THE CODE

OF THE

COUNTY OF FAIRFAX VIRGINIA

1954

THIS VOLUME CONTAINS THE BUILDING CODE, ELECTRICITY, GAS, SEWERAGE FACILITIES, SUBDIVISIONS AND ZONING

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Fairfax County Code

VOLUME II.

CHAPTER 1.

BUILDING CODE.[1]

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Sec. 1-1. Short title; citation.

This chapter shall be known and may be cited as the Building Code of the county. Wherever the words "this Code" or "the Code" appear in this chapter, unless otherwise provided, they shall have reference to the Building Code of the county or this chapter.

1. For state law authorizing boards of supervisors of counties to adopt such measures as they may deem expedient to secure and promote the health, safety and general welfare of the inhabitants of their counties, see Code of 1950, § 15-8, par. (5).

Sec. 1-2. Building inspector—Creation of office; qualifications.

There is hereby created the office of building inspector. The person chosen to fill the office of building inspector shall be of good moral character, shall be possessed of such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in structural engineering and building construction, shall be well versed in approved methods of construction for safety to persons and property, the statutes of the State of Virginia relating to construction work and any orders, rules and regulations issued by authority thereof, and the Virginia Fire Safety Regulations, as adopted April 12, 1949, by the state corporation commission, shall have had at least three years' experience as a building inspector or in the construction of buildings, or in lieu of such experience shall be a graduate in structural, civil or architectural engineering of a college or university considered by the board of county supervisors as having suitable requirements for graduation and shall have had two years' practical building experience. (7-3-51, § 1.)

Sec. 1-3. Same—Appointment; term; removal; salary; bond; oath.

The building inspector shall be appointed by the board of county supervisors upon recommendation of the county executive and shall not be appointed for a definite tenure, but shall be removable at the pleasure of the board of county supervisors. The salary to be paid to the building inspector shall be fixed by the board of county supervisors and shall be paid monthly by the board of county supervisors. Before entering upon the discharge of his duties, the building inspector shall file a bond in a penalty to be fixed by the board of county supervisors, which bond shall be payable to the board of county supervisors and shall be approved by the clerk of the board and conditioned upon the faithful performance of his duties. The building inspector shall also take and subscribe an oath, which, together with the certificate of his appointment, shall be filed with the clerk of the board of county supervisors. (7-3-51, § 1.)

Sec. 1-4. Same—Duties.

The duties of the building inspector shall be the examination of

plans and specifications for all construction work in the county that is embodied by this Code. He shall issue building permits for all such construction where plans and specifications show compliance with this Code and upon receipt of proper fees. He, or his duly authorized representative, shall inspect all construction to ascertain conformance with the Building Code, and he shall have the power to halt such construction for noncompliance with this Building Code. (7-3-51, § 3.)

Sec. 1-5. Requirements for permit generally.[2]

No excavation shall be commenced, no wall, structure or a part thereof shall be built or constructed or altered, nor shall automatic sprinkler equipment or elevator work of any building be moved, except in accordance with the provisions of this Code, and until a permit has been issued by the building inspector.

Before any building permit is issued for the erection, alteration or repair of any such building or structure intended for public assembly or human habitation, provision for connection to a sanitary sewer, if available, must be made and the fees required by the law paid to the director of finance.

The provisions of this Code shall apply to all types of construction and all building materials used in the county. In the event that construction and materials used are not specifically described and provided for herein, such construction and materials shall be equal in performance to the types of construction which are herein described, and shall conform to all standards of strength and safety which are prescribed by this Code.

No building permit shall be issued unless the proposed structure complies with any ordinance of the county in effect at the time of application which is applicable.

An application for a permit to erect, alter or repair a building or structure shall be accompanied by two sets of complete plans such as will give full information as to the character of the building, its size in every direction, arrangement of rooms, halls, closets, and stairways and the material to be used in construction, and one set shall remain on file in the building inspector's office; pro-

2. For provisions requiring notice to the commissioner of the revenue before constructing, repairing, etc., certain buildings, see § 13-1 of volume I of this Code. For requirements as to use permits for certain types of buildings, etc., see § 6-16 of this volume.

vided, however, that when a building plan has been so filed, further permits may be issued authorizing construction of buildings of same description; provided further, that the building is located in same subdivision and the owner is the same as filed the original plan.

