

CODIFIED ORDINANCES OF SHINNSTON
PART SEVENTEEN - BUILDING AND HOUSING CODE

CHAPTER ONE - Administration

Art. 1705. Administration and Enforcement Generally.

CHAPTER THREE - Technical Standards Adopted

Art. 1731. State Building Code.

CHAPTER FIVE - Local Provisions

Art. 1755. Numbering Structures.

Art. 1759. Mobile Homes, Manufactured Homes and Recreational
Vehicles.

Art. 1763. Flood Control.

Art. 1767. Rental Registration Program.

CODIFIED ORDINANCES OF SHINNSTON
PART SEVENTEEN - BUILDING AND HOUSING CODE

CHAPTER ONE - Administration.
Art. 1705. Administration and Enforcement Generally.

ARTICLE 1705
Administration and Enforcement Generally

1705.01 Building official.

1705.99 Penalty.

CROSS REFERENCES

Municipal inspection - see W. Va. Code 8-12-5
Certification of electricians - see W. Va. Code 8-12-14a
Obstructing an officer - see GEN. OFF. 501.02

1705.01 BUILDING OFFICIAL.

(a) Office Established. The office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.

(b) Powers and Duties. The Building Official shall enforce all provisions of this Building and Housing Code and other ordinances and laws relating to the construction, alteration, removal, demolition, equipment, use and occupancy of buildings and structures. The Building Official shall submit at least annually to Council a written statement of all permits, notices and orders issued.

(c) Acting Official. During the temporary absence or disability of the Building Official, the City Manager shall designate an acting Building Official.

(d) Right of Entry. The Building Official or any of his designated agents may at any reasonable hour, enter any dwelling, multi-family dwelling, building, structure or premises within the City to perform any duty imposed on him by this Building and Housing Code, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused or is otherwise unobtainable, a search warrant must be obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary. No person shall refuse to permit such emergency entry or inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such entry or inspection.

1705.99 PENALTY.

Whoever violates any provision of this Part Seventeen - Building and Housing Code for which no other penalty is provided shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both.

CHAPTER THREE - Technical Standards Adopted
Art. 1731. State Building Code.

ARTICLE 1731
State Building Code

1731.01	Adoption.	1731.03	Indemnification of code official.
1731.02	Amendments.	1731.04	Duties of law enforcement personnel.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-121-4(b)
Building regulation - see W. Va. Code 8-12-13

1731.01 ADOPTION.

(a) The "State Building Code" is hereby reenacted and adopted, as promulgated by the State Fire Commission April 1, 2003, pursuant to West Virginia Code §8-12-13 and 29-3-5b; and all model codes and standards adopted thereunder, as modified or revised by the State Fire Commission prior to or subsequent to adoption of this Ordinance, are hereby adopted by reference as if fully set forth verbatim herein.

(b) Nothing in this section shall be construed to affect any suit or proceeding pending in any court, or rights acquitted or liability incurred, or any cause or causes under any act or ordinance repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

- (c) (1) Any existing Municipal ordinance that is more stringent or imposes a higher standard than is required by the above-referenced codes shall govern, provided such ordinance is not inconsistent with the laws of the State of West Virginia and is not contrary to recognized standards and good engineering practices.
- (2) Any existing Municipal ordinance that is less stringent or imposes a lesser standard than is required by the above-referenced codes is hereby amended to comply therewith. (Passed 5-27-03)

1731.02 AMENDMENTS.

Section 101.1 - Title: City of Shinnston, West Virginia.

Section 108.2:

- A. Fee schedule: The following fee schedule is established and adopted for plan examinations, inspections, and building permits for construction projects which do not exceed \$100,000.00:
- | | |
|---|---|
| 1. New Buildings | <u>\$10.00</u> for the first thousand or any portion thereof and <u>\$6.00</u> per thousand thereafter. <u>\$20.00</u> minimum. |
| 2. Additions and Alterations | <u>\$10.00</u> for the first thousand or any portion thereof and <u>\$6.00</u> per thousand thereafter. <u>\$20.00</u> minimum. |
| 3. Swimming Pools | <u>\$10.00</u> for the first thousand or any portion thereof and <u>\$6.00</u> per thousand thereafter. <u>\$20.00</u> minimum. |
| 4. Demolition/Razing Structures | <u>\$10.00</u> for first thousand or any portion thereof and <u>\$6.00</u> per thousand thereafter. <u>\$20.00</u> minimum. |
| 5. Reinspection | <u>\$50.00</u> |
| 6. Electrical | <u>\$35.00</u> for the first thousand or any portion thereof and <u>\$6.00</u> per thousand thereafter. <u>\$35.00</u> minimum. |
| 7. Plumbing Mechanical and Air Conditioning | <u>\$10.00</u> for the first thousand or any portion thereof and <u>\$6.00</u> per thousand thereafter. <u>\$20.00</u> minimum. |
- B. Permit fees for construction projects over \$100,000.00 are based on project cost and shall be calculated as follows:
- | | |
|--------------------------------------|-----------------------------|
| First Thousand | <u>\$10.00</u> |
| From \$1,000.01 up to \$100,000.00 | <u>\$6.00</u> per thousand |
| From \$100,000.00 up to \$500,000.00 | <u>\$3.00</u> per thousand |
| Over \$500,000.00 | <u>\$2.00</u> per thousand. |
- C. Notwithstanding the above fee schedules, in no event shall the total permit fees for any project be less than the amount calculated and established according to the tables and procedures published by the Building Officials and Code Administrators, International, dated May/June, 1996, using permit fee multiplier .0075.
- D. In the event any work for which a permit is required is commenced prior to obtaining such permit, the specified fee shall be doubled. Further, the payment of any and all permit fees shall not relieve any person from complying with all

