

CHAPTER 6

BUILDINGS AND BUILDING REGULATIONS*

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***Charter references** - Authority for city to regulate the construction, maintenance and repair of buildings and structures, Section 2.04(b); authority for city to regulate the light, ventilation, sanitation and use and occupancy of buildings, Section 2.04(k); department of public works responsible for the construction and maintenance of buildings, Section 8.02.

Cross references - Certification of tradesman, ch. 8; electricity, ch. 12; fire prevention and protection, ch. 14; health, ch. 17; licenses, ch. 19; mobile homes and mobile home parks, ch. 21; plumbing, ch. 25; sewers and sewage disposal, ch. 28; signs, ch. 29; streets and sidewalks, ch. 31; building material on street, Section 31-14; water, ch. 35; construction and design standards and regulations in subdivisions, app. A, Section 6; zoning, app. B.

State law references - Authority of city relative to building regulations, Code of Virginia, Section 15.1-15, 15.1-869, municipal buildings, Code of Virginia, Section 15.1-257 et seq., 15.1-846; uniform statewide building code, Code of Virginia, Section 36-97 et seq.

ARTICLE I. IN GENERAL

Sec. 6-1. Building code adopted.

The city hereby adopts the Uniform Statewide Building Code and the provisions and terms of such code shall be applicable and in full force and effect within the city.
(Code 1975, Section 5-1)

Sec. 6-2. Permission for certain industries to pay annual building permit fees.

- (a) Notwithstanding any other provision of this article, any industrial corporation within the city having a total assessed tax value on land, building and equipment in excess of the sum of \$1,000,000.00, as shown on the tax records of the city, may with the approval of city council, elect to submit an annual inspection fee of \$1,500.00 for building, electrical and plumbing modifications and additions.
- (b) This fee will cover all construction activity with the exception that any new building whose cost, without equipment, is in excess of the sum of \$100,000.00, shall require a separate building permit to be obtained prior to the start of construction and a separate fee shall be assessed according to the applicable rates set out in other sections of this Code.

(Code 1975, Section 5-2)

Sec. 6-3. Additional building permits; fees.

- (a) In addition to permits required under Section 6-1, a building permit shall be required for any of the following:
 - (1) Residing exterior of any building with wood, composition, metal or vinyl siding, including covering of trim and refacing of exterior walls with masonry or concrete materials.
 - (2) Installing storm windows and storm doors.

- (3) Reroofing of any building.
- (4) Interior or exterior repairs or remodeling involving floors, roof decks, walls or ceilings of buildings as well as structural framing supporting same.
- (5) Demolition or partial demolition of any buildings, whether occasioned by owner's choice, condemnation, fire damage, water damage or from damage by collision by moving objects.
- (6) Moving of any building from outside of city limits to inside of city limits, within the city or from inside city limits to outside of city limits.
- (7) Building of all chimneys, fireplaces and installation of stoves burning solid fuels.

(b) The fees for building permits shall be as follows:

- (1) No fee for new construction or alterations valued at less than \$100.00.
- (2) For work costing \$100.00 and less than \$2,000.00\$15.00.
- (3) For work costing \$2,000.00 and less than \$6,000.00\$20.00.
- (4) For work costing \$6,000.00 and less than \$10,000.00\$30.00.
- (5) For work costing \$10,000.00 or more, the fee shall be \$5.00 for each \$1,000.00 of cost or part thereof.

(6) The maximum fee per construction project shall be \$1,000.00.

(Code 1975, Section 5-3)

Sec. 6-4. Fees for additional mechanical permits.

Fees for mechanical permits and inspections shall be as follows:

- (1) Each central hot-air heating unit \$10.00
- (2) Each individual overhead unit or room space heater ..\$ 5.00
- (3) Each central air conditioning unit \$10.00
- (4) Each individual room air conditioning unit\$5.00
- (5) Each built-in refrigeration unit \$10.00
- (6) Each boiler unit \$10.00
- (7) Each appliance unit\$2.00
- (8) Each incinerator\$2.00
- (9) Each central fire suppression unit \$10.00
- (10) Each individual fire suppression unit\$2.00

- (11) Each air pollution control\$2.00
- (12) Miscellaneous fees:
 - a. Any permit requiring inspection, minimum fee \$5.00
 - b. Reinspection fee..... \$5.00

(Code 1975, Section 5-3.1)

Sec. 6-5. Repair and rehabilitation, or demolition of unsafe structures.