All plans must be legibly submitted on heavy paper or on blueprint paper. They must be drawn to scale and must show all dimensions and details.

It shall be the duty of the builder to notify the building inspector's office and receive approval before concrete footings are poured and before framing is concealed. (7-3-51, § 4; 4-1-54.)

Sec. 1-6. Structural information.

Before a permit will be issued for the erection of any building containing structural steel, cast iron or cast steel, structural plans giving complete design information, together with typical details, shall be submitted. The inspector of buildings shall have the right to require the computations to be submitted for his examination. (7-3-51, § 5.)

Sec. 1-7. Exceptions on filing drawings.

The building inspector shall issue permits for the erection of additions, porches and small one-story buildings costing less than one thousand dollars and farm buildings upon the description given in the application and not accompanied by drawings, and this shall apply also to alterations and repairs of buildings, when the application shows the full character of the work to be done. (7-3-51, § 6; 4-1-54.)

Sec. 1-8. Minor alterations.

Permits shall not be required for minor interior alterations costing less than one hundred dollars where there is no interference with the construction of the building. The facts shall be determined in each case by the inspector of buildings. (7-3-51, § 7.)

Sec. 1-9. Permit fees.

All permits issued under the provisions of this Code requiring the payment of a fee shall be issued by the building inspector on proper forms showing the date, purpose, description, measure-

ments and time limits, if any, and shall not be finally signed or approved by him until the applicant for the permit presents the director of finance's signature on the permit form, stating the permit fee has been received. All fees for permits issued under the provisions of this Code are to be paid to the director of finance for the use of the county.

Before any permit for the construction of a new building, addition or enlargement is issued, the owner, or the person doing the work shall pay the director of finance a fee based on the superficial area of all floors, including basements and roofs, as follows:

The permit fee for farm buildings shall be three dollars.

The minimum fee for any permit shall be three dollars.

The permit fees for nonfireproof buildings shall be seven-tenths of a cent per square foot.

For fireproof buildings the fee shall be one cent per square foot.

Before any permit for the repair or alteration of any building or structure, where there is no addition or enlargement, is issued, the owner or the person doing the work shall pay a fee calculated at the rate of three-tenths of one per cent of the actual cost of the work.

The fee for the installation permit for each freight elevator shall be ten dollars and for each passenger elevator twenty dollars.

Any permit issued by the building inspector pursuant to the provisions of this section, under which no work is commenced within three months, may be cancelled upon the application of the owner and the board of county supervisors shall refund fifty per cent of the fee paid for such permit.

Any permit issued by the building inspector, pursuant to the provisions of this section, under which no work is commenced within six months of the date of such permit, shall be automatically cancelled except that an extension of not more than six months may be granted by the building inspector upon written request of the applicant where, in the opinion of the building inspector, the circumstances justify such extension. (7-3-51, § 8; 1-14-53; 4-1-54.)

Sec. 1-10. Cancellation of permits issued prior to August 1, 1951.

Any building permit issued by the commissioner of the revenue prior to the effective date of the Building Code, August 1, 1951, under which no work is commenced prior to March 1, 1953, shall

be automatically cancelled and shall not be renewable. New applications for permits which expire March 1, 1953, shall be made under and in complete conformity with the provisions of the Building Code. (7-3-51, § 8; 1-14-53.)

Sec. 1-11. State regulations.

All buildings except one, two and three family dwellings shall comply with the Virginia Fire Safety Regulations as adopted April 12, 1949, as amended, by the state corporation commission as ordained by the board of county supervisors. (7-3-51, § 9.)

Sec. 1-12. Structural requirements other than wood.

All buildings shall conform in structural design as follows:

Structural steel design shall conform with the latest standards as set forth in the A. I. S. C. Code of Standard Practice.

Reinforced concrete design shall conform with the Building Code requirements for reinforced concrete adopted as a standard of the American Concrete Institute, June 28, 1947, as amended.

