leasing or renting real property without first obtaining a registration as hereinafter provided, nor shall a person continue to engage in any such activity after his registration has expired, been suspended or revised.

(Ord. 5-88. Passed 5-24-88.)

1707.03 CITY REGISTRATION ISSUANCE; FEES.

(a) An application for a landlord's registration shall be made to the office of the Building Inspector, on such forms as may be required or prescribed by the Building Inspector and shall be available for public inspection.

(b) Upon approval of the application for a landlord's registration by the Building Inspector, a fee of fifteen dollars (\$15.00) per year shall be paid to the Director of Finance, whereupon the registration shall be issued. Such application form should include, in the discretion of the Building Inspector, but may not be limited to the following information and such applicant shall state such information on the application:

- (1) Name of individual applying and company name is desired.
- (2) Address and telephone number.
- (3) Federal identification number and social security number.
- (4) A list by street address of all applicant's rental property within the City.

(c) Landlord's registration shall be valid for a period of one year beginning July 1 of each year. Registration may be renewed. If a registration is allowed to lapse for one full year, a new registration shall be obtained by filing a new application and paying the fee. No registration issued hereunder shall be prorated or transferable.
(Ord. 5-88. Passed 5-24-88.)

1707.04 REGISTRATION REVOCATION; APPEAL.

A registration issued pursuant to this section may be revoked by the Building Inspector if he finds that the landlord's rental property is unfit for habitation or use for its intended purpose or for landlord's refusal to conform his property to the requirements of law, or breaches of such other duties placed on the landlord by the Building Code or general law. Any such revocation shall be preceded by written notice of the anticipated revocation sent by certified mail to the landlord's last known address at least fifteen days prior to revocation, but not before the Building Inspector has made every effort to serve the landlord's in person. Such notice shall inform the landlord of the grounds for revocation and his right to an appeal to the Code Appeals Board as provided by law. A revocation of a registration shall not entitle a landlord to a refund of any part of the registration fee.

If the Building Inspector refuses to register any landlord or if a landlord is notified by the Building Inspector that he was not in compliance with any provision of this article, such landlord shall have the same right of appeal as under a revocation of a registration. If any decision of the Code Appeals Board is adverse to any landlord, the landlord may apply to the Circuit Court of Harrison County for review of such decision in the appropriate manner within thirty days of such decision.

The Building Inspector shall advise the landlord of his/her/its rights under this section on any notice given to such landlord relating to the review of the Building Inspector's decision.
(Ord. 5-88. Passed 5-24-88.)

1707.99 PENALTY.

Whoever engages in any activity contrary to the provisions of this article, whether without obtaining a registration certificate required therefor before commencing the same or by continuing the same after the termination of the effective period of any such registration certificate, may, in addition to paying the registration fee, be liable for a penalty of fifty dollars (\$50.00) for each month or fraction thereof during which he has been in default of the registration fee. The Building Inspector, after written notification, shall collect the full amount of the registration fee and penalty imposed and he shall not issue any registration certificate until the registration fee and the penalty have been paid in full.
(Ord. 7-91. Passed 4-9-91.)

ARTICLE 1708
Carnivals

1708.01	Definitions.	1708.04	Registration revocation and appeal.
1708.02	Registration and restriction.	1708.99	Penalty.
1708.03	City registration; issuance; fees.		

CROSS REFERENCES

Authority to regulate - see W. Va. Code 8-12-5(44)
License taxes - see BUS. & TAX. 717.16

1708.01 DEFINITIONS.

For the purpose of this article: "Amusement ride" means any mechanical device which carries or conveys passengers along, around or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement. The term includes carnival rides and fair rides of a temporary or portable nature which are assembled and reassembled or rides which are relocated from place to place. "Amusement ride" may not be construed to mean any such mechanical device which is coin operated and does not include the operation of vehicles of husbandry incidental to any agricultural operations or the operation of amusement devices of a permanent nature which are subject to building regulations issued by cities or counties and existing applicable safety orders;

