

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 6th day of May, 2025:

<u>Present</u>	<u>Vote</u>
Sheila S. Noll, Chair	Yea
Douglas R. Holroyd, Vice Chairman	Yea
M. Wayne Drewry	Yea
G. Stephen Roane, Jr.	Yea
Thomas G. Shepperd, Jr.	Yea

On motion of Mr. Shepperd, which carried 5:0, the following resolution was adopted:

AN ORDINANCE TO AMEND AND ESTABLISH CERTAIN FEES WITHIN CHAPTER 7.1, BUILDING REGULATIONS, YORK COUNTY CODE, CHAPTER 20.5, SUBDIVISIONS, YORK COUNTY CODE, AND CHAPTER 24.1, ZONING, YORK COUNTY CODE

WHEREAS, it has come to the attention of the York County Board of Supervisors that revisions and additions to certain fee schedules within the York County Code for Chapter 7.1, Building Regulations, Chapter 20.5, Subdivisions, and chapter, 24.1, Zoning, should be considered; and

WHEREAS, said amendments to Chapter 20.5, Subdivisions, and Chapter 24.1, Zoning, have been considered by the York County Planning Commission with the applicable procedure in accordance with the Code of Virginia; and

WHEREAS, the Planning Commission recommends approval of said amendments; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on these amendments; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to the amendments.

NOW, THEREFORE BE IT ORDAINED by the York County Board of Supervisors this the 6th day of May, 2025, that it does hereby approve as of July 1, 2025 amendments to fees within Chapter 7.1, Building Regulations, York County Code, Chapter 20.5, Subdivisions, York County Code, and Chapter 24.1, Zoning, York County Code, to read and provide as follows:

Chapter 7.1 – BUILDING REGULATIONS¹

ARTICLE I. – IN GENERAL

Sec. 7.1-1. Purpose of chapter.

The purpose of this chapter is to preserve and secure the health, safety and general welfare of the citizens of the county and its visitors by assuring proper construction, alteration, addition, repair, demolition, location, use, occupancy, and maintenance of all buildings and structures and their service equipment within the county.

Sec. 7.1-2. Conflicting requirements.

- (a) Wherever regulations contained in this chapter require or impose standards higher or more restrictive than those contained in any other statute or local ordinance or regulation, the provisions of this chapter shall govern.
- (b) Whenever the provisions of any other statute or local ordinance or regulation require or impose standards higher or more restrictive than those contained in this chapter, the provisions of such other statute or local ordinance or regulation shall govern.
- (c) Whenever two (2) or more of any of the provisions established by this chapter are found to be in conflict, the more restrictive provision shall govern.

Sec. 7.1-3. Adoption; amendments.

There is hereby adopted by reference in the county that certain code known as the Virginia Uniform Statewide Building Code (VUSBC) and all Virginia Administrative Amendments-Accumulative Supplements thereto in being as of August 15, 1974 or subsequently issued, and the whole thereof and the same is hereby incorporated herein as fully as if set out in length. Said code, as amended herein, shall control all matters set forth in section 7.1-1 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. Certain sections and subsections of the VUSBC are amended as follows:

- (a) Virginia Construction Code:

¹Cross reference(s)—Erosion and sediment control, Ch. 10; fire prevention and protection, Ch. 11; special construction requirements for restaurants, § 14-7; sewers and sewage disposal and water facilities, Ch. 18; street address numbering system, § 20-31 et seq.; water utilities, Ch. 22.7; zoning ordinance, Ch. 24.1.

- (1) Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" appear, the words "County of York" shall be substituted therefor.
 - (2) Wherever the parenthetical phrase "date of adoption of this Code" appears, the word and numbers "August 15, 1974" shall be substituted therefor.
- (b) Virginia Plumbing Code:
- (1) Wherever the parenthetical phrase "date of adoption of this Code" appears, the word and numbers "August 15, 1974" shall be substituted therefor.
 - (2) Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" appear, the words "County of York" shall be substituted therefor.
 - (3) Section 305.6.1 Depth of Sewer 4".
- (c) Virginia Mechanical Code:
- (1) Whenever the parenthetical phrase "date of adoption of this Code" appears, the word and numbers "August 15, 1974" shall be substituted therefor.
 - (2) Whenever the parenthetical phrase "name of municipality" or "name of jurisdiction" appears, the words "County of York" shall be substituted therefor.
- (d) National Electrical Code:
- (1) Wherever reference is made to governmental bodies or jurisdictions, the words "County of York" shall be deemed to apply.
 - (2) Whenever the terms "authority having jurisdiction" or "competent authority" or terms similar in nature are used, they shall be deemed to mean the "building code official or a representative he/she may designate." Such representative shall normally be the electrical inspector.
- (e) Virginia Residential Code:
- (1) Table No. R-301.2 (1) in section R-301 of the subject code is amended by adding the following underlined words and numbers under each of the columnar headings as follows:

Roof snow load, pounds per square feet	20
Seismic condition by zone	A
Wind Speed	115 mph (3 second wind gust)
Subject to damage from:	
Weathering	Yes, Moderate
Frost line depth	Yes, 16 inches
Termite	Yes, Moderate to Heavy
Decay	Yes, Moderate to Severe
Winter Design Temp	Yes, 20

It is mandatory that the codes referenced in subsections (a) through (e) above be compared with and updated by the Virginia Administrative Amendments Supplements prior to final interpretation of any of the provisions of those codes.

Sec. 7.1-4. International Property Maintenance Code.

- (a) There is hereby adopted and amended as part of this chapter the following sections and articles of the Virginia Maintenance Code (VMC), adopted reference in Part III of the VUSBC, "Maintenance of Existing Structures," and all Virginia Administrative Amendments-Accumulative Supplements thereto in being as of July 1, 1992, or subsequently issued: Section 403.3 ("Cooking Facilities") which shall apply to any rooming or dormitory unit; Chapter 6 in its entirety ("Mechanical and Electrical Requirements") which shall apply to all existing buildings, except single family residential private dwellings which are not rented, leased or let; and Chapter 7 in its entirety ("Fire Safety Requirements") which shall apply to all buildings except those in use group R-5.
- (b) From and after the effective date of this chapter, the provisions of the "Virginia Maintenance Code" adopted in subsection (a) above shall be enforced by the building code official and/or the fire code official when an unsafe condition is discovered by the building code official. The building code official and/or fire code official shall have authority to enforce those sections of the Virginia Maintenance Code adopted above, with all those duties, powers, and immunities as specified in the Virginia Uniform Statewide Building Code. Enforcement shall be in accordance with Article VI of this chapter.
- (c) The Board of Building Code Appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of the Virginia Maintenance Code adopted above.