Welded structural design shall conform with steel construction in accordance with American Institute Steel Construction specifications for the design, fabrication and direction of structural steel for buildings. (7-3-51, § 10.)

Sec. 1-13. Footings.

The bottoms of all footings shall be at least 2 feet 6 inches below adjacent surface of the ground and shall rest on undisturbed ground. Footings shall be at least 1 foot deep and shall have a minimum projection of 6 inches for walls and 9 inches for piers and pilasters, except that footings under eight-inch walls of one story dwellings may be 10 inches deep.

TABLE ASSUMED COMPRESSIVE STRENGTH FOR VARIOUS CONCRETE MIXTURES

Class of Concrete	*Gallons per 94 lb. sack of cement*	*Minimum bags of cement per cu. yd.*	*Assumed ultimate compressive strength at 28 days PSI*	*Laboratory ultimate compressive strength at 28 days PSI*
A	6	7	3500	4000
B	7	6	3000	3500
C	7.5	5.5	2500	2900
D	8	5	2000	2400

Structural Cinder Concrete. Approved cinder aggregates where permitted for use in structural and fire proofing concrete shall comply with latest American Society of Testing Materials Specifications.

Structural cinder concrete shall be mixed in the proportions of one part Portland cement and not more than seven parts of fine and coarse aggregates measured separately with a compressive strength of not less than eight hundred pounds per square inch at twenty-eight days' age.

Footings shall be of plain or reinforced concrete, not weaker than Class D. (7-3-51, § 11; 1-14-53.)

Sec. 1-14. Soil bearing.

The bearing loads on various types soil condition shall not exceed the following:

(1) *On rock.*

Solid bedrock ..... 30 tons per sq. ft.
Soft rock ..... 10 tons per sq. ft.
Disintegrate ..... 5 tons per sq. ft.

(2) *On gravel and course sand.*

Well cemented ..... 4 tons per sq. ft.

(3) *On sand.*

Fine and dry ..... 3 tons per sq. ft.
Compact and well cemented ..... 4 tons per sq. ft.

(4) *On Clay.*

Dry	3 tons per sq. ft.
Dry, thick beds	4 tons per sq. ft.
Soft	1-2 tons per sq. ft.
and gravel	4 tons per sq. ft.
and sand	3 tons per sq. ft.

(5) *On filled land* ..... ½ ton per sq. ft.
(5-3-51, § 12.)

Sec. 1-15. Foundation walls.

In no case shall the foundation wall thickness be less than that of the wall supported. The following minimum requirements for foundation wall thickness shall apply:

(a) *Six-inch thickness.* For poured concrete, supporting one-story wood frame structures without basement.

(b) *Eight-inch thickness.* For all other poured concrete walls.

(c) *Eight-inch thickness.* For masonry unit walls which extend not more than 5 feet below outside finished grade. Maximum total height of the foundation wall and wall supported, 35 feet. Foundation under nonbearing wall of masonry veneered 1 story dwellings may be 8 inches in thickness when basement floor is not more than 4 feet below outside finished grade, provided adequate structural members are installed to support stud framing.

(d) *Twelve-inch thickness.* More than 5 feet below outside finished grade. Foundation walls supporting masonry veneered wood stud frame walls shall be of sufficient thickness so that neither the veneer nor the stud frame projects beyond the outer or inner faces of the foundation wall, except that eight-inch nominal thickness may be used as foundations for one-story single-family dwellings, without basement, with walls of masonry veneer on stud framing; provided, that the total height of wall, including gable, is not more than 20 feet. Foundation walls of eight-inch nominal thickness supporting masonry veneer shall be corbeled with solid units to provide a bearing the full thickness of the wall supported. The total projection shall not exceed 2 inches with individual corbels projecting not more than one-third the height of the unit. The top corbel course shall not be higher than the bottom of the joist and shall be a header course. The joist of a veneered dwelling shall bear a full four inches on the foundation wall and the wall studding shall be supported on a sole plate on top of the joist.

(e) *Sixteen-inch thickness.* For all rubble stone foundation walls.

When foundation walls are built of hollow masonry units, the top course shall be of solid masonry units or solid masonry material and shall be not less than 4 inches in height.

