

## Chapter 4

### BUILDING REGULATIONS

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**ARTICLE I. VIRGINIA UNIFORM STATEWIDE  
BUILDING CODE\***

DIVISION 1. GENERALLY

**Sec. 4-1. Purpose of article.**

The purpose of this article is to preserve and secure the health, safety and general welfare of the citizens of the county, and for those who are domiciled elsewhere but visit or are employed in the county, by assuring proper construction, alteration, addition, repair, removal, demolition, location, use and occupancy, and maintenance of all buildings and structures and their service equipment within the county.  
(Ord. No. 81A-4, 1-4-88)

**Sec. 4-2. Conflict of this article with other articles and ordinances.**

Any ordinance or article of the Code of the County of James City, or any parts thereof, which are inconsistent with or are in conflict with the provisions herein contained are hereby repealed. This in no way, however, supersedes or nullifies any of the provisions of Chapter 24, Zoning, except as that chapter pertains to the elements set forth in section 4-1 above.  
(Ord. No. 81A-4, 1-4-88)

**Sec. 4-3. Adoption; amendments.**

There is hereby adopted by reference in the county that certain code known as the Virginia Uniform Statewide Building Code, and all Virginia Administrative Amendments-Accumulative Supplements thereto in being as of the effective date set forth below or subsequently issued, and the whole thereof, and the same is hereby incorporated herein as fully as if set out in length. The effective date of the provisions of such code is September 9, 1974, and shall control all matters set forth in section 4-1 above, and all other functions which pertain to the installation of systems vital to all buildings and structures and their service equipment as defined by such code, and shall apply to all existing and proposed structures in the county; prior to the enactment of this code, all matters set forth in section 4-1 above were governed by the provisions of the Southern Building Code and amendments thereto. Certain sections and subsections of the Uniform Statewide Building Code are amended as follows:

- (1) *Building Code (Current Model Code Referenced in the Virginia Uniform Statewide Building Code):*
  - a. Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" shall be found, the words "County of James City" shall be substituted therefor.
  - b. Wherever the parenthetical phrase "date of adoption of this code" shall be found, the word and numbers "September 1, 1974," shall be substituted therefor.

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\***State law reference**-As to establishment and mandatory application of Virginia Uniform Statewide Building Code, see Code of Va., § 36-105.

(2) *Plumbing Code (Current Model Code edition referenced in the Virginia Uniform Statewide Building Code):*

- a. Wherever the parenthetical phrase "date of adoption of this code" appears, substitute the word and numbers "September 1, 1974."
- b. Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" shall appear, substitute the words "County of James City."
- c. The minimum depth for building sewers is 12 inches below grade.
- d. A public water main or public sewer system shall be considered available to a structure when a structure is within the distance to the public water main or sewer as required by the James City Service Authority Regulations Governing Utility Service."

(3) *Mechanical Code (Current Model Code edition referenced in the Virginia Uniform Statewide Building Code):*

- a. The date of adoption of this code is September 1, 1974.
- b. Wherever the parenthetical phrases "name and municipality" or "name of jurisdiction" shall appear, substitute the words "County of James City."

(4) *Electrical Code (Current Model Code edition referenced in the Virginia Uniform Statewide Building Code):*

- a. Wherever reference is made to governmental bodies or area jurisdiction, the words "County of James City" shall be deemed to apply.
- b. Wherever the terms "authority having jurisdiction" or "competent authority" or terms similar in nature are used, it shall be deemed to mean the "building official or a representative he may designate." Such representative shall normally be the electrical inspector, chief electrical inspector, or fire official.

(5) *One- and Two-Family Dwelling Code (Current Model Code edition referenced in the Virginia Uniform Statewide Building Code):*

- a. Climatic and geographic design criteria is amended by adding the following words and numbers:

Roof live load, pounds per square feet - 20  
Roof snow load, pounds per square feet - 20  
Wind pressure in pounds per square feet - 25  
Seismic condition by zone - (one)

Subject to damage from:

Weathering	Yes, severe
Frost line depth	12 inches
Termite	Yes
Decay	Yes
Winter Design Temp	None Required

- (6) *Requirement to use Virginia Administrative Amendments-Accumulative Supplements.* It is mandatory that the codes referenced in subsections (1) through (5) above be compared with and updated by the Virginia Administrative Amendments-Accumulative Supplements prior to final interpretation of any of the provisions of those codes.

(Ord. No. 81A-4, 1-4-88; Ord. No. 81A-7, 7-17-95; Ord. No. 81A-11, 4-24-01)

**Sec. 4-4. When and where copies may be obtained.**

Copies of the Virginia Uniform Statewide Building Code are available to members of the public in the office of the Board Of Housing And Community Development in accordance with section 36-104, Code of Virginia, 1950, as amended. Copies of the publications adopted herein shall be offered for public inspection and review when available at the office of code compliance during regular business hours.

