

ALBEMARLE COUNTY CODE

CHAPTER 5

BUILDING REGULATIONS

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ARTICLE I. ADMINISTRATION

Sec. 5-100 Purpose and intent.

A. The purpose and intent of this chapter is to promote and to protect the public health, safety and welfare by making the Virginia Uniform Statewide Building Code applicable to all matters affecting or relating to structures, including the construction, alteration, repair, addition, demolition and removal of all structures, and to the equipment in such structures. The purpose and intent of this chapter is also to establish a procedure by which unsafe buildings and structures are repaired, removed, or demolished.

B. The Virginia Uniform Statewide Building Code shall be referred to in this chapter as the “building code” and shall include the building code in its current form and as amended in the future.

C. A copy of the building code shall be kept on file in the department of community development.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-1; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

State law reference--Va. Code §§ 36-97 et seq.; 36-105.

Sec. 5-101 Building inspection office established; powers and duties.

A building inspection office is hereby established in the department of community development, as provided herein:

A. The building inspection office shall be charged with the administration and enforcement of the building code and this chapter, the review and approval of plans, the inspection of buildings and structures and the issuance of permits or certificates pertaining thereto. For purposes of this chapter, the term “building inspection office” means the “local building department” as that term is used in the building code.

B. The building inspection office shall be directed by a building official appointed by the county executive. The building official shall be charged with the administration and enforcement of this chapter and the building code and, as such, shall have the duties and powers of a building official set forth in the building code. The building official also shall be responsible for the supervision of the other employees of the building inspection office.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

State law reference--Va. Code §§ 36-97 et seq.; 36-105.

Sec. 5-102 Board of appeals established; powers and duties.

A board of appeals is hereby established as provided herein:

A. The board shall consist of five (5) members and two (2) alternates appointed by the board of supervisors.

B. Each member of the board shall serve a five (5) year term, which shall extend beyond such term until a successor is appointed.

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C. To the extent that such persons may be available, the board shall consist of individuals who meet the qualifications for board membership set forth in the building code.

D. The members of the board shall be compensated as provided in section 2-1105 of the Code.

E. The organization and duties of the board shall be as set forth in the building code and such duties shall include considering appeals as provided in section 5-103.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12)

State law reference--Va. Code § 36-105.

Sec. 5-103 Appeals of decisions of the building official.

The board of appeals shall consider and act upon appeals from decisions of the building official as provided herein:

A. The board shall consider appeals concerning the application of the building code or the refusal to grant a modification of the provisions of the building code.

B. The right of appeal, the parties to an appeal, the scope of an appeal, the procedure for an appeal, and the conduct of the appeal, shall be as set forth in the building code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12; Ord. 12-5(1), 3-7-12)

State law reference--Va. Code § 36-105.

Sec. 5-104 Violation and penalty.

It shall be unlawful for any owner or any other person, firm or corporation to violate any provision of this chapter or the building code, and such violation shall be punishable and shall be abated, as provided herein:

A. A violation of this chapter, which is not a violation of the building code, shall be punishable as provided in section 1-115 of the Code.

B. A violation of this chapter which is a violation of the building code shall be punishable and shall be abated as provided therein.

(§ 5-7; Code 1988, § 5-7; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 36-106.

ARTICLE II. FEES

Sec. 5-200 Permit and inspection fees, generally.

The fees for a permit or inspection required pursuant to the building code and this chapter shall be paid as provided herein:

A. Except as provided in paragraph (E), no permit application shall be accepted until the applicable fees required by this article have been paid. The fee shall be for the purpose of reimbursing, in whole or in part, the department of community development's cost to review plans, issue permits and conduct up to one reinspection of work performed pursuant to a permit.

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B. Each fee shall be in the form of cash or a check payable to the “County of Albemarle.” Payment shall be made in the department of community development.

C. The payment of fees for a permit or permit amendment shall not relieve any person from the payment of any other fees that may be required by law including, but not limited to, fees for water connections and sewer connections.

D. The building official shall keep an accurate account of all fees collected pursuant to this chapter and shall deposit all fees collected with the department of finance.

E. Neither the county nor the county school board shall be required to pay any fee otherwise required by this article for a permit or inspection required by this chapter.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-201 Fees for building permits.

The fees for building permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, shall be \$0.53 per square foot, calculated on gross finished square footage. The minimum fee shall be \$80.00.

B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, or deck or porch ten square feet or larger, shall be \$0.16 per square foot, calculated on gross finished square footage. The minimum fee shall be \$27.00.

C. *Residential swimming pools, hot tubs and spas.* The fee for each residential swimming pool, hot tub or spa shall be \$54.00.

D. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$48.00.

E. *New commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be \$0.22 per square foot for the first 5,000 square feet, plus \$0.15 per square foot for each square foot in excess of 5,000 square feet, calculated on gross square footage. The minimum fee shall be \$80.00.

F. *Change of building occupancy classification.* The fee for a change of occupancy classification evaluation shall be \$161.00.

G. *Commercial swimming pools.* The fee for each commercial swimming pool shall be \$328.00.

H. *Elevators, escalators and lifts.* The fee for each elevator, escalator or lift shall be \$258.00.

I. *Paint spraying booths.* The fee for each paint spraying booth shall be \$27.00.

J. *Mobile offices and premanufactured units.* The fee for each mobile office or premanufactured unit shall be \$48.00.

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K. *Tents.* The fee for each tent shall be \$54.00.

L. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$ 0.18 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee shall be \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference--Va. Code § 36-105.

Sec. 5-202 Fees for electrical permits.

The fees for electrical permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, shall be included as part of the building permit fee under section 5-201(A).

B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, or deck or porch ten square feet or larger, shall be \$32.00.

C. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$32.00.

D. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be \$0.04 per square foot. The minimum fee shall be \$80.00.

E. *Swimming pools, hot tubs and spas.* The bonding fee for each swimming pool, hot tub or spa shall be \$32.00. The equipment wiring fee for each swimming pool, hot tub or spa shall be \$32.00.

F. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.04 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee shall be \$80.00.

G. *Signs.* The fee for each sign shall be \$48.00.

H. *Temporary service.* The fee for each temporary electric service shall be \$102.00, unless the service is sought as part of a building permit for which a fee is paid under section 5-201(A).

I. *Early service.* The fee for each early electric service shall be \$65.00, unless the service is sought as part of a building permit for which a fee is paid under section 5-201(A).

J. *Fuel dispensing pumps.* The fee for each fuel dispensing pump shall be \$32.00.

K. *Alarm systems.* The fee for each alarm system shall be \$0.04 per square foot of the gross square footage of the structure. The minimum fee shall be \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference--Va. Code § 36-105.

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Sec. 5-203 Fees for plumbing permits.

The fees for plumbing permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either such use group, shall be included as part of the building permit fee under section 5-201(A).

B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$32.00.

C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, U, or an addition to an existing commercial structure in any such use group, shall be \$9.00 per fixture. The minimum fee shall be \$80.00.

D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$9.00 per fixture, provided that there is no increase in gross square footage. The minimum fee shall be \$80.00.

E. *Water lines.* The fee for each water line shall be \$27.00, unless the lines are included as part of a building permit for which a fee is paid under section 5-201(A).

F. *Sewer laterals.* The fee for each sewer lateral shall be \$27.00, unless the lateral is included as part of a building permit for which a fee is paid under section 5-201(A).

G. *Fire suppression systems.* The fee for each fire suppression system shall be \$0.86 per head. The minimum fee shall be \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference--Va. Code § 36-105.

Sec. 5-204 Fees for mechanical permits.

The fees for mechanical permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either such use group, shall be included as part of the building permit fee under section 5-201(A).

B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$32.00.

C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be \$0.04 per square foot of gross square footage. The minimum fee shall be \$80.00.

D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.04 per square foot of gross square footage, provided that there is no increase in gross square footage. The minimum fee shall be \$80.00.

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E. *Underground tanks.* The fee for each underground tank, including associated piping, shall be \$183.00, unless the tanks are included as part of a building permit for which a fee is paid under section 5-201(A).

F. *Aboveground tanks.* The fee for each aboveground tank, including associated piping, shall be \$108.00, unless the tanks are included as part of a building permit for which a fee is paid under section 5-201(A).

G. *Gas and oil lines.* The fee for each gas or oil line shall be \$38.00, unless the lines are included as part of a building permit for which a fee is paid under section 5-201(A).

H. *Furnaces, wood stoves and gas log systems.* The fee for each furnace, wood stove or gas log system shall be \$70.00, unless the furnace, stove or gas log system is included as part of a building permit for which a fee is paid under section 5-201(A).

I. *Range hoods.* The fee for each range hood shall be \$27.00.

J. *Hood suppression systems.* The fee for each hood suppression system shall be \$32.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference--Va. Code § 36-105.

Sec. 5-205 Fees for amusement devices.

The fees for amusement devices are hereby established as provided herein:

A. *Kiddie rides.* The fee for each kiddie ride shall be \$16.00.

B. *Major rides.* The fee for each major ride shall be \$27.00.

C. *Spectacular rides.* The fee for each spectacular ride shall be \$43.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference--Va. Code § 36-105.

