

Chapter 71 Building Construction

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Chapter 71 Building Construction

[HISTORY: Adopted by the Board of Supervisors of Clarke County 01-19-1988 as Secs. 4-2 through 4-6 of the 1987 Code. Amendments noted where applicable.]

General References

Chapter 24 Officers And Employees, Article III Building Official/Department

Chapter 93 Fire Prevention

Chapter 148 Soil Erosion And Sedimentation Control

Chapter 161 Subdivision Of Land

Chapter 188 Zoning

Code Of Virginia References

§ 15.2-906. Authority to require removal, repair, etc., of buildings and other structures.

§ 19.2-393 et seq. - Inspection warrants, definitions

§ 36-81. - Industrialized building safety requirements

§ 36-97 et seq. - Uniform Statewide Building Code

§ 71-1. Standards adopted by reference.

The Virginia Uniform Statewide Building Code is hereby adopted by reference for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties. The whole thereof, except such portions as are deleted, modified or amended by this chapter, of which not fewer than two copies are filed in the office of the County Administrator for inspection during regular business hours, is hereby incorporated herein as fully as if set out at length herein. The code adopted by this section shall be known and may be cited as the "Building Code."

§ 71-2. Fire limits.

Due to the absence of areas of highly congested business, commercial, manufacturing and industrial uses, as well as the absence of areas in which residences, retail stores, business and amusement centers exist or are developing in such manner as to present any significant fire hazard, the Board of Supervisors finds that the designation of any Fire District No. 1 or Fire District No. 2 is unnecessary; and the Board of Supervisors hereby designates the area of the whole county to constitute the outside fire limits of the county.

§ 71-3. Permit fees.

The Board of Supervisors may, by ordinance or resolution, establish and from time to time amend a schedule of fees for the issuance and amendment of building permits required by the Building Code; and no such permit for which a fee has been so established shall be issued or amended until such fee has been paid to the Treasurer of the county, provided that during any period of time when an agreement is in effect by and between the county and another governmental body or private agency as authorized in Chapter 24, Officers and Employees, Article III, Building Official/Department, the fees shall be paid to such governmental entity or private agency as may be specified in such agreement.

§ 71-4. Removal or repair of dangerous buildings or structures.

- A. Owners of property within the county shall, whenever prescribed by ordinance or resolution of the Board of Supervisors, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the county.
- B. The Board of Supervisors, 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 county when the owner of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure such building, wall or other structure.
- C. In the event that the Board of Supervisors, through its own agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of 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 county as taxes and levies are collected.
- D. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

§71-5. Violations and penalties.¹⁶

Any person who shall fail, refuse or neglect to comply with or otherwise violate the provisions of this chapter, which includes the Building Code, shall be punished as provided in § 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings; inspection warrants, of the Code of Virginia.

§71-6. Shrink/Swell Soil Testing

A. Testing Requirements

- 1) Prior to the approval of a building permit, soil testing to determine soil expandability shall be performed if the building site is located within 500 feet of soils shown on the Clarke County Shrink Swell Soil Map (Clarke County Planning Department) as having moderate or high potential for shrink/swell. The Building Official may require permit applicants to submit a copy of the soils analysis at the time of filing the application. Copy of this ordinance and information concerning the potential damage from shrink/swell soils shall be available through the office of the Building Official.
- 2) Building permits for the following activities shall be exempt from shrink/swell soil testing requirements:
 - a. decks
 - b. detached structures smaller than 600 square feet without habitable areas
 - c. above ground swimming pools
 - d. for detached structures smaller than 600 square feet or additions to existing residences, where a soils report with recommendations has previously been issued, is acceptable to the Building Official, and a proposed construction design is presented in accordance with previously submitted report.
 - e. stoops
 - f. manufactured homes (as defined in § 9-B113 of the Zoning Ordinance)
 - g. detached structures constructed to the following standard:
 - i. Dwellings on crawl space:

Foundations for the structure to be extended to bear a minimum of four feet below final outside grade. Foundation concrete can then be placed to bear at this level or the footing excavation can be backfilled to original design bearing elevation, with lean-mix concrete having a minimum of 1500 PSI or greater;
 - ii. Dwellings on Basement:

Foundations for the structure to be extended to bear a minimum of four feet below final outside grade. Foundation concrete can then be placed to bear at this level or the footing excavation can be backfilled to original design bearing elevation, with a lean-mix concrete having a minimum of 1500 PSI or greater. Slab sub-grade soils shall be undercut with a minimum of six-inch thick layer of well-graded aggregate VDOT 21B;

Backfill material (drainage media) shall consist of a minimum 18-inch thick zone of free-draining aggregate (#57) separated from the fill by a filter fabric. The aggregate should be carried within one foot of the final outside grade. The final one foot of backfill shall consist of relatively impermeable clay soils. The final backfill surface shall be sloped away from the dwelling.

- h. Engineered in-ground swimming pools, and additions, detached garages, carports, accessory buildings greater than 600 square feet, where the property owner signs a "LETTER OF WAIVER" provided by the Clarke County Building Department.
- 3) In all cases, the Building Official's reading of the shrink/swell map shall be conclusive, and soil testing may be required, regardless of the shrink/swell map identification, if in his/her professional opinion site conditions warrant. All sites shall be evaluated by and soil tests shall be performed by a competent soil professional. As used herein, soils professional means a Virginia licensed professional engineer, a Virginia certified soil scientist (CPSS), or a Virginia certified professional geologist.

B. Soil Sampling

All soil tests performed pursuant to this Policy shall be performed upon samples collected in the following manner from the site of the proposed construction: A minimum of two soil borings or test pits shall be taken at opposite corners of the proposed structure at a depth of at least five feet and at least two feet below the bottom of the recommended footing depth or to refusal of the auger or backhoe.

C. Soil Test Methodology

Selected soil samples shall be subjected to laboratory testing that will provide the appropriate information for soil classification in accordance with ASTM D-2487. The soils professional shall determine the appropriate test(s) to be performed in all cases based on the soil characteristics and any other known factors relating to the site and the proposed construction. Laboratory tests shall, as a minimum, include one sieve or grain size analysis and one Atterburg limits test using current ASTM test procedures.

D. Reporting

The professional report shall include:

- 1) Soil bore logs from the site;
- 2) (2) A site sketch to scale which identifies bore or test pit locations at the building site;
- 3) (3) Soil laboratory test results;

- 4) (4) The original signature(s) and professional seal(s) of the soil professional(s) who performed and/or supervised the soil sampling, conducted the laboratory testing and/or evaluation, and prepared the report (laboratory test procedures shall as a minimum, contain one set of index parameters which are performed using ASTM test procedures or Atterburg Limits; soil types need to be identified per the Unified Soil Classifications).
- 5) (5) A qualitative determination of the shrink/swell potential for all soil samples, the basis for the qualitative shrink/swell potential, and recommendations.
- 6) (6) Identification of other soil conditions such as wetness or differential depth to bedrock that may effect foundation or footer design.

E. Construction in Moderately or Highly Expandable Soils

For construction proposed on soils identified through testing and/or evaluation as moderately or highly expandable, a design for the footing and foundation shall be prepared by a Virginia licenses professional engineer or a Virginia licensed architect, who shall sign and seal the design, and shall be submitted to the Building Official for review prior to the approval of a building permit.

F. Creation of database and review of ordinance

The Building Official, with the assistance of county staff shall create a database of soils in the county with the information made available as the result of the policy adopted herein. A report shall be prepared describing said database and evaluating the effectiveness of the policy adopted herein, and submitted to the Board of Supervisors approximately one year after adoption of the ordinance.

Amendments Chapter 71

1999-10-19

§ 71-6. Shrink/Swell Soil Testing: Adopted.

2000-07-20

§ 71-6. Shrink/Swell Soil Testing: Amended by the Board of Supervisors on July 20, 2000 to allow builders to construct foundations to an increased standard designed to protect against the impact of shrink/swell soils, as an alternative to performing soil tests.

References

¹⁶ Editor's Note: Amended at time of adoption of Code (See Ch. 1, General Provisions, Art. I).