Sec. 7.1-5. When and where copies may be obtained.

Copies of the Virginia Uniform Statewide Building Code and the Virginia Maintenance Code and the publications adopted herein are available for public inspection and review at the office of the county division of building safety during regular business hours.

Secs. 7.1-6, 7.1-7. Reserved.**ARTICLE II. – PERMITS, FEES AND INSPECTIONS****Sec. 7.1-8. Types of permits and fees.**

Permits, inspections and fees shall be required for all work as established by the Virginia Uniform Statewide Building Code. Permit applications shall be made in writing on such forms as are prescribed by the building code official. A permit shall be issued by the building code official before any of the work or actions noted in the following sections is commenced.

Nothing in this chapter shall be construed to prevent the owner of any single-family dwelling from performing additions, alterations or repairs to the dwelling in which he or she resides. Such owner shall obtain all required permits and shall make all required tests of the completed work before approval of the work is granted by an inspector. No such installation shall be put into service prior to final approval by such inspector.

It shall be unlawful for any owner, lessee, agent or any person having any authority or duty in connection with any building or premises knowingly to employ or hire any person to perform any electrical, plumbing or building-related mechanical work in or upon such building or premises unless such person is a certified master in the field in which the work is to be performed, or qualifies for an exemption from certification under the provisions of the Virginia Board for Contractors' Tradesman Certification Rules and Regulations. It shall also be unlawful for any contractor, firm or corporation to undertake or contract to perform any electrical, plumbing or building-related mechanical work in or upon any building or premises unless such contractor, firm or corporation is a state-registered contractor or is exempt from such registration by law, and such contractor, firm or corporation has in its employ a certified master in the field in which the work is to be performed or qualifies for an exemption from certification under the provisions of § 54.1-1131 of the Code of Virginia.

All permits (with the exception of LDA, VSMP and non-permanent Amusement Device permits) will have a technology fee of \$5 assessed to offset costs of software programs utilized for permit processing, issuance and record keeping.

- (a) *Building Permits.* A building permit shall be required for the following types and classes of activities. Electrical, plumbing, and mechanical work is not covered by a building permit and, if such work is to be performed, separate permits shall be obtained and the applicable fees shall be paid. No building permit shall be issued unless and until a certificate of zoning compliance, as required by this Code, has been obtained from the zoning administrator. Fees for building permits shall be as follows:

- (1) For new construction finished or unfinished (including additions).

Type	Fee
Residential structures under roof	\$0.17 per square foot with a minimum fee of \$90
Commercial structures under roof	\$.015 per square foot for the first 30,000 square feet and \$0.13 per square foot for any footage over 30,000 square feet
Structures not under roof (including patios, decks, ramps, loading docks)	\$0.15 per square foot with a minimum fee of \$90

- (2) For the alteration, renovation, or repair of any building or structure; the construction or erection of piers, bulkheads, towers, swimming pools or pool systems; the installation of fire alarm systems; the installation of security or energy systems; the installation of site illumination; the removal of asbestos; and any other additions, renovations, or alterations to these or similar structures or systems. (Fee is based on current value of all service, labor and materials.)

Value	Fee
\$0 to \$1,000	\$90

\$1,001 to \$5,000	\$120
Greater than \$5,000 value	\$140 plus \$55 for each \$5,000 or fraction thereof, of value in excess of \$5,000

- (3) For the installation or erection of a manufactured (mobile) home, industrialized building unit, or moveable structure, the fee is \$90.
 - (4) For the placing of tents greater than 900 square feet and an occupant load of greater than 50 persons, the fee is:
 - a. Fee for each tent inspection: \$120.
 - b. Annual tent permit: \$350.
 - (5) For the demolition or razing of any building or structure serviced by electrical and/or gas provider, the fee is \$90.
 - (6) For the removal and placement of an existing building or structure, in part or in whole, from one location to another new location, whether or not the new location is on the same lot or parcel of land the fee is \$110.
 - (7) For the installation of fencing for swimming pools and around hazardous material, be it wood, metal, masonry, or another material, the fee is \$90.
 - (8) For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of 1% of the retail value or current market value of the work being done, provided that the minimum permit fee shall be \$90.
- (b) *Plumbing Permits.* A plumbing permit shall be required for any work which includes but is not limited to the installation or alteration of plumbing fixtures or water supply systems, and connections to any building drain, public or private sanitary sewage system or manufactured (mobile) home hook up.
- (1) New residential use groups, per dwelling unit—Base fee: \$130. Base fee includes first three fixtures plus \$2 for each fixture thereafter.
 - (2) Additions to residential—Base fee: \$90 plus \$10 for each fixture.
 - (3) New commercial (including additions)—Base fee: \$130 plus \$10 for each fixture.
 - (4) Alterations and repairs (all use groups) Base fee: \$90.
 - (5) Water, sewer—\$90 plus \$45 if a septic tank is abandoned.
 - (6) Gas Permit Fees:

Type	Fee
Gas Distribution Systems (Natural/LP)	
Base Fee	\$90
Each additional outlet or future outlet	\$10
LP Gas Tanks	
0 to 500 gallons	\$90 per tank
501 gallons and over	\$90 per tank

- (7) For plumbing permits not covered by any of the above, the permit fee shall be assessed and collected at the rate of 1% of the retail value or current market value of the work being done, provided that the minimum permit fee shall be \$90.