- (a) *Duty to remove, repair or secure unsafe structure.* Owners of real property within the city shall remove, repair or secure any building, wall or any other structure or portion thereof which might endanger the public health or safety of other residents of the city.
- (b) *Unsafe structures; procedures.* The following procedures shall apply with regard to unsafe structures if an owner fails to comply with his or her duty set forth above:
 - (1) *Notice to owner and lienholder(s).* When the building official identifies any unsafe structure, he may give written notice to the owner and any lienholder(s) of record, of his or her obligations under this section. For purposes of this section, reasonable notice shall include a written notice (i) sent by certified mail, return receipt requested, to the last known address of the property and (ii) published once a week for two successive weeks in a newspaper having general circulation in the city.
 - (2) *Time limit for action by owner.* No action shall be taken by the building official to remove, repair or secure any building, wall or any other structure for at least thirty (30) days following the later of the return of the receipt or newspaper publication.
 - (3) *Procedure when owner fails to comply.* If the owner has failed to comply with all requirements of the notice and this section, then the city through its own agents or employees may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the city. Repair of the structure may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.
 - (4) *Costs and expenses recoverable.* In the event the city, through its own agents or employees removes, repairs or secures any building, wall or any other structure pursuant to this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the city as taxes and levies are collected.
 - (5) *Lien of charges authorized by this section.* Every charge authorized by this section with which the owner of any unsafe structure shall have been assessed and which remains unpaid, whether or not reduced to judgment, shall constitute a lien against the parcel on which the unsafe structure is situate, which such lien shall rank in parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended.

- (c) *Building Code not superseded.* Nothing herein shall be construed to limit the authority of the city or of its building official as set out in general law or in the Uniform Statewide Building Code.

(Code 1975, Section 5-4; Ord., No. O-95-10, 3-14-95; Ord. No. O-05-32, 10-11-05)

Cross reference - Definitions and rules of construction generally, Section 1-2.

State law reference - Authority for above section, Code of Virginia, Section 15.1-11.2.

Sec. 6-6. Commencement of work prior to issuance of permit; penalty.

Any person who commences work requiring a permit under this article before obtaining the necessary permit shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fee unless such person can demonstrate to the satisfaction of the building official that the work was occasioned by a sudden emergency; that reasonable effort was made by such person to obtain the required permit prior to commencement of work; but the required permit could not be obtained prior to commencement of work because the city offices were closed or otherwise unavailable; and that such person did obtain the required permit at the earliest reasonable opportunity thereafter.

(Ord. No. O-97-06; Section I, 3-11-97)

Secs. 6-7 - 6-19. Reserved.

Sec. 6-20. Construction, installation and maintenance of certain fuel-burning equipment and the emission of smoke and fumes therefrom.

- (a) This section shall regulate the construction, installation, maintenance, and use of fuel-burning equipment located in the city which is designed and intended to be used for the generation of heat to be supplied to a dwelling or other enclosed structure and which is detached from the dwelling or other enclosed structure which it serves. Such device or equipment shall be referred to herein as an "outdoor furnace or boiler."
- (b) No outdoor furnace or boiler shall hereafter be constructed, installed, operated, or maintained within the city unless the owner or operator thereof shall have obtained from the building official a mechanical permit for the same.
- (c) The fee charged for the mechanical permit shall be calculated in the same manner as a building permit under article I of this chapter.
- (d) No outdoor furnace or boiler shall hereafter be constructed, installed, operated, or maintained within the city unless the flue which serves the same shall be erected to discharge the smoke and gases therefrom no lower than 25 feet above the ground level.
- (e) Any violation or failure to comply with the requirements of this section shall be punishable as provided in section 1-9 of the City Code.

(Ord. No. O-02-025, 11-12-02)

Secs. 6-21 – 6-30. Reserved.

ARTICLE II. NUMBERING OF BUILDINGS; STREET NAMES*

Sec. 6-31. Uniform system established; compliance.

There is hereby established a uniform system for numbering buildings fronting on all streets in the city and all houses and other buildings shall be numbered in accordance with the provisions of this article.

(Code 1975, Section 5-33)

Sec. 6-32. Base lines established.

