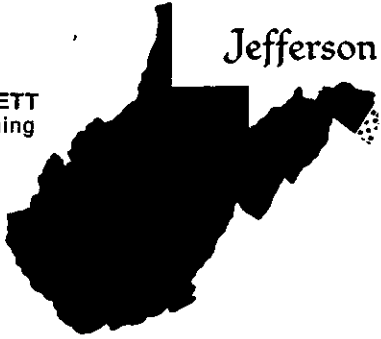


ROBERT BECKETT  
Director of Planning



# Jefferson County Planning Commission

Charles Town, West Virginia 25414

COURT HOUSE ANNEX  
104 E. Washington Street

TEL: (304) 725-6591

TO THE COUNTY COMMISSION  
OF JEFFERSON COUNTY:

State of West Virginia  
County of Jefferson, to-wit:

I, Donald T. Phillips, Secretary of the Jefferson County Planning Commission, do hereby certify that the foregoing attached document is a true and accurate copy of the Jefferson County Subdivision Regulations as amended and adopted by the Jefferson County Planning Commission on the 12th day of June, 1979.

Given under my hand and the seal of the Jefferson County Planning Commission this 12th day of July, 1979.

  
Secretary

AFFIX SEAL



COPY 11/20/75  
JEFFERSON COUNTY COMMISSIONER

IMPROVEMENT LOCATION PERMIT ORDINANCE  
JEFFERSON COUNTY, WEST VIRGINIA

December 1975

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IMPROVEMENT LOCATION PERMIT ORDINANCE  
Jefferson County, West Virginia

ARTICLE 1. AUTHORITY, PURPOSE, TITLE

Section 1.0 General Authority

By authority of the Code of West Virginia, Chapter 8, Article 24, and Chapter 7, Article 1, Section 3v, the County Commission of Jefferson County is empowered to adopt, administer and enforce such rules, procedures and ordinances as are necessary to effectuate the purposes of subdivision ordinances, zoning ordinances, and building code ordinances. (Ref.: 8-24-1 \* Lines 18-26; 8-24-3 \* Lines 5-13; 8-24-36, 37; 7-1-3v-c-ii)

Section 1.1 Purpose

The purpose of this Ordinance is to establish a uniform permit procedure by which substantial improvements (new and additional) to unincorporated land in Jefferson County are brought to the attention of the Jefferson County Commission or its designated agents.

A sound knowledge of intended land development proposals and construction activity facilitates a more equitable and efficient application of the land development laws that have been or will be adopted by the County Commission.

Specifically, this Ordinance is intended to:

- (a) Assist the public to learn of and understand the land development laws of the County
- (b) Minimize land development and construction problems that occur in the absence of an awareness of the prevailing laws
- (c) Minimize hazards to life and property
- (d) Advise residents and property owners of land developments and improvements intended throughout the County
- (e) Minimize the public financial costs associated with the administration and enforcement of local land development laws.

Section 1.2 Title

This Ordinance shall be known, cited and referred to as the Jefferson County Improvement Location Permit Ordinance.

ARTICLE 2. APPLICATION

Section 2.0 Effective Date; Application Within the County

This Ordinance established by action of the Jefferson County Commission on November 20th, 1975 ~~1975~~ shall take effect on the 20th day of December, and shall apply to all lands, buildings, properties and their uses within the unincorporated territory of Jefferson County.

## ARTICLE 3. INTERPRETATIONS AND DEFINITIONS

### Section 3.0 Interpretations

- (a) For the purpose of this Ordinance, the following interpretations shall apply:
1. Words used in the present tense include the future tense.
  2. The singular includes the plural.
  3. The plural includes the singular.
  4. The word "person" includes a corporation, unincorporated association or partnership, as well as an individual.
  5. The term "shall" or "will" is always mandatory.
  6. The word "building" or "structure" shall be construed as if followed by the phrase "or part thereof".
  7. The word "County" shall refer to Jefferson County, West Virginia.
  8. The word "Ordinance" shall refer to the Jefferson County Improvement Location Permit Ordinance.

### Section 3.1 Definitions

- (a) For the purpose of this Ordinance, the following definitions shall apply:
1. Agriculture: The cultivation of plant crops or the raising of livestock. Agriculture is the organized use of land for the production of plant or animal food, fiber or landscape products. Beef and dairy farms, grain farms, orchards, plant nurseries, and tree farms are forms of agriculture.
  2. Building: Any structure which is permanently affixed to the land and has one or more floors and a roof.
  3. County Commission: The Jefferson County Commission, five Commissioners elected at-large.
  4. Essential utility equipment: This term applies to underground or overhead electrical, gas, communications, and water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone stations, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment and accessories in connection therewith. This term does not apply to buildings, yards, stations, and structures used for storage, repair or processing of equipment or material, and

does not include buildings, yards, structures and stations for transforming, boosting, switching or pumping where such facilities are constructed above ground. Essential utility equipment is recognized in two categories: 1) local serving; and, 2) non-local or transmission through County. The second category may serve local users while remaining primarily a through County facility.