(c) *Fire Protection Fees.*

- (1) Fire-suppression/sprinkler systems for buildings:

Value	Fee
\$0 to \$2,000	\$90
\$2,001 to \$4,000	\$130
Greater than \$4,000 value	\$140 plus \$20 for each additional \$1,000 or fraction thereof of value in excess of \$4,000
Fire Pumps	\$190 per pump
Standpipe System	\$90 per riser
Kitchen Systems	\$90 per hood

- (d) *Electrical Permits.* An electrical permit shall be required for the following types and classes of activities. Fees for said permits shall be as indicated.

- (1) New residential use group fee is \$130 per dwelling unit. Greater than 200 amperes, the fee is \$130 plus \$20 for each additional 50 amperes or fraction thereof in excess of 200 amperes.
- (2) Commercial fee is \$160. Greater than 200 amperes, the fee is \$160 plus \$20 for each additional 50 amperes or fraction thereof in excess of 200 amperes.
- (3) Increasing the size of electrical service the fee is \$90. Greater than 400 amperes the fee is \$90 plus \$30 for each additional 50 amperes or fraction thereof in excess of 400 amperes.
- (4) For the addition or alteration of electrical fixtures or outlets in existing buildings or structures (provided however, that no outlet fee shall be assessed where a service upgrade is involved) the fee is \$90.
- (5) For the connection or reconnection of electrical service to a manufactured home, trailer or an industrialized building unit, the fee is \$90.
- (6) Temporary service fee is \$90.
- (7) For electrical permits not covered by any of the above, the permit fee shall be assessed and collected at the rate of 1% of the retail value or current market value of the work being done, provided that the minimum permit fee shall be \$90.

- (e) *Mechanical Permits.* A Mechanical permit shall be required for the following types and classes of activities. Fees for said permits shall be as indicated.

- (1) For the installation, replacement, repair or alteration of mechanical systems or equipment, or freestanding fireplaces, solid fuel stoves, and other mechanical installations or alterations.

- a. New residential use groups Base fee: \$130 plus \$20 per additional system per dwelling unit.
- b. Alterations, repairs, additions to residential fee is \$90 per dwelling unit.
- c. New commercial fee, including additions to existing systems:

Type	Fee
Base fee	\$130 plus \$55 per each air handler/system
Exhaust Fans/Air Distribution Boxes	\$30 per unit
Fire Damper	\$30 per damper
Refrigeration Units	\$90 per unit
Burner Conversion	\$90
Pumps (Circulation)	\$40 per unit
Fuel Dispensing Pump	\$60 per unit
Fuel Dispensing Piping	\$50 per line

- d. Alterations and repairs (commercial) fee is \$90.
- e. Prefab fireplaces fee is \$90 per unit.

(2) Storage tanks for liquids—installation, removal or replacement per tank:

Size	Fee
0 to 550 gallon	\$90
Over 550 gallon	\$190

(3) Fee for kitchen hood (Including Duct and Fan).

Type	Fee
Type I (Grease and other hazards)	\$170 per hood
Type II (Heat, Dishwasher)	\$90 per hood

(4) Commercial new elevators, dumbwaiters, moving stairs and walks, manlifts, hoisting or conveying equipment the fee is \$220 for each one installed. The contractor shall be responsible for obtaining the permits and paying the requisite fee, and shall have the inspection performed by a certified individual in the presence of a County inspector. The building code official may provide for such inspection and test witnessing by an approved agency or through agreement with other local certified elevator inspectors.

(5) Residential new elevators and platform lifts the fee is \$90. The owner/contractor shall be responsible for obtaining the permits and paying the requisite fee, and shall have the inspection performed by a certified individual in the presence of a County inspector. The building code official may provide

for such inspection and test witnessing by an approved agency or through agreement with other local certified elevator inspectors.

(6) Gas Permit Fees:

Type	Fee
Gas Distribution Systems (Natural/LP)	
Base Fee	\$90
Each additional outlet	\$10
LP Gas Tanks	
0 to 500 gallons	\$90 per tank
501 gallons and over	\$90 per tank

(7) For mechanical permits not covered by any of the above, the permit fee shall be assessed and collected at the rate of 1% of the retail value or current market value of the work being done, provided that the minimum permit fee shall be \$60.

(f) *Sign Permits.* A sign permit shall be required for the erection, relocation or structural alteration of all signs. No sign permit shall be issued unless and until a certificate of zoning compliance, as required by this Code, has been obtained from the zoning administrator. The fee for such permits shall be as follows:

(1) For erection and/or relocation of signs, the fee shall be \$80 plus an amount based on the total square footage of all faces of the sign, as follows:

Area of Sign Faces	Additional Fee
0 to 50 square feet	\$40
51 to 100 square feet	\$50
101 to 300 square feet	\$60
Over 300 square feet	\$80

(2) For structural alterations the fee shall be \$70 plus the applicable amount from the above table matching the increase, if any, in sign area.

(3) In addition to the permits for material installation, if the sign is illuminated an electrical permit shall be required.

(g) *Miscellaneous permits:*

(1) In addition to the permits for the installation of material, all elevators, dumbwaiters, moving stairways and man lifts for other than one and two family dwellings shall be subject to an annual operating permit and inspection as required by the VUSBC. The owners/operators of establishments having such facilities shall be responsible for obtaining the permits, and for paying the requisite fee, at least 30 days prior to the expiration of the then-in-effect annual permit. The applicant shall have the inspection performed by a certified individual in the presence of a County inspector and shall submit the inspection report to the building code official not later than 30 days after the inspection

has been conducted. The building code official may provide for such inspection and test witnessing by an approved agency or through agreement with other local certified elevator inspectors. In addition, all of the above shall be subject to the three- or five-year maintenance inspections required by the VUSBC.

a. Fee for annual inspection: \$90.

b. Fee for maintenance inspection: \$90.

(2) In addition to the permits for material installation, all permanent amusement devices shall be subject to an annual permit and inspection, as required in the Virginia Amusement Device Regulations prior to each seasonal opening. The owner/operator of an establishment having such facilities shall be responsible for obtaining the permit and for paying the requisite fee, at least 30 days prior to the expiration of the then-in-effect annual permit. In addition, all of the above shall be subject to the operation inspection as required in the Virginia Amusement Device Regulations.

a. Fee for each permanent amusement device for the annual inspection: \$90.