(Ord. No. 81A-4, 1-4-88; Ord. No. 81A-11, 4-24-01)

**Secs. 4-5 - 4-7. Reserved.**

**DIVISION 2. PERMIT AND INSPECTION FEES**

**Sec. 4-8. Generally.**

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code, as follows:

*(1) Building Permits:*

- a. The minimum fee for any building permit shall be \$50.00.
- b. For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be \$0.13 per square foot.
- c. For the construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be \$0.10 per square foot of the exterior dimensions of the building.
- d. For the alteration or repair of any building or structure, or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one percent of the current value of all service, labor and materials.
- e. For the demolition or razing of any building or structure having a floor area greater than 200 square feet the fee shall be \$50.00.

No fee shall be charged for a permit to raze a building with a floor area of 200 square feet or less.

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- f. For the erection, placement or removal of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land, the fee shall be at the rate of \$0.10 per square foot of the gross floor area.
- g. For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be \$50.00.

A BUILDING PERMIT FEE SHALL BE DOUBLE FOR ANY CONSTRUCTION THAT HAS COMMENCED BEFORE A PERMIT IS OBTAINED.

(2) *Plumbing Permits:*

- a. The minimum fee for any plumbing permit shall be \$50.00.
- b. For the installation of each plumbing fixture or appliance, the fee shall be \$7.00.
- c. For the installation of the water distribution system in each building, the fee shall be \$15.00.
- d. For the connection of any building drain to a public or private sanitary sewage disposal system, the fee shall be \$7.00.
- e. For each sewer (sanitary or storm), manhole (sanitary or storm), roof drain or other similar device, the fee shall be \$7.00.

(3) *Electrical Permits:*

- a. The minimum fee for any electrical permit shall be \$50.00.
- b. For the installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:

	<u>Single Phase</u>	<u>Three Phase</u>
0-60 amps	\$50.00	\$50.00
61-100 amps	50.00	55.00
101-150 amps	60.00	65.00
151-200 amps	65.00	70.00
Over 200 amps, plus \$15.00 for each additional 50 amps or fraction thereof over 200 amps	65.00	70.00

- c. For the installation of a temporary service, or the reconnection of a mobile home, the fee shall be \$50.00.
- d. For increasing the size of the electrical service to any building structure, or mobile home, the fee shall be \$50.00 for service up to and including 200 amperes; or \$50.00 plus \$15.00 for each 50 amperes or fraction thereof over 200 amperes. For relocation of any existing service for which

the size is not increased, the fee shall be \$50.00. No additional fee shall be charged for outlets when the size of the service is increased.

- e. For the addition to any existing electrical installation, the fee shall be based on the number of outlets to be installed at the following rates:

1-100 outlets .....	\$50.00
Over 100 outlets, plus \$0.20 for each outlet over 100 .....	50.00

(4) *Mechanical and Gas Permits:*

- a. The minimum fee for any mechanical or gas permit shall be \$50.00.

- b. Basic permit fee:

1. First \$1,000.00 value .....	50.00
2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof .....	50.00

- c. For the replacement, repair or alteration of mechanical systems or equipment in existing buildings, structures or additions thereto:

1. First \$1,000.00 value .....	50.00
2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof .....	50.00

EXCEPTIONS: Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required.

- d. Fuel piping permit fee:  $0.005 \times \$1,000.00$  of valuation or fraction thereof. Note: Fee applies when permit is issued for fuel piping work only.

- e. L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit fee (total water capacity in gallons):

0-500 .....	50.00
501-2,000 .....	55.00
Over 2,000, plus \$1.00 per 10,000 gallons .....	55.00

- f. Tanks and associated piping for flammable liquids permit fee (capacity in gallons):

0-10,000.....	50.00
10,001-20,000.....	55.00
20,001-50,000.....	60.00
Over 50,000, plus \$5.00 per 25,000 gallons or fraction thereof .....	70.00

- g. For the removal of storage tanks, the minimum fee shall be \$50.00.

- h. For fire suppression systems, the permit fee shall be (includes standpipes):

1. New construction: Same as basic fee in subsection ((b)(1)) above.
2. All others: Same as basic fee in subsection ((b)(1)) above.

