

CAMPBELL COUNTY CODE OF 1988

CHAPTER 5

BUILDINGS

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Article I. Building Generally.

Sec. 5-1. Virginia Uniform Statewide Building Code in effect in County.

[THE 1982 AMENDMENT deleted “as currently in effect and as amended in the future” from the first line following “Code.”]

[THE 1988 AMENDMENT inserted “or part or parts thereof” three times.]

[THE JULY 6, 2004 AMENDMENT inserted “rehabilitation.”]

Sec. 5-2. Office of building inspections generally.

[THE JULY 6, 2004 AMENDMENT inserted “for construction and rehabilitation” at the end of the first sentence.]

[THE JULY 5, 2011 AMENDMENT substituted “Office” for “Department in several places and clarified the role of Building Inspections within Community Development.]

Sec. 5-3. Permit fees.

[THE JULY 17, 2012 AMENDMENT added the second paragraph.]

[THE JULY 16, 2019 AMENDMENT added the third sentence in the first paragraph.]

Sec. 5-4. Issuance of building permit by Building Official.

[THE 1988 AMENDMENT inserted “or part or parts thereof” in (a).]

[THE JULY 6, 2004 AMENDMENT inserted “rehabilitation” in (a).]

[THE JULY 16, 2019 AMENDMENT added subsection (e).]

Sec. 5-4.1. Reserved.

[None.]

Sec. 5-4.2. Asbestos inspection of buildings to be renovated or demolished; exceptions.

[THE MARCH 1989 ACT adopted this section.]

[THE 1989 AMENDMENT rewrote (a).]

[THE 1990 AMENDMENT redesignated former (b) as (c) and inserted new (b).]

[THE 1993 AMENDMENT, in the first sentence of (a), deleted “After January 1, 1989” at the beginning of (a) and “built prior to 1978” preceding “to be renovated or demolished,”

substituted “affected portions of the building have” for “building has” and “the presence of asbestos by an individual licensed to perform such inspections pursuant to VA. CODE ANN. §54.1-503 (Cum. Supp. 1993) and that no asbestos-containing materials were found or that appropriate” for “asbestos, as defined in VA. CODE ANN. §2.1-526.12 (Cum. Supp. 1992), in accordance with standards developed pursuant to subdivision 1 of subsection A. of VA. CODE ANN. §2.1-526.14:1 (Cum. Supp. 1992), and that,” deleted “the management standards for asbestos-containing materials prepared by the Department of General Services in accordance with VA. CODE ANN. §2.1-526.14:2 (Cum. Supp. 1992)” following “(40 CFR 61, Subpart M)” and added last sentence in (a), substituted “or” for a comma preceding “residential housing” in first sentence of (c), and added language beginning “unless the renovation or demolition...” therein, deleted from the end of the first sentence in (c) “farm buildings, buildings with less than 3,500 square feet and buildings with no central heating system, or to public utilities required by law to give notification to the Commonwealth of Virginia and to the Environmental Protection Agency prior to removing asbestos in connection with the renovation or demolition of a building” added second sentence in (c) and added (d).]

[THE MARCH 17, 1997 AMENDMENT inserted “for which an initial building permit was issued before January 1, 1985,” in first sentence in (a), deleted “or a licensed RFS contractor; or” at the end of paragraph 1 in (b), and deleted paragraph 2 in (b) which read: “A certification by the owner that sampling of the material to be renovated was accomplished by an RFS inspector as defined in VA. CODE ANN. §54.1-500 (Repl. Vol. 1994) and analysis of the sample showed no asbestos to be present.”]

[THE FEBRUARY 2, 1998 AMENDMENT substituted “(29 CFR 1926.1101)” for “(29 CFR 1926.58)” in first sentence in (a), deleted paragraph designation “1” in (b) preceding “a statement that the materials,” and inserted “friable” preceding “asbestos and that asbestos installation” in (b).]

Sec. 5-4.3. Inspection and review of plans of buildings under construction; occupancy permit.

[THE 1989 ACT adopted this section.]

[THE MARCH 17, 1997 AMENDMENT designated existing provisions as (a), added the last sentence therein, and added (b).]

[THE AUGUST 7, 2000 AMENDMENT inserted language beginning “unless such responsibility” at the end of the second sentence in (a).]

[THE JULY 7, 2008 AMENDMENT inserted the third sentence in subsection (b).]

Sec. 5-4.3:1. Inspection of certain residential units upon complaint of violation of USBC; issuance of inspection warrants.