"Amusement attraction" means any building, tent, vehicle or other structure around, over or through which people may move or walk without the aid of any moving device integral to the building or structure that provides amusement, pleasure, thrills or excitement, including those of a temporary or portable nature which are assembled and reassembled or which are relocated from place to place. The term does not include any enterprise principally devoted to the exhibition of products of agriculture, industry, education, science, religion or the arts and shall not be construed to include any concession stand or booth for the selling of food or drink or souvenirs;

"Amusement game" means any activity or apparatus employed for any contest for amusement in the form of skill or endurance, for which a fee or charge is made;

"Carnival" means any assembly of one or more amusement rides, amusement attractions or amusement games.

(Ord. 6-89. Passed 5-23-89.)

1708.02 REGISTRATION AND RESTRICTION.

No person shall engage in the business of operating or maintaining a carnival within the City without first obtaining a registration as hereinafter provided, nor shall any person continue to engage in any such activity after his registration has expired, or been suspended or revoked. (Ord. 6-89. Passed 5-23-89.)

1708.03 CITY REGISTRATION; ISSUANCE; FEES.

(a) An application for a carnival registration shall be made to the office of the Building Inspector on such forms as may be prescribed by the Building Inspector and shall be available for public inspection.

(b) The Building Inspector and an officer designated by the Chief of Police shall inspect the carnival, including all amusement rides, amusement attractions and amusement games.

(c) If the carnival and all amusement rides, amusement attractions and amusement games comply with all the provisions of this Code, upon approval by the Building Inspector and Chief of Police of the application for carnival registration, and upon payment of all applicable City license fees, an inspection fee of fifty dollars (\$50.00) shall be paid to the Director of Finance, whereupon the registration shall be issued. The application form shall include, but may not be limited to, the following information and such application shall state such information on the application:

- (1) The name, local and permanent address and telephone number and federal identification number of the operator of the carnival.
- (2) The name, local address and permanent address, telephone number and federal identification number of the operator of each amusement ride, amusement attraction or amusement game.
- (3) The date of last inspection by the Department of Labor and the certificate number for each amusement ride or amusement attraction.

(d) The carnival's registration shall be valid for a period not to exceed twenty days from the date of issuance. (Ord. 6-89. Passed 5-23-89.)

1708.04 REGISTRATION REVOCATION AND APPEAL.

A registration issued pursuant to this section may be revoked by the Building Inspector if he finds that the carnival's amusement rides, amusement attractions or amusement games are unsafe or unfit for use by the public or for the carnival owners' refusal to conform the amusement rides, amusement attractions and amusement games to the requirements of law. Any such revocation shall be preceded by written notice delivered to the carnival owner and shall be effective immediately. A revocation of registration shall not entitle the carnival owner to a refund of any part of the registration fees.

If the Building Inspector refuses to register any carnival or a carnival owner is notified of revocation of registration by the Building Inspector, such carnival owner shall have the right to appeal such decision to the Codes Appeals Board as provided by law.
(Ord. 6-89. Passed 5-23-89.)

1708.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

1989 Replacement

ARTICLE 1709
Unsafe Structures

1709.01 orders.	Additional power.	1709.07	Enforcement
1709.02	Definitions.	1709.08	Service of complaints
1709.03	Building Commission.		and orders.
1709.04	Inspections.	1709.09	Injunctive relief.
1709.05	Repair, closing, demolition; Violations.	1709.10	
1709.06	complaints.	1709.99	Penalty. Hearings.

