

CODIFIED ORDINANCES OF BOLIVAR, WV  
Part 17 - Building and Housing

Part 17  
Building and Housing

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|--------------|--|
| ARTICLE 1701 | Building Code  |
| ARTICLE 1702 | Definitions  |
| ARTICLE 1703 | Zoning Administrator Powers and Duties                   |
| ARTICLE 1704 | Conflict   |
| ARTICLE 1715 | General Building Requirements and Permits                |
| ARTICLE 1725 | Subdivisions   |
| ARTICLE 1735 | Growth and Preservation; Open Spaces; Agricultural Lands |

CROSS REFERENCES

ARTICLE 1701 Building Code

- 1701.01 New construction and additions over 100 square feet require a building permit from the Town of Bolivar. All such new construction must conform to state regulations and licensing and adhere to the International Building Code and the WV State Building Code as adopted and amended by the State Fire Marshal.
- 1701.02 The standards and requirements as set out and as published by the Building Officials and Code Administrators International and the Council of American Building Officials as adopted by the State Fire Marshal shall have the same force and effect as if set out verbatim in this section:
  - (a) International Building Code,
  - (b) National Plumbing Code,
  - (c) National Mechanical Code,
  - (d) National Property Maintenance Code,
  - (e) One- and Two-Family Dwelling Code, and
  - (f) Survey Standards for State Licensing.

ARTICLE 1702 Definitions

1702.01 General

- (a) Building Code: includes all aspects of safe building construction and mechanical operations and all safety aspects related thereto.
- (b) Fire Marshal: the West Virginia State Fire Marshal and/or his or her designated representatives.

# CODIFIED ORDINANCES OF BOLIVAR, WV

## Part 17 - Building and Housing

- (c) State Building Code: the contents of the WV State Building Code in its entirety
- (d) ICC: the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041 and its distribution centers and operations centers as they may be moved after the date of enactment of this ordinance.

1702.02 See Article 1302 for further definitions.

### ARTICLE 1703 Zoning Administrator Powers and Duties

- 1703.01 Administration: The Town Council shall designate a Zoning Administrator.
- 1703.02 Conflict: All departments officials, and public employees of the Town of Bolivar which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.
- 1703.03 Power and Duties: It shall be the duty of the Zoning Administrator and he/she shall have the power to:
  - (a) Review of Applications:
    - (1) Receive and examine all applications for permits as noted in Articles 1715.04 and 1715.05 and requests for variances as defined herein.
    - (2) Forward applications for conditional uses, variances, and exceptions to the Board of Zoning Appeals.
  - (b) Issuance of Permits: Issue building, addition, structure, and demolition permits only where there is compliance with the provisions of this Ordinance.
  - (c) Inspections: Responsible for conducting or overseeing inspections.
  - (d) Issuance of Stop Work Orders: Issue stop, cease and desist orders, in writing by certified mail or in person, and to post such an order on the property, for correction of all conditions found to be in violation of provisions of this Ordinance, including Chapter 17. The written stop work order shall be signed by the Zoning Administrator and the Mayor. Such written orders shall be served by certified mail or in person upon persons, firms, or corporations deemed by the Zoning Administrator to be violation the terms of this ordinance. A posted stop work order shall not be removed by the contractor or landowner under penalty of law. This stop work order shall be considered by the Board of Zoning Appeals. The Board shall stipulate provisions and timetables for compliance with ordinances to lift stop work orders. The posted stop work order may not be removed until the Board has determined that the problem is resolved.

# CODIFIED ORDINANCES OF BOLIVAR, WV

## Part 17 - Building and Housing

- (e) Prevention Actions: With the approval of the Council or when directed by the Council, institute in the name of the Town any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, demolition, conversion, maintenance or use of any building structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
  - (f) Records: Record and file applications for permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.
  - (g) Maps: Maintain Land Use Map and the relevant Assessor's Maps showing the current zoning of all land in the Town.
  - (h) Site Reviews: In cases, where site review is necessary, to conduct a review and record findings. When necessary and appropriate, report findings to any appropriate municipal body.
  - (i) Assistance to Other Bodies: Upon the request of the Council, the Planning Commission, or the Board of Zoning Appeals, provide to said bodies, facts, records, or reports in which they may require assistance in making decisions or support in any other way as requested.
  - (j) Examinations: The Zoning Administrator may examine structures on properties under permit in Bolivar during daylight hours either during a scheduled or unscheduled inspection.
- 1703.04 Participation on Other Bodies: Nothing in this article shall prevent the Zoning Administrator from also serving as a member of the Bolivar Planning Commission.
- 1703.05 Remuneration for Services: The Zoning Administrator shall be remunerated for his/her time and expenses from the Commission budget as approved by the Council in performance of those duties assigned to the Zoning Administrator as described in this section (1703.03).