Foundation walls and basement bearing partitions, when constructed of structural clay tile, shall have all corners and intersections of partitions with foundation walls constructed of vertical cell corner blocks or of solid brick.

All openings in foundation walls and basement partitions, when constructed of structural clay tile, shall have the jambs constructed of vertical cell blocks or solid brick. When foundation walls are constructed of vertical cell masonry blocks, the sill of all window openings shall be constructed of solid masonry units or solid masonry materials.

Pilasters not less than 4 inches by 12 inches shall be constructed to form piers under the ends of all girders framing into eight-inch thick foundation walls built of masonry units and poured concrete walls less than 8 inches in thickness and shall be bonded into the wall. Pier construction shall be as follows:

(a) When the foundation walls are of hollow concrete block construction, the top 8 inches of the pier shall be of solid masonry material.

(b) When the foundation walls are of load-bearing structural clay tile, the pier shall be constructed of brick extending from footing to girder.

Foundation walls supporting masonry veneered stud frame walls shall be of sufficient thickness that neither the veneer nor the stud frame projects beyond the outer or inner faces of the foundation walls.

Foundation walls supporting frame construction shall extend not less than 8 inches above the adjoining outside finish grade.

All masonry chimneys shall have foundations of masonry or concrete which shall extend down to the level of the foundation wall footing surrounding the area where the chimney is located, and where chimneys occur in outside walls or inside bearing walls, the footing shall be bonded with the wall footing.

(Note.—In no case shall masonry chimneys bear on wood framing members.)

An opening of not less than 2 feet by 2 feet shall be installed to provide access for inspection and repair in each unexcavated space under wood and metal floor construction, and under con-

crete slabs where piping, duct work, etc., requiring periodic inspection or repairs are located.

Foundation wall vents proportioned on a basis of 1 square foot for each 15 linear feet of exterior wall shall be installed for ventilating all unexcavated spaces and each such space shall have at least two vents. Noncorrodible screening of not over one-fourth inch mesh shall be installed in each opening.

Area walls and foundation walls for porches, steps and terraces shall be adequately bonded or anchored to main walls. (7-3-51, § 13; 1-14-53; 4-1-54.)

Sec. 1-16. Exterior masonry walls.

Masonry walls shall have a thickness of not less than 8 inches for a height not to exceed 35 feet. Such walls in one-story single-family dwellings, one-story guest houses and one-story private garages may be of six-inch nominal thickness of solid masonry units when not over 9 feet in height; provided, that when gable construction is used an additional 6 feet is permitted to the peak of the gable. When two or more units are used to make up the thickness of the wall, the inner and outer courses shall be bonded by at least one header course in every seven stretcher courses, or by one full-length header in every 72 square inches of wall surface, except in one-story single-family dwellings there shall be one full-length header in each 1.5 square feet of wall surface. The distance between adjacent full-length headers shall not exceed 20 inches either vertically or horizontally.

A solid masonry unit is one whose net cross-sectional area in every plain parallel to the bearing surface is 75 per cent or more of its gross cross-sectional area in the same plans.

Cavity walls. In cavity walls the compressive stresses in p. s. i. shall not exceed the following:

Solid masonry units 100 p. s. i.

Hollow masonry units 50 p. s. i.

The facing and backing shall not be less than 3¾ inches in thickness and the cavity shall not be less than 2 inches nor more than 3 inches. The facing and backing shall be securely tied together with suitable bonding ties of adequate strength. A steel rod 3/16 inch in diameter or a metal tie of equivalent stiffness, coated with a noncorroding metal or other approved protective coating shall be used for each 3 square feet of wall surface, the distance not exceeding 24 inches either vertically or horizontally.

In addition ties shall be placed within 12 inches of all openings and immediately below the level of bearing of all floor joist.

Masonry veneer applied to masonry walls shall be tied to the wall by full length headers or noncorrodible metal wall ties spaced every fifth course of 15 inches vertically and not more than 32 inches o. c. horizontally.

(*Note.*—Veneer shall not be considered a part of the required wall thickness unless bonded as required above.)

Proper provision shall be made for adequate bonding and anchoring together of all interesting concrete and masonry walls.

