

CHAPTER 5.

BUILDINGS.

For state law as to authority of city to regulate construction, etc., of buildings, electrical wiring and plumbing, see W. Va. Code, § 8-12-13.

As to fire prevention generally, see ch. 7 of this Code. As to garbage and refuse generally, see ch. 8. As to mobile homes, travel trailers, etc., generally, see ch. 10. As to structural requirements for mobile homes, travel trailers, etc., see § 10-4. As to streets and sidewalks generally, see ch. 17. As to water and sewers generally, see ch. 18.

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Sec. 5-1. Building official--Office created; appointment; term; removal; acting official.

(a) The office of building official is hereby created and the executive official in charge shall be known as the building official.

(b) The building official shall be appointed by the common council of the city. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.

(c) During the temporary absence or disability of the building official the appointing authority shall designate an acting building official. (11-16-67, § 2.)

Sec. 5-2. Same--Qualifications.

To be eligible to appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector or experience in building construction. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have

any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and demolition. (11-16-67, § 3.)

Sec. 5-3. Same--Duties.

(a) The building official shall devote such time to the duties of his office as same may require. He shall receive applications required by this Code, issue permits and furnish the prescribed certificates. He shall examine premises for which certificates have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

(b) Inspections required under the provisions of the Building Code shall be made by the building official or his duly appointed assistant. The building official may accept reports of inspectors of recognized inspection services after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

(c) The building official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.

(d) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the building official without his written consent.

(e) The building official shall make written reports to his immediate superior once each month, or more often, if requested, including statements of permits and certificates issued and orders promulgated. (11-16-67, § 4.)

Sec. 5-4. Same--Liability.

The building official or any employee charged with the enforcement of the codes adopted by this chapter, acting in good faith and without malice for the city in the discharge of his duties, shall not thereby render himself liable personally for any damage that may accrue to person or property as a result of any act required, or by reason of any act or omission in the discharge of his duties.

Any suit brought against the building official or employee because of such act or omission performed by him in the enforcement of any provision of this Code, shall be defended by the city attorney until final termination of the proceedings. (11-16-67, § 5.)

Sec. 5-5. Same--Cooperation of other officials.

The building official may request and shall receive, so far as may be necessary, in the discharge of his duties the assistance and cooperation of other officials of the municipality. (11-16-67, § 6.)

Sec. 5-6. Same--Right of entry.

The building official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. (11-16-67, § 7.)

Sec. 5-7. Adoption of Building Code.

There is hereby adopted by the common council of the city, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of the buildings and structures, including permits and penalties that certain building code known as the National Building Code recommended by the American Insurance Association, successor to the National Board of Fire Underwriters, being particularly the 1967 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three copies have been and now are filed in the office of the recorder of the city; and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city. (11-16-67, § 1.)

For state law as to authority of city to adopt certain technical codes by reference, see W. Va. Code, § 8-11-4(b).

As to Fire Prevention Code generally, see §§ 7-6 to 7-14 of this Code.

Sec. 5-8. Fees.

(a) No permit as required by the Building Code shall be issued until the fee prescribed in this section shall have been paid. Nor shall any amendment to a permit be approved until the additional fee, if any, due to increase in estimated cost of the building or structure, shall have been paid.

(b) For a permit for the construction or alteration of a building or structure, the fee shall be five dollars per one thousand dollars upon an estimated cost up to twenty thousand dollars; plus three dollars per one thousand dollars upon the estimated cost in excess of twenty thousand dollars up to one hundred thousand dollars; plus two dollars per one thousand dollars upon the estimated cost in excess of one hundred thousand dollars; but not less than five dollars in any case; provided, that no fee shall be required when the estimated cost does not exceed two hundred dollars.

(c) For a permit for the removal of a building or structure from one lot to another, the fee shall be five dollars.

(d) For a permit for the removal of a building or structure to a new location within the same lot, the fee shall be five dollars.