### ARTICLE 1704 Conflict

- 1704.01 Whenever there arises a conflict between the State Fire Code and the State Building Code, the State Fire Code shall take precedence.
- 1704.02 Whenever there arises a conflict between the BOCA National Plumbing Code portion of the State Building Code and the rules of the State Board of Health, the rules of the Board of Health, shall take precedence.
- 1704.03 Whenever there arises a conflict between the State Building Code and statutory laws of the State of West Virginia, the West Virginia State Code shall take precedence.

### ARTICLE 1715 General Building Requirements and Permits

- 1715.01 New Construction of a single family or one two family duplex structure on a single existing lot

# CODIFIED ORDINANCES OF BOLIVAR, WV

## Part 17 - Building and Housing

- (a) Definitions. See Planning and Zoning Ordinance, Section 1302.
- (b) Setbacks. Setbacks of main structures and out buildings will be fifteen feet front and fifteen feet back. The setbacks on the sides will be ten feet each.
- (c) Size. Each unit size will be a minimum of 800 square feet.
- (d) Parking. Each single family residential dwelling will be provided with a minimum of two off the street parking spaces. Duplex (two family) dwellings will be provided with six off the street parking spaces. Townhouses will provide parking spaces with a minimum of three per residential unit. The parking spaces must show adequate access for parking and turning without endangering people, vehicles or structures.
- (e) Height. Outbuildings and structures shall not exceed two stories in height at street level and, occasionally, three stories from below because of hillside terrain. See definitions in Chapter 13.
- (f) Water and Sewer. Each new construction unit must have written proof of access of water and sewer service from Harpers Ferry Water Works and Harpers Ferry-Bolivar Public Service District. The applicant must submit plans that detail public service water and sewer pipes, including those installed by the property owner or his or her contractor or other utilities which have been buried.
- (g) Documentation Requirements. Permit applications under this article must be accompanied by:
  - (1) Permit applications under this section must be accompanied by specifications and drawings and plot plans of all items listed in subsections 2,3,6,8, and 9 as appropriate and in conformance with the Planning and Zoning Ordinance with building and floor plans drawn to scale as set forth in 1715.04 of this Ordinance.
  - (2) Water and sewer access documentation, along with maps of underground utilities, including water and sewer pipes:
  - (3) Proof of conformance with the Cross Connection and Backflow Prevention Ordinance.
  - (4) All documents and specifications of any kind are required to follow, in specific detail, the requirements of the Zoning Ordinance as well as the requirements of this Building Ordinance.
  - (5) For construction of a new dwelling unit, proof of payment of Jefferson County impact fee must be delivered to town hall before the final permit is issued.
- (h) Density. As of the date of this ordinance (7-2000), units will be limited to one unit per one-half acre for half acre or more lots

# CODIFIED ORDINANCES OF BOLIVAR, WV

## Part 17 - Building and Housing

and lands provided that other requirements of this Building Ordinance and the Zoning Ordinance are met. For lots and lands of less than one-half acre units will be limited to one unit per lot or land, provided, however, that the unit and any accessory buildings, among others without limitation, shall comply with the requirements of this Building Ordinance and the Zoning Ordinance and Comprehensive Plan. (Ord. 7-15-87; Ord. 9-18-90; Ord. 7-2000.)

- (i) **Site Definition.** In addition to the requirements of the Planning and Zoning Ordinance, for any multiple unit, aka multi-family dwelling project, the plot, road access, play areas open space areas parking layout, access for fire trucks, garbage trucks and delivery trucks and topography site location will be a requirement for permit(s) application.
- (j) **Road Access and Traffic.** Each new construction project must furnish documentation showing road access, amount of traffic that can reasonably be expected to be generated by project serviceability of existing roads for project, and traffic flow. This includes services by Fire Department, garbage pick-up, mail delivery, and other light and heavy delivery and moving vehicles. When it is determined by the Town Council that existing roads are not adequate for traffic amount and pattern or width, the permit applicant must post bond and bear the expense of construction of new or up-grading of existing access roads in compliance with Chapter Nine of the Bolivar Ordinances.
- (k) **Documentation Requirements.** Permit applications under this must be accompanied by specifications and drawings and plot plans of all items listed in subsections 2,3,6,8, and 9 above, and in conformance with the Planning and Zoning Ordinance with building and floor plans drawn to scale (see 1715.04).