The ends of girders framing into walls constructed of hollow masonry units shall bear upon solid masonry construction at least 8 inches in depth or upon other suitable bearing securely anchored to masonry walls. In such walls, all floor joists shall bear upon solid masonry not less than 4 inches in depth, and lintels over openings shall be supported upon solid masonry material equivalent in depth to at least two courses of brick.

Masonry veneer applied to wood frame walls shall have a thickness of not less than 3¾ inches and a height of not more than 35 feet and veneer shall be anchored to the wood frame with noncorrodible metal ties spaced every fifth course or 15 inches vertically and not more than 32 inches o. c. horizontally. Provide a 1 inch space between the veneer and the wood construction.

Party walls shall be not less than 8 inches thick masonry construction; when flat roofs occur, the wall shall extend from footing to 8 inches above the roof and be capped with stone, corrosion-resisting sheet metal, Portland cement or terra cotta coping; when pitched roofs occur, the wall shall extend from footing to underside of roof boards at all points to form fire stops.

Supporting steel lintels or properly designed masonry arches will be required in the heads of all openings in masonry and masonry veneered walls.

Pipe chases will not be permitted in exterior masonry walls less than 12 inches thick. (7-3-51, § 14; 1-14-53.)

Sec. 1-17. Chimneys, stacks and flues.

All masonry chimneys, except those with solid brick walls 8 inches or more thick, shall be lined throughout with fireclay flue lining. Minimum flue sizes: For heating plants, 8½ inches by 8½ inches; for fireplaces, 8½ inches by 13 inches, or circular flues of equivalent effective area.

All heating equipment shall connect into individual flues except as noted otherwise.

All chimneys shall be capped to form a wash from the flue to the outside edge of the chimney.

All gas-fired house heaters and built-in unit heaters shall be connected to flues constructed of masonry as described. Other vents or flues may be used provided they are approved by the Underwriters' Laboratories, Inc., and installed in accordance with the recommendations of the American Gas Association. Such flues shall extend through the roof. Gas-burning hot water heaters shall have vents which may connect into the house heating flue; provided, that the connection is below the breeching.

In masonry chimneys containing three or more flues, each group of two flues shall be separated from the other single or groups of two flues by brick withes not less than 3¾ inches wide. Where two flues are grouped without withes, the joints in the respective flue linings shall be staggered.

All fireplaces shall have hearths supported on fireproof construction. The hearths shall project at least 16 inches measured from the chimney breast, and the width shall be not less than the width of the fireplace opening plus 16 inches.

Open fireplaces shall be constructed with smoke chambers and dampers and shall be lined with fire brick. The effective area of the flue shall be not less than 1/12 of the area of the fireplace opening. When an ash dump is provided ashes shall empty into an enclosed chamber of fireproof material provided with a metal clean-out door.

All chimneys shall extend not less than 2 feet above the highest ridge. (7-3-51, § 15.)

Sec. 1-18. Lumber.

All softwood lumber shall meet all the grading requirements of the association recognized in the trade as covering the species and under whose grading rules it was produced. This requirement shall not apply to millwork or interior finish. The word "softwood", as used herein, shall be interpreted to include Douglas Fir, White Fir, Southern Cypress, Western Larch, West Coast Hemlock, California Redwood, Cedar, Eastern Hemlock, Tamarach Spruce, Southern Yellow Pine, Ponderosa Pine, Sugar Pine, Idaho White Pine, Northern White Pine and Norway Pine.

All framing lumber shall be No. 2 dimension (common) or better.

All board lumber for subflooring, sheathing, roof boarding, shingle lath, etc., shall be No. 2 common or better.

All lumber shall be dry and well seasoned and the moisture content shall not exceed 19 per cent.

All rough lumber dimensions given under "wood framing" in section 1-19 of this volume are nominal sizes. Finished dimensions of all lumber shall comply with the American Lumber Standards. (7-3-51, § 16.)

Sec. 1-19. Wood framing.

(a) *Floors and roofs.* All wood floor and roof framing shall be kept at least 2 inches away from the chimney masonry, except when 8 inches of masonry is used outside the flue lining, in which case the framing may be built flush with the chimney masonry. The two-inch space between the chimney masonry and the floor framing shall be filled with fire-resistant material to form a fire stop. In no case shall wood framing members bear on the masonry of chimneys, except on piers which are built integral with the chimney masonry.