CROSS REFERENCES

Building enforcement agency - see W. Va. Code 8-12-16
Nuisances generally - see HLTH. & SAN. Art. 1105

1709.01 ADDITIONAL POWER.

This article is enacted pursuant to authority contained in West Virginia Code 8-12-16, and nothing herein contained shall be construed to abrogate or impair the power of any department of the City to enforce any provision of the Codified Ordinances or other ordinance or regulation, nor to prevent or punish violations; and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law of the State or ordinance of the City. (1976 Code Sec. 5-14)

1709.02 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) "Building Commission" means the Building Commission of the City.
- (b) "Circuit Court" means the Circuit Court of the County.
- (c) "Municipality" means the City of Bridgeport, West Virginia.
- (d) "Unsafe building or structure" means any dwelling or other building unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or any other conditions prevailing in any dwelling or building, whether used for human habitation or not, which would cause such dwelling or other building to be unsafe, unsanitary, dangerous or detrimental to the public welfare.

(1976 Code Sec. 5-15)

1988 Replacement

1709.03 BUILDING COMMISSION.

A City Building Commission for the City is hereby created. This Building Commission shall consist of the Mayor, the Building Inspector and one member at large who shall be selected by and shall serve at the will and pleasure of the Mayor. The ranking Health Officer of the City, (and in lieu of such officer, the Chief of Police of the City), and the Fire Chief shall serve as ex officio members of the Commission.

(1976 Code Sec. 5-16)

1709.04 INSPECTIONS.

The Building Commission or its agent or agents shall inspect and examine any dwelling or building within the Municipality which, upon complaint of any Federal, State or Municipal official or employee, or upon complaint of any resident or citizen of the Municipality, is alleged to constitute an unsafe building or structure as herein defined; provided, that any entrance upon premises for the purpose of making such inspection or examination shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.

(1976 Code Sec. 5-17)

1709.05 REPAIR, CLOSING, DEMOLITION; COMPLAINTS.

When a building or structure or any portion thereof is, upon inspection by the Building Commission or its agent or agents, found to be an unsafe building or structure as herein defined, the Building Commission shall issue a complaint setting forth therein the condition or conditions prevailing in such building or structure which render it to be an unsafe building or structure as herein defined and directing the repair, alteration, improvement or the vacating and closing or removal or demolition, or any combination thereof, of such building or structure, as the case may require, within a reasonable time to be set by the Building Commission. Such complaint shall further set a time and place for hearing at which time all interested parties may appear and be heard. (1976 Code Sec. 5-18)

1709.06 HEARINGS.

If the directions of the Building Commission as set forth in the complaint are not carried out within the time specified therein, the Building Commission shall conduct a hearing at the time and place set forth in the complaint at which hearing all interested parties may appear, present evidence and be heard with respect to such complaint.

(1976 Code Sec. 5-19)

1709.07 ENFORCEMENT ORDERS.

If, after hearing the evidence presented at the hearing, the Building Commission determines that the building or structure in question is an unsafe building or structure as herein defined, the Building Commission shall order that it be repaired, altered, improved, vacated, closed, removed or demolished, or any combination thereof, as the case may require, within a time to be set by the Commission and, if the owner or occupant of such building or structure does not comply with such order within the time specified, the Municipality shall carry out the order and direction of the Commission and shall assess all costs of such repairs, alterations, improvements or such vacating and closing or removal or demolition or any combination thereof to the owner of such building or structure, and such costs, after the sale of any and all salvaged material is credited to the account, shall be a lien against the real property upon which costs were incurred.

(1976 Code Sec. 5-20)

1988 Replacement

1709.08 SERVICE OF COMPLAINTS AND ORDERS.

All complaints or orders issued by the Building Commission shall be served in accordance with the law of the State concerning the service of process in civil actions, and shall, in addition thereto, be posted in a conspicuous place on the premises affected by the complaint or order. (1976 Code Sec. 5-21)

1709.09 INJUNCTIVE RELIEF.

Any owner or occupant of any building or structure affected by any complaint or order of the Building Commission, and the City, shall have the right to apply to the Circuit Court for a temporary injunction restraining the Building Commission pending final disposition of the cause, as provided in West Virginia Code 8-12-16. (1976 Code Sec. 5-22)

1709.10 VIOLATIONS.

(a) No owner, occupant, lessee or other person in interest of such dwelling, building or structure as determined by the Building Commission to be dangerous, unhealthy or unfit for human habitation shall fail to comply with any order to repair, vacate or demolish and remove same, or any other order of the Building Commission from which no appeal or other remedy has been invoked. The imposition of one penalty for any violation shall not excuse subsequent violations or deny subsequent impositions of fines or imprisonment or both for continuing violations; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions continue shall constitute a separate offense.