5. Improvement Location Permit: A permit which is required prior to the erection or relocation of a building or structure; prior to the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; and, prior to changing a land use existing on a lot or in a building to a different land use.

Examples of buildings, building alterations, structures and land uses which do not require an Improvement Location Permit are: use of land for agriculture where no building or structure is required; improvements to a building or structure valued at \$500.00 or less; addition of windows, doors and steps to a building; standard maintenance to a building such as plumbing, mortar and woodwork, painting, weatherproofing, and siding or roofing replacement; construction of a private driveway, patio, or walkway that is not enclosed or covered by a roof; construction of a fence or clothesline; location of an on-site sign nine (9) square feet or less in area; and, construction and location of local-serving essential utility equipment.

6. Land Development Coordinator: A designated employee of the Planning Commission charged with the administration and enforcement of this Ordinance and other land development laws in Jefferson County.
7. Lot: Any tract, parcel, plot, site or area of land which is identified by boundaries and which is able to be lawfully transferred from person to person. The formation and recordation of a lot must conform with applicable State and County regulations.
8. Mobile home: A residential structure of less than 24 feet in width that is manufactured as a unit or in sections at a factory and transported to a lot or site for location. Customarily, a mobile home is not attached to a permanent foundation.
9. Planning Commission: The Jefferson County Planning Commission. An eleven-member Commission appointed by the Jefferson County Commission to promote the orderly development of the County.
10. Sign: A sign is any name, name plate, billboard, poster, panel, display, illustration, structure or device used for visual communication which is affixed, painted or represented directly or indirectly upon a building or other outdoor surface for the purpose of bringing the subject thereof to the attention of the public. A sign usually advertises a business, commodity, service or

product or identifies a structure, place or land use. A sign is said to be "on-site" when it is situated on the same lot or tract of land to which the sign refers. A sign is "off-site" when it refers to a use, product, place, etc. existing away from the lot or tract of land on which the sign is located.

11. Structure: Anything constructed, the use of which requires fixed location on the ground; or, anything attached to something having such location. A structure does not include fences, individual driveways, or retaining walls.

## ARTICLE 4. ADMINISTRATION, ENFORCEMENT, VIOLATION, PENALTY

### Section 4.0 Administration

Administration of this Ordinance shall be delegated to an employee of the Jefferson County Planning Commission to be known as the Land Development Coordinator. The Land Development Coordinator shall be under the supervision of the Director of Planning and, where a Land Development Coordinator has not been appointed by the Planning Commission, the Director of Planning shall be designated as the Land Development Coordinator. It shall be the duty of the Land Development Coordinator to evaluate all Improvement Location Permit applications for conformance with applicable County land development laws:

Subdivision Ordinance  
Zoning Ordinance  
Building Code Ordinance

Except as elsewhere provided by this Ordinance, an approved Improvement Location Permit shall be required prior to the erection or relocation of a building or structure; prior to the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; and, prior to changing a land use existing on a lot or in a building to a different land use.

Examples of buildings, building alterations, structures and land uses which do not require an Improvement Location Permit are: use of land for agriculture where no building or structure is required; improvements to a building or structure valued at \$500.00 or less; addition of windows, doors and steps to a building; standard maintenance to a building such as plumbing, mortar and woodwork, painting, weatherproofing, and siding or roofing replacement; construction of a private driveway, patio, or walkway that is not enclosed or covered by a roof; construction of a fence or clothesline; location of an on-site sign nine (9) square feet or less in area; and, construction and location of local-serving essential utility equipment.

Any proposed building, building alteration, structure, or land use that does not conform with applicable County land development laws shall be denied an Improvement Location Permit.

### Section 4.1 Forms, Fees, Processing

Application forms and such other material as may be necessary to administer the Improvement Location Permit Ordinance shall be prepared and distributed by the Planning Commission. The application fee for an Improvement Location Permit shall be \$5.00 and shall be payable to the Jefferson County Commission.

The processing of an application for an Improvement Location Permit shall not be unnecessarily cumbersome or long. Failure on the part of the Land Development Coordinator to issue or deny an Improvement Location Permit within ninety (90) days after receipt of a completed application shall result in the immediate issuance of an Improvement Location Permit. Routine applications that do not require public hearings or other governmental meetings shall be processed within twenty-one (21) days after receipt of a completed application. After the issuance of an Improvement Location Permit by the Land Development Coordinator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application, without the written consent or approval of the Land Development Coordinator.