- (a) The base line which shall divide the city into the northern and southern parts is as follows: Beginning at a point on the east corporate line of the city, thence due west to the intersection of Alleghany Avenue and Hawthorne Street, thence along Hawthorne Street to the Monroe Avenue intersection, thence along McCurdy Street to the railroad bridge, thence along Dickey Street to the west corporate limits.
- (b) The base line which shall divide the city into eastern and western parts is as follows: Beginning at the north corporate limits at the bridge on Short Street, thence along Short Street to the C&O Railroad, thence along the C&O Railroad to the overhead bridge intersection at Carpenter Drive in Edgemont, thence along Carpenter Drive to its intersection with Trout Street in Idlewilde, and thence due south to a point on the south corporate limits of the city.

(Code 1975, Section 5-34)

Sec. 6-33. Numbering to begin at base lines.

The numbering of buildings on each street shall begin at the base lines established by this article.

(Code 1975, Section 5-35)

***Cross reference** - Streets and sidewalks, ch. 31.

Sec. 6-34. Directional designation of streets.

All streets, avenues and other public ways within the city are hereby given the following directional designation:

- (1) All streets north of the east-west base line established in this article and running generally in a northerly-southerly direction are given the direction "North" as part of the street name.
- (2) All streets south of the east-west base line established by this article and running generally in a northerly-southerly direction are given the direction "South" as part of the street name.
- (3) All streets east of the north-south base line established in this article and running generally in an easterly-westerly direction are given the direction "East" as part of the street name.
- (4) All streets west of the north-south base line and running generally in an easterly-westerly direction are given the direction "West" as part of the street name.

(Code 1975, Section 5-36)

Sec. 6-35. Buildings to have number, address identifying their location.

- (a) Each building north of the east-west base line established by this article and facing a street running generally in a northerly-southerly direction shall carry a number and address indicating its location south of such base line.
- (b) Each building south of the east-west base line established by this article and facing a street running generally in a northerly-southerly direction shall carry a number and address indicating its location south of such base line.

- (c) Each building east of the north-south base line established by this article and facing a street running generally in an easterly-westerly direction shall carry a number and address indicating its location east of such base line.
- (d) Each building west of the north-south base line established by this article and facing a street running generally in a westerly direction shall carry a number and address indicating its location west of such base line.
- (e) All buildings on diagonal streets shall be numbered the same as building on northerly and southerly streets if the diagonal runs more from the north to the south, and the same rules shall apply on easterly and westerly streets if the diagonal runs more from the east to the west.

(Code 1975, Section 5-37)

Sec. 6-36. Which buildings to bear odd, even numbers.

- (a) All buildings on the south side of streets running generally in an easterly-westerly direction and on the east side of streets running generally in a northerly-southerly direction shall bear odd numbers.
- (b) All buildings on the north side of streets running generally in an easterly-westerly direction and on the west side of streets running generally in a northerly-southerly direction shall bear even numbers.

(Code 1975, Section 5-38)

Sec. 6-37. Footage between numbers.

- (a) All numbers under this article shall be assigned on the basis of one number for each 20 feet of frontage along each street.
- (b) Each building shall be assigned the number of the 20-foot interval in which the main entrance of such building falls. In measuring the 20-foot intervals of street frontage, if the main entrance of any building falls exactly upon the line which divides a 20-foot interval from the next higher interval, either the number of the lower interval or the number of the next higher interval will be assigned to that entrance.

(Code 1975, Section 5-39)

Sec. 6-38. Grid lines indicate change in numbering.

Grid lines, as shown on the property numbering map, indicate the point at which numbers change from 100 to the next higher hundred.

(Code 1975, Section 5-40)

Editor's note - The property numbering map referred to in Section 6-38 is on file in the office of the city manager.

Sec. 6-39. Assignment, placement of numbers.

There shall be assigned to each house and other residential or commercial building located on any street in the city, its respective number under the uniform system established in this article. When each house or building has been assigned its respective number, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number assigned under the uniform system established in this article

(Code 1975, Section 5-41)

Sec. 6-40. Building official to inform applicants of correct numbers; resolution of conflicts.

It shall be the duty of the building official to inform any party applying for a number pursuant to this article of the number belonging to or embraced within the limits of any lot or property owned, occupied or under the control of such party. In case of conflict as to the proper number to be assigned to any building, the building official shall determine the number of such building.

(Code 1975, Section 5-42)

Sec. 6-41. Cost of numbers.

The cost of the numbers assigned to any property owner pursuant to this article shall be paid for by the property owner, and numbers shall be supplied to property owners at the price of the cost of such units to the city.

(Code 1975, Section 5-43)

Sec. 6-42. Height of numbers.