Girders may be structural steel, solid wood, built-up wood or reinforced concrete.

All joints of solid and built-up wood girders shall be made over pier or column supports.

Wood posts, when used as columns in basements, shall bear on a cement base which shall extend not less than 3 inches above the finish floor. The base shall bear directly on the post footing.

The distance between supports under wood girders shall not exceed the following:

MAXIMUM SPANS FOR WOOD GIRDERS

Size in inches	*Maximum clear span*			
	1 story dwellings		*1½ and 2 story*	
	Ft.	*Ins.*	*Ft.*	*Ins.*
4 x 6	5	0	4	0
6 x 6	6	0	5	2
4 x 8	6	4	5	6
4 x 10	8	0	7	0
6 x 8	8	0	7	0
6 x 10	9	0	8	0

Note.—The above spans are based on a minimum fiber stress of 1,200

pounds. When the allowable fiber stress of the species of wood used is other than 1,200 pounds, spans shall not exceed those determined by established engineering practice.

If the total of the spans of joists framing into the girder on both sides exceed 24 feet 2 inches, or if loads are concentrated, the size and span of the girder shall be determined by established engineering practice.

Where floor joists frame into the side of wood girders, the joists shall be supported on metal joist hangers or on a bearing strip or ledger board on the side of the girders. Size of ledger shall be at least 2 by 3 inches. The notch in the end of the joist shall be not more than ¼ of the joist depth.

Ends of floor joists framing into masonry walls shall have not less than four-inch bearing and shall have at least a three-inch bevel or fire cut. The ends of floor joists and girders which frame into the masonry walls below outside finish grade shall receive a good brush coat of creosote.

Each fourth joist in wood floor construction framing into masonry walls shall have a metal strap anchor applied on the side and near the bottom of the joist and shall extend into the masonry wall. Masonry walls running parallel to the floor joists shall be tired to the floor construction with metal strap anchors spaced not over 6 feet apart and extending over and secured to at least 3 joists.

Floor joists shall be doubled under all partitions which run parallel to the floor joists. Doubled joists shall be separated and blocked at four-foot intervals where piping or duct work occurs.

Headers and trimmers shall be doubled except that headers 4 feet or less in length may be of single thickness; provided, that the header is supported in metal joist hangers or on not less than 2 by 3 inch ledger boards, and header is secured by spikes driven through one thickness of the trimmers into the ends of the header. Headers receiving more than 4 tail beams shall have ends supported in metal joist hangers.

Ends of lapped joists shall rest on girders or on bearing partitions and shall be securely nailed to plate and to each other.

Overhanging cantilevered construction. Bay windows, overhanging second floors and all projections carrying floor and roof loads which are not supported directly by a foundation shall be fully detailed on the drawings submitted with the application.

Floor (including attic floor) and flat roof joists shall be cross-

bridged with 1 by 3 inch bridging at intervals not to exceed 8 feet and securely nailed at each end. Metal bridging may be used when approved by the building inspector.

Maximum spans for all wood floor joists shall be as listed in the following table. The spans are figured for a maximum deflection of 1/360 of the span, based on a total live and dead load of 50 pounds per square foot, uniformly distributed. The species of wood are grouped according to the allowable working stresses recommended by the Forest Products Laboratory, Madison, Wisconsin.

MAXIMUM SPANS FOR FLOOR JOISTS

Assumed live load, 40 lbs. per sq. ft., dead load, 10 lbs. per sq. ft.