applicable building, fire, and zoning code requirements.

Section 113.4 - Violations Penalties -- Add: Violation of any provision(s) of this code shall be deemed a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00).

Section 114.3 - Unlawful Continuance - Add: Unlawful continuance in violation of a stop work order shall be deemed a misdemeanor, punishable by a fine of not less than one hundred dollars [\$100.00], nor more than five hundred dollars [\$500.00]. Each day that work continues after a stop work order has been served shall be deemed a separate offense.

Section 1612.3 Establishment of Flood Hazard Areas - - Insert City of Shinnston; February 5, 1992.

Section 3409.2 - Applicability -- Insert date: July 16, 1999.

2000 INTERNATIONAL PLUMBING CODE

Section 101.1 - Title -- Insert: City of Shinnston, WV

Section 106.6.2 -- Fee Schedule -- Insert: The fees for plumbing permits shall be those set forth in the Building Code, Section 108.2.

Section 106.6.3 Insert: [100%], [100%]

Section 108.4 - Violation Penalties - Insert: Misdemeanor, \$500.00 maximum fine, no jail time.

Section 108.5 - Stop Work Orders - Insert: [\$100.00] [\$500.00]. Add: Each day that work continues after a stop work order has been served shall be deemed a separate offense.

Section 305.6.1 - Sewer Depth - Insert: Twenty-four inches, Twenty-four inches.

Section 904.1 - Insert: Six inches (6")

2000 INTERNATIONAL MECHANICAL CODE:

Section 101.1 - Insert: City of Shinnston, WV.

Section 106.5.2 - Fee Schedule -- Insert: The fees for mechanical permits shall be those set forth in the Building Code, Section 108.2.

Section 106.5.3 - Fee Refunds - Insert: [100%], [100%].

Section 108.4 - Violation penalties - Insert: Misdemeanor, \$500.00, No jail time.

Section 108.5 - Stop Work Orders -- Insert [\$100.00], [\$500.00]. Add: Each day that work continues after a stop work order has been served shall be deemed a separate offense.

2000 INTERNATIONAL FUEL GAS CODE

Section 101.1 - Title - Insert: City of Shinnston, WV

Section 106.5.2 -- Fee Schedule -- Insert: Fees for permits shall be those set forth in the Building Code, Section 108.2.

Section 106.5.3 - Insert: [100%], [100%].

Section 108.4 - Violation penalties - Insert: Misdemeanor, \$500.00 , No jail time.

Section 108.5 - Stop work orders - Insert: [\$100.00], [\$500.00]. Add: Each day that work continues after a stop work order has been served shall be deemed a separate offense.

2000 INTERNATIONAL PROPERTY MAINTENANCE CODE:

Section 101.1 - Title -- Insert: City of Shinnston, WV.

Section 103.6 - Insert: No fees.

Section 106.4 - Violation penalties - Add: Violation of any provision(s) of this code shall be deemed a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00).

Section 108.2 - Closing of Vacant Structures -- Add: However, before public funds are expended, the Code Official shall proceed under Section 106.

Section 110.3 - Failure to comply (with demolition order) -- Add: However, before public funds are expended, the Code Official shall proceed under Section 106.

Section 304.14 - Insect screens -- Insert: [May 15 to October 1].

Section 602.3 - Heat supply -- Insert: [October 1 to May 15].

Section 602.4 - Occupiable work spaces -- Insert: [October 1 to May 15].

2000 INTERNATIONAL RESIDENTIAL CODE

Section R101.1 - Title -- Insert: City of Shinnston, WV

Table R301.2(1) - Climate and Geographic Design Criteria
Roof snow load - Insert: 25 pounds per square foot.
Wind speed - Insert: 90 MPH
Seismic design category - Insert: A
Weathering - Insert: Severe
Frost line depth - Insert: twenty-four inches (24")
Termite - Insert: Moderate to heavy
Decay - Insert: Slight to moderate
Winter design temperature - Insert: 10 degrees F.
Flood hazards - Insert: (a) February 9, 1988, (b) February 5, 1992

2003 INTERNATIONAL EXISTING BUILDING CODE

Section 101.1 - Title - Insert: City of Shinnston, WV

Section 1201.2 Date - Insert: July 16, 1999.
(Passed 5-27-03.)

