

ORDINANCE NO. IV

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS AND CORPORATIONS TO OBTAIN A PERMIT FOR THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS OR RELOCATION OF ANY BUILDING OR STRUCTURE; AND ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the COUNTY COMMISSION OF SUMMERS COUNTY, WEST VIRGINIA as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 Intent

The intent of this Ordinance is to:

- A. Promote the general health, safety and welfare of the community.

Section 1.2 Abrogation and Greater Restrictions

This Ordinance supersedes any ordinances currently in effect regarding building permits in the unincorporated areas of Summers County, except Flood Plain Ordinance #III adopted December 2, 1991. However, any ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

Section 1.2 Applicability

It shall be unlawful for any person, partnership, business, or corporation to undertake or cause to be undertaken, any development or the new construction, substantial improvement, replacement or relocation of any structure (including manufactured homes) within the unincorporated area of Summers County, unless a permit has been obtained from the permit officer.

ARTICLE II - BASIC FORMAT

Section 2.1

The Basic Format of the Building permit shall include the following:

1. Name and address of the applicant.
2. Name and address of the owner of the land on which proposed construction is to occur.
3. Name and address of Contractor (if any).
4. Site location.
5. Brief description of proposed work and estimated cost.
6. Plan of the site showing exact size and location of the proposed construction.

Section 2.2

Other Information

If proposed construction, improvements, alterations, or relocation is within the FLOOD PLAIN AREA- The further information as required in Section 5.3 and 5.4 of Summers County Flood Plain Ordinance #III that was

adopted December 2, 1991, shall be provided.

ARTICLE III - ADMINISTRATION

Section 3.1

Approval of Permits

All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of the State and all other applicable codes and ordinances.

A record of all information supplied the permit officer shall be kept on file by the Summers County Commission.

Section 3.2

Application Procedure

Applications for Building Permits shall be made, in writing, to the Permit Officer, and shall include all information stipulated under Article II of this Ordinance.

Section 3.3

Changes

After the issuance of a Building Permit by the Permit Officer, no changes of any kind shall be made to the application or permit, without the written consent of the Permit Officer.

Section 3.4 .

Placards

In addition to the Building Permit the Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Building Permit, the date of its issuance and be signed by the Permit Officer.

Section 3.5

Start of Construction

Work on a proposed construction shall begin within six (6) months after the date of issuance of the Building Permit or the permit shall expire unless a time of extension is granted, in writing by the Permit Officer.

Section 3.6

Inspection and Revocation

During the Construction period the Permit Officer may inspect the premises to determine that the work is in compliance with the information provided on the permit application. In the event the Permit Officer discovers that the work does not comply with the application or that there has been a false statement by the applicant, the Permit Officer shall revoke the building permit.

Section 3.7

Fees

Application for a Building Permit shall be accompanied by a fee, payable to the Summers County Commission, based upon the estimated cost of the proposed construction as determined by the Permit Officer at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$50.00	\$3.00 (Three Dollars)
\$51.00 to \$500.00	\$5.00 (Five Dollars)
\$501.00 to \$1,000.00	\$10.00 (Ten Dollars)
Each additional thousand or part thereof, except	\$1.00 (One Dollar)
Those permits on structures determined not to be in the Flood Plain will have a maximum fee of	\$25.00 (Twenty-five Dollars)

ARTICLE IV - PENALTIES

Section 4.1

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Permit Officer or any other authorized employee of the community shall be guilty of an offense and, upon conviction, shall pay a fine to the Co. Commission of not less than twenty-five (\$25.00) nor more than three hundred dollars (\$300.00) plus cost of prosecution. In default on such payment such person shall be imprisoned in county prison for a period not to exceed 10 days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance with this Ordinance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in non-compliance with this Ordinance may be declared by the Summers County Commission to be a public nuisance and abatable as such.

ARTICLE V - SEVERABILITY AND COUNTY LIABILITY

Section 5.1 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 5.2 - County Liability

The granting of a permit shall not constitute a representation, guarantee, or warranty of any kind by Summers County or by any employee or official thereof of the practicability or safety of the proposed use and shall create no liability upon Summers County.

ARTICLE VI - ENACTMENT

ENACTED and ORDAINED by the County Commission of Summers County, West Virginia,
This 6th day of July, 1993.

Lonnie R. Mullins, President

Richard L. Meador, Commissioner

James Clyde Grimmatt

ATTEST:

Rachel J. Adkins, Clerk of the Co. Commission