

**ORDINANCE NO. 2016-001, AN ORDINANCE OF COUNCIL AMENDING,
MODIFYING AND RE-ENACTING ARTICLE 1701 OF THE CITY OF
BUCKHANNON, AMENDING, MODIFYING AND RE-ENACTING THE 2012
INTERNATIONAL PROPERTY MAINTENANCE CODE TO BE KNOWN AS “THE
PROPERTY MAINTENANCE CODE OF THE CITY OF BUCKHANNON”,
PREVIOUSLY ADOPTED BY ORDINANCE NO 398**

WHEREAS, the City Council of the City of Buckhannon has developed some concerns regarding the implementation of the new building permit fees that were adopted with the recent passage of Ordinance 398 of the Codified Ordinances; and

WHEREAS, the Council believes that the increase in the building permit fees may be excessive; and

WHEREAS, Council acknowledges that there has been no increase in building permit fees since the early to mid-1980s; and

WHEREAS, the Council further acknowledges that given the City’s desire to improve the conditions of both residential and commercial buildings within the corporate limits, an increase of some amount may well be necessary to accomplish these legitimate objectives; and

WHEREAS, the Council recognizes that any fee structure should ideally generate enough revenue to cover operating costs and expenses in carrying out the responsibilities under this code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUCKHANNON, UPSHUR COUNTY, WEST VIRGINIA, that the Codified Ordinances of the City of Buckhannon, as revised, are hereby **AMENDED, MODIFIED AND RE-ENACTED** to read as follows:

PROPERTY MAINTENANCE CODE

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1701.01. ADOPTION.

(a) This Ordinance is enacted pursuant to the authority contained in West Virginia Code Section 13, Article 12, Chapter 8 and the promulgation contained in West Virginia Code Section 5b, Article 3, Chapter 29, and by the State of West Virginia in Title 87 of the Legislative Rules Series, (§87-4-1 et seq.) state building code, which provisions of such code sections and regulations shall be controlling within the City of Buckhannon. There is hereby

adopted and incorporated by reference as if set out at length herein that part, and only that part, of the State Building Code entitled the 2012 edition, International Property Maintenance Code, Fourth Printing, as published by the International Code Council, to be known as the Property Maintenance Code of the City of Buckhannon, West Virginia, for the purpose of establishing minimum maintenance standards for all property, building and structures, and by providing the standards for supplied utilities and facilities and other physical things and conditions essential to assure that structures are safe, sanitary and fit for occupation and use, subject to the amendments hereinafter.

(b) Unless stated otherwise, all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

1701.02. AMENDMENTS.

The Property Maintenance Code as adopted herein is hereby modified by the following additions and amendments as respectively indicated:

101.1 Title. Insert “City of Buckhannon”

103.5 Fees. Insert the Following Table:

BUILDING PERMIT FEES

(a) Residential (non-commercial):

(1) New construction, additions, alterations, replacements and repair. Fee based on actual valuation of labor and materials:

| | |
|-----------------|---------------------|
| \$0-\$999 | \$10.00 minimum fee |
| \$1,000-19,999 | 0.011 X value |
| \$20,000-49,999 | 0.009 X value |
| \$50,000-99,999 | 0.007 X value |
| \$100,000 + | 0.006 X value |

(b) Commercial-Industrial (nonresidential):

(1) New construction, additions, alterations, replacements and repair. Fee based on actual valuation of labor and materials.

| | |
|-------------------|---------------------|
| \$0-\$1,999 | \$15.00 minimum fee |
| \$2,000-9,999 | 0.0095 X value |
| \$10,000-24,999 | 0.0085 X value |
| \$25,000-49,999 | 0.0075 X value |
| \$50,000-99,999 | 0.0065 X value |
| \$100,000-499,999 | 0.0055 X value |
| \$500,000-999,999 | 0.0045 X value |
| \$1,000,000+ | 0.0035 X value |

112.4 Failure to comply. Insert “\$100” and “\$500” respectively.

302.4 Weeds. Insert “12 inches”

304.14 Insect screens. Insert “April 1” and “October 31”

602.3 Heat Supply. Insert “September 15” and “May 15”

602.4 Occupiable work spaces. Insert “September 1” and “May 1”

1701.03 CONFLICT.

Whenever there arises a conflict between the State Fire Code and the State Property Maintenance Code (International Property Maintenance Code), the State Fire Code shall take precedence.

Whenever there arises a conflict between the State Building Code and statutory laws of the State of West Virginia, the West Virginia Code shall take precedence.

1701.04. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Buckhannon City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

1701.05. NO EFFECT ON EXISTING RIGHTS.

Nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited above, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

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BE IT FURTHER ORDAINED that all other sections of the Codified Ordinances of the City of Buckhannon, as revised, shall remain in full force and effect until further Ordinance of this Council.

BE IT FURTHER ORDAINED that Article 1701 of the Codified Ordinances of the City of Buckhannon, as amended, shall become effective thirty (30) days after passage, May 21, 2016.

APPROVED AS TO FORM BY: CITYATTORNEY/SEM
FIRST READING: April 7, 2016
SECOND READING, PASSAGE & ADOPTION: April 21, 2016

Richard W. Edwards, Mayor

CERTIFICATE OF ENACTMENT

I, Amberle Jenkins, Assistant City Recorder, do hereby certify that the foregoing Ordinance No. 2016-001 AMENDING, MODIFYING AND RE-ENACTING Article 1701, was lawfully AMENDED, MODIFIED, RE-ENACTED and ORDAINED by the Council of the City of Buckhannon during a regular session of said Council assembled on the 21st day of April, 2016.

Amberle Jenkins, Assistant City Recorder