

Chapter 10

BUILDINGS AND BUILDING REGULATIONS*

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***Charter reference(s)**--Building regulations, §§ 17, 21.

Cross reference(s)--Environment, ch. 18; fire prevention and protection, ch. 22; floods, ch. 26; health and sanitation, ch. 30; signs and advertising, ch. 42; site plan, ch. 46; streets, sidewalks and other public places, ch. 50; subdivisions, ch. 54; zoning, ch. 66; Old and Historic Occoquan District, § 66-220 et. seq.

State law reference(s)--Access to and use of buildings by handicapped, Code of Virginia, § 2.1-517; limitation of prosecutions of building code violations, Code of Virginia, § 19.2-8; Virginia Industrialized Building Safety Law, Code of Virginia, § 36-70 et seq.; Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.; effect of building code on other building regulations, Code of Virginia, § 36-98; enforcement of building code, appeals from decisions of local building department, inspection of buildings, Code of Virginia, § 36-105; voluntary apprenticeship, Code of Virginia, § 40.1-117 et seq.; contractors, Code of Virginia, § 54.1-1100 et seq.; local licensing of certain contractors, Code of Virginia, § 54.1-1117.

Sec. 10-1. Department of building inspection; building/code official.

The department of building inspection is hereby created, and the executive official in charge of the department shall be known as the building/code official.

(Code 1981, § 18-1; Ord. O-2004-13, § 10-1)

Cross reference(s)—Administration, ch. 2.

Sec. 10-2. Deputy.

The town council may appoint a deputy who shall perform such duties as assigned and exercise all the powers of the building/code official during the temporary absence or disability of the building/code official.

(Code 1981, § 18-2; Ord. O-2004-13, § 10-2)

Sec. 10-3. Inspections.

The building/code official shall make all of the required inspections, or the building/code official shall accept reports of inspection by approved agencies or individuals in accordance with section 113.2.1 of the Virginia Uniform Statewide Building Code. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building/code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the mayor.

(Code 1981, § 18-4)

Sec. 10-4. Adoption of Virginia Uniform Statewide Building Code.

(a) Pursuant to authority granted in the Code of Virginia, Section 36-105, as amended, it is hereby expressly provided that the Building Official for the Town of Occoquan shall enforce the Virginia Uniform Statewide Building Code (VUSBC), including the Virginia Maintenance Code dealing with property maintenance, as it may be amended from time to time by the Virginia Board of Housing and Community Development (VBHCD). To the extent provided by law, the Building Official for the Town of Occoquan may inspect existing buildings and structures, permanent or temporary, whether occupied or not, and their associated equipment after completion of construction to ensure that the buildings and structures are maintained in accordance with those provisions of the VUSBC regulations.

(b) Nothing in this section shall be held to preclude compliance with any zoning, health, safety, sanitation or other provisions of the Code of the Town of Occoquan heretofore or hereafter adopted.

(Code 1981, § 18-5; Ord. O-2008-04, § 10-4)

Sec. 10-5. Definitions.

Whenever the following words or terms are used in the building code adopted in this chapter, they shall have the meanings ascribed to them in this section:

Building/code official means the building/code official for the Town of Occoquan, Virginia.

Gasfitter means a person who holds himself out to the public to do gasfitting work and accepts compensation for his services in doing such work.

Legal counsel means the town attorney for the Town of Occoquan, Virginia.

Municipality means the Town of Occoquan, Virginia.

Plumber means a person who holds himself out to the public to do plumbing work and accepts compensation for his services in doing such work.

(Code 1981, § 18-6)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 10-6. When permit is required.

Except as provided in section 107.1 of the Virginia Uniform Statewide Building Code, written application shall be made to the building/code official when a construction permit is required. A permit shall be issued by the building/code official before any of the following actions subject to the Virginia Uniform Statewide Building Code may be commenced:

- (1) Constructing, enlarging, altering, repairing or demolishing a building or structure.
- (2) Changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities, ventilation or sanitary provisions.
- (3) Installing or altering any equipment which is regulated by the building code.
- (4) Removing or disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to buildings or structures.

(Code 1981, §§ 18-7, 18-11)

Sec. 10-7. Applicant for permit defined.

As used in this chapter, the term "applicant" shall include any person who shall be the owner of record of any real property upon which is contemplated or undertaken any erection, alteration,

demolition or repair of or any addition to any building or other structure of any nature or kind, and shall further include any person who undertakes to perform or performs on behalf of the owner of record such erection, alteration, demolition, repair or addition.

(Code 1981, § 18-8)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 10-8. Application for permit.

No permit shall be issued by the building/code official for the erection, alteration, demolition or repair of or for the addition to any structure until the following conditions shall have first been satisfied:

- (1) The applicant shall have executed, under oath, and on a form provided by the building/code official or by the town clerk an application for a building permit, which application shall fully disclose the estimated cost of such erection, alteration, demolition, repair or addition, and shall state explicitly the location, purpose, dimensions, distance from street lines, character and composition of walls, coverings and other information relative to such erection, alteration, demolition, repair or addition as the building/code official shall require, including but not limited to scale drawings, lists or bills of materials, textual information, etc.;
- (2) The applicant shall have supplied to the building/code official, or to the town clerk, three copies of a correct site drainage or grading plan, which shall bear the name and authority of the firm or individual who shall have prepared the plan; this site drainage or grading plan requirement may be waived at the discretion of the building/code official except that no such waiver may be granted when an application has been made for erection of or substantial addition to any commercial structure;
- (3) The applicant shall have provided to the building/code official written authorization from the county health department for the installation of a well and septic system, or in lieu of such authorization, a permit from the Prince William County Service Authority allowing connection by applicant to water and sewer systems;
- (4) The applicant shall have provided a certificate signed by the chairman of the planning commission that the applicant has complied with the land use or zoning provisions of this Code;
- (5) The applicant shall provide to the building/code official evidence which, in the discretion of the building/code official, establishes that in any construction or development by the applicant, satisfactory water runoff control measures shall be taken by the applicant to ensure that the amount of water running off the site will not exceed the level of water running from the site prior to the construction or development; and

(6) The applicant shall have paid to the town clerk all fees required by section 10-10.

(Code 1981, § 18-9)

Sec. 10-9. Rules and regulations established by building/code official.

Whenever necessary to the just and efficient administration of the provisions of this chapter, and unless inconsistent with the provisions of this chapter, the building/code official may promulgate rules and regulations relating to the subject matter of this chapter; and such rules and regulations shall be available from the town clerk as official public records of the town.

(Code 1981, § 18-10)

Sec. 10-10. Fees.

Fees required under this chapter shall be as provided in a fee schedule adopted pursuant to section 112.0 of the Virginia Uniform Statewide Building Code.

(Code 1981, § 18-12)

Sec. 10-11. Appeals.

Pursuant to an agreement between the town and Prince William County, appeals from decisions of the building/code official may be made to the Prince William County Board of Building Code Appeals upon the payment by the appellant of a fee of \$300.00 for each application.

(Ord. O-2002-08, § 10-11)

Sec. 10-12. Report to council.

At each regular meeting of the town council, the building/code official shall report to the council the number of applications for permits that have been received by him since the last regular meeting of the council, the number of permits that have been issued, and the number of applications that have been denied.

(Code 1981, § 18-13)

Sec. 10-13. Penalties.

Any person violating a provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$2,500.00. Each day during which erection, alteration, repair or demolition shall occur in violation of the provisions of this chapter shall constitute a separate offense.

(Code 1981, § 18-14)

State law reference(s)—Authority for above section, Code of Virginia, § 36-106.