### 1715.02 Application for permits

- (a) Application for a permit for building use alteration (addition) topographical changes greater than 10% of an empty lot or for demolition shall be made to the Zoning Administrator on forms prescribed by the Council and accompanied by the current permit fee(s) as follows:
- (b) **Demolition Permit.** See requirements on file with the Zoning Administrator. A plan for demolition must accompany the application for a permit and an inspection will be made to assure conformance with the application plan and to assure that the applicant is in compliance with the Zoning Ordinance and this Building Ordinance.
- (c) **Conditional Use Permit.** Board of Zoning Appeals shall hear application for Conditional Use, making decision to approve or deny.
- (d) All applications for permits, including for clearing or excavation of vacant lots, shall be accompanied by proof that drainage and erosion controls, as specified in Appendix A on file with the Zoning Administrator, are complied with.

# CODIFIED ORDINANCES OF BOLIVAR, WV

## Part 17 - Building and Housing

- (e) All applicants must agree to a minimum of four inspections by the Zoning Administrator to assure that the applicant is in compliance with the Zoning Ordinance and this Building Ordinance.
- (f) All permanent structures shall require a permit. Any structure not greater than 100 square feet does not require a permit but must conform to density and setback requirements.
- (g) Decks shall require a permit, conform to setback requirements and one inspection for setback conformance and to assure that the applicant is in compliance with the Zoning Ordinance and this Building Ordinance.
- (h) Costs of processing and filing permits shall be established by the Planning Commission on an annual basis and shall be added to the filing fee. (Ord. 7-2000.)

### 1715.03 definition of buildable lots

- (a) Prior to construction, demolition, movement of earth or variant use of lots, a permit must be obtained from the Commission. For general lot requirements, see Section 1303.04. The following criteria must be met for permit approval:
- (b) Each empty lot enrolled on the Jefferson County Tax Assessor's Map (hereinafter Assessor's Map) for the year 2000 is considered a buildable lot if the following conditions can be met:
  - (1) The proposed building is 15 feet from front and back plat boundaries, where the front is the plat border with a street, road or alley,
  - (2) The proposed building is 10 feet from each side of the plat boundary,
  - (3) The proposed building is 800 square feet or greater in size, and
  - (4) Off street parking is provided for at least two vehicles, or in the case of a commercial building, not less than six parking spaces per business. Access to parking by a driveway will be reviewed for safety and drainage. Parking may be off site by lease or other agreement.
- (c) Each lot enrolled on the Assessor's Map with an existing structure is considered in compliance with residential zoning while all outer walls of the existing structure remain in place.
- (d) Each lot enrolled on the Assessor's Map that is greater than one acre may be subdivided into buildable lots if the subdivision of land results in lots of one half acre or greater for the purpose of construction of single family homes which meet requirements under part (b) of this subchapter.

# CODIFIED ORDINANCES OF BOLIVAR, WV

## Part 17 - Building and Housing

- (e) Subdivided lots must conform to Article 1725 of this ordinance.

### 1715.04 building permits

- (a) From and after the effective date of this section, no person, firm, partnership or corporation shall, within the Town of Bolivar, erect or construct, or commence the erection or construction of, or alter the exterior of an existing building, by addition or use of any building or land for any use which was not in existence on the effective date of this section without first obtaining a building and/or use permit(s) in accordance with the provisions and procedures set forth in this article. Where a building is planned and the use is changed, two or more permits are required. (Ord. passed 7-15-87.)
- (b) Permits must be displayed in such a way as to be visible to the general public, and the permit must remain on display until the project is completed and a final successful inspection concluded.
- (c) All permits are valid for one year from date of issue. A permit may be renewed by submission of a new application payment of fee, and Zoning Administrator and Commission review.
- (d) Preliminary and Final Plans for Single Family Homes
- (e) Conceptual preliminary plan
  - (1) For consideration of a building permit application, the applicant must provide six copies of a preliminary plan to the Zoning Administrator before the Zoning Administrator reviews the contents of the plan. Building permits for subdivisions must follow requirements in Article 1725
  - (2) The conceptual preliminary plan (site map plan, site improvement plan) for a single family home shall include:
    - (A) Complete structural elements of the building must be professionally rendered as an addendum to the site map with buildings drawn to a scale of not less than  $\frac{1}{4}$  inch to one foot.
    - (B) Location of water and sewer pipes, either in existence or planned.
    - (C) Notation of existing resources and structures on the property, and a preliminary improvement plan.
    - (D) The following topographical elements: ponds, swales, drains, ditches, flood plains, existing tree canopies, streams, wetlands, ridge lines, areas where the incline of the ground is in excess of 25 degrees, public roads and trails.