Sec. 5-206 Fee for demolition permits.

The fee for each demolition permit shall be \$102.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference--Va. Code § 36-105.

Sec. 5-207 Fees for zoning inspections.

The fees for inspections to determine compliance with the zoning ordinance are hereby established as provided herein:

A. *Initial zoning inspection.* The fee for each inspection related to the issuance of a building permit for main or accessory structures shall be \$16.00 per inspection.

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B. *Final site inspection.* The fee for each final site inspection before a certificate of occupancy may be issued shall be \$16.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference--Va. Code § 36-105.

Sec. 5-208 Fees for other permits, plan amendments, and reinspections.

The fees for other permits, plan amendments and reinspections are established as provided herein:

A. *Other permits.* The fees for any other building, electrical, plumbing, mechanical, or amusement device permit not identified in this article shall be \$32.00 per inspection.

B. *Plan amendments.* The fee for each new plan submitted which requires any structural or fire safety review shall be \$32.00.

C. *Reinspections.* The fee for each inspection of work performed, after the second inspection of such work, shall be \$32.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference--Va. Code § 36-105.

Sec. 5-209 Refunds.

Upon receipt by the building official of a written request by the owner within six (6) months of the events identified below, a fee paid pursuant to this article may be refunded as provided herein:

A. If a permit application is withdrawn or voided after the plan is reviewed, in whole or in part, but before the work authorized by the permit begins, the owner shall be refunded an amount not to exceed eighty (80) percent of the original fee. The amount of the refund shall be the original fee minus the costs for plan review and administration.

B. If an issued permit expires or is abandoned or revoked, or if the work authorized by the permit is discontinued, the owner shall be refunded an amount of the original fee which corresponds to the percentage of the work not completed, minus plan review and administrative fees and penalties.

C. For purposes of this section, plan review and administrative fees shall be at least twenty (20) percent of the original fee.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 36-105.

ARTICLE III. UNSAFE BUILDINGS AND STRUCTURES

Sec. 5-300 Order to remove, repair or secure.

The building official may order any owner of property in the county to remove, repair or secure any building, wall or other structure which the building official determines might endanger the public health or safety of other residents of the county.

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A. The order shall be contained in a notice issued by the building official to the owner. The notice shall be in writing and shall identify each condition of the building, wall or other structure that constitute a danger to the public health or safety, specify the measures that must be taken to eliminate the danger, and state a reasonable time within which the measures must be taken.

B. The notice shall be mailed by certified or registered mail, return receipt requested and be sent to the last known address of the property owner. The notice shall also be published once a week for two successive weeks in a newspaper having general circulation in the county.

C. For purposes of this section, *repair* includes maintenance work to the exterior of a building to prevent deterioration of the building wall or structure or adjacent buildings.

(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-906.

Sec. 5-301 Authority of building official to remove, repair or secure.

The building official is authorized to 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, if:

A. The building official has provided the owner of the property notice as provided in section 5-300;

B. At least thirty (30) days have passed since the later of either the return of the receipt or newspaper publication, as provided in section 5-300(B); and

C. The owner and the lienholder of the property have failed to remove, repair or secure the building, wall or other structure within the time period specified in the notice.

(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-906.

Sec. 5-302 Recovery of costs if building official removes, repairs or secures; lien.

A. If the building official removes, repairs or secures a building, wall or other structure pursuant to section 5-301, the cost or expenses thereof shall be chargeable to and paid by the owner of the property.

B. Every charge authorized by this section may be collected by the county as taxes are collected.

C. Every charge authorized by this section with which the owner of the property has been assessed and which remains unpaid shall constitute a lien against the property. The lien shall rank on a parity with liens for unpaid local taxes and shall be enforceable in the same manner as provided in Virginia Code §§ 58.1-3940 et seq. and 58.1-3965 et seq.

(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-906.

Sec. 5-303 Remedies of this article not exclusive.

The remedies authorized by this article shall not be exclusive of any other remedy provided by law, including any remedy to abate, raze or remove an unsafe structure or equipment as provided in the building code, or any remedy to abate, raze or remove a building, wall or structure that constitutes a public nuisance as provided in Virginia Code §§ 15.2-900 and 48-1 et. seq.

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ARTICLE IV. SMOKE DETECTORS

Sec. 5-400 Applicability.

In addition to any other applicable requirement of the building code pertaining to smoke detectors, this article shall apply to each building or structure which:

1. Contains four or more dwelling units;
2. Is a hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons; or
3. Is a rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference--Virginia Code § 15.2-922.