Work on the proposed construction shall begin within six (6) months after the date of issuance of the Improvement Location Permit or the permit shall expire unless a time extension is granted in writing, by the Land Development Coordinator. In the case of roadways, construction shall be considered started with the grading and removal of topsoil. Structure and building construction shall be considered started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any pre-fabricated structure or mobile home to a permanent site. Permanent construction does not include land clearing or filling.

In addition to an Improvement Location Permit, the Land Development Coordinator shall issue a placard which shall be displayed on the premises during the time construction is in progress. The placard shall show the number of the Improvement Location Permit and the date of its issuance. Placards shall be signed by the Land Development Coordinator.

During the construction period, the Land Development Coordinator or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the Improvement Location Permit application, and with all applicable County land development laws. In the event the Land Development Coordinator determines that the work does not comply with the Improvement Location Permit application and all applicable land development laws, or that there has been a false statement or misrepresentation by the applicant, the enforcement procedures outlined in Section 4.2 shall be initiated.

#### Section 4.2 Enforcement

Enforcement of this Ordinance shall be the responsibility of the Land Development Coordinator, who shall make an initial interpretation that a violation has occurred. The Land Development Coordinator shall prepare a written Violation Notice and Directive to Cease and Desist and shall transmit such notice and directive to the person responsible for the violation. Failure to comply with a Directive to Cease and Desist shall be cause for the Planning Commission to declare the

violation a common nuisance. Upon such declaration, the Planning Commission shall instruct the Land Development Coordinator to request the assistance of the County Prosecuting Attorney and:

- (a) Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring removal of structures or land uses from the property involved

OR

- (b) Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

#### Section 4.3 Violation

It shall be unlawful for any person, whether as owner, lessee, principal, agent, employee or otherwise, to violate or permit to be violated any provision of this Ordinance.

#### Section 4.4 Penalty

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than three hundred dollars. Each day during which any violation of this Ordinance continues shall constitute a separate offense.

ARTICLE 5. APPEAL: AMENDMENT: CONFLICT WITH OTHER LAWS: VALIDITY

Section 5.0 Appeal

An appeal regarding the administrative procedure exercised under the provisions of this Ordinance, shall be filed with the Jefferson County Commission.

An appeal regarding the substantive basis for the granting or denial of an Improvement Location Permit shall constitute an appeal from one or more of the land development laws enumerated in Section 4.0 of this Ordinance and shall be filed with the appropriate governmental body.

All appeals shall specify the grounds thereof and shall be filed with the appropriate governmental body within thirty (30) days after the date of the order, decision or procedure complained of.

Section 5.1 Amendment

By legislative procedure, the Jefferson County Commission may, from time to time, amend, supplement or change the provisions of this Ordinance.

Section 5.2 Conflict With Other Laws

Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation propose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

Section 5.3 Validity

If any article, section, subsection, paragraph, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

Entered: 11/20/75

  
\_\_\_\_\_  
President

ARTICLE 16. AMENDMENT: VARIANCE: APPEAL

Section 16.0 Amendment

All amendments to this Ordinance shall be adopted by the Jefferson County Commission according to the procedures set forth in Section 8-24-18 through 8-24-22 of the West Virginia Code.

Section 16.1 Variance

Any request for a variance from the provisions of this Ordinance shall be made in written form and shall be submitted to the Planning Commission by the Subdivider. A variance request shall clearly specify the nature of the variance being requested and the reasons for the request.

A variance request may be granted by the Planning Commission only when it is determined that:

- a) The request is not contrary to the public interest.
- b) A literal enforcement of this Ordinance will result in unnecessary hardship.
- c) The request is not the result of a self-imposed hardship.
- d) The spirit of this Ordinance will be observed and substantial justice done.

Section 16.2 Appeal

Appeals regarding any decision made by the Planning Commission in the administration of this Ordinance shall be by certiorari procedure as set forth in Section 8-24-38 of the West Virginia Code.

ARTICLE 17. VALIDITY; CONFLICT WITH OTHER LAWS

Section 17.0 Validity

If any article, section, subsection, paragraph, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section 17.1 Conflict With Other Laws

Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

JEFFERSON COUNTY, WV

FILED

August 29, 2007 14:34:46

JENNIFER S. MAGHAN

COUNTY CLERK

TRANSACTION NO: 2007019375

COUNTY ORDINANCE

Book: 1 Page: 00086