(3) A permit and inspection shall be required for rides that consist principally of portable devices temporarily situated at a site, and as defined in the Virginia Amusement Device Regulations, as amended.

Type	Fee
Small mechanical ride or inflatable amusement device	\$55
Circular ride, institutional trampoline, or flat ride less than 20 feet in height except concession go-karts	\$75
Concession go-karts up to 20 karts per track	\$300; \$10 per kart exceeding 20
Spectacular rides	\$100
Zip line	\$150
Coaster rides exceeding 30 feet in height	\$200
Coaster rides exceeding 60 feet in height	\$400
Generator and associated wiring (per amusement event) (small portable generators serving only cord and plug-connected loads are exempt)	\$90
Weekend or after-hours inspections (subject to approval)	50% of permit fee
Event inspection fee when inflatable or small mechanical device has a valid inspection certificate, and event takes place during normal operating hours of the building safety division	\$50

(4) A permit and inspections shall be required for any land-disturbing activity in conjunction with the construction of a single-family residence: initial fee: \$110

for a two-year period, then a renewal fee of \$110 shall be required for each additional two years thereafter until the construction is complete as demonstrated by the issuance of a certificate of occupancy. (h) State Levy. In addition to the fees prescribed in Sections 7.1-8 (a) through (f), an additional fee equal to the state levy on building permits as set out in the VUSBC effective as of the date of issuance of the permit shall be collected.

(h) *Additional Fees.*

(1) Whenever work is begun prior to the issuance of the required permits, the fee shall be doubled; however, such increase in fee shall not exceed \$250.

(2) *Certificate of Occupancy.*

Type	Fee
Change of building use	\$90
Temporary residential	\$90
Temporary commercial	\$120
Day care inspection	\$90
Adult Home inspection	\$90

Sec. 7.1-9. General requirements and procedures.

- (a) *By whom applications are made; transferability.* Applications for permits shall be made by the owner or lessee of the building or agent of either, or by the licensed professional engineer, architect, contractor or subcontractor, or their respective agents, employed in connection with the proposed work. Prior to the issuance of the permit, the applicant shall furnish evidence either of a license issued in accordance with Chapter 11 of Title 54.1 of the Code of Virginia or acceptable evidence that the applicant is exempt from the provision of this chapter. Once issued, permits shall not be transferable to another owner, lessee or professional.
- (b) *Application to be accompanied by plats and other documentation.* Applications for permits shall be accompanied by a plat plan showing, to scale, the size and location of all proposed new construction, distances from lot lines, the established street grades and the proposed finished grade consistent with the approved development plan and location of private and public easements and rights-of-way. Construction within easements and rights-of-way shall be prohibited unless the applicant provides evidence that the owner or beneficiary of the easement or right-of-way has authorized the construction.
- (c) *When permit becomes invalid; extensions of time.* Any permit issued shall become invalid if work on the site authorized by the permit is not commenced within six months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of six months after the time of commencing the work, the failure to complete enough work to schedule an inspection during any six-month period may be grounds for finding that work has been abandoned or suspended; however, permits issued for building equipment such as plumbing, electrical and mechanical work shall not become invalid if the building permit is still in effect. Upon written request, and for good cause shown, the building code official may grant

one or more extensions of time not to exceed six months per extension. The fee shall be \$90 per extension.

- (d) *Time limit for single-family dwelling permits.* Any permit for the construction of new detached single-family dwellings, additions to detached single-family dwellings, and residential accessory structures shall be completed within a three-year time limit. The time limit shall begin from the issuance date of the permit.
- (e) *Plan examination fee.* Where plans bearing a licensed architect's or engineer's seal are required to be submitted pursuant to the standards set forth in § 54.1-402 et seq., Code of Virginia, and in the case of plans for multi-family dwellings, and in other situations where the building code official deems it necessary to require the submission of plans bearing the seal of a licensed architect or engineer, a non-refundable plan examination fee of \$280 shall be charged. For all other building permits applied for that require a review a plan review fee of \$90 shall be paid at time of application. The residential plan review fee shall be applied towards the permit fee if building permit is issued within 90 days from date of application. If residential permit is not issued by the aforementioned time frame, the plan review fee shall not be refunded nor applied towards a permit fee.
- (f) *Reinspection fee.* Whenever the building, electrical, plumbing or mechanical inspector is required to make a re-inspection of work because the permittee has requested an inspection before the work is ready for the inspection, or when the inspector cannot obtain reasonable and safe access to the work to be inspected, or the address identifying the location of the requested inspection has not been posted on the construction site, there shall be a \$90 reinspection fee. When an inspection is properly requested and completed and results in a failure, the first reinspection of the work shall be conducted without imposition of a reinspection fee. Any subsequent reinspection required because of continued failure, the third and all subsequent reinspections shall incur a reinspection fee of \$90. Such fee shall be charged to the holder of the permit covering the work and shall be paid to the County at the office of Building Safety prior to the re-inspection of such work.
- (g) *Submission of detailed cost estimate.* Where the provisions of this section require the payment of a fee based on the current value of all service, labor and materials, the building code official may require that a detailed cost estimate be submitted for review and approval as a prerequisite to the issuance of a permit.
- (h) *Conditions constituting basis for refunding of permit fee.* The building code official may authorize the refunding of any permit fee paid pursuant to this chapter upon application by the person who paid such fee, under the following conditions:
 - (1) If an applicant requests in writing the cancellation of a permit prior to the start of construction or to requesting any inspections, the permit fees, less a service charge of \$60 and a plan review fee of \$90, if applicable, shall be refunded.
 - (2) If an applicant requests in writing the cancellation of a permit after the work authorized by the permit has begun and inspections have been made, the permit

fees, less a \$60 service charge, a \$90 charge for each inspection made and a \$90 plans review fee, if applicable, shall be refunded.

- (3) The above provisions notwithstanding, no refund shall be made if 12 months have expired since the issuance of the permit(s).

Sec. 7.1-10. Permit and fee exemptions.