[THE JUNE 17, 2002 ACT adopted this section.]

[THE JULY 6, 2004 AMENDMENT substituted “dwelling” for “rental” in (a); and, in the first sentence in (b), inserted “a magistrate or” and “magistrate or.”]

[THE JULY 2, 2007 AMENDMENT inserted “as those provisions may have limited applicability in Campbell County” in (a).]

[THE JULY 19, 2010 AMENDMENT substituted “the owner, tenant, or occupants of any building or structure, or the owner, occupant or tenant of any nearby building or structure, and the owner, occupant, or tenant of the building or structure” for “the owner or tenant of a residential dwelling unit or a nearby residential dwelling unit and the owner or tenant of the residential dwelling unit” and “building or structure” for “dwelling in two places in the first sentence of (b) and substituted “occupant, or tenant of the subject building or structure” for “or tenant of the subject dwelling” in the second sentence of (b).

[THE JULY 5, 2011 AMENDMENT substituted “office” for “department” in three places.]

[THE JULY 7, 2015 AMENDMENT substituted “make an affidavit under oath before” for “present sworn testimony to” in (b).]

Sec. 5-4.3:2. Transfer of ownership of building or structure while enforcement action pending.

[THE JULY 2, 2007 ACT adopted this section.]

[THE JULY 5, 2011 AMENDMENT substituted “Office” for “Department”.]

Sec. 5-4.4. Inspections of elevators, escalators, and related conveyances in existing buildings and enforcement of Building Code for elevators; exceptions.

[THE AUGUST 7, 2000 ACT adopted this section.]

[THE JULY 19, 2010 AMENDMENT added “escalators and related conveyances” in the catchline and in the first sentence, and added “and escalators” in the third sentence.]

[THE JULY 5, 2011 AMENDMENT substituted “Office” for “Department” twice.]

Sec. 5-5. Building Code Board of Appeals.

[THE 1987 AMENDMENT redesignated former (a), (b), and (c) as (b), (c), and (d), and added present (a).]

[THE 1988 AMENDMENT substituted “Section 116 of the Uniform Statewide Building Code” for “§126 of the BOCA Basic Building Code” in (c) and added (e).]

[THE AUGUST 7, 2000 AMENDMENT substituted “the applicable provisions” for “Section 116” in (c).]

[THE JULY 6, 2004 AMENDMENT, in the first sentence in (b), inserted “the owner’s agent” and “involved in the design, construction, or maintenance of the building or structure pursuant to Part III of the USBC, as that part may be applicable in Campbell County,” substituted “concerning application of the Building Code or refusal to grant a modification to” for “refusing to grant a modification of” and deleted “covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure” preceding “to the Building Code Board of Appeals.”]

[THE JULY 2, 2007 AMENDMENT, in subsection (b), revised the first sentence by substituting “design or construction of the building or structure” for “design, construction, or maintenance of the building or structure pursuant to Part III of the USBC as that part may be applicable in Campbell County”; by inserting the clause beginning “, or, in the case of certain unsafe conditions person involved in the use of a building or structure”; by substituting “Uniform Statewide Building Code (USBC) to such building or structure and may also appeal a refusal by the Building Official” for “Building Code or refusal”; and by substituting “USBC pertaining to such building or structure” for “Virginia Statewide Building Code”; added the second sentence; and made other minor non-substantive changes in order to more closely track the authorizing statute.]

[THE JULY 5, 2011 AMENDMENT substituted “Office” for “Department” in (a).]

[THE JULY 5, 2016 AMENDMENT rewrote (b) to make clear that any aggrieved person may appeal a decision of the Building Official, as opposed to former language which persons in specific categories only may appeal.]

Sec. 5-6. Removal, repair, etc., of buildings and other structures.

[THE 1992 AMENDMENT inserted “and lien holder” in (b) and added language beginning “ranking on a parity” at the end of (d).]

[THE 1994 AMENDMENT added the second and third sentences in (b).]

[THE MARCH 17, 1997 AMENDMENT substituted the present second, third, and fourth sentences in (b) for the former second and third sentences therein providing for the filing of a bill in equity in the circuit court for the locality asking owners of an unsafe building, wall or other structure to remove, repair or secure same as appropriate and providing for alternate service of notice by publication.]

[THE MAY 17, 1999 AMENDMENT substituted “§15.2-1427 (Cum. Supp. 1998)” for “§ 15.1-504 (Repl. Vol. 1989)” at the end of the third sentence in (b).]

[THE AUGUST 7, 2000 AMENDMENT added second, third, and fourth sentences in (d).]

