

**BERKELEY COUNTY**  
**BUILDING CODE ORDINANCE**

**GENERAL AUTHORITY**

By authority of the Code of West Virginia, Chapter 7, Article 1, Section 3n & Chapter 29, Article 3, Section 5b, to enforce minimum regulations governing the design, construction, alteration, enlargement, repair demolition, removal, maintenance and use of all building and structures: providing for the issuance of permits, collection of fees, making of inspections, providing penalties for the violation thereof, to be known as “The Berkeley County Building Code.”

**STANDARDS & CODES**

In accordance with the provisions of Chapter 29, Article 3, Section 5b, the Berkeley County Commission does hereby adopt the State Building Code as set forth in Title 87 Legislative Rules, State Fire Commission as attached hereto and made a part of this Ordinance except as modified and/or amended herein.

**ADDITIONS, INSERTIONS & CHANGES**

1. All codes insert: Berkeley County, West Virginia, where “name of jurisdiction” appears.
2. All codes fee schedules: See Attachment A Fee Schedule.
3. All codes frost depth shall be set as 30 (thirty) inches (762 mm).
4. International Building Code, Section 113.4 Violation penalties: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not less than \$50.00 (fifty dollars) nor more than \$500.00 (five hundred dollars) with each day of violation being a separate offense.
5. International Building Code, Section 114.3 Unlawful continuance: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor punishable by a fine of not less

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Effective

than \$50.00 (fifty dollars) nor more than \$500.00 (five hundred dollars) with each day of violation being a separate offense.

6. International Building Code, Section 1612.3 Establishment of flood hazard areas: Insert 1988 where “insert date of issuance appears.”
7. International Building Code, Section 3410.2 Applicability: Insert 1989 where “date to be inserted by the jurisdiction” appears.
8. International Plumbing Code, Section 106.6.3 Fee refunds: 106.6.3.2 Insert 0% (zero percent) of the application fee and 50% (fifty percent) of the additional fee where “specify percentage” appears. 106.6.3.3. Insert 0% (zero percent) of the application fee and 80% (eighty percent) of the additional fee where “specify percentage” appears.
9. International Plumbing Code, Section 108.4 Violation penalties: Insert misdemeanor where “specify offense” appears and 500 (five hundred) where “amount” appears and 0 (zero) where “number of days” appears.
10. International Plumbing Code, Section 108.5 Stop work orders: Insert 50 (fifty) and 500 (five hundred) where “amount” appears respectively and add each day of continued violation should be considered a separate offense.
11. International Plumbing Code, Section 305.6.1 Sewer depth: Insert 28 (twenty eight) (710 mm) where “number” appears in two places.
12. International Plumbing Code, Section 904.1 Roof extension: Insert 12 (twelve) (300 mm) where “number” appears.
13. International Mechanical Code, Section 106.5.3 Fee refunds: 106.5.3.2 Insert 0% (zero percent) of the application fee and 50% (fifty percent) of the additional fee where “specify percentage” appears. 106.5.3.3. Insert 0% (zero percent) of the application fee and 80% (eighty percent) of the additional fee where “specify percentage” appears.
14. International Mechanical Code, Section 108.4 Violation penalties: Insert misdemeanor where “specify offense” appears and 500 (five hundred) where “amount” appears and 0 (zero) where “number of days” appears.
15. International Mechanical Code, Section 108.5 Stop work orders: Insert 50 (fifty) and 500 (five hundred) where “amount” appears respectively and add each day of continued violation should be considered a separate offense.
16. International Fuel Gas Code Section 106.5.3. Fee refunds: 106.5.3.2 Insert 0% (zero percent) of the application fee and 50% (fifty percent) of the additional fee where “specify percentage” appears. 106.5.3.3. Insert 0% (zero percent) of the

- application fee and 80% (eighty percent) of the additional fee where “specify percentage” appears.
17. International Fuel Gas Code, Section 108.4 Violation penalties: Insert misdemeanor where “specify offense” appears and 500 (five hundred) where “amount” appears and 0 (zero) where “number of days” appears.
  18. International Fuel Gas Code, Section 108.5 Stop work orders: Insert 50 (fifty) and 500 (five hundred) where “amount” appears respectively and add each day of continued violation should be considered a separate offense.
  19. International Property Maintenance Code, Section 106.4 Violation penalties: Insert misdemeanor where “specify offense” appears and 500 (five hundred) where “amount” appears and 0 (zero) where “number of days” appears.
  20. International Property Maintenance Code, Section 303.14 Insect screens: Insert January 01 and December 31, respectively, where “date” appears.
  21. International Property Maintenance Code, Section 602.3 Heat supply: Insert September 01 and May 31, respectively, where “date” appears.
  22. International Property Maintenance Code Section 602.4 Occupiable work spaces: Insert September 01 and May 31, respectively, where “date” appears.
  23. International Property Maintenance Code Section 302.4 Weeds: Insert 10 inches in height where “jurisdiction to insert height in inches” appears.
  24. International Residential Code, Section R 113.4 Violation penalties: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not less than \$50.00 (fifty dollars) nor more than \$500.00 (five hundred dollars) with each day of violation being a separate offense
  25. International Residential Code, Section R 114.2 Unlawful continuance: Any person who shall continue work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor punishable by a fine of not less than \$50.00 (fifty dollars) nor more than \$500.00 (five hundred dollars) with each day of violation being a separate offense.

