



President Kevin Galford

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Monroe County West Virginia Improvement Location Permit Ordinance

ARTICLE 1. AUTHORITY, EFFECTIVE DATE, PURPOSE,

SECTION 1.1 AUTHORITY:

The provisions of this ordinance have been prepared with the intention of meeting the requirements of Section 60.3 (d) of the National Flood Insurance Program, The National Floodplain Insurance Act of 1968 (Public Law 91-152) Amended by the Congress by the Congress of the United States through the 15TH. of February 1975, West Virginia Code 7-1-3kk, West Virginia Code 8A., the Monroe County West Virginia Comprehensive Plan dated July 27,2009, West Virginia Code Chapter 11-3-3A.

SECTION 1.2

EFFECTIVE DATE: _____

SECTION 1.3 TITLE: Monroe County West Virginia Improvement Location Permit Ordinance

SECTION 1.4 PURPOSE: The intent and purpose of this ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Ensure the utilization of appropriate improvement practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply and ensure sanitary sewage disposal in cooperation with the County Sanitarian, and to protect natural drainage.
- D. Assure the County Assessor obtains information concerning improvement of real property as required by WV State Code 11-3-3A.
- E. Assure County Emergency Services (911) obtains addresses and maintains the currency of established emergency response dispatch systems.



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G. Assure architectural and engineering practices comply with professional standards, codes, and guidelines for commercial and industrial development.

Section 1.5 Abrogation and Greater Restrictions:

This ordinance supersedes any ordinance currently in effect regarding Improvement Location Permits in Monroe County West Virginia except in flood prone areas. All development in flood prone areas shall comply with more stringent Building Permit regulations identified in the Monroe County West Virginia Floodplain Ordinance. Any ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

Section 1.6 Applicability:

New Construction – Any new structure or improvements to an existing structure that alters, or changes the original structure or building footprint as approved prior to the effective date of this ordinance.

Existing – Any building or structure existing prior the adoption and effective date of this ordinance.

It shall be unlawful for any owner of real property, owner of mineral rights, gas or oil drilling rights, lessee, or corporation subject to the payment of property tax in Monroe County West Virginia, until a permit has been obtained from the permit office and the permit remains valid to

- a. develop or improve any real property for buildings and permanent structures.
- b. erect any building or any structure,
- c. enlarge, move, alter, convert, extend or raise any building or structure to include manufactured homes, recreational vehicles, and campers occupying the property for more than 90-days annually other than those being stored at the owner's primary place of residence,

ARTICLE II – Basic Format

Section 2.1

The Basic Format of the Improvement Location Permit shall include the following:

1. Name and address of the applicant.

Application for a permit shall be made by the owner or lessee of the building or structure, agent or either, or by the registered design professional employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the qualified applicant or a signed statement of



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the qualified applicant witnessed by his designee to verify authorization by the owner in fee and the applicant authorized to make such application.

2. Name and address of the landowner on the land, which proposed construction, is to occur.

The full names, addresses, phone contact information and e-mail address of the owner, lessee, applicant and responsible officers. If the applicant or lessee is a corporate body, it shall be stated in the application.

3. Name and address of contractor and subcontractors (if any)

4. Type of improvement or development.

5. Description or work: The application shall contain a detailed description of the proposed work, the location of the proposed work and estimated cost.

6. Site Location: The site location shall contain the district location, parcel and map number, deed book and page number as recorded in the Monroe County Court House.

7. Site Plan: The site plan shall show the exact size and location of the proposed construction.

8. Site Inspection:

a. Where applicable prior to starting construction or site development the site shall be inspected and approved by the County Health Department to determine acceptable conditions for compliance with Sewage Disposal Regulations 64 CSR 9 Water Supply Regulations 64 CSR 3, Public Water Supply Regulations 64 CSR 19, Water Well Regulations, and 64 CSR 15, Cross Connection and Backflow Prevention Regulations.

b. Where applicable the site shall be inspected and approved by the County Floodplain Coordinator.

c. Where applicable the site shall be inspected and approved by State and Federal regulatory agencies.

9. Site Development:

a. The designated representative from the County Health Department shall provide technical assistance to the applicant regarding location, and installation



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specifications, for sewage disposal systems, water supply systems, to assure compliance with current state regulatory requirements.

- b. Where applicable site development shall fully comply with regulatory requirements specified by a Monroe County Ordinance, and or State and Federal regulatory requirements.

10. Site Approval:

- a. Providing the designated representative from the County Health Department finds site conditions acceptable for construction and installation of sewage systems and water supply systems a permit will be issued, stamped or endorsed to verify acceptable site conditions.

Providing State and Federal regulatory agencies finds site conditions acceptable for development a permit will be issued.

Section 2.2 Other Information:

If proposed construction, improvements, alterations, or relocations is within the Floodplain AREA, further information will be required, and the applicant shall be required to comply with the regulatory requirements identified in the Monroe County Floodplain Ordinance. The Floodplain Coordinator will provide technical assistance to the applicant to assure compliance.

Article III Administration:

Section 3.1 Approval of Permits:

All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of the State and other applicable codes, ordinances and section 2.1 of this ordinance.

A record of all information supplied to the permit office shall be kept on file by the Monroe County Commission.

Section 3.2 Application Procedures:

Applications for Improvement Location Permits shall be made, in writing, to the permit office, and shall include all information stipulated under Article II of this Ordinance.