(b) No person shall remove any notice or order of the Building Commission posted as required under any of the provisions of this article. (1976 Code Sec. 5-23)

1709.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

1988 Replacement

ARTICLE 1711
West Virginia State Building Code

1711.01	Adoption.	1711.03	Conflicts.
1711.02	Definitions.	1711.99	Penalty.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4
Building regulation - see W. Va. Code 8-12-13
State Building Code - see W. Va. Code 29-3-5b

1711.01 ADOPTION.

(a) There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of safeguarding life and property and to ensure the quality of construction of all structures erected or removed throughout the Municipality that certain code known as the State Building Code as promulgated by the Fire Marshal under West Virginia Code 29-3-5b.

(b) The standards and requirements as set out and as published by the Building Officials & Code Administrators International and the Council of American Building Officials, as listed below, and as adopted by the State Fire Marshal on the filing date of March 19, 2003 and with an effective date of April 1, 2003, shall have the same force and effect as if set out verbatim in this section:

- International Building Code 2000 (with amendments)
- International Plumbing Code 2000
- International Mechanical Code 2000
- International Fuel Gas Code 2000 (with amendments)
- International Property Maintenance Code
- International Energy Conservation Code 2000
- International Residential Code 2000 (with amendments)
- ICC/ANSI A 117.1 Standards For Accessibility & Usable
Buildings & Facilities/1998
- International Existing Building Code 2003 (with amendment)

By reference: NFPA 70, National Electrical Code/1999
NFPA 101 Life Safety Code/2000

(Ord. 4-03. Passed 4-28-03.)

1711.02 DEFINITIONS.

- (a) “ANSI” means American National Standards Institute, 11 West 42nd St., New York, NY 10036.
- (b) “ASTM” means American Society of Testing and Materials.
- (c) “BOCA” refers to the “Building Officials & Code Administrators International”, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.
- (d) “Building Code” includes all aspects of safe building construction and mechanical operations and all safety aspects related to building construction and mechanical operations.
- (e) “CABO” refers to the “Council of American Building Officials”, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041.
- (f) “Fire Commission” means the thirteen (13) appointed members of the West Virginia State Fire Commission.
- (g) “Fire Marshal” means the West Virginia State Fire Marshal and/or his or her designated representatives.
- (h) “Local jurisdiction” means municipal or county level government.
- (i) “ICC” or “International” means “International Code Council”, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401.
- (j) “NFPA” means “National Fire Protection Association”, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.
- (k) “State Building Code” means the entire contents of this rule and the referenced national Codes. (Ord. 4-03. Passed 4-28-03.)

1711.03 CONFLICTS.

Whenever there is a conflict between the State Fire Code and the State Building Code, the State Fire Code takes precedence.

Whenever there is a conflict between the International Plumbing Code section of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources take precedence.

Whenever there is a conflict between the State Building Code and statutory laws of the State of West Virginia, the West Virginia Code takes precedence.
(Ord. 4-03. Passed 4-28-03.)

1711.99 PENALTY.

(EDITOR’S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

1993 Replacement

ARTICLE 1728
Appeals

1728.01
laws.

Appeals generally.

1728.02

Conflict of

CROSS REFERENCES

General right of appeal - see W.Va. Code 8-34-1
Board of Zoning Appeals - see P. & Z. Art. 1307

1728.01 APPEALS GENERALLY.

All appeals from any of the building codes adopted by the City shall be to the Board of Zoning Appeals, which Board is hereby constituted the Codes Appeals Board for the City. Any reference to Codes Appeals Board contained in any ordinance of the City shall be deemed to mean Board of Zoning Appeals.
(Ord. 14-91. Passed 11-26-91.)