[THE JULY 6, 2004 AMENDMENT, in (b), substituted “if” for “wherein” in the first sentence; deleted “the” preceding “purposes” in the second sentence; in the third sentence, substituted “purposes” for “the purpose” and “includes” for “shall include,” inserted “once a week for two successive weeks” and deleted “in accordance with the applicable provisions of VA. CODE ANN. §15.2-1427 (Cum. Supp. 2002)”; and inserted “(30)” in the fourth sentence; in (c), deleted “and levies” preceding “are collected”; in (d), inserted “or VA. CODE ANN. §15.2-900 (Repl. Vol. 2003),” substituted “has” for “shall have,”

inserted parenthetical statutory citations, and updated a state code citation in the first sentence; and added subsection (e) providing for a civil penalty of \$100 for first violations and a civil penalty of \$150 for subsequent violations, such civil penalties not to exceed a total of \$1,000.]

[THE JULY 2, 2007 AMENDMENT added the clause beginning “except that . . .” at the end of the last sentence in (b).]

[THE JULY 1, 2014 AMENDMENT added new subsection (e) and redesignated former subsection (e) as (f).]

[THE JULY 3, 2018 AMENDMENT added “or as otherwise permitted under the Virginia Uniform Statewide Building Code in the event of an emergency” in subsection (c) and “real estate” in the first sentence of subsection (d).]

Sec. 5-7. Violations; penalties.

[THE 1982 AMENDMENT deleted “or revenue” after “General” in next to last line.]

[THE 1987 AMENDMENT added “(\$1,000.00)” at the end of the first sentence.]

[THE 1988 AMENDMENT deleted the former second sentence which read: “Each day such violation continues shall constitute a separate offense.”]

[THE 1991 AMENDMENT designated existing provisions as (a) and added new (b).]

[THE 1992 AMENDMENT substituted “\$2,500.00” for “one thousand dollars (\$1,000.00)” in the first sentence in (a), added the clause beginning “additionally, if the violation” at the end of thereof, inserted second sentence in (a), substituted “\$2,500.00” for “\$1,000.00” at the end of the first sentence in (b), and added new (c).]

[THE 1993 AMENDMENT substituted “owner or any other person, firm or corporation” for “person” in first sentence of (a) and inserted new third, fourth, fifth and sixth sentences in (a), and substituted language beginning “of discovery of the offense by...” for “as provided in VA. CODE ANN. §19.2-8 (Cum. Supp. 1992)” at the end of (c).]

[THE 1994 AMENDMENT deleted “additionally” following “\$2,500.00” in first sentence and divided former second sentence into present second and third sentences in (a).]

[THE MARCH 17, 1997 AMENDMENT, in (c), inserted “As provided in VA. CODE ANN. §19.2-8 (Cum. Supp. 1996)” at beginning of first clause, inserted “or VA. CODE ANN. §36-106 (Repl. Vol. 1996)” preceding “shall be commenced” in first clause, substituted “one year” for “two years” in first clause and “two years” for “one year” in second clause; deleted “as provided in VA. CODE ANN. §19.2-8 (Cum. Supp. 1994)” at end of second clause, and added third clause which begins “however, prosecutions...”]

[THE MAY 17, 1999 AMENDMENT, in (a), deleted “additionally” following “\$2,500.00” at end of first sentence and made former proviso language thereafter the present second

sentence, and inserted new fourth sentence; and, in (c), substituted “shall commence” for “shall be commenced” in first clause of first sentence.]

[THE AUGUST 7, 2000 AMENDMENT, in (a), inserted a new second sentence, deleted “if the violation concerns a residential unit and” from the beginning of the present third sentence, substituted “Each day” for “Each fifteen-day period” at the beginning of fifth sentence, and substituted “by confinement in jail for not more than ten (10) days and fine of not more than \$2,500.00, either or both” for “by a fine of not less than \$1,500.00 nor more than \$2,500.00” at end of eighth sentence, and deleted former ninth sentence which had provided “Notwithstanding the foregoing, those provisions requiring a minimum fine shall apply only to convictions for building code violation, which cause a building or structure to be unsafe or unfit for human habitation.”]

[THE JULY 2, 2001 AMENDMENT, in the eighth sentence in (a), inserted “involving the same property” and “after having been at least twice previously convicted,” and substituted “not less than \$2,500.00 nor more than \$5,000.00” for “not more than \$2,500.00;” and inserted the next-to-last sentence in (a).]