Section 3.3 Permit Changes:

After the issuance of a Improvement Location Permit by the permit office, no changes of any kind shall be made to the application or permit, without the written consent of the County Commission.



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Section 3.4 Place Cards:

In addition to the Improvement Location Permit, the County Commission shall issue a placard, which shall be displayed on the premises/site during the time construction is in progress. This placard shall show the permit number, the date of its issuance and be signed by the official appointed by the County Commission.

Section 3.5 Start of Construction:

Work on a proposed construction shall begin within the six (6) months after the date of the issuance of the Improvement Location Permit or the permit shall expire unless a time of extension is granted, in writing, by the County Commission.

The applicant shall provide notice to the permit office no less than 24-hours prior to starting construction.

Section 3.7 Inspections and Revocation:

During the construction period, a designated official may inspect the premises to determine that work is in compliance with the information provided on the permit application. In the event the County Commission designee discovers that the work does not comply with the application or that there has been a false statement or misrepresentation by the applicant, or failure to comply with federal, state, or county regulatory requirements the Permit Office shall revoke the Improvement Location permit. A stop work order may be issued. Applicants or contractors shall cease further construction until the violations are corrected. Failure to adhere to the stop work order shall result in legal action taken by the County Commission.

Permit.

Section 3.8 Fees:-

- a. Application for an Improvement Location Permit (outside Floodplain areas) for residential and agriculture shall be accompanied by a fee, of \$5.00 unless exempt, payable to the Monroe County Commission.
- b. Application for an Improvement Location Permit for Commercial Property (outside Floodplain areas) shall be accompanied by a fee, of \$50.00, payable to the Monroe County Commission.
- c. Application for Improvement Location Permit for residential and agriculture property determined within floodplain areas of Monroe Co requiring monitoring to assure compliance with the Floodplain Ordinance shall be required to pay a fee of \$50.00 payable to the Monroe County Commission.
- d. Application for an Improvement Location Permit for Commercial Property located within the Floodplain areas of Monroe Co requiring monitoring to



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assure compliance with the Floodplain Ordinance shall be accompanied by a flat fee of \$100.00 OR 1% of Project cost estimate up to and not to exceed \$1,000.00.

Article IV-Penalties

Section 4.1

Any person who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Permit Office or any other authorized employee of the county shall be guilty of an offense, and, upon conviction, shall pay a fine to the Monroe County Commission of not less than twenty-five (\$25.00) nor more than \$300.00 plus cost of prosecution. Each day during which any violation of this Ordinance 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 Ordinance. All violations or non-compliances shall be corrected within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in non-compliance with this Ordinance may be declared by the Monroe County Commission to be a public nuisance and abatable as such.

Section 4.2

Any person who fails to comply the with Monroe County Floodplain Ordinance shall be required to fully meet each requirement specified in the ordinance or remove the structure from the floodplain and be subject to the penalties specified in Section 4.1 of this Article.

Section 4.3

The person filing the permit application shall have the right to appeal a decision of the permit office to the Monroe County Commission. Such appeal shall be filed with the County Commission in writing, within thirty (30) days after notification of the decision. Upon receipt of such appeal the County Commission shall set a time and place not less than ten (10) days nor more than sixty (60) days for the purpose of hearing the appeal. Notice of the time and place of the hearing shall be given to all parties at which time they may appear and be heard. If an expert witness is to testify for the applicant or Monroe County Commission the name of the expert shall be provided to all entities prior to the hearing.

Section 4.4 County Commission Decision:



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The decision of the County Commission shall agree with, modify, or reverse the decision of the permit office by a majority vote.

Section 4.5 Resolution:

The decision of the County Commission shall be by resolution. Written certified copies shall be furnished to the appellant and permit office. The permit office shall take immediate action in accordance with the decision of the County Commission.

Article V – Serviceability and County Liability

Section 5.1 – Serviceability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for the purpose the provisions of this Ordinance are hereby declared to be severable.

Section 5.2 – County Liability

The granting of a permit shall not constitute a representation, guarantee, or warranty of any kind by the Monroe County Commission or by any employee or official thereof of the practicability or safety of the proposed use and shall create no liability upon the Monroe County Commission, or certify compliance with professional standards of practice.

Article VII GENERAL PROVISIONS

Section 7.1

No commission, board, agency, officer, or employee of Monroe County shall issue, grant, approve, or accept any permit, license, certificate, notification, or any other authorizations for any construction, or reconstruction, alteration, enlargement or relocation of any building or structure, or for any use of land development or building, that would not be in compliance with the provisions of this ordinance.

Section 7.2

No Improvement Location Permit pertaining to the land development, construction, enlargement, moving, and reconstruction of a structure or change of use shall be issued unless approval of the application has been granted by the County Commission.

Section 7.3

The type of improvement classification or occupancy type shall be permanent and cannot be changed until the owner submits a request to change the classification type.

Office Of
Monroe County
Commission
PO Box 150, Union WV
24983



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It will be the owners responsibility to provide written documentation prepared by a licensed professional which states a classification change will not create health or safety hazards to the public or occupants.

Article VIII - Enactment

Enacted and Ordained by the County Commission of Monroe County, West Virginia, this
____ day of _____

Commission President

Commissioner

Commissioner

ATTEST: _____
Donald J. Evans, Clerk

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