1728.02 CONFLICT OF LAWS.

In the event of any conflict between any of the provisions of this article and any provisions of any other City ordinance, this article shall prevail.
(Ord. 14-91. Passed 11-26-91.)

1992 Replacement

ARTICLE 1731
Floodplain District

1731.01 building and 1731.02 1731.03 requirements: construction 1731.04	General provisions. Definitions. Establishment of the Floodplain District. Utilization of the Flood- plain District.	1731.05 site plan approval. 1731.06 design and standards. 1731.07 1731.08 1731.09 1731.99	Criteria for Specific Administration. Appeals. Municipal liability. Penalty.
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CROSS REFERENCES

Floodplain area management - see W. Va. Code 7-1-3(v)
Flood control projects - see W. Va. Code 8-30-1

1731.01 GENERAL PROVISIONS.

- (a) Intent. The intent of this article is to:
- (1) Promote the general health, welfare and safety of the community.
 - (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - (3) Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal and natural drainage.
 - (4) Reduce financial burdens imposed on the community, its governmental units and its residents, by preventing the unwise design and construction of development in areas subject to flooding.
- (b) Abrogation and Greater Restrictions. This article supersedes any ordinances currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.
- (c) Applicability. Provisions of all other codes, ordinances and regulations shall be applicable insofar as they are consistent with the provisions of this article and the Municipality's

and/or County's need to minimize the hazards and damage resulting from flooding.
(Ord. 2-88. Passed 2-9-88.)

1988 Replacement

1731.02 DEFINITIONS.

(a) "Base flood" means the flood which has been selected to serve as the basis upon which the floodplain management provisions of this article and other ordinances have been prepared; for purposes of this article, the one-hundred year flood.

(b) "Base flood elevation" means the one hundred year flood elevation. Within the Approximated Floodplain the base flood elevation shall be established as a point on the boundary of the Approximated Floodplain which is nearest to the construction site in question.

(c) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(d) "Flood" means a general and temporary inundation of normally dry land areas.

(e) "Floodplain" means:

- (1) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation;
- (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

(f) "Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

(g) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of S60.3.

(h) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term manufactured home does not include park trailers, travel trailers and other similar vehicles.

(i) "Manufactured home park/subdivision" means a parcel or contiguous parcel of land divided into two or more manufactured home lots for rent or sale.

(j) "New construction" means structures for which the start of construction as herein defined commences on or after the effective date of this article. This term does not apply to any work on a structure existing before the effective date of this article.

(k) "One hundred year flood" means a flood that has one chance in one-hundred or a one percent (1%) chance of being equaled or exceeded in any given year.

(l) "Person" means any individual or group of individuals, corporation, partnership, association or other entity, including state and local governments and agencies.

(m) "Principally above ground" means where at least fifty-one percent (51%) of the actual cash value of a structure, less land value, is above ground.

(n) "Start of construction" means for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(o) "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(p) "Substantial improvement" means:

- (1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either:
 - A. Before the improvement or repair is started, or
 - B. If the structure has been damaged, and is being restored, before the damage occurred.
- (2) For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - A. Any project of improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - B. Any alteration of a structure listed on the National Register of Historic Places or a State

Inventory of Historic Places.
(Ord. 2-88. Passed 2-9-88.)

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1731.03 ESTABLISHMENT OF THE FLOODPLAIN DISTRICT.

(a) The Floodplain District shall include all areas subject to inundation by the waters of the one hundred year flood. The source of this delineation shall be the Flood Insurance Study for the City of Bridgeport, Harrison County, West Virginia, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 4, 1988, or the most recent revision thereof.