1731.03 INDEMNIFICATION OF CODE OFFICIAL.

The Code official, officer or employee charged with the enforcement of the State Building Code, and the members of the Building Code Board of Appeals, while acting for the City of Shinnston, shall not thereby be rendered liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties, and under the provisions of the State Building Code shall be defended by the legal representative of the City of Shinnston until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of the State Building Code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. (Passed 5-27-03.)

1731.04 DUTIES OF LAW ENFORCEMENT PERSONNEL.

It shall be the duty of law enforcement personnel and the municipal court judge of the City of Shinnston to assist in the enforcement of the State Building Code.
(Passed 5-27-03.)

CHAPTER FIVE - Local Provisions

Art. 1755. Numbering Structures.

Art. 1759. Mobile Homes, Manufactured Homes and Recreational Vehicles.

Art. 1763. Flood Control.

Art. 1767. Rental Registration Program.

ARTICLE 1755
Numbering Structures

1755.01	Size and location of street address numbers.	1755.02	Enforcement.
---------	--	---------	--------------

1755.01 SIZE AND LOCATION OF STREET ADDRESS NUMBERS.

(a) Residences.

- (1) Each residence shall prominently display its numbered address.
- (2) Street address numbers for residences shall not be less than three inches in height and shall be made of durable and clearly visible material.
- (3) The numbers shall be conspicuously placed on, above or at the side of the main entrance so that the number is distinguishable and legible from the street. Where the entrance of a residence is more than fifty feet from the street, or when the entrance is not clearly visible from the street, the number shall be placed along the walk, driveway or other suitable location as near as conveniently possible to the street so that the number is distinguishable and legible from the street day or night.
- (4) In either case described above, a second set of numbers must be placed on a mailbox or other suitable post, or mounted at the edge of the intersection of the driveway and street so that it is clearly visible.

(b) Commercial and Industrial Structures.

- (1) All commercial and industrial structures shall display street address numbers of not less than four inches in length.
- (2) When possible, the number shall be displayed over the main entrance of the structure.
- (3) There shall be no other wording or numbers within two feet of the building number.

- (c) Apartments, Townhouses, Shopping Centers.
- (1) Apartments, townhouses, shopping centers or other similar groupings where only one number is assigned shall display such number at the main entrance way.
 - (2) Said address numbers shall have a minimum height of four inches.
 - (3) Numbers for individual units or establishments within the complex shall be displayed on, above or to the side of the main doorway of each unit or establishment. (Passed 4-20-99.)

1755.02 ENFORCEMENT.

(a) Whenever the City has reason to believe there has been a violation of any provision of this article, the City, through its agent or designee, shall give notice to the person or party failing to comply and order said person or party to take corrective action or measures within thirty days from the date of notification.

(b) If such person or party fails to comply with the duly issued order, they shall be subject to a fine of twenty-five dollars (\$25.00), with each day that the person or party continues to be noncompliant with this article shall constitute a separate offense.

(c) Each person or party shall prominently display their assigned street numbers within thirty days of passage of this article.
(Passed 4-20-99.)

ARTICLE 1759
Mobile Homes, Manufactured Homes and Recreational Vehicles

1759.01	Purpose of article.	1759.06	Licensing.
1759.02	Location of mobile homes.	1759.07	Exceptions to permitting requirements.
1759.03	Definitions.	1759.08	Enforcement and penalty.
1759.04	Class A Mobile Home Park requirements.	1759.09	Nonconforming uses.
1759.05	Class B Mobile Home Park requirements.		

CROSS REFERENCES

Authority to Regulate - West Virginia Code Section 8-12-5(30)
Manufactured Housing Construction and Safety Standards - West Virginia Code Section 21-9-13

1759.01 PURPOSE OF ARTICLE.

(a) To prohibit the location and occupancy of mobile homes as defined in Section 1759.03, except within licensed mobile home parks, to assure that sites within such mobile home parks are suitable for the location of mobile homes by providing minimum standards for privacy, fire protection, utility service, and off-street parking. (W.Va.Code Section 8-12-5(30))

(b) To encourage the provision of affordable housing by permitting manufactured housing as defined in Section 1759.03 where similar dwellings constructed on-site are permitted, subject to the requirements and procedures set forth herein to assure similarity in exterior appearance between such manufactured homes and site-built dwellings constructed on adjacent lots. (Passed 11-10-03.)

1759.02 LOCATION OF MOBILE HOMES.

No mobile home, as defined herein, shall be located, occupied, placed, stored, erected or otherwise situated within the corporate limits of the City of Shinnston except in licensed mobile home parks as established by the City Council. Recreational vehicles, as defined in Section 1759.03, shall not be located for occupancy except within a licensed Class B mobile home park. (Passed 11-10-03.)