- i. Elevators, dumbwaiters, moving stairways, moving walks, manlifts or special hoisting and conveying equipment permit fee:
    - 1. New construction: Same as basic fee in subsection (b)(1) above.
    - 2. All others: Same as basic fee in subsection (b)(1) above.
  - j. Permit reissuance fee: Permits becoming invalid, as specified by the Code, may be reissued up to a period of five years and charged a fee of \$50.00 for each six-month period.
- (5) *Elevator Inspections:*
- a. The fee for an annual elevator inspection shall be \$200.00 for a traction elevator, and \$150.00 for a hydraulic elevator. The fee for an annual elevator inspection certificate by a third-party inspector shall be \$150.00.
  - b. Reinspection: When an inspector is required to make a reinspection of an elevator for the convenience of the owner of the elevator or because the elevator fails to pass the inspection, there shall be a \$50.00 reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.
- (6) *Plan Review Fee:*
- a. The fee for the review of building plans shall be \$20.00 for each 1,000 square feet of floor space, or part thereof or a minimum fee of \$15.00. Such review fee shall be paid at the office of building inspections prior to the plan review or at the discretion of the building official, at the time of permit issuance.
  - b. Revised plans: There shall be no fee for the review of minor revisions to building plans unless such plans are substantially different than the original plans or the previous review comments have not been addressed and necessitate the issuance of additional review comments. Such revised plans shall be subject to an additional fee equal to the fee provided for in subsection (a) above.
- (7) *Certificate of Occupancy Inspection:*
- a. The fee for an inspection for a certificate of occupancy shall be \$50.00.
  - b. No certificate of occupancy shall be issued until all inspection fees have been paid.
- (8) *Mobile Home Installation Fee:*
- a. The fee for the inspection of the installation of a mobile home shall be \$50.00.
  - b. The fee for the inspection of the mobile home installation shall supersede any fee otherwise required for the inspection for an electrical or plumbing permit for that mobile home.
- (9) *Reinspection:* When any building, electrical, mechanical or plumbing inspector is required to make a reinspection of work or a mobile home for the convenience of the contractor, subcontractor or mobile home owner because of incomplete, inadequate or improper work or installation, or because the inspector could not obtain reasonable access to the work or mobile home to be inspected, there shall be a \$50.00 reinspection fee for each reinspection, except as otherwise provided herein. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

(10) *Fire Department New Construction Fees.*

- a. In addition to fees collected for building code permits and inspections, a fee of \$50.00 shall be charged to the permit applicant for the following inspections when a fire department employee will participate in such inspections:
  1. Fire protection system acceptance tests (including fire alarm, fire sprinkler, standpipe, fire pump).
  2. Commercial range hood fire suppression system acceptance tests.
  3. Certificate of Occupancy inspections excluding single- and two-family residences.

(11) *Amusement Device Fees.*

- a. The fee for the inspection of amusement devices shall be:
  1. \$25.00 for each kiddie ride covered by the permit;
  2. \$35.00 for each circular ride or flat-ride less than 20 feet in height covered by the permit;
  3. \$55.00 for each spectacular ride covered by the permit which cannot be inspected as a circular ride or flat-ride in subdivision 2 of this subsection due to complexity or height; and
  4. \$150.00 for each coaster covered by the permit which exceeds 30 feet in height.

(Ord. No. 81A-4, 1-4-88; Ord. No. 81A-8, 6-11-96; Ord. No. 81A-9, 7-9-96; Ord. No. 81A-10, 4-25-00; Ord. No. 81A-12, 5-14-02; Ord. No. 81A-13, 4-22-03; Ord. No. 81A-14, 5-11-04; Ord. No. 81A-15, 5-9-06; Ord. No. 81A-17, 3-10-09; Ord. No. 81A-19; 4-28-09)

**State law reference** - Authority of county to adopt fire prevention code enforcement fees, Code of Va., § 27-98.

**Sec. 4-9. Refunds.**

No fee paid for any permit covered under section 4-8 of this Code shall be refunded unless the permit application is denied and a permit is not issued or the permit is issued in error. If a permit is revoked, abandoned or the project for which the permit is obtained is discontinued, a portion of the permit fee may be refunded after deducting \$25.00 for administrative costs plus \$15.00 for each normal inspection that has been made. No permit fee, the value of which is \$25.00 or less, shall be refunded.  
(Ord. No. 81A-4, 1-4-88; Ord. No. 81A-8, 6-11-96; Ord. No. 81A-9, 7-9-96)

**Sec. 4-10. Exemptions.**

Where the owner of any premises is the United States of America, the commonwealth, the county or instrumentalities thereof, the payment of any permit fee established in section 4-8 is hereby waived. When the housing and community development administrator certifies that the work for which application has been made is funded through his office or a related program and requests that fees be waived, then the request shall be granted.  
(Ord. No. 81A-4, 1-4-88; Ord. No. 81A-8, 6-11-96; Ord. No. 81A-9, 7-9-96)

**Secs. 4-11 - 4-12. Reserved.**

**ARTICLE II. SUPPLEMENTAL REGULATIONS**

**Sec. 4-13. Limitation on the connection of a building to a utility's supply of electricity or gas.**

It shall be unlawful for anyone to connect to a public utility that furnishes electricity or gas until such electrical or gas piping installation in such building has been inspected and a certificate of inspection has been issued. (Ord. No. 81A-4, 1-4-88; Ord. No. 81A-17, 3-10-09)

**Sec. 4-14. Authority to disconnect electricity or gas supply.**

(a) In case of fire, natural disaster or other emergency, the building official or his authorized representative, or any officer of the police department or fire department, shall have the authority to order a public utility company to disconnect its electric or gas supply lines to any building or premises.