(b) The Floodplain District shall be comprised of three subdistricts' as follows:

- (1) Floodway (F1) - that portion of the Floodplain District required to carry and discharge the waters of the one hundred year flood without increasing the water surface elevation at any point more than one foot above existing conditions, as demonstrated in the Flood Insurance Study referenced above.
- (2) Floodway Fringe (F2) - those portions of land within the Floodplain District subject to inundation by the one hundred year flood, lying beyond the floodway in areas where detailed study data and profiles are available.
- (3) Approximated Floodplain (F3) - those portions of land within the Floodplain District subject to inundation by the one hundred year flood, where a detailed study has not been performed, but where a one hundred year floodplain boundary has been approximated.

The Approximated Floodplain Area shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the FEMA. For these areas, elevation and floodway information from other Federal, State or other acceptable source shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

(c) The delineation of the Floodplain District may be revised, amended and modified by City Council in compliance with the National Flood Insurance Program when:

- (1) There are changes through natural or other causes;
- (2) Changes are indicated by future detailed hydrologic and hydraulic studies.

All such changes shall be subject to the review and approval of the Federal Insurance Administrator.

(d) Boundary Dispute. Should a dispute concerning any district boundary arise, an initial determination shall be made by the Building Permit Officer. Any party aggrieved by this decision may appeal to the Board of Zoning Appeals. The burden of proof shall be on the appellant.

(Ord. 2-88. Passed 2-9-88.)

1731.04 UTILIZATION OF THE FLOODPLAIN DISTRICT.

(a) Floodway (F1). In the Floodway no development shall be permitted which would result in any increase in the base flood elevation during the occurrence of the base flood discharge. When a developer proposes to offset the effects of development in the Floodway by construction of stream improvements, he shall submit an engineering study prepared by a registered professional engineer which fully evaluates the effects of such construction. The report shall use the base flood as herein defined as the basis of analysis. All adjacent communities and the State Coordinating Office shall be notified by the developer by certified mail of all such intended activities prior to any alteration or relocation of a watercourse and shall submit copies of such notification to the Federal Insurance Administrator. In addition, the developer shall assure, the City, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

All uses, activities and other developments shall be undertaken in strict compliance with the floodproofing and related provisions contained herein, and in all other applicable codes, ordinances and regulations.

(b) Floodway Fringe (F2) and Approximated Floodplain (F3). In the Floodway Fringe and Approximated Floodplain any development and/or use of land shall be permitted provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations. For any manufactured home park or subdivision within the Floodway Fringe or Approximated Floodplain, the owner or operator of the mobile home park or subdivision shall file with the disaster preparedness authorities of Harrison County, and the City an evacuation plan which indicates alternate vehicular access routes.

In addition, whenever a developer intends to alter or relocate a watercourse within the Floodway Fringe or Approximated Floodplain, the developer shall notify in writing by certified mail all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the City, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

(Ord. 2-88. Passed 2-9-88.)

1731.05 CRITERIA FOR BUILDING AND SITE PLAN APPROVAL.

(a) General. Building permits are required in order to determine whether all new construction or substantial improvements are:

- (1) Designed, or modified, and adequately anchored to prevent flotation, collapse or lateral movement.
- (2) Constructed with materials and utility equipment resistant to flood damage.

(b) Basic Format. The basic format of the building permit shall include the following:

- (1) Name and address of applicant.
- (2) Name and address of owner of land on which proposed construction is to occur.

- (3) Name and address of contractor.
- (4) Site location.
- (5) Brief description of proposed work and estimated cost.
- (6) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(c) Elevation and Floodproofing Information. Depending on the type of structure involved, the following information shall also be included in the building permit for work within the Floodplain District:

- (1) For structures to be elevated to the base flood elevation:
 - A. A plan showing the size of the proposed structure and its relation to the lot where it is to be constructed.
 - B. A determination of elevations of the existing ground, proposed finished ground and lowest floor, certified by a registered professional engineer, surveyor or architect.
 - C. Plans showing the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the permit officer, these plans shall be prepared by a registered professional engineer or architect.
 - D. Plans showing the methods used to protect utilities, including sewer, water, telephone, electric, gas, etc. from flooding to the base flood elevation at the building site.
- (2) For structures to be floodproofed to the base flood elevation (nonresidential structures only):
 - A. Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
 - B. A determination of elevations of existing ground, proposed finished ground, lowest floor, and floodproofing limits, certified by a registered professional engineer, surveyor or architect.
 - C. A certificate prepared by the registered professional engineer or architect who prepared the plans in subsection (c)(2)A. above, that the structure in question, together with attendant utility and sanitary facilities is designed so that:
 1. Below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
 2. The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact and other forces resulting from the flood depths, velocities, pressures and other factors associated with the base flood.