1759.03 DEFINITIONS.

For the purposes of this Article, the following words and terms shall have the meanings indicated below. Words and terms not defined herein shall have their ordinarily accepted meanings such as the context implies.

- (a) Approved: Acceptable to the building official or city manager.
- (b) Dwelling unit: A single unit providing complete independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.
- (c) Manufactured home: A factory-assembled structure, transportable in one or more sections, designed to be used as a dwelling unit when assembled on-site and connected to the required utilities; the term includes:
 - (1) Type I manufactured homes constructed in compliance with the current building code.
 - (2) Type II manufactured homes constructed and installed in accordance with the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. Section 5401, et seq.)
- (d) May: "May" is permissive.
- (e) Mobile home: A factory-assembled structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term shall not include any Type I manufactured home or a Type II manufactured home that meets all of the following requirements:
 - (1) No horizontal dimension shall be less than twenty-two feet.
 - (2) The structure shall be installed on a permanent foundation as defined herein.
 - (3) The main roof shall have not less than a 4:12 pitch.
 - (4) The exterior wall covering shall be wood or masonry or its appearance, and/or vertically or horizontally grooved or lapped siding. Flat or corrugated metal shall not be used for roof or exterior wall covering.
 - (5) The lot upon which the manufactured home is located shall not be rented or leased.
- (f) Mobile home, Class A: A mobile home which in the traveling mode is eight feet (8') or more in width or forty feet (40') or more in length or, when erected on site, is not less than three hundred twenty (320) square feet in area, and which is built in compliance with the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. Section 5401, et seq.).
- (g) Mobile home, Class B: A recreational vehicle as defined in subparagraph (o) herein.
- (h) Mobile home accessory structure: Any structure located on the same lot as a mobile home, the use of which is incidental to the residential use of the mobile home. Examples include garages, carports, storage buildings, and tool sheds.

- (i) Mobile Home Lot: A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of its occupants.
- (j) Mobile Home Park Class A: A facility that complies with the requirements of Section 1759.04.
- (k) Mobile Home Park Class B: A facility that complies with the requirements of Section 1759.05.
- (l) Mobile Home Park Operator: A person who is in charge of the operation of a mobile home park.
- (m) Permanent Foundation: An installation that includes a masonry or concrete wall around the full perimeter of the manufactured home. The wall shall extend vertically from an approved footing to the underside of the manufactured home, and shall meet the following requirements:
 - (1) Where the wall is load-bearing, the foundation shall be designed by a registered engineer or architect in accordance with WV Division of Labor regulations.
 - (2) Where the wall is non-load-bearing, the installation of footings, bearing piers, and other foundation elements shall conform to WV Division of Labor regulations; and the wall shall be constructed in accordance with the provisions of the current building code for exterior non-load-bearing walls and retaining walls as applicable.
- (n) Person: Any individual, firm, trust, partnership, public or private association, corporation, syndicate, institution, government corporation, department, division, bureau, agency or any other entity recognized by law.
- (o) Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, and which qualifies for a vehicular license from the WV Division of Motor Vehicles. The basic entities are travel trailers, camping trailers, truck campers, and motor homes.
- (p) Shall: "Shall" is mandatory.
(Passed 11-10-03.)

1759.04 CLASS A MOBILE HOME PARK REQUIREMENTS.

- (a) The area of a mobile home park shall not be less than five (5) contiguous acres.
- (b) Where a mobile home park adjoins properties used for residential purposes, a buffer yard fifty feet in width shall be provided between the mobile home park and such residential lots. A six-foot privacy fence or vegetative screening shall be provided and maintained along the mobile home park side of the required buffer yard. The fence or screening shall be continuous except where openings are required for ingress and egress.
- (c) At least two means of vehicular egress shall be provided.
- (d) Each mobile home lot shall be a minimum of three thousand (3000) square feet in area. The corners of each lot shall be durably marked.
- (e) Each mobile home lot shall have not less than thirty-two feet of road frontage.