(e) For a permit for the demolition of a building or structure there shall be no charge. (11-16-67, § 10; 3-4-82.)

Sec. 5-9. Fire limits.

(a) All the territory within the city contained within the following boundaries shall be within the fire limit: Beginning on Main Street at the intersection of such street with alley between the First National Bank and the Odell Meat Market; thence with such alley in a southerly direction to Cherry River Boom and Lumber Company's railroad; thence with such railroad in a westerly direction to Oakford Avenue; thence with such Avenue in a southerly direction to the alley just south of the property of A. J. Krashowitz; thence with such alley in a westerly direction to private alley just west of J. H. Kincaid's tile garage; thence north to the main line track of the Baltimore and Ohio Railroad; thence with such track in a westerly direction to a point in an extension of the dividing line between lots number eleven and number twelve in Block "N"; thence with such line extended in a northerly direction to the alley between Main Street and Walnut Street; thence with such alley in an easterly direction crossing Oakford Avenue to the public walkway between the Sparks property and the Community House; thence with such walkway in a southerly direction to Main Street; and thence to the beginning.

And also all the territory within the city contained within the following boundaries shall be within the fire limits: Beginning at the east corner of the eastern terminus of the alley south of Main Street at its intersection with the alley between the First National Bank building and the property of the Odell Meat Market; thence with such alley south one hundred feet; thence in a westerly direction parallel with such alley south of Main Street to a point eighty feet east of Oakford Avenue; thence south and parallel with Oakford Avenue to Cherry River; thence with Cherry River crossing Oakford Avenue to a point on Cherry River, eighty feet west of Oakford Avenue; thence north parallel with such Oakford Avenue on the west thereof to the alley just south of the McClung Hospital.

All buildings hereafter constructed within such limit shall be built of brick, stone, reinforced concrete, tile or other standard fireproof material; the roofs of such buildings shall be of metal, slate, tile, asbestos or other fireproof material. The outside walls of all buildings within such fire limit shall be not less than eight inches thick of brick, stone, reinforced concrete, tile or other standard fireproof building material, if such building stands within eighty feet of any street, but if not within eighty feet of any street, such wall shall not be less than six inches thick. Nothing herein shall be construed to permit offsets, air spaces or light spaces being constructed of wood frame covered with metal, but in all cases the walls adjoining such spaces shall be built of brick, stone, reinforced concrete, tile or other standard fireproof material, as in other parts of the building; provided, that repairs and additions to buildings heretofore erected within such limit of material other than brick, stone, reinforced concrete, tile or other standard fireproof material, may be permitted by the council, in its sound discretion, of other than fireproof material, when in the opinion of the council the fire risk occasioned therefrom will not be materially increased.

Nothing in this section shall be construed to authorize any person to erect a building of any kind within such fire limit without first obtaining a permit from the city council, and the application for such building permit shall be in writing and accompanied by the plans and specifications of the building to be erected, and shall be presented to the building committee or a member thereof not less than five days prior to the meeting of the council at which applicant desires the action of the council thereon.

(b) It shall be unlawful for any person to allow any dangerous chimney, roof or building to remain on his premises after notice to repair or remove the same has been given by the mayor.

(c) If any person shall commit any offense against the provisions of this section, he shall forfeit and pay to the city, upon the judgment of the mayor, a fine of not less than one dollar or more than thirty dollars, and may be imprisoned for a period not to exceed thirty days.

(d) If it becomes necessary to carry out the provisions of this section, the mayor may cause to be abated as a nuisance any building erected or attempted to be erected contrary to this section, and may cause the material used in the erection of such buildings to be levied upon and sold for the payment of the fines and costs imposed by him under this section, and any dangerous chimney, roof or building may be abated by the mayor as a nuisance at the expense of the owner of such nuisance. (9-1-21; 3-21-69.)

As to fire prevention generally, see ch. 7 of this Code.