Where a nonresidential structure is intended to be made watertight below the base flood level:

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- a. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section, and
- b. A record of such certificates which includes the specific elevation, in relation to mean sea level, to which such structures are floodproofed shall be maintained with the Building Permit Officer.

(d) Site Plan Criteria. The owner or developer of any proposed subdivision, manufactured home park/subdivision or other development shall submit a site plan to the Permit Officer which includes the following information:

- (1) Name of engineer, surveyor or other qualified person responsible for providing the information required in this section.
- (2) A map showing the location of the proposed subdivision and/or development with respect to the Municipality's flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than fifty lots or five acres, whichever is lesser, shall include base flood elevation data.
- (3) Where the subdivision and/or development lies partially or completely in the flood-prone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two or five feet depending upon the slope of the land and identify accurately the boundaries of the flood-prone areas. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source including data developed pursuant to subsection (d)(2) above.
(Ord. 2-88. Passed 2-9-88.)

1731.06 SPECIFIC REQUIREMENTS: DESIGN AND CONSTRUCTION STANDARDS.

In order to prevent excessive damage to buildings and structures, the following restrictions shall apply to all new construction and to construction of substantial improvements to existing structures occurring in the Floodplain District.

- (a) Basements and Lowest Floors. All new construction and substantial improvements of residential structures must have the lowest floor, including basement, elevated to the base flood elevation. All new construction and substantial improvements of nonresidential structures must have the lowest floor, including basement, elevated to the base flood elevation; or, together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is floodproofed in accordance with Section 1731.05(c)(2).
- Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (b) Fill. If fill is used to raise the finished surface of the lowest floor to the base flood elevation:
- (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally fifteen feet beyond the building line, shall be provided to a minimum of twenty-five percent (25%) of the perimeter of a nonresidential structure.
 - (2) Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.
 - (3) Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling.
 - (4) Fill slopes shall be no steeper than one vertical on two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Permit Officer.
 - (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
- (c) Placement of Buildings, Structures and Manufactured Homes.
- (1) All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of flood water.

- (2) Manufactured homes shall be elevated on a permanent foundation or on compacted fill or on pilings so that the lowest floor of each manufactured home will be at the base flood elevation.
 - (3) When manufactured homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above the ground level.
 - (4) All manufactured homes shall be provided with adequate surface drainage and access for a manufactured home hauler.
- (d) Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
 - (2) All air ducts, large pipes and storage tanks located at or below the base flood elevation shall be firmly anchored to resist flotation.
 - (3) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors.
Specifically:
 - A. Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations or one additional tie per side for manufactured homes less than fifty feet long.
 - B. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side.
 - C. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - D. Any additions to a manufactured home shall be similarly anchored.
- (e) Storage. No materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal or plant life, shall be stored below the base flood elevation.
- (f) Utility and Facility Requirements. For all proposed subdivisions, manufactured home parks or subdivisions or other development the Permit Officer shall require:
- (1) All new or replacement water systems, located in the Floodplain District, whether public or private, shall be floodproofed to the base flood elevation.
 - (2) All new or replacement sanitary disposal systems, located within the Floodplain District, whether public or private, shall be floodproofed to the base flood elevation.

- (3) All other new or replacement public and/or private utilities and facilities shall be elevated or floodproofed to the base flood elevation.
- (4) All proposed subdivisions, manufactured home parks or subdivisions, and other development, all new construction and substantial improvements shall require: All new or replacement public and private utilities and facilities such as water, sewer, gas, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, and be designed and/or located to avoid contamination from them during flooding.
- (g) Drainage. Adequate drainage shall be provided to reduce exposure to flood hazards. (Ord. 2-88. Passed 2-9-88.)

