

**BEFORE THE COUNTY COUNCIL
OF
BERKELEY COUNTY, WEST VIRGINIA**

**IN RE: ADOPTION OF WEST VIRGINIA BUILDING CODE
 AS BERKELEY COUNTY BUILDING CODE ORDINANCE**

On this the 27th day of August, 2013, in regular session, the Council does hereby adopt the West Virginia State Building Code, all component parts to become effective on September 1, 2013, with the exception of . The Code is comprised of the national standards and Codes as listed hereinbelow and as published by the International Code Council, American National Standards Institute, and the National Fire Protection Association. Those standards and Codes are as follows, including amendments:

1. **2012 Edition, International Building Code** with the following exceptions:
 - a. Section 101.1 Title. These regulations shall be known as the Building Code of Berkeley County, hereinafter referred to as this code.
 - b. The section entitled “Fire Prevention” and identified as Section 101.4.5 is amended by adding the following paragraph:

New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide for one of the following methods for fire protection of floors: (1) A ½ inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimensional lumber or structural composite lumber equal to or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in Section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings: Provided, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in Section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

- c. The section entitled “Board of Appeals” and identified as Section 113 is amended by adding a new section, Section 113.4, which reads as follows:

Section 113.4 Membership. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and

training to pass on matters pertaining to building construction and are not employees of Berkeley County. They may include, but are not limited to, a West Virginia Registered Professional Architect or Engineer, or a West Virginia Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge of work.

- d. Section 114.4 Violation Penalties is amended by adding the following new paragraph:

Such violations and/or failures of compliance by any person shall cause such person to be guilty of a misdemeanor punishable by a fine of not less than \$50.00 or more than \$500.00. Each day of violation shall be considered a separate offense.

- e. Section 115.3 Unlawful Continuance is amended by adding the following new paragraph:

Any such person shall be guilty of a misdemeanor punishable by a fine of not less than \$75.00 nor more than \$750.00. Each day of violation shall be considered a separate offense.

- f. Section 1612.3 Establishment of flood hazard areas. The language contained therein is deleted and, in lieu thereof, the following is adopted:

Berkeley County hereby adopts by reference the flood hazard map and supporting data incorporated in the Federal Emergency Management Agency engineering report entitled "The Flood Insurance Study for Berkeley County and Incorporated Areas", dated July 7, 2009, as amended or revised with the accompanying Flood Insurance Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. Such maps and supporting data are to be considered a part of this section of the Code/Ordinance.

- g. Section 3412.2 Applicability. The language contained therein is deleted and, in lieu thereof, the following is adopted:

Structures existing prior to September 1, 1990, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

2. **2012 Edition, International Plumbing Code, First Printing.**
- a. Section 101.1 Title. These regulations shall be known as the International Plumbing Code of Berkeley County hereinafter referred to as this code.
 - b. Section 106.6.2 Fee Schedule. The fees for all plumbing work shall be as set forth in Attachment A.
 - c. Section 106.6.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:
 - 1. The full amount of any fee paid hereunder that was erroneously paid or collected.
 - 2. Not more than 5% of the permit fee paid when plan review has been undertaken but no work has been done pursuant to a permit issued in accordance with this Code.
 - 3. Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
 - 4. The Code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.
 - d. Section 108.4 Violation Penalties. Any person who shall violate a provision of this code or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code 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 more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
 - e. Section 108.5 Stop Work Orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure 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 liable to a fine of not less than \$75.00 or more than \$750.00.

- f. Section 305.4.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 28 inches (710 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 28 inches (710 mm) below grade.
 - g. Section 903.1 Roof Extensions. Open vent pipes that extend through a roof shall be terminated not less than 12 inches (300 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet (2134 mm) above the roof.
3. **2012 Edition, International Mechanical Code, First Printing.**
- a. Section 101.1 Title. These regulations shall be known as the Mechanical Code of Berkeley County, hereinafter referred to as this code.
 - b. Section 106.5.2 Fee Schedule. The fees for mechanical work shall be as set forth in Attachment A.
 - c. Section 106.5.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:
 - 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
 - 2. Not more than 5% of the permit fee paid when plan review has been undertaken but no work has been done pursuant to a permit issued in accordance with this Code.
 - 3. Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
 - 4. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.
 - d. Section 108.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code 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 more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
 - e. Section 108.5 Stop Work Orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in

a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 liable for a fine of not less than \$75.00 or more than \$750.00.

4. **2012 Edition, International Fuel Gas Code**, First Printing, with the following exceptions:
- a. Section 101.1 Title. These regulations shall be known as the Fuel Gas Code of Berkeley County, hereinafter referred to as this code.
 - b. Section 106.6.2 Fee Schedule. The fees for work shall be as indicated in Attachment A.
 - c. Section 106.6.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:
 - 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
 - 2. Not more than 5% of the permit fee paid when plan review has been undertaken but no work has been done under a permit issued in accordance with this Code.
 - 3. Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
 - d. Section 108.4 Violation Penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code 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 more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
 - e. Section 108.5 Stop Work Orders. Upon notice from the code official that work is being done contrary to the provision of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists,

the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 liable for a fine of not less than \$75.00 or more than \$750.00.