- (a) Where the owner of any premises is the United States of America or the County, the payment of any permit fees, inspection fees or plan review fees established in §§ 7.1-8 and 7.1-9 shall not be required.
- (b) Where the owner of any premises is an instrumentality of government, other than the United States of America or the County, an administrative processing fee of \$280 is required. The plan review shall be in accordance with Section 111.5.3.1, and the inspections shall be performed in accordance with Section 115.8.1 of the VUSBC.
- (c) Minor construction, as identified herein, shall be exempt from the building permit requirements of § 7.1-8. Such exemptions shall not, however, have the effect of waiving any setback or other dimensional requirements of the York County Zoning Ordinance. Exempted minor construction shall include:
 - (1) The erection of a one-story detached accessory structure used as tool and storage sheds, playhouses or similar uses, and not exceeding 256 square feet and the structures are not classified as Group F-1 or H occupancy; the erection of a pool less than two feet in depth and not greater than 150 square feet in surface area; or the erection of a detached building housing the equipment of a publicly regulated utility service less than 150 square feet.
 - (2) Painting and application of wallpaper.
 - (3) Replacement of roof coverings in Group R3, R-4 and R-5 structures, provided the building or structure is not in an area where the nominal design wind speed is greater than 100 miles per hour and replacement of 100 square feet or less of roof covering in all groups and all wind zones.
 - (4) Replacement of windows and doors that do not require changes to the existing framed opening and that are not required to be fire rated within Group R-2 where serving a single dwelling unit and Groups R-3, R-4 and R-5.
 - (5) Replacement of floor finishes in all occupancies.
 - (6) Replacement of Class C interior wall or ceiling finishes installed in Groups A, E and I and replacement of all classes of interior wall or ceiling finishes in other groups.
 - (7) Cabinets installed in all occupancies.
 - (8) Tents and air supported structures of 900 square feet or less, including within that area all connecting areas or spaces with a common means of egress or entrance, with an occupant load of 50 or less persons.

- (9) Plumbing and mechanical appliance replacement, provided such equipment is not fueled by gas or oil in Group R-2 where serving a single dwelling unit and Groups R-3, R-4 and R-5.
- (10) Replacement of electrical switches, outlets, light fixtures and ceiling fans in Group R-2 four stories or less and Groups R-3, R-4 and R-5.
- (d) The erection of temporary tents, canopies or other types of fabric enclosures and associated electrical or mechanical installations by or for the benefit of charitable organizations to which the County is authorized to contribute shall be exempt from the permit and inspection fees required by this chapter. Such installations shall, however, be subject to all applicable technical and safety standards of this chapter as well as all applicable requirements of the County zoning ordinance.

Sec. 7.1-11. Inspections.

- (a) The building code official shall prescribe such inspections and surveys as may be necessary to secure compliance with the VUSBC, the Virginia Industrialized Building Safety Law and Manufactured Housing Construction and Safety Standards Law, and such other regulations as shall properly fall within the enforcement responsibility of the office of the building code official. Such inspections shall include but are not limited to:
 - (1) The bottom of footing trenches after all reinforcement steel is set and before any concrete is placed.
 - (2) Beams, floor joists, vents and anchor bolts before any subfloor is laid.
 - (3) Structural framing and fastenings, prior to covering with concealing materials.
 - (4) All electrical, mechanical and plumbing materials, equipment and systems prior to concealment.
 - (5) Required insulating materials before covering with any materials.
 - (6) Upon completion of the building, and before issuance of the certificate of occupancy, a final building inspection shall be made to ensure that any violations have been corrected and all work conforms to the VUSBC.
 - (7) Where the construction cost is less than \$2,500, the inspection shall be permitted, at the discretion of the building code official, to be waived.
- (b) It shall be the responsibility of the permit holder or the permit holder's representative to notify the office of building safety when the stages of construction are reached that require an inspection.
- (c) The building code official may, upon probable cause that a building code violation exists, inspect buildings and structures, whether permanent or temporary, after their completion and which are used to store hazardous materials or are occupied or to be used by 20 or more persons who are employed, lodged, housed, assembled, served, entertained or instructed therein, or the common areas of residential structures containing four or more units, including buildings owned by the Commonwealth or by any political subdivisions, and the equipment therein, to ensure compliance with

the building code. The building code official shall also coordinate all reports of inspections with those from the fire and health officials prior to the issuance of an occupancy permit. In making these inspections the building code official shall enforce the building regulations that were in effect at the time the building was constructed.

Sec. 7.1-12. Certificate of use and occupancy.

- (a) A building, structure, mechanism or assembly, or part thereof, subject to the VUSBC when erected or installed shall not be used, occupied, operated or considered complete until a certificate of use and occupancy has been issued by the building code official.
- (b) No certificate of occupancy shall be issued until a certification by a licensed surveyor is presented to the building code official validating that the final established lot elevations and grades are consistent with the approved development plan and the plat plan submitted with the building permit application.
- (c) A temporary certificate of occupancy may be issued at the discretion of the building code official and where such use or occupancy will not create an unsafe, unusable, or unhealthy condition. The owner or contractor shall execute a surety agreement with the building code official and provide a bond or cash surety in the amount of any unfinished work or certifications needed to obtain the final Certificate of Occupancy, in accordance with § 10-14, Erosion and Sediment Control, Code of the County of York.

ARTICLE III. – SUPPLEMENTAL REGULATIONS

Sec. 7.1-13. Connections to electric or gas supply.

- (a) It shall be unlawful for any public utility company providing electric or gas service in the county to make or permit to be made any connections with its electrical or gas supply lines to any building, unless such electrical or gas piping installation in such building has been inspected and approved by the county.
- (b) In case of fire, natural disaster or other emergency, the building code official or his/her authorized representative, or any officer of the sheriff's department or the division of fire and life safety, shall have the authority to order the applicable public utility company to physically sever its electric or gas supply lines to any building or premises.
- (c) It shall be the duty of the public utility company to disconnect any building or premises from its electrical or gas supply lines upon an order issued under the provisions of this section. It shall be the further duty of such company to have a competent employee on duty at all times who shall promptly proceed to physically sever electrical or gas services upon issuance of such an order.

Sec. 7.1-14. Provisions for Maintaining a Clean Building Construction Site.