All numbers used for numbering buildings under this article shall not be less than three inches in height.

Sec. 6-43. Legibility of numbers.

All numbers used for numbering buildings under this article shall be legible.

(Code 1975, Section 5-45)

Sec. 6-44. Construction material of numbers.

All numbers used for numbering buildings under this article shall be made of a durable and clearly visible material.

(Code 1975, Section 5-46)

Sec. 6-45. When numbers to be placed.

All numerals assigned pursuant to this article shall be placed on buildings within 30 days after the assignment of the proper number.

(Code 1975, Section 5-47)

Sec. 6-46. Where numbers to be placed.

All numbers assigned pursuant to this article shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line; provided, however, that whenever any building is situated more than 50 feet from the street line, near the walk, driveway or common entrance to such building, such numbers shall be placed upon a gatepost, fence, tree, post or other appropriate place so as to be easily discernible from the sidewalk.

(Code 1975, Sec. 5-48)

Sec. 6-47. Use of existing numbers.

All numbers in use before September 10, 1959, and complying with all the requirements of this article except the minimum numeral size of three inches may be continued in use provided that the building official approves the existing numbers for legibility and location.

(Code 1975, Section 5-49)

Sec. 6-48. Buildings with more than one entrance serving separate occupants.

Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving an occupant.
(Code 1975, Section 5-50)

Sec. 6-49. Multifamily dwellings with only one main entrance.

A multiple-family dwelling having only one main entrance shall be assigned only one number, and separate apartments in the building shall carry a letter designation such as A, B, C, etc., in addition to the number assigned to the main entrance of the building.
(Code 1975, Section 5-51)

Sec. 6-50. Duplexes having two front entrances.

All duplex homes having two front entrances shall have a separate number for each entrance. In the event that both entrances fall within the same increment, either the preceding number or next highest number shall be used for one entrance number, and the interval number in which the entrances fall shall be used for the other entrance.
(Code 1975, Section 5-52)

Sec. 6-51. Buildings with separate rear entrance.

When any dwelling or business building with a separate entrance is located at the rear of the main building on the same lot, it shall carry the same number as the main building with the suffix R.
(Code 1975, Section 5-53)

Sec. 6-52. Owner of structure erected in future to secure, fasten numbers; issuance of building permit; final approval of structure.

Whenever any house, building or structure shall be erected or located in the city, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner thereof to procure the correct number as designated from the building official for such property and to immediately fasten such number so assigned upon such building as provided by this article. No building permit shall be issued for any house, building or structure until the owner has procured from the building official the official number of the premises. Final approval of any structure erected, repaired, altered or modified shall be withheld by the building official until permanent and proper numbers have been affixed to such structure.
(Code 1975, Section 5-54)

Sec. 6-53. Plat books.

For the purpose of facilitating a correct numbering, a plat book of all streets, avenues and public ways within the city, showing the proper numbers of all houses or other buildings fronting upon such streets, avenues or public ways, shall be kept on file in the office of the city engineer. Such plats shall be open to inspection of all persons during the office hours of the city engineer. Duplicate copies of such plats shall be furnished to the building official by the city engineer.
(Code 1975, Section 5-55)

Sec. 6-54. Subdivision plats to contain street designations; approval.

Every subdivision plat submitted to the planning commission for its approval after September 10, 1959, shall show the proper names of any and all streets, and such street designations shall be approved by the planning commission before such new streets are officially named.

(Code 1975, Section 5-56)

Sec. 6-55. Street naming plan.

- (a) For the purpose of clarifying and systematizing the street-naming pattern in the city and to implement the application of the matters set forth in this article, there is hereby adopted the following plan:
 - (1) The planning commission is hereby authorized to prepare and present to the city council a complete plan for the naming of all streets, avenues and public ways within the city.
 - (2) The planning commission shall follow the general plan set forth in this article and such other rules as are herein set forth.
 - (3) If the planning commission finds any street carrying more than one name, it shall recommend that such street shall bear the name under which it currently travels the longest distance both inside and outside the city limits, unless circumstances indicate that another and different name would be desirable.
- (b) The planning commission, if it sees fit, may hold public hearings at which interested property owners may express their views concerning the changing of the name of any street.

(Code 1975, Section 5-57)

Cross reference - Streets and sidewalks, ch. 31.

Sec. 6-56. Alteration of existing block numbers.