1731.07 ADMINISTRATION.

(a) Building Permits and Site Plan Approvals Required. No person, partnership, business or corporation shall undertake or cause to be undertaken, any development or the new construction, substantial improvement or relocation of any structure, including manufactured homes, within the Floodplain District, unless the necessary permits have been obtained from the Permit Officer. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Permit Officer prior to any development.

(b) Approval of Permits and Plans. All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this article and all other applicable codes and ordinances.

The Permit Officer shall require copies of all necessary permits from those governmental agencies from which approval is required by Federal or State law.

A record of all information supplied to the Permit Officer shall be kept on file by the City.

(c) Application Procedures. Application for building permit and site plan approvals shall be made, in writing, to the Permit Officer, and shall include all information stipulated under Section 1731.05.

(d) Changes. After the issuance of a building permit or site plan approval by the Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Permit Officer.

(e) Placards. In addition to the building permit, the Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in process. This placard shall show the number of the building permit, the date of its issuance and be signed by the Permit Officer.

(f) Start of Construction. Work on the proposed construction shall begin within six months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer.

(g) Inspection and Revocation. During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement and/or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the City for whatever action it considers necessary.

(h) Fees. Applications for a building permit shall be accompanied by a fee, payable to the City, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the rates set forth in Section 1705.08. (Ord. 2-88. Passed 2-9-88.)

1731.08 APPEALS.

(a) Appeals. Whenever any person is aggrieved by a decision of the Building Permit Officer with respect to the provision of this article, it is the right of that person to appeal to the Board of Zoning Appeals. Such appeal must be filed, in writing, within thirty days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Board shall set a time and place not less than ten nor more than thirty days for the purpose of hearing the appeal. Notices of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination by the Board of Zoning Appeals shall be final in all cases.

(b) Appeals Review Criteria. All appeals contesting only to the permit fee established by the Building Permit Officer may be handled at the discretion of Council.

All decisions on appeals to all other provisions of this article not covered in subsection (a) hereof, shall adhere to the following criteria:

- (1) An affirmative decision shall not be issued by the Board of Zoning Appeals within the Designated Floodway if any increase in flood levels during the base flood discharge would result.
- (2) A decision may be issued by the Board of Zoning Appeals for the construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation in conformance with the procedures of subsection (b)(3) to (6) hereof.
- (3) Affirmative decisions shall only be issued by the Board of Zoning Appeals upon:
 - A. A showing of good and sufficient cause,

- B. A determination that failure to grant the appeal would result in exceptional hardship to the applicant, and
 - C. A determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.
- (5) The Board of Zoning Appeals shall notify the applicant in writing over the signature of a community official that:
- A. The issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance,
 - B. Such construction below the base flood elevation increase risks to life and property. Such notification shall be maintained with a record of all decisions as required in subsection (b)(6) hereof; and
- (6) The Board of Zoning Appeals shall:
- A. Maintain a record of all decisions including justification for their issuance, and
 - B. Report such decisions issued in its annual report submitted to the Federal Insurance Administration.
(Ord. 2-88. Passed 2-9-88.)

1731.09 MUNICIPAL LIABILITY.

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area, shall not constitute a representation guarantee, or warranty of any kind by the City or by an official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the City, its officials or employees.
(Ord. 2-88. Passed 2-9-88.)

1731.99 PENALTY.

Any person who fails to comply with any or all of the requirements or provisions of this article or direction of the Building Permit Officer or any other authorized employee of the Municipality shall be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00). In default of such payment such person shall be imprisoned for a period not to exceed ten days. Each day during which any violation of this article continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this article may be declared by Council to be a public nuisance and abatable as such.
(Ord. 2-88. Passed 2-9-88.)