- (f) At least one off-street parking space, ten feet by twenty feet, shall be provided on each mobile home lot. The required space may have either a paved or stone surface.
- (g) No mobile home shall be located closer than eight feet from an interior lot line, or within ten feet of a street or common area. The buffer yard required in (b) above shall be considered a common area.
- (h) Each mobile home shall be installed in accordance with WV Division of Labor standards.
- (i) The mobile home park shall comply with all applicable health department regulations.
- (j) All construction, plumbing, mechanical, and electrical systems shall comply with the current building code of the City of Shinnston.
- (k) Fire protection shall comply with NFPA 501A.
- (l) No mobile home shall be installed on a permanent foundation as defined in Section 1759.03.
- (m) No enclosed room addition shall be constructed on any mobile home.
- (n) Porches, decks, stairs and other such appurtenances shall be structurally freestanding and shall not be attached to a mobile home. Such construction shall not be located within three feet of an interior lot line or within ten feet of a street line.
- (o) Accessory structures such as garages, carports and storage sheds shall be located on the same lot as the mobile home, and shall not be located within ten feet of a street line or within three feet of an interior lot line. The aggregate area of accessory structures on any lot shall not exceed four hundred square feet.
- (p) Only mobile homes defined in Section 1759.03 as "Class A" shall be permitted within a Class A Mobile Home Park.
- (q) Mobile homes shall be used as dwelling units only.
- (r) No recreational vehicle, as defined in Section 1759.03, shall be located for occupancy within any Class A Mobile Home Park.
- (s) Roads shall be constructed on a prepared subgrade. Engineering fabric shall be installed upon the subgrade except where the grade exceeds ten percent. The road base shall consist of two four-inch lifts of class I aggregate in accordance with WVDOH specifications, each compacted to not less than ninety-five percent maximum density. Hot laid bituminous paving shall be at least eighteen feet in width and shall consist of not less than two inches of Type II base course asphalt paving and not less than one inch of Type I wearing course asphalt paving in accordance with WVDOH specifications, each compacted to 99-96 percent maximum density. Concrete roads shall be not less than six inches in thickness, and shall conform to WVDOH specifications. No road shall exceed seventeen percent grade. Roads shall be maintained free of obstructions and hazardous conditions.
(Passed 11-10-03.)

1759.05 CLASS B MOBILE HOME PARK REQUIREMENTS.

(a) A Class B Mobile Home Park shall accommodate only "Class B" mobile homes as defined in Section 1759.03.

(b) The minimum number of recreational vehicle lots shall be eight, and each lot shall have direct access to a roadway for vehicular ingress and egress.

(c) The minimum area of a Class B Mobile Home Park shall be one acre.

(d) A buffer yard complying with Section 1759.04(b) shall be provided where required. Where a Class B Mobile Home Park is located within or adjacent to a Class A Mobile Home Park, the Class A Mobile Home Park shall be considered a property used for residential purposes.

(e) Each lot shall have an area not less than one thousand two hundred (1200) square feet.

(f) The facility shall comply with all applicable health department regulations and building code requirements.

(g) All utility connections shall be of the quick-connect type.

(h) The facility shall be located adjacent to a City-designated recreational area such as river or stream, wooded area, hiking trail, etc.
(Passed 11-10-03.)

1759.06 LICENSING.

(a) Initial Approval, Class A Mobile Home Park: A plat showing the location and dimensions of lots, streets, common areas, buffer yards, and other features of a proposed Class A Mobile Home Park shall be submitted with the application for a license. The plat shall bear the seal and signature of a licensed professional surveyor. The submission shall also include construction plans for buildings, roads, utilities, screening, excavation, etc. The construction plans shall be prepared, signed and sealed by a registered professional engineer. The City Code Official and City Manager shall review the plat and construction documents and shall prepare written comments. No changes shall be made to the plat or construction documents without approval. The City Council shall conduct a public hearing prior to authorizing issuance of a license for a Class A Mobile Home Park. Following a determination that the proposed development meets the requirements of Section 1759.04, and would not diminish the integrity of surrounding residential areas or be otherwise detrimental to public safety and welfare, the Council shall direct the City Clerk to issue a license to operate. A fee of two hundred fifty dollars shall be assessed for the initial licensing of a Class A Mobile Home Park for a period of one year. The initial license shall become effective upon occupancy of the first lot. A building permit shall be obtained for any construction or installation regulated by the building code.

(b) Initial Approval, Class B Mobile Home Park: Plans indicating compliance with the requirements of Section 1759.05 shall be submitted with the application for initial licensing. The City Code Official and City Manager shall review the plat and construction documents and shall prepare written comments. The City Council shall conduct a public hearing prior to authorizing issuance of a license for a Class B Mobile Home Park. Following a determination that the proposed development meets the requirements of Section 1759.05, and would not diminish the integrity of surrounding residential areas or be otherwise detrimental to public safety and welfare, the Council shall direct the City Clerk to issue a license to operate. A fee of one hundred dollars shall be assessed for the initial licensing of a Class B Mobile Home Park for a period of one year. The initial license shall become effective upon occupancy of the first lot. A building permit shall be obtained for any construction or installation regulated by the building code.

(c) Renewal of License: Application for renewal shall be submitted not more than sixty days nor less than thirty days prior to the expiration date of the initial license or most recent renewal. The fee for annual renewal shall be one hundred dollars for a Class A Mobile Home Park, and fifty dollars for a Class B Mobile Home Park. Upon receipt of an application for renewal, the City Code Official shall inspect the mobile home park, and any violations cited by the Code Official that are the responsibility of the operator shall be corrected prior to approval. Property maintenance or building code violations on individual lots shall be the responsibility of the respective occupants.