- (a) In any established city block in which house numbers are used before September 10, 1959, and the existing block number corresponds to the proposed block number as set forth in this article, the house numbers of the block shall not be changed although they do not conform to the 20-foot interval of numbering set forth in section 6-37, except in blocks in which the following conditions may prevail:
 - (1) The existing number progresses in the wrong direction.
 - (2) Existing even and odd numbers are interchanged or in violation of the provisions of section 6-36.
 - (3) The interval between numbers is such between existing houses that vacant land lying between existing houses could not be numbered under normal land development conditions in the zone in which it lies.
 - (4) Any condition which presently causes confusion as to property location.
- (b) In the event that any of the above conditions prevail in any block of existing numbers, such block shall be made to conform to the proposed 20-foot interval set forth in section 6-37.
- (c) If any discrepancy or confusion arises after September 10, 1959, due to rezoning, resubdivision or other causes in existing blocks that were not affected by the initial enactment of this article, such block shall be completely changed to conform to the 20-foot interval as set forth in section 6-37, such work to be carried out by the city engineer.

(Code 1975, Section 5-58)

Sec. 6-57. Authority of council to name, rename streets.

The City Council, by resolution, may change, rename or name an existing or newly established street within the limits of the city at any time upon recommendation of the planning commission.

(Code 1975, Section 5-59)

Secs. 6-58 - 6-80. Reserved.

ARTICLE III. FLOODPLAIN DISTRICTS*

DIVISION I. GENERALLY

Sec. 6-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Development means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

Flood means a general and temporary inundation of normally dry land areas.

Floodplain means:

- (1) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; or
- (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Mobile home means a structure transportable in one or more sections, which is eight body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

***Cross reference** - Floodplain zoning districts, app. B, art. XIII-A.

State law references - Soil and water conservation, Code of Virginia, Section 10.1-500 et seq.; Flood Damage Reduction Act, Code of Virginia, Section 10.1-600 et seq.; zoning of floodplain, Code of Virginia, Section 15.1-486, 15.1-490.

Mobile home park/subdivision, existing means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before December 12, 1978.

100-year flood means a flood that, on the average, is likely to occur once every 100 years (i.e., that has one percent chance of occurring each year), although the flood may occur in any year.

(Code 1975, Section 5-74)

Cross reference - Definitions and rules of construction generally, Section 1-2.

Sec. 6-82. Purpose.

The purpose of this article is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- (2) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
- (3) Requiring all those uses, activities and developments that do occur in floodprone areas to be protected and/or flood-proofed against flooding and flood damage.
- (4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

(Code 1975, Section 5-70)

Sec. 6-83. Applicability.

This article shall apply to all land within the jurisdiction of the city and identified as being floodprone as stipulated in this article.

(Code 1975, Section 5-71)

Sec. 6-84. Compliance.

No land shall be developed and no structure shall be located, relocated, constructed, enlarged or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations.

(Code 1975, Section 5-72)

Sec. 6-85. Abrogation and greater restrictions.

This article supersedes any ordinance currently in effect in floodprone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

(Code 1975, Section 5-73)

Sec. 6-86. Existing structures in floodplain districts.

A structure or use of a structure or premises which lawfully existed before December 12, 1978, but which is not in conformity with these provisions may be continued subject to the following conditions:

- (1) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than 50 percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (2) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in a floodplain district to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.

(Code 1975, Section 5-75)

Sec. 6-87. Penalties for violation of article provisions.

Any person who fails to comply with any or all of the requirements or provisions of this article or direction of the building inspector or any other authorized employee of the municipality in the enforcement of this article shall be guilty of an offense and, upon conviction, shall pay a fine to the city of not less than \$25.00 nor more than \$300.00, plus costs of prosecution. In default of such payment such person shall be imprisoned in the county prison for a period not to exceed ten days. Each day during which any violation of this article continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. This imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this article may be declared by the city council to be a public nuisance and abatable as such.

(Code 1975, Section 5-76)

Sec. 6-88. Municipal liability.

- (a) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damages.
- (b) This article shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Code 1975, Section 5-107)

Secs. 6-89 - 6-100. Reserved.

DIVISION 2. ESTABLISHMENT OF FLOODPLAIN DISTRICTS

Sec. 6-101. Description of districts.

The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the flood insurance study for the city prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration, dated July 1978.