The permit holder and property owner shall be responsible for removing construction debris on a daily basis or providing at every building construction site a dumpster or a screened area to deposit the construction debris. The construction debris deposited in

either a dumpster or screened area shall be removed on an as needed basis during the construction process or period.

Sec. 7.1-15. Provisions for Driveways.

- (a) No permit shall be issued for the erection or construction of any new building or structure requiring the installation of a culvert pipe for a driveway unless the owner of such property provides evidence that a permit has been issued by the Virginia Department of Transportation.
- (b) Where Virginia Department of Transportation approval is subject to the issuance of permit, the building code official shall require documentation that the culvert pipe has been installed pursuant to the requirement of the Virginia Department of Transportation before the issuance of the Certificate of Occupancy is issued.

Sec. 7.1-16. Provisions for water and sewage.

- (a) No permit shall be issued for the erection or construction of any new building or structure requiring wastewater disposal unless the owner of such property provides evidence to the satisfaction of the building code official that the premises has a permit for connection to the facilities of the county or that other facilities for sewage disposal, meeting all applicable requirements of this Code and the Virginia Department of Health, can and will be provided.
- (b) No permit shall be issued for the erection or construction of an addition to an existing building that is connected to a septic system when the proposed structure would be within five (5) feet of the septic tank and eight (8) feet of the drain field, measured horizontally.
- (c) Where health department approval of a septic system is made subject to conditions, the building code official shall require evidence of the recordation of such conditions in the office of the clerk of the circuit court prior to the issuance of a building permit. No building permit shall be issued for any construction, which would infringe on any septic system drainfield area designated pursuant to the terms of this Code and/or by requirement of the health department.
- (d) No permit shall be issued for the erection or construction of a building or structure that is to be serviced by a private ground water well as its primary source of potable water until the owner of such property provides evidence to the building code official from the Virginia Department of Health or from certified laboratories that the water has been tested and approved in accordance with existing federal and state water quality standards.

Sec. 7.1-17. Unsafe buildings, walls or structures; repair, removal.

- (a) Pursuant to the terms of section 15.2-906, Code of Virginia, as it may be amended from time to time, the owners of property in the county shall, at such time or times as the building code official may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the county.

- (b) The building code official through his own agents or employees may remove, repair or secure any building, wall or any other structure which may endanger the public health or safety of other residents of the county when the owner and lien holder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure said structure. For the 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 shall include 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 in a newspaper once a week for two successive weeks having general circulation in the county. No action shall be taken to remove, repair or secure any building, wall or other structure for at least thirty days following the later of the return of the receipt or newspaper publication.
- (c) In the event the building code official, through his 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 owner of such property and may be collected by the county as taxes and levies are collected.
- (d) Every charge authorized by this section or by Code of Virginia section 15.2-900 (regarding the abatement or removal of nuisances by localities) with which the owner of any such property shall have 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 manner as provided in Articles 3 (§58.1-3940, et seq.) and 4 (§58.1-3965, et seq.) of Chapter 39, of Title 58.1, Code of Virginia. The Board of Supervisors 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.

Sec. 7.1-18. Expansive Type Soil.

- (a) Soil testing shall be performed by a qualified individual, who shall: (1) determine the number of borings required; (2) provide a report of the soil test results; (3) provide recommendations for foundation design. As an acceptable alternative, tests which were completed at the subdivision stage of development that have sufficient data to indicate that no additional testing is required on the building site for the building construction, may be accepted. When test results indicate the presence of expansive soil at the building site, the foundation for the proposed structure shall be designed by a registered design professional prior to any building permit being issued.
- (b) Additions to existing buildings that will not exceed 30% of the existing footprint area, and decks, shall not require a soil test.
- (c) The requirements for soil testing for non-habitable accessory structures not exceeding 600 square feet may be waived at the discretion of the building code official.

Secs. 7.1-19—7.1-26. Reserved.

ARTICLE IV. – BOARD OF BUILDING CODE APPEALS

Sec. 7.1-27. Purpose/Procedure.

- (a) The owner of a building or structure or his authorized agent, or any other person, firm or corporation directly involved in the design and/or construction of a building or structure, may appeal to the Board of Building Code Appeals within ninety (90) days from a decision of the building code official when it is claimed that:
 - (1) The building code official has refused to grant a modification which complies with the intent of the provisions of the VUSBC or the VMC;
 - (2) The true intent of the VUSBC or the VMC has been incorrectly interpreted;
 - (3) The provisions of the VUSBC or the VMC, as the case may be, do not fully apply; or
 - (4) The use of a form of construction that is equal to or better than that specified in the VUSBC has been denied.
- (b) All applications to the board shall be in writing on such forms as may be prescribed by the building code official.
- (c) Each application shall be accompanied by a non-refundable fee of \$275.00.

Sec. 7.1-28. Board establishment.

- (a) *Appointment; composition.* A seven member board of building code appeals, as required by section 119 of the Virginia Uniform Statewide Building Code, shall be appointed by resolution of the board of supervisors and shall be composed of members meeting the requirements of the Virginia Uniform Statewide Building Code.
- (b) *Appointment, reappointment and removal.* Members of the board shall be appointed or reappointed for terms of three (3) years. A member may be removed by the board of supervisors if absent without excuse at two (2) consecutive meetings during any calendar year, or for other reasons as determined by the board of supervisors.
- (c) *Chairman.* The board shall annually elect a chairman who shall serve a term of one (1) year.
- (d) *Hearings of appeals.* The hearing on appeals shall be in accordance with the provisions specified in the Virginia Uniform Statewide Building Code.
- (e) *Compensation.* Compensation, if any, of the board members shall be determined by the board of supervisors.

Secs. 7.1-29—7.1-42. Reserved.

ARTICLE V. – TRADESMEN

Sec. 7.1-43. Transfer or loss of certificate; certificate to be in holder's possession while working.

No certificate of qualification shall be transferred, lent or used for any purpose whatsoever except by the person to whom such certificate has been issued. It shall be the duty of each certified person to have such certificate in their possession whenever performing any electrical, plumbing, or building-related mechanical work in the county and to permit an inspector to examine such certificate upon request. It shall also be the duty of the certified person to report promptly the loss of such certificate and to apply for a duplicate to the Virginia Board for Contractors.