Sec. 5-401 Smoke detector required.

Smoke detectors shall be installed in each building or structure identified in section 5-400 in conformance with the provisions of the building code. Each smoke detector may be either battery operated or AC powered.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference--Virginia Code § 15.2-922.

Sec. 5-402 Certificate that smoke detector in working order.

At the beginning of each tenancy and at least annually thereafter, the owner of each unit which is rented or leased shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference--Virginia Code § 15.2-922.

Sec. 5-403 Interim testing, repair and maintenance of smoke detector.

Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily dwellings, the interim testing, repair and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant. However, the owner of a unit shall service, repair or replace any malfunctioning smoke detector within five (5) days of receipt of written notice from the tenant that a smoke detector is in need of service, repair, or replacement.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference--Virginia Code § 15.2-922.

ARTICLE V. PRIVATE GROUND WATER WELL TESTING

Sec. 5-500 Purpose and intent.

The board of supervisors finds that the release or discharge of petroleum from leaking underground storage tanks may pollute ground water and, at high enough levels, these pollutants may render water unsuitable for drinking and may cause adverse effects on the public health, safety and welfare.

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The board also finds that establishing new private ground water wells in the immediate area of a contamination plume could alter the conditions of existing contamination plumes and draw contaminants into areas that are currently free from contamination.

The purpose and intent of this article is to protect the public health, safety and welfare in areas where there has been a petroleum release or discharge within the county confirmed by the Virginia Department of Environmental Quality. Therefore, new private ground water wells in such areas shall be tested for petroleum contamination as provided herein to determine the extent of the contamination, if any, and to assure that the wells satisfy existing federal or state drinking water quality standards for the contaminants.

(Ord. 05-5(1), 5-4-05)

State law reference: Va. Code § 32-176.5.

Sec. 5-501 Applicability.

This article shall apply to those areas of the county where the release or discharge of petroleum from leaking underground storage tanks has been confirmed by the Virginia Department of Environmental Quality and such an area remains an active contamination area.

For the purposes of this article, the term “active contamination area” means those lands within the area identified by the Virginia Department of Environmental Quality to be contaminated such that, in its judgment, the contamination poses a risk to human health and the environment and warrants corrective action or remediation, and those lands within two thousand (2,000) feet of the contaminated area determined by the Virginia Department of Environmental Quality to be at risk for contamination.

(Ord. 05-5(1), 5-4-05)

Sec. 5-502. Well testing and reporting.

Each applicant for a building permit for a structure to be located within an active contamination area and to be served by a private ground water well as the primary potable water supply shall have the well tested as provided herein prior to the issuance of a building permit for the structure:

A. *Contaminants to be tested.* The tests shall determine whether the following volatile organic compounds are present in the water: Benzene, Toluene, Ethylbenzene, and Xylenes.

B. *Applicable standards.* Each contaminant identified in section 5-502(A) shall be tested for compliance with the maximum contaminant level established for that contaminant under the federal Safe Drinking Water Act, as follows:

1. Benzene: 0.005 MCL (mg/L).
2. Toluene: 1 MCL (mg/L).
3. Ethylbenzene: 0.7 MCL (mg/L).
4. Xylenes (total): 10 MCL (mg/L).

For the purposes of this article, the term “MCL” means the maximum contaminant level, which is the highest level of a contaminant that is allowed in drinking water. The units are expressed in milligrams per liter (mg/L); milligrams per liter are equivalent to parts per million.

C. *Sampling and testing methods and services.* Samples shall be taken and tests shall be performed using appropriate testing methods by either the Virginia Department of Environmental Quality

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or by a laboratory certified by the Commonwealth of Virginia to perform such services. No such tests shall be conducted by Consolidated Laboratories. The cost of such tests shall be paid by the landowner.

D. *Reporting of test results.* The testing laboratory shall notify the landowner of the test results in a written report.

(Ord. 05-5(1), 5-4-05)

Sec. 5-503. Building permit; withholding.

Each applicant for a building permit for a structure to be served by a private ground water well as the primary potable water supply within an active contamination area shall present the report containing the test results required by section 5-502 prior to issuance of the building permit.

A. *No contaminants detected.* If there are no tested contaminants detected, then the building permit shall be issued provided that all other applicable requirements are satisfied.

B. *Contaminants detected; exceed applicable standards.* No building permit shall be issued if one or more contaminants are detected and they exceed the federal Safe Drinking Water Act standards identified in section 5-502(B), unless and until the applicant has identified and provided an approved alternative primary potable water supply.

(Ord. 05-5(1), 5-4-05)