- (1) *Floodway district.* The floodway district is delineated for purposes of this article using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 2 of the above referenced flood insurance study and shown on the accompanying flood boundary and floodway map.
- (2) *Flood fringe district.* The flood fringe district shall be that area of the 100-year floodplain not included in the floodway district. The basis for the outermost boundary of this district shall be the 100-year flood elevations contained in the

flood profiles of the above referenced flood study and as shown on the accompanying flood boundary and floodway map.

- (3) *Approximated floodplain district.* The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown on the flood boundary and floodway map. In determining the necessary elevations for the purposes of this article, other sources of data may be used such as:

- a. Corps of Engineers, floodplain information reports.
- b. U.S. Geological Survey, floodprone quadrangles.
- c. U.S.D.A., Soil Conservation Service, flood hazard analyses.
- d. Known high water marks from past floods.
- e. Tennessee Valley Authority for flood reports.
- f. Other sources.

(Code 1975, Section 5-81)

Sec. 6-102. Official floodplain map.

The boundaries of the floodplain districts are established as shown on the flood boundary and floodway map which is declared to be a part of this article and which shall be kept on file at the city offices.

(Code 1975, Section 5-82)

Sec. 6-103. District boundary changes.

The delineation of any of the floodplain districts may be revised by the city council where natural or manmade changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

(Code 1975, Section 5-83)

Sec. 6-104. Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the building inspector. Should a dispute arise concerning the boundaries of any of the districts, the floodplain review board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the floodplain review board and to submit his own technical evidence if he so desires. If the floodplain review board and the contesting party have not resolved the question, the board of zoning appeals shall have jurisdiction to decide the matter upon appeal by the contesting party.

(Code 1975, Section 5-84)

Secs. 6-105 - 6-115. Reserved.

DIVISION 3. DISTRICT PROVISIONS

Sec. 6-116. Activity in floodplain districts; permit; compliance with other codes; notification.

- (a) All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a building permit. Such development shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes and ordinances such as the Virginia Uniform

Statewide Building Code. Prior to the issuance of any such permit, the building inspector shall require all applications to include compliance with all applicable state and federal laws.

- (b) Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
- (c) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within a municipality, approval shall be obtained from the state water control board. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the state water control board, the state department of intergovernmental affairs, and the Federal Insurance Administration.

(Code 1975, Section 5-91)

Sec. 6-117. Floodway district.

- (a) In the floodway district, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities as required above.
- (b) The placement of any mobile home, except in an existing mobile home park or subdivision, within the floodway district is specifically prohibited.

(Code 1975, Section 5-92)

Sec. 6-118. Flood fringe and approximated floodplain districts.

In the flood fringe and approximated floodplain districts the development and/or use of land shall be permitted in accordance with the regulations of this article, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

Sec. 6-119. Design criteria for utilities and facilities.

- (a) *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize flood damage and impairment.
- (b) *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damage.
- (c) *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage away from buildings and on-site waste disposal sites. The city council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

- (d) *Utilities.* All utilities such as gas lines, electrical and telephone systems being placed in floodprone areas should be located, elevated, where possible, and constructed to minimize the chance of impairment during a flooding occurrence.
- (e) *Streets and sidewalks.* Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(Code 1975, Section 5-94)

Cross references - Sewers and sewage disposal, ch. 28; streets and sidewalks, ch. 31; water, ch. 35.

Secs. 6-120 - 6-130. Reserved.

DIVISION 4. SPECIAL EXCEPTIONS

Sec. 6-131. Composition of floodplain review board; appeals procedure; hearing; conditions.

- (a) Whenever any person is aggrieved by a decision of the building inspector with respect to the provisions of this article, it is the right of that person to appeal to the floodplain review board for a special exception. The floodplain review board shall consist of the city manager, the city engineer and the building inspector. Upon receipt of such an appeal, the floodplain review board shall set a time and place for the purpose of hearing the appeal, which shall be not less than ten nor more than 30 days from the date of the receipt of the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination by the floodplain review board shall be appealable to the board of zoning appeals or to the board of building code appeals. An appeal may be made to the circuit court of Alleghany County, Virginia by any party aggrieved by a decision of either the board of zoning appeals or the board of building code appeals.
- (b) In passing upon applications or appeals for special exceptions, the floodplain review board and the board of zoning appeals shall satisfy the following factors:
 - (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception shall be granted for any proposed use, development, or activity within the floodway district that will cause any increase in flood levels during the 100-year flood.
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - (5) The importance of the services provided by the proposed facility to the community.
 - (6) The requirements of the facility for a waterfront location.