26. International Residential Code, Table R 301.2: Should be filled in as follows:

Roof Snow Loads (Lbs. Per Sq. Ft.)	Wind	Seismic Design Category	Subject to Damage From				Winter Design Temp. for Heating Facilities	Ice Shield Underlayment required
	Speed (mph)		Weathering	Frost Line Depth	Termite	Decay		
30	90	C	Severe	30 inches	Moderate to Heavy	Slight to Moderate	10 F	No

Flood Hazards	Air Freezing Index	Mean Annual Temp
1988	1000	50 F

26. International Residential Code, Section P 2603.6.1: Insert 28 (twenty eight) (710 mm) where “number” appears.

27. International Residential Code, Section P 3103.1: Insert 12 (twelve) (300 mm) where “number” appears.

28. Appendix Adoption – The Following Appendices Are Specifically Adopted:

A. International Building Code

- 1.) Appendix H - Signs

B. International Plumbing Code

- 1.) Appendix B – Rates of rainfall for various cities.
- 2.) Appendix D – Degree day and design temperatures.
- 3.) Appendix E – Sizing of water piping system.

C. International Mechanical Code

- 1.) Appendix A – Combustion air openings and chimney connector pass- throughs.

D. International Fuel Gas Code

- 1.) Appendix A – Sizing and capacities of gas piping.

- 2.) Appendix B – Sizing of venting systems serving appliances equipped with draft hoods, category 1 appliances, and appliances listed for use with type B vents.
- 3.) Appendix C – Exit terminals of mechanical draft and direct-vent venting systems.

E. International Residential Code

- 1.) Appendix A - Sizing and capacities of gas piping.
- 2.) Appendix B - Sizing of venting systems serving appliances equipped with draft hoods, category 1 appliances, and appliances listed for use with type B vents.
- 3.) Appendix C – Exit terminals of mechanical draft and direct-vent venting systems.
- 4.) Appendix F – Radon control methods.
- 5.) Appendix G – Swimming pools, spas and hot tubs.

**ATTACHMENT A**

**FEE SCHEDULE**

**A. Building Permit Fees (see also Refunds as attached)**

- 1. Outbuildings, garages, carports, inground/above ground pools, porches, decks, barns, unfinished basements . . . . . \$20.00 plus .12/sq. ft.
- 2. Single family residential, mobile homes, additions, townhouses, finished basements . . \$25.00 plus .20/sq. ft.
- 3. Duplex . . . . . \$50.00 plus .20/sq. ft.
- 4. Multi-family . . . . . \$50.00 plus .22/sq. ft.
- 5. Commercial/Industrial (including office trailers, church) . . . . . \$250.00 plus .27/sq. ft.
- 6. Signs . . . . . \$50.00
- 7. Chimney . . . . . \$40.00
- 8. Storage building 150 sq. ft. or less (can not be connected to any utilities) . . . . . \$10.00
- 9. Fences over 6 ft. in height, retaining wall if 4 ft. in height and over . . . . . \$20.00
- 10. Demolition (structure to be demolished due to damage caused by acts of god or fire shall be exempt from the fee) . . . . . \$25.00
- 11. Rebuilding roof (with new framing). . . . . \$25.00
- 12. Installing a door or window  
( Permit required if changing a window of the same size  
new window must meet egress requirements). . . . . \$10.00
- 13. Finishing of unfinished areas:
  - a. Construction under previous permit . . . . . \$20.00 plus .08/sq. ft.
  - b. No previous permit after September, 1990 . . . . . \$25.00 plus .20/sq. ft.
- 14. Agricultural . . . . . N/C
- 15. Tents
  - a. With sidewalls . . . . . \$85.00
  - b. Without sidewalls . . . . . \$35.00

**B. Mechanical/plumbing fees (Commercial/Industrial/Residential as applicable and no other building permit) (Refunds per Ordinance Reference)**

- 1. Application fee. . . . . \$20.00
- 2. Fee for heating, ventilating, ducts, air conditioning and refrigeration systems shall be fifteen (\$15.00) dollars for the first one thousand (\$1,000.00) dollars of valuation of the installation plus seven (\$7.00) dollars for each additional thousand (\$1,000.00) dollars or fraction thereof.
- 3. Repairs, alterations and additions on existing system where cost is over five thousand (\$5,000.00) dollars shall be ten (\$10.00) dollars plus seven (\$7.00) dollars per thousand (\$1,000.00) dollars or fraction thereof of valuation.

In addition to the above fees, any person, firm or corporation who shall commence work governed by this ordinance for which a permit is required, without first obtaining the required permit, shall pay double the cost of such permit if the permit is obtained within forty-eight (48) hours of notification of the violation. If the permit is not obtained within the forty-eight (48) hour period the Building Official will serve written notification of the violation to the appropriate party and the fees shall be tripled. The above fees shall be in addition to any fines levied by the courts if the violator is prosecuted.

If an inspection is requested and the work is not ready for inspection when the inspector arrives on or after date of inspection, an additional fifty (\$50.00) dollar inspection fee will be assessed and must be paid prior to further inspections or issuance of the use and occupancy permit.

Re-inspection of faulty work may be charged a fee of fifty (\$50.00) dollars per visit on any visit after the first re-inspection of the items to be corrected.

## **Attachment B**

### **REFUND SCHEDULE**

Based upon the percentage of fee necessary to complete each item, retained fee for a voided permit will be computed as follows:

	<b>Residential</b>	<b>Commercial</b>
Base Fee	\$25.00/\$20.00	\$250.00
Plan Review	.06/sq ft	.09/sq ft
Footing	.02/sq ft	.03/sq ft
Foundation	.02/sq ft	.03/sq ft
Framing	.06/sq ft	.08/sq ft
Insulation	.02/sq ft	.03/sq ft
Final	.02/sq ft	.03/sq ft