(d) Revocation: A mobile home park license may be revoked by the City Council for violation of the conditions of Section 1759.04 or 1759.05 as applicable, following notification to the mobile park operator and a public hearing. A mobile home park license shall be revoked in the event of revocation of the license required by the health department.

(e) Permits for Individual Mobile Homes: A building permit shall be obtained prior to the location of any individual mobile home within a Class A Mobile Home Park. Foundation systems, utility connections, porches and decks, accessory structures, and all other construction subject to regulation under the building code of the City of Shinnston shall be inspected and approved by the City Code Official prior to occupancy of the mobile home. Permits shall not be required for placement of individual recreational vehicles within a Class B Mobile Home Park.

(f) Permits for Individual Manufactured Homes of Private Lots: Building permits for manufactured homes excluded from the definition of mobile home in Section 1759.03 shall be obtained in the manner prescribed by the City Building Code. All aspects of construction regulated under the building code shall be inspected and approved prior to occupancy of the manufactured home. (Passed 11-10-03.)

1759.07 EXCEPTIONS TO PERMITTING REQUIREMENTS.

(a) Exceptions: Where the City Council finds that there are practical difficulties in fulfilling all of the requirements of this ordinance or where strict adherence to its provisions would serve no purpose in terms of fulfilling the intended purpose, exceptions may be approved. Such exceptions shall not have the effect of waiving any specific requirement(s) necessary to provide for the health and safety of the occupants of the mobile home park or the general public. No exception shall be granted in violation of any applicable law.

(b) Permitting Process: A person who wishes to allow a friend or relative to temporarily occupy a recreational vehicle parked at his or her personal residence may make application to the City Clerk for a permit for occupation of a recreational vehicle on private property and upon approval of the City Manager may allow such vehicle to remain upon his property and be occupied for no more than seven days.
(Passed 11-10-03.)

1759.08 ENFORCEMENT AND PENALTY.

(a) Removal: In the event any mobile home is located, occupied, placed, stored, erected or otherwise situated within the corporate limits of the City of Shinnston in violation of the provisions of this ordinance, the City Manager is authorized to have such mobile home removed and transported to an appropriate storage area. The City of Shinnston will not be liable to the owner thereof or any other person for damages incurred in the transportation and storage of such mobile home, and the owner or any other person violating the provisions of this ordinance shall be liable and responsible for all costs of removal, transportation, storage and any other costs incident thereto.

(b) Penalty: Any person who violates the provisions of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars. Each day that a violation continues following delivery of a notice of violation and the compliance deadline as stated therein, shall be deemed a separate offense. In addition to these penalties, the City of Shinnston may institute an action for injunctive relief in the Circuit Court of Harrison County for any violation of this Article. The person(s) held responsible for the such violation will be assessed all costs and expenses incident to such action, including reasonable attorney fees. (Passed 11-10-03.)

1759.09 NONCONFORMING USES.

The lawful location, occupation, placement, storage, erection or situation of a mobile home as existing on the date of adoption of this Article may be continued as existing although such does not conform to all sections of this Article. In the event a nonconforming use is discontinued as existing for a period of one year, the use of the same shall thereafter conform only with uses prescribed in this Article.
(Passed 11-10-03.)

(EDITOR'S NOTE: The next printed page is page 23.)

ARTICLE 1767
Rental Registration Program

1767.01	Purpose.	1767.09	Certificate of use and occupancy, display, transfer, expiration.
1767.02	Scope.	1767.10	Notice of violation.
1767.03	Definitions.	1767.11	Right to appeal.
1767.04	Illegal conditions.	1767.12	Applicability of other laws.
1767.05	Application for certificate of use and occupancy.	1767.13	Waiverability.
1767.06	Filing deadlines.	1767.99	Fines and penalties.
1767.07	Fees and conditions.		
1767.08	Inspections.		

1767.01 PURPOSE.

The purpose of this article is to promote health and safety standards for rental housing and to secure and preserve the integrity and character of residential districts within the City of Shinnston. These standards relate to the condition, maintenance and occupancy of rental dwelling units and are intended to insure that rental housing is safe, sanitary and suitable in accordance with applicable provisions of the State Building Code and other regulations adopted by the City of Shinnston.
(Passed 6-11-01.)

1767.02 SCOPE.

(a) This article applies to all rental dwelling units within the City of Shinnston. This article shall not apply to owner occupied dwellings wherein roomers or boarders are maintained in common living areas in accordance with other applicable codes and ordinances. This article shall not apply to hotels, motels, bed and breakfasts, dormitories, lodging and boarding houses and other transient residential occupancies. Building housing business or commercial uses in addition to rental dwelling units shall be subject to the provisions of the State Building Code which apply to such mixed uses.

(b) Where a Certificate of Use and Occupancy has been issued, in accordance with the State Building Code, for any building that has been erected, altered or converted to a residential use, said dwelling shall not be subject to re-inspection for the purpose of rental registration for a twenty-four (24) month period following the date of issuance of said certificate.
(Passed 6-11-01.)