5. **2012 Edition, International Property Maintenance Code, First Printing.**

- a. Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code of Berkeley County, hereinafter referred to as this code.
- b. Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in Attachment A.
- c. Section 106.4 Violation Penalties. This Section shall be amended by adding a new paragraph as follows:

Any such person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor more than \$500.00.

- d. Section 112.4 Failure To Comply. 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 liable to a fine of not less than \$75.00 or more than \$750.00.
- e. Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of

such removal shall be paid by the owner or agent responsible for the property.

- f. Section 304.14 Insect Screens. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

- g. Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 01 to May 31 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

- h. Section 602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 01 to May 31 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

6. **2009 Edition, International Energy Conservation Code, First Printing. *THIS EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE SHALL BECOME EFFECTIVE ON NOVEMBER 30, 2013.***
 - a. Section 101.1 Title. This code shall be known as the International Energy Conservation Code of Berkeley County, and shall be cited as such. It is referred to herein as this code.
 - b. Section 107.2 Schedule of Permit Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in Attachment A.
 - c. Section 108.4 Failure to Comply. 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 liable to a fine of not less than \$75.00 or more than \$750.00.

7. **2009 Edition, International Residential Code for One and Two Family Dwellings, First Printing, with the following exceptions:**
 - a. Section 101.1 Title. These provisions shall be known as the Residential Code for One – and Two – Family Dwellings of Berkeley County; and shall be cited as such and will be referred to herein as this code.
 - b. Section G2415.10 (404.10) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.
 - c. Table R301.2 (1) See **Attachment C**.
 - d. Section R303.6.1 Light Activation. The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any steps. The illumination of exterior stairways shall be controlled from inside the dwelling unit. Exceptions: 1. Lights that are continuously illuminated or automatically controlled. 2. Interior stairways consisting of less than three steps.
 - e. Section R311.3.1 Landings at doors. Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door.
 - f. Section 311.7.4.1 Riser Heights. The maximum riser height shall be eight and one-quarter (8¹/₄) inches.

- g. Section 311.7.4.2 Tread Depth. The minimum tread depth shall be nine (9) inches.
 - h. Section R403.1.7.1 Building Clearances From Ascending Slopes is not applicable to this Ordinance.
 - i. Section R403.1.7.2 Footing Setbacks From Descending Slope Surfaces is not applicable to this Ordinance.
 - j. Chapter 11, 2009 Edition, International Residential Code for One and Two Family Dwellings, entitled "Energy Efficiency", is deleted and not considered to be a part of this Ordinance.
 - k. Section 2603.6.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 28 inches (710 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 28 inches (710 mm) below grade.
8. **2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities**, First Printing.
9. **2012 International Existing Building Code**, First Printing, with the following exception:
- a. Omit reference to International Fire Code and substitute, in lieu thereof, NFPA Life Safety Code, 2009 Edition.
 - b. Section 101.1 Title. These regulations shall be known as the Existing Building Code of Berkeley County, hereinafter referred to as this code.
 - c. Section 113.4 Violation Penalties. This section of the Code is amended by adding a new paragraph as follows:

Such violations and/or failures of compliance by any person shall cause such person to be guilty of a misdemeanor punishable by a fine of not less than \$50.00 or more than \$500.00. Each day of violation shall be considered a separate offense.
 - d. 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 fine of not less than \$75.00 and not more than \$750.00. Each day of violation shall be deemed a separate offense.
10. **2011 Edition, National Electric Code (NFPA 70)**

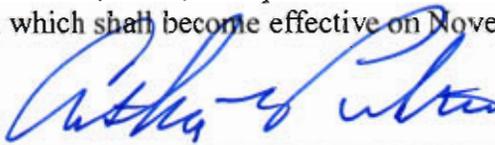
General Exceptions and Miscellaneous Provisions:

Each of the national codes adopted herein provides for a separate appeals board. However, the language in Section 113 of the International Building Code is hereby adopted for use for appeals related to any and all of the Codes which comprise the Berkeley County Building Code Ordinance.

Appendices of all Codes and Standards herein incorporated are hereby adopted and made a part hereof, as though the same were set out in full in this Ordinance.

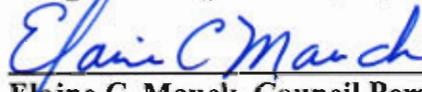
This Ordinance comprised of the several Codes and Standards referenced herein and the appendices relative to those same Codes and Standards, plus the amendments set out herein, is adopted for the benefit, health and welfare of the people of Berkeley County.

Entered this the 22nd day of August, 2013. All component parts of this Ordinance shall become effective on September 1, 2013, except the 2009 Edition of the International Energy Conservation Code, which shall become effective on November 30, 2013.