Secs. 7.1-44—7.1-57. Reserved.**ARTICLE VI. – VIOLATIONS AND PENALTIES****Sec. 7.1-58. Provisions governing prosecution; Authority of building code official.**

The provisions of the Virginia Uniform Statewide Building Code shall govern the prosecution of violations of such codes as adopted in section 7.1-3 and section 7.1-4 of this chapter. The building code official or any person assigned to the division of building safety shall have authority to serve a written notice of violation and to order the abatement of such violation. In the case of a notice of a violation of the Virginia Property Maintenance Code, the notice shall specify a time limit for the discontinuance or abatement of the violation. The building code official is hereby granted the authority to issue 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. The fire code official, as identified in chapter 11 of this Code, shall have concurrent power and authority with the building code official to enforce those sections of the Statewide Building Code adopted pursuant to section 7.1-4.

Sec. 7.1-59. Generally.

It shall be unlawful for any person to violate any provision of this chapter or the Virginia Uniform Statewide Building Code or of the Virginia Maintenance Code or fail to comply with any of the requirements thereof, or erect, construct, alter or repair or maintain a building or structure in violation of an approved plan or directive of the building code official or in violation of a permit or certificate issued under the VUSBC. It shall be unlawful for any person to continue any work in or about the building after having been served with a stop work order, except such work as he or she is directed to perform to remove a violation, unsafe or substandard condition. Upon conviction, violations shall be punishable by a fine up to the maximum permitted by § 36-106, Code of Virginia, and each day that a violation continues shall be deemed a separate offense.

CHAPTER 20.5 – SUBDIVISIONS

Sec. 20.5-13. Fees.

Plans or plats shall not be deemed to have been filed until the appropriate fee has been paid. All checks shall be made payable to the treasurer of York County.

(a) *Initial Examination fee.* There shall be a fee for the examination of every plan and plat reviewed under the terms of this chapter. All fees shall be paid at the time of filing the plan or plat for review.

(1) *Preliminary plan.* The fee for a preliminary plan shall be \$60 plus \$5 per lot.

(2) *Development plan.* The fee for a development plan shall be \$60 plus \$10 per lot.

(3) *Final plat.* The fee for a final plat shall be \$60 plus \$10 per lot, plus an amount based on the total area contained in the plat, as follows:

First 70 acres	\$1.00 per 1,000 square feet
Next 70 acres	\$0.601,000 square feet
Remaining acreage	\$0.40 per 1,000 square feet

(b) *Resubmittal fee.* There shall be a fee for each additional review of all plans and plats for the third submission and each subsequent submission thereafter.

(1) *Preliminary plan.* The resubmittal fee for a preliminary plan shall be \$50 plus \$2 per lot.

(2) *Development plan.* The resubmittal fee for a development plan shall be \$50 plus \$8 per lot.

(3) *Final plat.* The resubmittal fee for a final plat shall be \$50 plus \$8 per lot.

(c) *Inspection fee.* There shall be a fee for the inspection of improvements constructed as a part of the development of subdivisions. Said fee, in the amount of \$35 plus \$5 per lot, shall be paid prior to recordation of the record plat.

(d) *Plan amendment fee.* Amendments to approved preliminary and development plans shall pay a filing fee of \$130 unless the zoning administrator waives the fee because the need for the amendment arises from an error or oversight by a federal, state, or local agency.

(e) *Vacation of plat fee.* There shall be a fee for processing an application to vacate a plat or part thereof. Said fee shall be exclusive of the costs of posting notice

and advertisement as provided in § 15.2-2204, Code of Virginia, or recordation fees which may accrue. The costs shall be borne also by the applicant. The fee shall be in the amount of \$190 per plat which is proposed to be vacated and shall be paid upon application.

- (f) *Appeal/variance fee.* There shall be a fee for the processing of an application to appeal the decision of the agent or to request a variance from the terms and conditions of this chapter. Such fee shall be exclusive of the costs of posting notice and advertisement as provided in § 15.2-2204, Code of Virginia, the costs of which shall also be borne by the applicant. The fee, in the amount of \$310 per request, shall be paid upon application.
- (g) *Variable site development fees.* In addition to the fees enumerated above, the subdivider shall be required to pay other fees as may be applicable to the proposed development.
- (1) *Archeological study review fee.* Study review deposits shall be required for any archeological studies submitted for review and approval under the provisions of Section 24.1-374, *Historic resources management overlay district*, of Chapter 24.1. The review deposit schedule shall be as follows:
 - a. Phase I study: \$1,500 deposit
 - b. Phase II study: \$2,500 deposit
 - c. Phase III study: \$3,500 deposit

Upon the County's receipt of the final review cost billed, the County shall notify the applicant of the final review cost. If the deposit amount exceeds the final review cost, the overage shall be refunded to the applicant. If the deposit amount is insufficient and does not cover the final review cost, the applicant will be billed by the County to cover the deficiency.

- (2) *Traffic control devices, street name signs, streetlights, and other similar improvements.* Depending upon the needs of the subdivision and the desire of the subdivider that the County supply or arrange for certain signs, features or devices, these fees may include payments for construction, fabrication, installation, and/or maintenance of control and warning signs, streetlights, street identification signs, and other similar features, installations, or devices. The actual fees for such features, installations, devices, or maintenance thereof shall be established by the board and published by the County from time to time and shall reflect, as closely as possible, actual costs including labor. The official fee schedule shall be available for review and copying from the subdivision agent during normal working hours.

