

CHAPTER FIVE

BUILDING AND BUILDING PERMITS; CLAIMS AND OFFENSES

ARTICLE ONE

IN GENERAL

5-101. Building into street. No house, store room, shop, stable, porch, veranda, fence, or any other building or structure, shall hereafter be erected upon or over, or extend into, upon, or over, any street, alley, sidewalk, or public grounds of said town; and any person who shall erect or construct, or cause to be erected or constructed, anything in violation of this section shall be fined not more than one hundred dollars and shall be subject to a further fine of fifty dollars for every twenty-four hours that such house, store room, shop, stable, porch, veranda, fence, or any other building or structure, shall remain after having been notified to remove the same; and the council shall have authority to take proper legal action to cause the same to be removed at the expense of the offender.

(See West Virginia Code §8-12-5(1))

5-102. Cellar entrances prohibited on street. It shall be unlawful hereafter to construct, or cause to be constructed, any dwelling house, store room, or building of any kind, in such manner as to require any portion of a public street or alley or sidewalk for any cellar door, cellar entrance, or steps. It shall be unlawful to construct or cause to be constructed, or attempt to construct, any such cellar door, cellar entrance, or steps to any such building hereafter erected. Any person who shall violate any provision of this section shall be fined, upon conviction, not more than one hundred dollars; and a further fine of ten dollars shall be imposed for every twenty-four hours that such cellar door, cellar entrance, or steps shall be permitted to remain after notice to remove or close up the same; and the council shall have authority to take proper legal action to cause the tearing down, removal, or filling up thereof.

5-103. Building permit required. It shall be unlawful for person to hereafter build or construct within the corporate of said town any dwelling house, stable, warehouse, or any annex, or any other structure, until such person shall present to the council at a regular meeting thereof an application in writing, setting forth the name of such person and a reasonably certain

description of the location, size, kind, general plan, and the materials generally to be used in the building or construction of the structure proposed to be built or constructed by such person. Council shall consider and act upon such request within a reasonable time and without undue delay, and if the council find any objection to such request or any portion thereof, it shall take appropriate action to cause the applicant to appear before the council at its next regular meeting for the purpose of discussing and, if possible, correcting any objectionable matter contained within said application. No such building or construction shall be made until the council shall have passed and entered upon its records an order setting forth the name of such person and a reasonably certain description of the location, size, kind, general plan, and the materials to be used in the building or construction of the building proposed, and providing such regulations and requirements in relation to the building and construction of the same as may appear to be necessary or proper in order to guard against danger or damage by fire, or to prevent injury or annoyance to the public or to protect the property of the citizens of the town, or to provide for the regular building of such buildings.
(See West Virginia Code §8-12-13, 8-12-14)

5-104. Unlawful to permit construction in violation of Section 5-103. It shall be unlawful for any person knowingly to permit any building, such as is mentioned in the preceding section, to be built or constructed in violation of the provisions of said section on any premises owned or controlled by such person.

5-105. Unlawful to fail to comply with permit. It shall be unlawful for any person hereafter building or constructing any such buildings as is mentioned in Section 5-103 of this article to refuse or fail to comply with the provisions of the order of the council passed pursuant to said section in relation to such building.

5-106. Authority to stop construction. In all cases where the provisions of this article are being violated, the Mayor of said town shall have power to stop the work of building or of construction until the matter can be brought before the council or until an order shall be passed by said council under the provisions of Section 5-103 of this article, granting permission for same.

5-107. Violations and penalties. Any person violating Section 5-103 or Section 5-104 or Section 5-105 of this article shall, upon conviction thereof, be fined not exceeding one hundred

dollars, and each day that such person shall perform any work, or cause the same to be performed by others, or knowingly permit such work to be done, or continue to fail or refuse to comply with said order, shall constitute a separate violation of the appropriate section or sections by such person.

5-108. Authority for zoning ordinances. The council shall have authority at any time to pass zoning ordinances regulating the construction of any type of building within the corporate limits of the town. They may, at their pleasure, grant a permit for building or constructing any wood frame building within any portion of the business section of the town providing that the same shall not constitute a fire hazard to nearby or adjacent property nor increase the fire insurance rate for any adjacent or nearby building.

5-109. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary and building provisions applicable to stationary structures and the proposed location conforms to the provisions of this code.

5-110. Liability of violator for abatement of nuisances, etc. Any person violating any provision of this article shall, in addition to the imposition of any fine or imprisonment which may be adjudged by reason of such violation, be liable to the town for any costs or expenses incurred by reason of such violation or by reason of abatement of any nuisance or hazard thereby created or by reason of rectifying any condition on any premises found to be in violation of this article. Any liability so incurred shall be enforceable by the council by appropriate legal action against the violator.