# CODIFIED ORDINANCES OF BOLIVAR, WV

## Part 17 - Building and Housing

- (E) Grading, cuts and fills, driveways, buildings, and storm water retention facilities, and easements as they may be appropriate to the building site. The applicant may be required to submit engineering studies on changes from permeable to non-permeable surfaces that result from building or ground surfacing on a lot.
- (3) The preliminary plan must include provisions for two off street parking spaces, or in the case of a commercial building, no less than six parking spaces.
- (4) The preliminary plan upon review by the Zoning Administrator may be amended by his/her recommendation to include other information including, but not limited to, a topographical map, storm water or other drainage abatement plans, and supporting engineering studies for the applicant's lot.
- (5) The application must include a certified copy of a deed for the property or its equivalent.
- (f) The Final Plan. The preliminary plan is considered final when six copies of all material cited above, and additional material requested by the Zoning Administrator are submitted.
- (g) The Zoning Administrator shall examine the application for compliance with town zoning, and ensure there is a completed site map, drawings of proposed structures, and silt abatement plans. The Zoning Administrator may seek additional information from the applicant within 30 days of receipt of a completed application. The Zoning Administrator shall approve or deny the application within 45 days of receipt of an application deemed to be complete by the Zoning Administrator.

### 1715.05 other permits; demolition; variance

- (a) Permits for additions, decks, outbuildings, retaining walls, pools, temporary storage structures.
  - (1) Applicants for additions to existing structures, outbuildings in excess of 100 square feet, as well as other permanent structures including decks, pools, retaining walls, and temporary storage structures, shall submit to the Zoning Administrator six copies of a final plan consisting of the following:
    - (2) Site map showing addition, deck, pool, temporary storage structure, or outbuilding relative to other structures on the property and property boundaries. Setbacks for these structures are the same as for single family homes.
  - (A) In the case of an addition following the sightline of an existing wall, setbacks may be waived.



# CODIFIED ORDINANCES OF BOLIVAR, WV

## Part 17 - Building and Housing

(B) In the case of rebuilding or replacement of an existing outbuilding, setbacks may be waived, provided the same site footprint is used for the new structure.

(3) The plan must be submitted on a site map to scale no less than ¼ inch to 1 foot, and show property boundaries and the structure or addition's setbacks from property lines. Any topographical changes should be noted on the map, such as grading and excavation. Structural renderings of the addition or outbuilding shall be included with the site map. In the case of outbuildings, the location of other outbuildings shall be noted. In the case of permanent ground surfacing, plans must be submitted to show water runoff abatement on the property.

### (b) Demolition Permits

(1) From and after the effective date of this section, no person, firm, partnership or corporation shall, within the Town of Bolivar, demolish any house or major building without first obtaining a demolition permit in accordance with the provisions and procedures set forth in this section. Major building is defined as any garage, shed, bam, house, store, commercial building or other structure exceeding one hundred square feet in area. This specifically excludes dog houses and privies and buildings to be replaced by another building of equal or larger size where a building or use permit is required. (Ord. 7-15-87.)

(2) Demolition permits are required when a structure greater than 100 square feet in size is to be taken down, or changes are to be made in the topographical profile of land.

(3) A demolition application must provide information on any activity that will have an effect on neighboring properties and any temporary easements that are necessary and granted by neighboring properties.

(4) Explosives may not be used within town boundaries without the permission of the Town Council.

### (c) Application for Variance Permits

(1) Applications for permits not in compliance with this ordinance shall be referred to the Board of Zoning Appeals by the Zoning Administrator.

### 1715.06 permit fees

(a) In general, fees are assessed for permits, construction, various inspections, and demolition.

# CODIFIED ORDINANCES OF BOLIVAR, WV

## Part 17 - Building and Housing

- (b) Fees may be set by the Commission and shall be approved by the Council. The Commission shall review the fee schedule periodically, typically on an annual basis as part of its report to Council.
- (c) The fee schedule is hereby incorporated into this Planning and Zoning Ordinance as if fully re-written here.

### 1715.07 building and other inspections

- (a) All inspections required by these Ordinances, those of Jefferson County, and those required to comply with the laws and regulations of the State of West Virginia shall be arranged by the property owner or builder on behalf of the property owner at the owner's expense. The owner or builder's representative shall coordinate all inspections with the Zoning Administrator. The Zoning Administrator shall have oversight of the inspection process in accordance with 1703.03(c).

### 1715.08 penalty

- (a) Any person or persons, firms, partnerships or corporations violating any provision of this article shall be fined not more than three hundred dollars (\$300) for each offense. Each day for which there is a failure or refusal to comply with this article may constitute a separate and distinct offense (Ord. 7-15-87).

## ARTICLE 1725 Subdivisions

- 1725.01 Current Subdivision Ordinances shall be renumbered to conform to the designation Article 1725. This Article shall conform in all aspects to Chapter Nine of the Bolivar Ordinances concerning streets and roads.

## ARTICLE 1735 Growth and Preservation; Open Spaces; Agricultural Lands

- 1735.01 Current law on Growth and Preservation shall be renumbered to conform to the designation Article 1735.