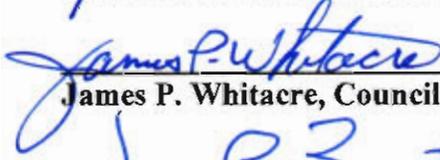


Anthony J. Petrucci, President

Douglas E. Copenhaver, Jr., Vice President



Elaine C. Mauck, Council Person



James P. Whitacre, Council Person



James R. Barnhart, Council Person

ATTEST:



John W. Small, Jr., Clerk

BERKELEY COUNTY ENGINEERING AND BUILDING INSPECTIONS PERMIT FEES**RESIDENTIAL**

Single Family Residential, Manufactured Housing, Additions, Town homes, Finished basements	\$50.00 plus .20 sq. ft.
Duplex	\$75.00 plus .20 sq. ft.
Interior Renovations/Remodeling	\$50.00 plus .12 sq ft.
Storage Buildings(Over 200 sq. ft. or in Floodplain), Garages, Porches, Decks, Barns	\$35.00 plus .12 sq. ft.
Unfinished Basement (At time of New Construction)	.12 sq. ft.
Storage Building 200 sq. ft. or less (Cannot Be Connected to Any Utilities or be in Floodplain)	\$10.00
Finished Basement (Not Associated with New Homes)*Finished Bsmt. Are required to pay Mechanical/Plumbing Review Fees.	.25 sq. ft.
Fences over 6 ft. in Height-Must Provide Plans and Specs	\$40.00
Retaining Walls over 4 ft. in Height	\$40.00
Rebuilding Roof with New Framing Only	\$35.00
Installing a Door or Window (Per Door or Window). If changing a window in a sleeping room, the new window must meet egress requirements.	\$10.00 Per Window or Door
Chimney (If Added After New Home Construction)	\$40.00
Gas Fireplace Direct Vent/Ventless	\$40.00
Plan Change	\$25.00
Grading	\$50.00
HVAC Review	\$40.00
Gas Piping/LP Tank/Oil Tank Review	\$40.00
Hot Water Heater Review	\$35.00
Above Ground Pool Review	\$35.00 Base plus .12 sq. ft.
In-Ground Pool Review	\$35.00 Base plus .12 sq ft.
Demolition (Structure to be demolished due to damage caused by acts of God or fire shall be exempt from the fee).	\$50.00
MASTER PLAN APPROVAL	\$250.00

COMMERCIAL

Multi-Family (Apartment)	\$250.00 plus .22 sq. ft.
Commercial/Industrial (Including Office Trailers, Churches, etc).	\$250.00 plus .27 sq. ft.
Mechanical Review	\$20.00 application fee plus \$15.00 for 1 st \$1,000.00 plus \$10.00 per each additional \$1,000.00
Plumbing Review	\$20.00 application fee plus \$15.00 for 1 st \$1,000.00 plus \$10.00 per each additional \$1,000.00
Signs (On the Building)	\$75.00 plus .10 sq. ft.
Signs (Freestanding)	\$150.00 plus .10 sq. ft.
Signs (Portable)	\$50.00

BERKELEY COUNTY ENGINEERING AND BUILDING INSPECTIONS PERMIT FEES

Billboard Signs	\$500.00
Retaining Walls over 4 ft. in Height	\$250.00
Fences over 6 ft. in Height-Must Provide Plans and Specs	\$250.00
Demolition (Structure to be demolished due to damage caused by acts of God or fire shall be exempt from the fee).	\$50.00
Plan Change	\$150.00
Grading	\$500.00
Change of Use (Will Require Mechanical and Plumbing Review).	\$250.00
Tents with Sidewalls	\$85.00
Tents without Sidewalls	\$35.00

AGRICULTURAL AS APPROVED BY ASSESSOR'S OFFICE-N/C

INSPECTION FEES

Extra Trip Fees Will Be Assess For Premature Inspection Requests, Incomplete Work, and Work Areas Not Accessible. 1 st Trip-\$50.00, 2 nd Extra Trip-\$75.00, 3 rd Extra Trip- \$100.00	
Investigation Fee (Work Started Without a Permit).	\$200.00
Permit Extension	\$25.00
Expedited Certificate of Occupancy	\$75.00
Faxing Certificate of Occupancy	\$25.00
Replacement Placard	\$25.00

Floodplain

Any Structure located within the floodplain, that is to constructed, added to, altered or otherwise changed requires a WV design professional.

**ATTACHMENT B
BERKELEY COUNTY
ENGINEERING AND BUILDING INSPECTIONS DEPARTMENT
400 WEST STEPHEN STREET, SUITE 202
MARTINSBURG, WV 25401
(304) 264-1966 ~ FAX (304) 262-3128**

REFUND POLICY

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

	Residential	Commercial
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

Base Fees and Grading Fees Are Non-Refundable

No Fees Are Refundable Upon Requests Made Later Than
One Hundred Eighty (180) Days from the Issuance of the Permit

Attachment C – Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic Effects		Weathering	Frost Line Depth	Termite					
30	90	Yes	B	Severe	30 inches	Moderate to Heavy	56.75	No	1988 2009 Flood Insurance Study 540282 Map Panel	1500 or Less	52.5