1767.03 DEFINITIONS.

For the purpose of this article, the terms listed below shall be assigned the following definitions:

- (a) Certificate of Use and Occupancy - the certificate issued by the Code Official which permits the use of a building and which certifies the compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions.
- (b) Code Official - the officer or other designated authority charged with the administration and enforcement of the building code of the City of Shinnston, or a duly authorized representative.
- (c) Dwelling Unit - a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (d) Owner Occupied - occupied by the actual property owner or by any person or persons related thereto by blood, marriage or adoption and where no remuneration is received.
- (e) Rental Dwelling Unit - any dwelling unit that is offered in whole or part for residential purposes and for which remuneration is received.
(Passed 6-11-01.)

1767.04 ILLEGAL CONDITIONS.

After one hundred twenty (120) days from the effective date of this article, an owner or operator shall not rent or offer for rent any dwelling unit for use in whole or part for human habitation unless a written application for Certificate of Use and Occupancy has been filed for said dwelling or a valid Certificate of Use and Occupancy has been issued for said dwelling unit by the Code Official indicating that the inspection found the premise to be in substantial compliance with the State Building Code.

(Passed 6-11-01.)

1767.05 APPLICATION FOR CERTIFICATE OF USE AND OCCUPANCY.

Application for a Certificate of Use and Occupancy shall be submitted in writing, on forms provided, to the Code Official and shall contain at least the following information:

- (a) For the dwelling:
 - (1) The address(es) of the dwelling units.
 - (2) The zoning district of the dwelling (when applicable).
 - (3) The number of units in the dwelling.
 - (4) The names, addresses and telephone numbers of the owners, agent or operator, and any other person to be contacted in the event of an emergency or non-conforming condition requiring notification.
 - (5) Any other uses within the building.
 - (b) For each dwelling unit:
 - (1) The story on which the unit is located.
 - (2) The maximum occupancy.
 - (3) Number of off-street parking spaces available.
 - (4) Dwelling unit identification number.
- (Passed 6-11-01.)

1767.06 FILING DEADLINES.

(a) Initial Application: An application for a Certificate of Use and Occupancy for a rental dwelling unit where none has previously been issued shall be in accordance with Section 1767.05.

(b) Renewal Application: An application for renewal of the existing Certificate of Use and Occupancy shall be filed at least thirty (30) days before the expiration date of the existing Certificate of Use and Occupancy. Upon receiving an application for renewal of the Certificate of Use and Occupancy, the Code Official shall inspect the dwelling and shall re-issue a Certificate of Use and Occupancy within ten (10) days following the inspection if said unit is found to be in substantial compliance with the State Building Code. (Passed 6-11-01.)

1767.07 FEES AND CONDITIONS.

(a) Each property owner shall be charged a compliance inspection fee of twenty- five dollar (\$25.00) per inspection per unit. Such fee shall be reduced by fifty percent for the inspection of all units in excess of eleven (11) contained within a single multi-family apartment building or located in separate buildings on the same lot.

(b) Property owners missing scheduled inspections and failing to provide twenty-four hour notice shall be charged and additional ten dollar (\$10.00) fee.

(c) All inspections shall be scheduled during regular business hours, unless otherwise approved by the Code Official.

(d) Court Appearance fees of twenty dollars (\$20.00) per hour or portion thereof shall be charged to the requesting party when scheduling is at least twenty-four hours in advance and forty dollars (\$40.00) per hour or portion thereof when appearances are scheduled with less than twenty-four hours of a hearing.

(e) Real estate pre-sale inspection fees of forty dollars (\$40.00) per hour with a one-hour minimum charge shall be assessed where an inspection is requested to determine if a rental property is in compliance with the State Building Code.

(f) Preparation and issuance of a duplicate Certificate of Use and Occupancy shall require a one dollar (\$1.00) service charge.

(g) Re-inspection fees of ten dollars (\$10.00) per unit shall be charged to the property owner for each inspection of property requiring more than two (2) inspections for compliance.

(h) Application fees of thirty dollars (\$30.00) shall be charged for Board of Appeals hearings. (Passed 6-11-01.)

1767.08 INSPECTIONS.

The Code Official shall inspect within one (1) year of the effective date of this article all rental dwelling units constructed prior to the adoption of this article. The owner for purposes of inspection under rental registration shall provide the Code Official access to all areas of any building containing rental dwelling units and the Code Official shall be accompanied by the owner or an agent of the owner during inspection.

(Passed 6-11-01.)

1767.09 CERTIFICATE OF USE AND OCCUPANCY, DISPLAY, TRANSFER, EXPIRATION.

(a) If, upon inspection, the rental dwelling unit is found to conform to the requirements of this article, the Code Official shall issue a Certificate of Use and Occupancy within ten (10) days.