- (7) The availability of alternative locations not subject to flooding for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - (12) Such other factors which are relevant to the purposes of this article.
- (c) The floodplain review board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
- (d) Special exceptions shall only be issued after the floodplain review board has determined that the granting of such will not result in:
- (1) Unacceptable or prohibited increases in flood heights,
 - (2) Additional threats to public safety,
 - (3) Extraordinary public expense,
 - (4) Create nuisances,
 - (5) Cause fraud or victimization of the public, and
 - (6) Conflict with local laws or ordinances.
- (e) Special exceptions shall only be issued after the floodplain review board has determined that the special exception will be the minimum relief to any hardship.
- (f) The floodplain review board shall notify the applicant for a special exception in writing that the issuance of a special exception to construct a structure below the 100-year flood elevation:
- (1) Increases risks to life and property, and
 - (2) Will result in increased premium rates for flood insurance.
- (g) A record of the above notification as well as all special exception actions, including justification for their issuance, shall be maintained and any special exceptions which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

(Code 1975, Section 5-101)

Cross reference - Administration, ch. 2.

Secs. 6-132 - 6-150. Reserved.

ARTICLE IV. FIRE DISTRICT*

Sec. 6-151. Establishment of fire district.

The fire district of the city shall be all property lying within the following boundary line:

Beginning at a point at the intersection of the western boundary of the C&O Railway main line and the Jackson River, such point being near the western corporate limits of the city and just north of Route 60; and thence in a southerly direction with the western boundary of the right-of-way of the C&O Railway to the centerline of Monroe Street; and thence with the centerline of Monroe Street to the centerline of such alley to a point 150 feet east of South Alleghany Avenue; thence in a southerly direction along a line parallel to South Alleghany Avenue and 150 feet east of the eastern boundary of South Alleghany Avenue to the centerline of East Beech Street; thence in an easterly direction with the centerline of East Beech Street to the centerline of South Lincoln Avenue; thence in a westerly direction along the centerline of East Summit Avenue to the centerline of East Summit Avenue; thence in a westerly direction along the centerline of East Summit Avenue to the centerline of South Dolly Ann Drive; thence in a western direction to the intersection of South Alleghany Avenue and South Tank Avenue; thence along the centerline of South Tank Avenue to its intersection with South Stuple Lane; thence along the centerline of South Stuple Lane and extending along that same line to a point in the eastern boundary of the C&O Railway main line; thence in a northern direction along the eastern boundary of the C&O Railway main line to the centerline of Chestnut Street; thence in a southern direction along the centerline of South Lexington Avenue; thence in a southwestern direction along the centerline of South Lexington Avenue to the northeastern bank of the Jackson River; thence in a westerly direction along the northeastern bank of the Jackson River to a point in line with the centerline of West Chestnut Street; thence in a northeasterly direction to the centerline of West Oak Street; thence in a northeasterly direction along the centerline of West Oak Street to a point 130 feet west of the western boundary of Marion Avenue; thence in a northwesterly direction along a line parallel to Marion Avenue to the centerline of West Main Street; thence northeast along the centerline of West Main Street to its intersection with the centerline of North Lexington Street to a point on the northeastern bank of the Jackson River; and thence in a northeasterly direction with the northeast bank of the Jackson River to the point of beginning.

*Cross references - Fire prevention and protection, ch. 14; sky signs within fire limits, Section 29-61.

Sec. 6-152. Additional building restrictions within fire district.

The regulations contained in the current edition of the BOCA National Building Code published by the Building Officials and Code Administrators International, Incorporated, are hereby adopted as additional regulations governing the construction of buildings and other structures within the fire district. It shall be unlawful to construct or alter any building or structure, other than fences, within the fire district, except upon compliance with the appropriate provisions of such regulations.

(Code 1975, Section 5-111)

Sec. 6-153. Fire district regulations are cumulative with other construction regulations.

The additional construction regulations within the fire district shall be cumulative with, and in addition to, all other applicable construction regulations. No provision or requirement of any other applicable construction regulation shall be deemed to be waived or altered by the adoption of the additional regulations contained in the current edition of the BOCA Code.

(Code 1975, Section 5-112)

Sec. 6-154. All construction must comply.

The regulations adopted by this article shall govern all construction and alteration within the fire district, including, but not limited to, the construction or alteration of residential property located within the fire zone.
(Code 1975, Section 5-113)