(b) If any existing electrical wiring or equipment in or upon any building or premises in the county is found hazardous, defective or unsafe by any electrical inspector, he shall give a written notice to the property owner enumerating the deficiencies and stating the time allowed to correct the electrical system. If upon reinspection at the end of the stated time period the electrical system has not been corrected, the electrical inspector shall order the electrical service to be disconnected under the authority contained in this section. Such order shall not bar any prosecution for failing to comply with a lawful order to correct the electrical system. Should the electrical service be discontinued pursuant to this section, the owner shall have such electrical system inspected by the building official or his designee prior to the power being reconnected.

(c) If any existing consumer's gas piping or gas-burning equipment in or upon any building or premises in the county is found hazardous, defective or unsafe by any mechanical inspector, he shall give a written notice to the property owner enumerating the deficiencies and stating the time allowed to correct the gas system. If upon reinspection at the end of the stated time period the gas system has not been corrected, the mechanical inspector shall order the gas service to be disconnected under the authority contained in this section. Such order shall not bar any prosecution for failing to comply with a lawful order to correct the gas system. Should the gas service be disconnected pursuant to this section, the owner shall have such gas system inspected by the building official or his designee prior to the gas service being reconnected.  
(Ord. No. 81A-4, 1-4-88)

**Sec. 4-15. Duty of public utility to disconnect premises on order.**

It shall be the duty of the public utility company providing service in the county to disconnect any building or premises from its electrical or gas supply lines upon an order issued under the provisions of section 4-14 of this article. It shall be the further duty of such company to have a competent employee on duty at all times who shall promptly proceed to disconnect electrical or gas services upon issuance of such order.  
(Ord. No. 81A-4, 1-4-88)

**Sec. 4-16. Refusal of building permit when building cannot be served by public sewer or approved sewage disposal system.**

No building permit shall be issued by the building official for a proposed or existing building on any property within the county where the building is required to connect to a public sewer system by the James City Service Authority and such a connection is not provided or where the building is not required to connect a public sewer system and is not served by a sewage disposal system approved by the Virginia Department of Health.  
(Ord. No. 81A-4, 1-4-88)

**Secs. 4-17 - 4-20. Reserved.**

**ARTICLE III. BOARD OF APPEALS**

**Sec. 4-21. Establishment.**

There is hereby established a board of appeals as provided for in section 118.0 of the Virginia Uniform Statewide Building Code adopted in article I of this chapter.  
(Ord. No. 81A-4, 1-4-88)

**Sec. 4-22. Appointment.**

Members appointed to the building board of appeals in office prior to July 1, 1987, shall remain in office with the board of appeals until their term of office shall expire. Subsequent appointments and reappointments shall be made under the provisions of section 118.0 of the Virginia Uniform Statewide Building Code with respect to term of office and qualifications of members; provided, that no member shall be appointed for more than two consecutive five-year terms. The building official shall serve as secretary to the building board of appeals. (Ord. No. 81A-4, 1-4-88)

**Sec. 4-23. Jurisdiction.**

The jurisdiction of such board in acting on any appeal shall include the entire scope of the Virginia Uniform Statewide Building Code, as the same may be amended, and as adopted in article I of this chapter. Such board shall also act on any appeal specifically provided for in such other building regulations as may be established in this Code. (Ord. No. 81A-4, 1-4-88)

**Secs. 4-24 - 4-25. Reserved.**

**ARTICLE IV. RESERVED**

**Secs. 4-26 - 4-35. Reserved.**

**ARTICLE V. VIOLATIONS AND PENALTIES**

**Sec. 4-36. Provisions governing prosecution; authority of building official or other special police officers.**

The provisions of the Virginia Uniform Statewide Building Code shall govern the prosecution of violations of such code as adopted in section 4-3 of this chapter; provided, that the building official or any person assigned to building inspection who has been appointed as a special police officer shall have the authority to serve a written notice of violation and to order the abatement of such violation. The building official or any such special police officer is hereby granted the authority to swear a summons to the general district court for any person in the county who shall fail to obey a lawful order contained in such notice of violation. (Ord. No. 81A-4, 1-4-88)

**Sec. 4-37. Penalties; sanctions, injunctive relief, fines.**

(a) It shall be unlawful for any person to violate any provision of the Virginia Uniform Statewide Building Code ("VUSBC") or fail to comply with any of the requirements thereof or erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official or in violation of a permit or certificate issued under the VUSBC, and shall be punishable pursuant to section 36-106 of the Code of Virginia by the following:

- (1) *Criminal sanctions.* Upon conviction, any owner or any other person, firm or corporation shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$2,500.00. Any person convicted of a second offense committed within less than five years after a first offense shall be punished by a fine of not less than \$1,000.00 nor more than \$2,500.00. Any person convicted of a second offense committed within a period of five to ten years of a first offense shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00. Any person convicted of a third or subsequent offense committed within ten years of an offense shall be punished by a fine of not less than \$1,500.00 nor more than \$2,500.00. Provisions requiring a minimum fine shall apply only to convictions for building code violations which cause a building or structure to be unsafe or unfit for human habitation.