[THE JULY 2, 2007 AMENDMENT, in subsection (b), substituted “lead hazard controls that” for “the removal or the covering of lead base paint which” in the first sentence, substituted “controlled” for “abated,” “uncontrolled” for “unabated,” and “lead hazard control” for “abatement” in the second sentence, and deleted the third and fourth sentences regarding termination of rental agreement where landlord financially unable to abate lead paint hazard; and, in the second sentence in subsection (c), substituted “certain unsafe conditions in” for “the maintenance of;” and “including but not limited to those encompassed by §5-4.3:1 or §5-4.4 of this Code as such provisions may have limited application in Campbell County” for “as contained in the Uniform Statewide Building Code.”]

[THE JULY 17, 2012 AMENDMENT deleted “by the owner or” in the first sentence of (c), and inserted “by the building official” in the last sentence of (c).]

[THE JULY 7, 2015 AMENDMENT substituted “the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the issuance of a notice of violation for” for “certain unsafe conditions in existing buildings or structures, including but not limited to those encompassed by §5-4.3:1 or §5-4.4 of this Code as such provisions may have limited application in Campbell County, shall commence within one year of the discovery of” in (c).]

Article II. Local Certification.

Sec. 5-8 through 5-13. Reserved.

[THE MARCH 17, 1997 AMENDMENT formally deleted §§5-8 through 5-13 which had regulated *local* certification of building-related work by plumbers, mechanical workers and electricians.]

Article III. Street naming, signing and structure numbering.

Sec. 5-14. Intent and authority; incorporation of appendices by reference.

[THE NOVEMBER 6, 1995 ACT adopted this section.]

[THE MARCH 17, 1997 AMENDMENT substituted “The intent of this division” for “This ordinance” at the beginning, deleted the former second sentence which restated statutory authority for the ordinance, and added second paragraph herein.]

[THE DECEMBER 4, 2012 AMENDMENT moved the section and renumbered it from its previous location at §10-100.]

Sec. 5-15. Definitions.

[THE NOVEMBER 6, 1995 ACT adopted this section.]

[THE MARCH 17, 1997 AMENDMENT substituted “in this division” for “herein.”]

[THE MAY 17, 1999 AMENDMENT substituted “lane, alley” for “land” in “Street.”]

[THE DECEMBER 4, 2012 AMENDMENT moved the section and renumbered it from its previous location at §10-101 and added the definition of “Pictograph.”]

[THE JULY 3, 2018 AMENDMENT added “Addressable” to the definition of “Structure” and rewrote it.]

Sec. 5-16. Purpose.

[THE NOVEMBER 6, 1995 ACT adopted this section.]

[THE DECEMBER 4, 2012 AMENDMENT moved the section and renumbered it from its previous location at §10-102.]

Sec. 5-17. Effective date.

[THE NOVEMBER 6, 1995 ACT adopted this section.]

[THE DECEMBER 4, 2012 AMENDMENT moved the section and renumbered it from its previous location at §10-103.]

Sec. 5-18. Administrative procedures.

[THE NOVEMBER 6, 1995 ACT adopted this section.]

[THE DECEMBER 4, 2012 AMENDMENT moved the section and renumbered it from its previous location at §10-104, deleted former subsection (c) and added “and street name sign installed (if required)” to the first sentence of (d).]

Sec. 5-19. Street naming and signing.

[THE NOVEMBER 6, 1995 ACT adopted this section.]

[THE JANUARY 4, 1999 AMENDMENT substituted “at least a two-thirds (2/3) majority” for “at least seventy-five percent” in the first sentence in subsection (d).]

[THE DECEMBER 4, 2012 AMENDMENT moved the section and renumbered it from its previous location at §10-105; deleted the clauses under subsection (b); substituted “a certificate of occupancy” for “building permits” in (c); and added new subsections (e), (f), and (g).]

Sec. 5-20. Determination of structure numbers.

[THE NOVEMBER 6, 1995 ACT adopted this section.]

[THE DECEMBER 4, 2012 AMENDMENT moved the section and renumbered it from its previous location at §10-106.]

Sec. 5-21. Enforcement.

[THE NOVEMBER 6, 1995 ACT adopted this section.]

[THE DECEMBER 4, 2012 AMENDMENT moved the section and renumbered it from its previous location at §10-107.]

Sec. 5-22. Severability.

[THE NOVEMBER 6, 1995 ACT adopted this section.]

[THE DECEMBER 4, 2012 AMENDMENT moved the section and renumbered it from its previous location at §10-108.]