CHAPTER 24.1 - ZONING

Sec. 24.1-108. Filing Fees**(a) Application fees.**

- (1) An application fee shall be charged to offset the cost of reviewing plans, processing applications, making inspections, issuing permits, advertising public notices and other expenses incident to the administration of this chapter or to the filing or processing of any amendment to the zoning ordinance, special use permit or zoning appeals. Such fees shall also include charges for re-advertising and re-mailing notices when necessitated by the amendment, postponement, or modification of an application. Filing fees shall be paid upon submission of an application and shall be as set forth in the following schedule:

TYPE OF APPLICATION	FEE ¹
Amendment to the zoning ordinance, except planned development applications	\$750, plus \$20 for every acre in excess of 5, but not to exceed a maximum fee of \$5,000
Application for planned development approval:	
1. Phase I submission (overall concept)	\$750, plus \$20 for every acre in excess of 5, but not to exceed a maximum fee of \$5,000
2. Phase II submission (detailed plan)	(Refer to site plan or subdivision plat fees)
Limited deviations from approved planned developments	\$130
Special use permits and amendments thereto:	
1. Applications for home occupations and accessory apartments	\$500
2. All other types of Special Use Permit applications	\$750, plus \$10 for every acre over 5, but not to exceed a maximum fee of \$5,000
Minor enlargement or expansion of a conforming special use under provisions of § 24.1-115(d)(2)	\$130
Special exception to height limitations as provided in § 24.1-231	\$250

Special exception to allow expansion of a nonconforming use as provided in § 24.1-801	\$250
Other special exception	\$250
Appeals/Variations/Modifications:	
1. Appeal or variance request to the board of zoning appeals	\$350
2. Administrative modification request	\$100
Amendment, modification or postponement of rezoning or use permit application requiring re-advertisement and re-notification by both the commission and board	\$750
Amendment, modification, or postponement of rezoning, use permit or variance application requiring re-advertisement and re-notification by the commission, board, or board of zoning appeals	\$550
Zoning Verification/Certification letters:	
1. Requests for verification of zoning classification and permissible uses	No Charge
2. Requests for zoning verification that also include confirmation of plan approvals, previous permits, violation notices, property conformance, and similar requests requiring file research and/or site inspections	\$100

¹ The above described fees shall be waived for any application submitted by any board, commission, agency or department of the county.

- (2) No application shall be received or shall be deemed to have been filed until accompanied by the required filing fee. Furthermore, in the case of any application for rezoning, special use permit, special exception, or variance, submitted by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50%, verification shall be obtained from the York County Treasurer that any delinquent real estate taxes, nuisance charges, or any other charges that constitute a lien on the property have been paid. The applicant may provide a verification statement from the Treasurer as part of their application submission or, if not provided, staff will make the contact with the Treasurer's Office. If payments are current, the application will be accepted for processing. If not, the prospective applicant will be advised of the need to correct the delinquency.

- (3) *Withdrawal and refunds of application fees.*

Application fees shall not be refundable in the case of appeals to the board of zoning appeals. In the case of withdrawal of applications for zoning amendments, use permits or planned development approval, exemptions or exceptions, refunds of application fees shall be according to the following schedule. All requests for withdrawal must be in writing, signed by the applicant, and be submitted to the zoning administrator.

WITHDRAWAL SCENARIO	REFUND AMOUNT
Written request received in sufficient time to cancel the publication of the first legal notice for the planning commission public hearing	Full refund minus a \$60 administrative processing fee
Written request received after the first legal notice has been published but prior to the first meeting of the planning commission	50% of the fee
Written request received within five working days after the date of final action by the planning commission	25% of fee
Written request received more than five working days after the date of final action by the planning commission	No refund

(b) *Site plan review fees.*

- (1) Filing fees shall be paid at the time a site plan is first presented for formal review and shall be in accordance with the following schedule:

TYPE	FEE ¹
Single-family attached or multi-family residential proposals	\$190 + \$20 per dwelling unit (maximum fee \$3,000) + \$1 per 1,000 square feet of total disturbed area
Commercial, industrial, institutional and other types of uses	\$190 + \$5 per 1,000 square feet of gross floor area of all structures (maximum fee \$3,000) + \$1 per 1,000 square feet of total disturbed area
Resubmittal fee ² (third formal submittal)	\$150

Amendments to approved site plans	\$130 (may be waived by zoning administrator if need for amendment arises from error/oversight by federal, state, or local agency)
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¹ In addition to the review fees set forth above, the applicant/developer shall be responsible for payment of any Traffic Impact Analysis review fees as may be established by the Virginia Department of transportation pursuant to its implementation of the requirements of Section 15.2-2222.1 of the Code of Virginia.

² The resubmittal fee shall increase by \$50 for each subsequent submittal of a site plan for formal review after the third submittal.

(c) *Site inspection fee.* Prior to the issuance of zoning certificates or the commencement of development or activities authorized by an approved site plan, the developer of a project shall be responsible for payment of a non-refundable inspection fee based on the total amount of improved area on the site. For the purposes of this section, improved area shall be computed by adding the total area covered by structures, buildings, parking areas, driveways, sidewalks and other impervious surfaces on the site. The fee shall be \$60 plus \$1.00 per 1,000 square feet of improved area up to a maximum fee of \$1,750.

(d) *Variable site development fees.* In addition to the fees enumerated above, the developer shall be required to pay other fees as may be applicable to the proposed development.

(1) *Archeological study review fee.* Study review deposits shall be required for any archeological studies submitted for review and approval under the provisions of Section 24.1-374, *Historic resources management overlay district*, of this chapter. The review deposit schedule shall be as follows:

- a. Phase I study: \$1,500 deposit
- b. Phase II study: \$2,500 deposit
- c. Phase III study: \$3,500 deposit

Upon the County's receipt of the final review cost billed, the County shall notify the applicant of the final review cost. If the deposit amount exceeds the final review cost, the overage shall be refunded to the applicant. If the deposit amount is insufficient and does not cover the final review cost, the applicant will be billed by the County to cover the deficiency.

(2) *Traffic control devices, street name signs, streetlights, and other similar improvements.* Depending upon the needs of the development and the desire of the developer that the County supply or arrange for certain signs, features or devices, these fees may include payments for construction, fabrication, installation and maintenance of control and warning signs and signals, streetlights, street identification signs, and other similar features, installations, or devices. The actual fees for such features, installations, devices, or maintenance thereof, shall be established by the board and published by the

County from time to time and shall reflect, as closely as possible, actual costs including labor. The official fee schedule shall be available for review and copying from the zoning administrator during normal working hours.

- (e) *County exempt from fees and surety.* The county shall be exempt from all fees and surety requirements established by this chapter.

* * *

A Copy Teste:

Mark L. Bellamy, Jr.
County Clerk