(2) *Civil fines:*

(a) Any person who violates any provision of the building code and who fails to abate or remedy the violation promptly upon receipt of notice of the violation from the local enforcement officer shall be assessed a civil penalty in accordance with the following schedule:

1. Failure to obtain a building permit before work begins:
  - a. First offense..... \$25.00 per day
  - b. Subsequent offenses for same violation ..... \$50.00 per day
2. Failure to obtain a certificate of occupancy before commencement of occupancy:
  - a. First offense..... \$25.00 per day
  - b. Subsequent offenses for same violation ..... \$50.00 per day
3. Failure to obtain any required inspection:
  - a. First offense..... \$50.00 per day
  - b. Subsequent offenses for same violation ..... \$100.00 per day
4. Violation of any other provision of Volume I of the VUSBC:
  - a. First offense..... \$75.00 per day
  - b. Subsequent offenses for same violation ..... \$150.00 per day

Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten-day period and in no event shall a series of such violations result in civil penalties of more than \$3,000.00.

(b) Any person summoned for a scheduled violation may make an appearance in person or in writing by mail to the county treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offenses charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

(c) No provisions herein shall be construed to allow the imposition of civil penalties for:

1. Activities related to land development;
2. Violations of any provisions of the local zoning ordinance relating to the posting of signs on public property or public right-of-ways; or

3. Violations resulting in the injury to any person or persons.

(d) Injunctive relief. Except as otherwise provided by the court for good cause shown, any violation or attempted violation of this chapter shall be abated or remedied within six months of the date of the assessment of the conviction. If the violation concerns a residential unit and if the violation remains uncorrected at the time of the conviction, the court shall order that the violation be abated or remedied in order to comply with the VUSBC. Injunctive relief shall be in addition to any criminal or civil penalty imposed by the court. Civil or criminal action may be brought in conjunction with a separate action for injunctive relief. However, the offenses designated for civil penalties above shall be in lieu of criminal enforcement.

(Ord. No. 81A-4, 1-4-88; Ord. No. 81A-7, 7-17-95)

**State law references**-Code of Va., §§ 36-106 and 15.2-2209.

**Sec. 4-38. Authority of county attorney as to abatement.**

The imposition of the penalties herein prescribed shall not preclude the county attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct business or use of a building or structure in or about any premises.

(Ord. No. 81A-4, 1-4-88)

**Secs. 4-39 - 4-49. Reserved.**

**ARTICLE VI. WELL CONSTRUCTION**

**Sec. 4-50. Short title.**

This article shall be known and may be cited as the "James City County, Virginia Water Well Ordinance" or simply as the "Well Ordinance."

(Ord. No. 81A-5, 10-29-90)

**Sec. 4-51. Purpose.**

The board of supervisors, acting pursuant to section 1 of chapter 383 of the Acts of Assembly of 1985, as amended, and sections 32.1-176.5, 15.2-1200 and 15.2-1217 of the Code of Virginia of 1950, as amended, for the purpose of preserving and protecting groundwater and protecting the public health, adopts this article regulating the construction of wells.

(Ord. No. 81A-5, 10-29-90)

**Sec. 4-52. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Approved.* Material, equipment, workmanship, process or method that has been accepted by the office of code compliance and the local health department as suitable for the proposed use.

*Authority.* The James City Service Authority.

*Contaminant.* Any physical, chemical, biological or radiological substance or matter in water which exceeds the safe level for human consumption.

*Disinfection.* The destruction of all pathogens.

*Exception.* A relaxation or conditional waiver of a specific regulation where such exception will not be contrary to the public interest or any existing state water control board or health department regulations.

*Groundwater.* Subsurface water occupying the zone of saturation.

*Health department.* The Commonwealth of Virginia Department of Health.

*Nonpotable water.* All water not classified as potable water.

*Person.* Any individual, firm, corporation, partnership or other entity, singular or plural.

*Pitless adapter.* A mechanical, gasketed device which is attached through a hole drilled or cut in the well casing, connecting to the pump drop pipe which is approved by the health department.

*Potable water.* Water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, toxic agents and meeting all the testing standards of this article.

*Private well regulations.* Regulations issued by the health department effective September 1, 1990, and any revisions thereof.

*Water well completion report.* Form GW-2, published by the state water control board or the Uniform Water Well Completion Report published by the health department and completed by the well driller.