(b) After the effective date of this article, either upon an initial application or a renewal application, a two (2) year Certificate of Use and Occupancy shall be issued for the dwelling unit after the Code Official finds the unit in substantial compliance with this article.

(c) The Certificate of Use and Occupancy shall be transferable to subsequent owners of the respective dwelling unit(s).

(d) A copy of the Certificate of Use and Occupancy shall be available for inspection at the City Building during regular office business hours.

(e) Certificates of Use and Occupancy issued after the effective date of this article shall expire two (2) years from the date of issuance by the Code Official unless sooner revoked.

(f) The owner/agent shall post a copy of the Certificate of Use and Occupancy in a conspicuous location in the interior of the premises or near the interior electrical fuse or circuit box of each dwelling unit.

(Passed 6-11-01.)

1767.10 NOTICE OF VIOLATION.

(a) Wherein the course of the inspection required under this article, violations are discovered on the premise which do not affect the habitability or safety of a rental dwelling, such violations shall be cited in accordance with the administrative provisions of the applicable code or ordinance. Such violations shall not be construed as grounds to withhold or revoke the Certificate of Use and Occupancy.

(b) Where conditions exist which affect the habitability of the dwelling but which do not pose an imminent hazard to the occupants, a Certificate of Use and Occupancy shall be issued along with a Notice of Violation. The Notice of Violation shall be in writing, shall be served to the owner or agent, shall contain a description of the property sufficient for identification, and shall include:

- (1) A statement of the reasons for which it was issued,
- (2) A correction order specifying repairs to be made,
- (3) A reasonable time in which repairs are to be completed,
- (4) A statement of the owner's right to appeal.

The owner shall, within the time period specified in the Notice of Violation, correct all deficiencies cited in violation of the State Building Code and the City of Shinnston Codes. The Certificate of Use and Occupancy shall be revoked and a Notice to Vacate issued if the dwelling is not in compliance within the time specified in the Notice of Violation. However, the Code Official, may upon written request, extend the period for compliance where the work has been delayed despite good faith efforts to comply and where such extensions present no immediate threat to the health or safety of the occupants of the dwelling unit or other units or properties. A Notice of Violation shall not be construed to verify substandard housing except where conditions exist which require the vacation of the dwelling or dwelling unit.

(c) Where violations are found which, in the judgement of the Code Official, are sufficient to withhold or revoke the Certificate of Use and Occupancy, the Code Official shall issue a Notice to Vacate. The Notice to vacate:

- (1) Shall be in writing,
- (2) Shall be served to the owner or agent,
- (3) Shall contain a description of the property sufficient for identification, and shall include
- (4) A statement of the reasons for which it was issued,
- (5) Shall include a copy of any relevant notices of violation, and
- (6) A statement of the owner's right to appeal.

(d) Nothing in this article shall be construed to prevent the Code Official from ordering the immediate vacation of any dwelling or dwelling unit where violations are discovered which pose an imminent threat to the health or safety of the occupants. Appeal shall not stay an order to vacate under such conditions.

(e) Occupancy of any rental dwelling unit in violation of a Notice to Vacate shall subject the owner/agent and the occupants to penalties prescribed in Section 1767.99.
(Passed 6-11-01.)

1767.11 RIGHT TO APPEAL.

(a) Any property owner or agent shall have the right to appeal to the Board of Appeals from a decision of the Code Official where it is alleged that the intent of this ordinance or the codes referenced herein have been incorrectly interpreted, the provisions of this article do not fully apply, or an equivalent remedy to any violation may be employed. Such appeal shall be submitted to the Code Official within twenty (20) days of receipt of the Notice of Violation. Except where conditions warrant immediate vacation of the dwelling, such appeal shall stay all action on the part of the Code Official in furtherance of the Notice of Violation from which the appeal was taken.

(b) Where a violation of the City Planning and Zoning Code is cited in the Notice of Violation, the appeal shall be to the Zoning Appeals Board (when applicable).
(Passed 6-11-01.)

1767.12 APPLICABILITY OF OTHER LAWS.

This article is not intended to abrogate any of the rights and responsibilities normally ascribed to the tenant or the landlord under the laws of West Virginia whether set out by case law or by West Virginia Code, or any other applicable laws.
(Passed 6-11-01.)

1767.13 WAIVERABILITY.

The minimum requirement of this article may not be waived either intentionally or impliedly by either party to a rental agreement.
(Passed 6-11-01.)

1767.99 FINES AND PENALTIES.

Violation of this article shall constitute a misdemeanor punishable by a fine of three hundred dollars (\$300.00). Each day that a violation continues after notification of the same by the Code Official twenty-five dollars (\$25.00) will be added to the fine. The imposition of penalties prescribed herein shall not relieve the property owner from responsibility for full compliance with all other applicable codes and ordinances including any and all separate fines and penalties imposed thereunder. (Passed 10-9-02.)

