21-05-12-01

AN ORDINANCE PERTAINING TO BUILDING AND BUILDING PERMITS
WITHIN THE
TOWN OF DAVIS, WEST VIRGINIA

Whereas, it has been determined by the Common Council of the Town of Davis, Tucker County, West Virginia that it has become necessary to adopt an ordinance concerning construction within the limits of the Town of Davis and the building permit required for such construction and/or additions to personal real property.

NOW THEREFORE, be it ordained by the Common Council of the Town of Davis in regular session assembled:

BUILDING PERMIT

Applicable in the entire Town limits of Davis, West Virginia

Every landowner must apply for and be approved for a building permit from the Common Council of the Town of Davis before construction/improvements are initiated.

If such owner fails to apply for and comply with an approved building permit, all Construction/improvement to the property must cease.

Building permit is not required for demolition or removal of a structure(s).

Be it known that this ordinance follows the Tucker County, West Virginia CORRIDOR H DESIGN GUIDELINES adopted by the Common Council of the Town of Davis, West Virginia on the second reading of that particular ordinance on August 12, 1998. That ordinance was necessary for maintenance of the historical integrity of the Town of Davis.

An application for building permit must adhere to the following:

- A recent survey of property may be required; if needed, one must be obtained.
  - Requirement will depend on structure or fence placement.
  - Existing survey markers may be used in lieu of a survey.
  - Verification, if necessary, of property corners or survey markers in lieu of a full survey must be done by a licensed surveyor.
  - Any disputes of property lines must be resolved using a survey.
- A detailed sketch of construction similar to setback design which is included in this ordinance
- All setbacks are based on DRIPLINE (e.g. gutters, fascia, roofing material)
- Setbacks will adhere to enclosed design
  Minimum of 3 feet from either side of dripline of structure;
  Minimum of 3 feet from dripline to front of property line
  Minimum of 5 feet from dripline to rear of property line
- All setbacks are open yard areas with no accessory structures built upon. See definition of Accessory Structure below.
- Limit of three (3) stories (Commercial, above ground);

Limit of two (2) stories (Residential, above ground) in structure(s). Local fire department cannot handle multi-story structures.

- One (1) dwelling per lot with utilities (water, electric, sewer). See definition of Dwelling below.
- Landowners are not permitted to knowingly divert any water from their property to an adjacent landowner's property.

Power to stop work on buildings being constructed. The Mayor shall have the power to order all work stopped on construction or alteration or repair of buildings in the Town when such work is being done in violation of any provision of this ordinance. Any person who shall continue to do any work after being served with a stop work order, except such work as that person is directed by the Mayor to perform and remove a violation or unsafe condition, shall be subject to penalties as prescribed by this Town ordinance.

Performing work without obtaining permit. Until an application is made and approved by the Town Council, and the building permit issued, no work or labor shall be done or performed in the construction, repair, or altering, ~~demolishing, moving or removal~~ of any building or structure within the Town, and the owner, lessee, contractor and any workmen who shall perform any work or labor, or shall cause, permit, or allow the same to be performed in the construction, alteration, repair, demolition, moving or removal of any building or structure without obtaining a permit therefore shall be guilty of a violation of this ordinance. A $100.00 administrative fee shall be assessed to the person violating this section should a stop work order be issued. Any person who fails to comply with a stop work order, once issued, shall be subject to a penalty of no less than $100.00 and no more than $500.00 for each such offense. Each day that a person violates a stop work order shall constitute a separate offense.

- Definitions:

  Accessory Structure: means a detached subordinate structure, the use in which incidental to the established primary use or main structure or dwelling located on the same lot or building site; i.e., private garage, storage shed, or buildings, etc.
  In no case shall any accessory structure dominate in area, extent or purpose, the principal lawful structure or use. Accessory Structures or buildings shall not contain any sleeping quarters or kitchen facilities and therefore not intended for human occupancy.
  Dwelling: means any building, structure, portion thereof which is occupied as, or designed, or intended for occupancy as residence for one or more families.

That the attached building permit, setback, and yard requirements be included in this ordinance which is being adopted at the same meeting of the Common Council of the Town of Davis.

Building permits are approved/disapproved/tabled by the Common Council of the Town of Davis at regularly scheduled council meetings. By exception, if necessary for extraordinary circumstances, the Mayor and/or Town Clerk may provide preliminary approval of a building permit.

This ORDINANCE, attached BUILDING PERMIT APPLICATION, and SETBACK AND YARD REQUIREMENTS shall be in effect from the date of its adoption.

ADOPTED October 26, 2022

Jeannette M. Ware
RECORDER
Acting Recorder

Jennie L. Helmick,
MAYOR
Acting Mayor

I, Jennie L. Helmick Recorder for the Town of Davis, Tucker County, West Virginia, do certify that this is a true and correct copy of the above ordinance adopted by the Common Council of the Town of Davis, on this the 2nd reading on the 26th day of October, 2022.

(seal)

Jennie L. Helmick
RECORDER