*Waterworks regulations.* Regulations issued by the health department dated February 1, 1982, and any revisions thereof.

*Well.* An artificial opening or artificially altered natural opening, however made, by which groundwater is sought or is intended to be artificially drawn. Wells deriving water at depths of 100 feet or less are classified as "shallow," while wells deriving water at greater than 100 feet are classified as "deep." Any water source heat pump, drive-point, exploration, testing, monitoring, observation or production well for whatever purpose constructed is subject to this article since improper construction can lead to groundwater contamination. This definition shall not apply to soil borings, dewatering wells and similar holes.

*Well grouting.* The filling of the annular space between the well casing and the natural earth or rock with a mixture of neat Portland cement and water or a combination of sand, Portland cement and water applied under pressure from the lower terminus of the grouting to the top of the well. (Ord. No. 81A-5, 10-29-90)

**Sec. 4-53. Application and compliance.**

(a) The requirements of this section shall apply to all new wells, both private and public, potable or nonpotable.

(b) Building contractors, developers, plumbers, well drillers and all persons making well and well pump installations shall be responsible for compliance with applicable sections of this article and the Virginia Uniform Statewide Building Code. It shall be the responsibility of the well driller to secure the well permit from the office of code compliance. The permit does not exempt persons from securing any approval or permit required by the health department, state water control board or any other permit required by the office of code compliance.

(c) All well drillers shall comply with the minimum requirements of this article and the health department regulations. (Ord. No. 81A-5, 10-29-90)

**Sec. 4-54. Administration and enforcement.**

This article shall be administered and enforced by the director of code compliance or the general manager of the authority or their appointed designees. (Ord. No. 81A-5, 10-29-90)

**Sec. 4-55. General requirements for all wells.**

The following general requirements shall apply to all wells:

- (1) All well construction shall conform with the waterworks regulations or private well regulations;
- (2) All well drillers shall be certified by the county. Proof of a well drillers certification by the county shall be required prior to issuing a permit. After January 1, 1992, all well drillers will be required to be certified in order to be issued a permit;
- (3) All wells constructed under this article shall be required to have the water tested for petroleum products. In addition, all wells constructed as a potable water source shall be required to have water tested for nitrates, chlorides and bacteriological contamination upon completion of the well and the installation of the well pump. All contaminants shall be tested by a state-certified lab and shall not exceed the primary maximum contamination level as provided in the waterworks regulations;
- (4) A water well completion report shall be prepared for each well and submitted to the owner, health department and the authority;
- (5) Drilling fluid mix water shall be from a potable water source;
- (6) Drilling fluids shall be sodium bentonite drilling clay. Organic (starch-guard type) drilling muds shall not be used in any phases of drilling or construction, nor shall lime be used to thicken the drilling mud;
- (7) Contractors shall not use any dangerous or toxic substances (bromides, petrochemicals, etc.) in the drilling fluid;
- (8) Wells under construction shall be protected at all times so as to prevent any drainage or foreign matter from entering the casing or bore hole. When drilling operations are suspended temporarily (i.e., overnight, weekends, holidays, etc.), the casing or bore hole shall be securely covered or capped. Upon

completion of drilling, a secure cap or plug shall be placed on or in the top of the casing. In no case shall the driller remove his rig prior to the completion of grouting and the installation of a secure cap, seal or similar protective device on the casing;

- (9) Upon completing construction of any potable well and the installation of the pumping equipment, the well shall be disinfected with a 100 parts per million solution of calcium or sodium hypochlorite. After a minimum of 24 hours has elapsed, the well shall be thoroughly flushed by pumping until there is no residual chlorine detectable. After completion of disinfection, the driller shall provide evidence of at least one water sample showing an absence of bacteriological contamination;
  - (10) Casings shall not terminate in a pit, but extend a minimum of 12 inches above final ground or pumphouse floor elevation and a minimum of two feet above the 100-year flood elevation;
  - (11) The ground immediately surrounding the top of the well casing shall be sloped away from the well to a minimum distance of a five-foot radius with a minimum slope of a half an inch per foot;
  - (12) Centering guides shall be installed on well casings within five feet of ground level, at 50 feet below ground level and then at 100-foot intervals thereafter; and
  - (13) Reinjection of water or any other substances back into the groundwater system for heat pumps or any reason shall be prohibited.
- (Ord. No. 81A-5, 10-29-90)

#### **Sec. 4-56. Specifications for construction of shallow wells.**

Shallow wells are not desirable from a public health standpoint. However, when shallow wells are installed, the following requirements shall apply:

- (1) Casing or lining for bored or shallow wells shall be concrete, PVC or steel meeting all health department regulations;
  - (2) All bore hole diameters shall be drilled a minimum of three inches larger than the outer diameter of the casing or couplings, whichever is greater. In the case of bored wells, the diameter shall be a minimum of six inches greater. Bore holes shall be sufficiently large enough for the installation of the tremie pipe(s) to ensure proper grouting;
  - (3) A solid concrete slab shall be provided at least two feet greater in diameter than the well casing and with a slope of at least one inch from the well casing to the edge of the concrete. This slab shall be at least six inches thick and the outer edge shall be above or flush with the final ground level;
  - (4) When PVC pipe is used and exposed outside, a steel protective casing and cap shall be secured into the concrete slab around that portion of the well exposed above ground level; and
  - (5) Grout mixtures and installation shall conform with specifications detailed in section 4-58.
- (Ord. No. 81A-5, 10-29-90)

#### **Sec. 4-57. Specifications for construction of deep wells.**

Deep wells that are screened and gravel packed are the most desirable from a public health standpoint and shall conform with the following requirements:

- (1) Casings and screens shall be PVC or steel meeting all health department regulations;
  - (2) All bore hole diameters shall be drilled a minimum of three inches larger than the outer diameter of the casing or couplings, whichever is greater. Bore holes shall be sufficiently large enough for the installation of the tremie pipe(s) to ensure proper grouting;
  - (3) All casings shall be constructed and installed so as to be watertight throughout the depth used and shall be approved by the health department;
  - (4) Screens when used shall be securely sealed to the casing by either welding or suitable threads so as to be watertight and shall be either stainless steel or PVC. Lead packers are prohibited for attaching screens to casings;
  - (5) The well casing shall conform with section 4-55(10);
  - (6) Grout mixtures and installation shall conform with specifications detailed in section 4-58;
  - (7) When PVC pipe is used and exposed outside, a steel protective casing and cap shall be secured into the concrete slab around that portion of the well exposed above ground level;
  - (8) A solid concrete slab shall be provided at least two feet greater in diameter than the well casing and with a slope of at least one-half inch per foot from the well casing to the edge of the concrete. This slab shall be at least six inches thick and the outer edge shall be above or flush with the final ground level;
  - (9) The well terminus shall be sealed with an approved sanitary gasketed well seal or an approved pitless adapter and watertight vented terminus cap;
  - (10) Well vents, where required, shall be screened to protect against insects and shall be gooseneck-type vents; and
  - (11) Pitless adapters, if used, shall be installed prior to grouting.
- (Ord. No. 81A-5, 10-29-90)

#### **Sec. 4-58. Specifications for grouting.**

All grouting procedures shall be inspected and the permit holder shall notify the authority at least one working day in advance of any grouting operations. Grouting shall conform with all health department regulations and the following requirements:

- (1) All wells shall be pressure grouted using an external steel tremie pipe(s) installed to the required depth to be grouted. All grouting that exceeds 20 feet must be pumped through the tremie pipe(s). Pouring grout through the tremie pipe(s) is acceptable if the depth does not exceed 20 feet;

- (2) The tremie pipe(s) shall be constructed in such a manner to ensure positive placement of the grout around the casing;
- (3) Grout shall be one of the following and may contain up to six percent by weight bentonite;
  - a. Sand cement grout: A mixture of pure Portland cement (ASTM C-150), sand and water in the proportion of not more than two parts by weight of sand to one part of cement with not more than six gallons of clean water per bag of cement (one cubic foot or 94 pounds) shall be used; or
  - b. Neat cement grout: A mixture of pure Portland cement (ASTM C-150) and not more than six gallons of clean water per bag (one cubic foot or 94 pounds) of cement shall be used;
- (4) Pumping equipment used for grouting shall be capable of installing the grout under adequate pressure to ensure positive placement of the grout around the casing;
- (5) Grout shall be pumped through the tremie pipe until the grout appears at the surface. Grout shall be placed in one continuous operation. The tremie shall always remain beneath the surface of the cement during grouting and should be slowly raised as the cement level rises. The equipment used for pumping the grout shall be thoroughly clean of all foreign matter. Fuel oils and other petroleum liquids shall not be used to prevent cement from sticking to the pumping equipment;
- (6) No further well construction work shall be done on the well until the grout has firmly set, a minimum of 48 hours;
- (7) Any other method of grouting shall be approved by the authority and the health department; and
- (8) Well grouting shall be completed prior to the removal of the drill rig.  
(Ord. No. 81A-5, 10-29-90)

**Sec. 4-59. Specifications for well abandonment.**

Should any well be determined or required to be abandoned due to poor construction, potential source of contamination or any other reason, the well shall be abandoned in the presence of the authority general manager or his appointed designee. Well abandonments shall meet all health department regulations and comply with the following procedures:

- (1) The well shall be checked from land surface to the entire depth of the well to ascertain freedom from obstructions that may interfere with sealing operations;
- (2) The well shall be chlorinated by adding a minimum 100 parts per million chlorine;
- (3) All casings may be salvaged;
- (4) Water-bearing formations may be gravel packed opposite consolidated formations, but all unconsolidated formations must be grouted; and
- (5) The remaining area shall be completely filled with cement grout or clay slurry by introduction through a pipe initially extending to the bottom of the well. Such pipe shall be raised, but remain submerged in grout, as the well is filled. All grouting depths that exceed 20 feet must be pumped through the tremie pipe(s). (Ord. No. 81A-5, 10-29-90)

**Sec. 4-60. Administrative fees.**

A fee of \$50.00 shall be charged at the time of application to offset the cost of making inspections, issuing permits, enforcement and other expenses incident to the administration of this article or to the filing or processing of any appeal or amendment thereto. (Ord. No. 81A-5, 10-29-90)

**Sec. 4-61. Inspections.**

The general manager of the authority, director of code compliance or their appointed designees shall be responsible for inspections and the approval or rejection of any material, equipment, workmanship, process or method involved in the construction and installation of wells. Inspections shall be scheduled at least one working day in advance and occur during the authority's normal working hours. Inspections can be scheduled by calling the office of code compliance. Inspections are required for all grouting operations and the completed well. An operational permit will be issued upon the satisfactory completion of the well and acceptance of the water quality test results. (Ord. No. 81A-5, 10-29-90)

**Sec. 4-62. Notice to correct.**

The general manager of the authority or director of code compliance shall issue written notice requiring the permit holder to correct any violations of this article or the terms of the permit within a reasonable period of time. Should any violation be uncorrectable, the permit holder may be required to abandon the well as detailed in section 4-59. Certificates of occupancy and operational permits will not be issued by code compliance until all work is satisfactorily completed. Failure to comply shall result in penalties being assessed under section 4-63 and the denial of any further permits under this article. (Ord. No. 81A-5, 10-29-90)

**Sec. 4-63. Penalties.**

Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine up to \$1,000.00 or undergo imprisonment for not more than one year, or both. Such person shall be guilty of a separate offense for each and every day during which any portion of any violation of this article is committed, continued or permitted by such person and shall be punished as herein provided. (Ord. No. 81A-5, 10-29-90)

**Sec. 4-64. Exceptions.**

The director of code compliance shall have the authority to grant exceptions to this article for the use of alternative materials or construction methods subject to the following:

- (1) The exception shall be consistent with the intent of this article;
- (2) The exception shall provide equivalent or greater protection to water quality and/or public safety;
- (3) The exception does not conflict with any state water control board or health department regulations;

- (4) The exception shall be requested in writing, with justification and documentation satisfactory to the director of code compliance; and
- (5) The director of code compliance may impose reasonable conditions to the granting of the exception. (Ord. No. 81A-5, 10-29-90)

**Sec. 4-65. Appeals.**

An owner of property subject to an administrative decision, order or requirement under this article, or any well driller, building contractor, developer, plumber or other person making installation of a well on such property, may appeal by submitting a written application to the county administrator no later than 30 days from the rendering of such decision, order or requirement. The county administrator or his designee shall hear the appeal as soon as practicable after receipt of the application. In rendering a decision, the county administrator or his designee shall balance the additional costs of complying with the administrative decision with any potential degradation of water quality and/or any potential safety hazard caused by granting an exception. (Ord. No. 81A-5, 10-29-90)

**Secs. 4-66 – 4-75. Reserved.**

**ARTICLE VII. UNSAFE BUILDINGS AND STRUCTURES**

**Sec. 4-76. Unsafe buildings and structures.**

(a) The building official or fire official may require property owners to remove, repair, or secure any building, wall, or other structure which is located on their property and which the building official or fire official has determined poses a danger to public health or safety of other residents of the county.

(b) If the building official or fire official determines that a building, wall, or structure poses a danger to public health or safety he shall cause a notice to be served on the owner and any recorded lien holder of the building, wall, or other structure, requiring the owner to remove, repair, or secure the building, wall, or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the county. No action shall be taken by the county to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the county may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

(c) The property owner shall remove, repair, or secure the building, wall, or structure, as required by the notice, within 30 days after notice has been given to the owner and any recorded lien holder of such property as provided in subsection (b), whichever is later. If the owner fails to take the action required in the notice within the 30-day period, the building official or fire official may remove, repair, or secure the building, wall, or structure, as required by the notice.

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(d) In the event the county, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes are collected.

(e) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, title 58.1, chapter 39, article 3 (sections 58.1-3940 et. seq.) and article 4 (sections 58.1-3965 et. seq.), as amended. The county may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(f) In addition to the remedies set forth above, any owner of such property who fails to take the action required in the notice within the 30-day period shall be subject to a civil penalty of \$1,000.00.  
(Ord. No. 81A-18, 4-28-09)

**State law reference** - Authority to require removal, repair, etc., of buildings and other structures, see Code of Va., § 15.2-906.