Lumber Size			Maximum Clear Span		
			Min. Fiber stress 1200 lbs.	Min. Fiber stress 1000 lbs.	Min. Fiber stress less than 1000 lbs.
Nominal	Actual	Spacing Center to Center	Doug. Fir (Coast Region & Inland Empire) Sou. Yell. Pine, Western Larch	West Coast Hemlock, Cypress, Redwood, Tamarack	All Other Soft Wood
2 x 6	1⅝ x 5⅝	16″	9′ 1″	8′ 6″	7′ 9″
		12″	10′ 0″	9′ 4″	8′ 7″
2 x 8	1⅝ x 7½	16″	12′ 1″	11′ 4″	10′ 4″
		12″	13′ 3″	12′ 5″	11′ 4″
3 x 8	2⅝ x 7½	16″	14′ 0″	13′ 2″	12′ 1″
		12″	15′ 4″	14′ 4″	13′ 2″
2 x 10	1⅝ x 9½	16″	15′ 3″	14′ 4″	13′ 1″
		12″	16′ 8″	15′ 8″	14′ 4″
3 x 10	2⅝ x 9½	16″	17′ 8″	16′ 9″	15′ 2″
		12″	19′ 3″	18′ 1″	16′ 6″
2 x 12	1⅝ x 11½	16″	18′ 5″	17′ 3″	15′ 10″
		12″	20′ 1″	18′ 10″	17′ 3″

Note.—Where the spacing of floor joists exceeds 16 inches o. c., or where the allowable fiber stress of the species of wood used is in excess of 1200 pounds, the size and span of the joists shall be determined on the same basis as used for this table.

The cutting of floor joists to facilitate the installation of piping and duct work will be permitted with the following limitations:

(a) The top or bottom edges of joists may be notched not to

exceed 1/6 of the joist depth. Notching the top or bottom edge of joists will not be permitted in the middle third of any joist span.

(b) If cutting of a floor joist more than 1/6 of its depth is found necessary, a header the full depth of the joist shall be cut in to support the end of the joist.

(c) Where location of pipes necessitates passing through the joists, holes shall be not more than ½ inch greater than 2½ inches. The edge of the holes shall not be located nearer than 2 inches from the top or bottom edge of the joist.

All first floor joists shall be covered with 1 inch T. & G. subflooring not more than 8 inches in width. All subfloors shall be laid diagonally and ends shall be cut over joists. This requirement also applies to subfloors when used on the second floor.

Maximum spans for ceiling joists shall be as listed in the following table. The spans are figured for a maximum deflection of 1/360 of the span, based on a dead load of 10 pounds per square foot (no live load) uniformly distributed.

MAXIMUM SPANS FOR CEILING JOISTS

Live load, none; dead load, 10 lbs. per sq. ft.

Lumber Size			Maximum Clear Span		
			Min. Fiber stress 1200 lbs.	Min. Fiber stress 1000 lbs.	Min. Fiber stress less than 1000 lbs.
Nominal	Actual	Spacing Center to Center	Doug. Fir (Coast Region & Inland Empire) Sou. Yell. Pine, Western Larch	West Coast Hemlock, Cypress, Redwood, Tamarack	All Other Soft Wood
2 x 4	1⅝ x 3⅝	20″	9′ 6″	9′ 2″	8′ 2″
		16″	10′ 0″	9′ 8″	8′ 7″
		12″	11′ 0″	10′ 6″	9′ 4″
2 x 6	1⅝ x 5⅝	20″	14′ 6″	13′ 10″	12′ 5″
		16″	15′ 4″	14′ 8″	13′ 3″
		12″	16′ 7″	15′ 10″	14′ 2″
2 x 8	1⅝ x 7½	20″	19′ 0″	18′ 2″	16′ 2″
		16″	20′ 2″	19′ 3″	17′ 2″
		12″	21′ 8″	20′ 0″	18′ 6″

Note.—Where the attic space above ceiling joists is unfinished but is usable for storage space, or if the space is suitable for finishing into fu-

ture habitable rooms, the spans for the ceiling joists shall be figured the same as for floor joists.

Ceiling joists shall, wherever possible, serve as ties for the rafters and shall be securely nailed to the rafters.

An adequate opening for access into each attic space shall be provided to allow for inspection and repair.

All attics and spaces between flat roofs and ceilings shall be ventilated by screened louvres or other means approved by the building inspector.

Collar beams of 1 by 6's or 2 by 4's shall be installed on at least each third pair of roof rafters and shall be securely nailed to the rafters. Maximum spacing of collar beams, 5 feet o. c.

Where ceiling joists serve as collar beams and occur above the midpoint of the rafter, adequate provision shall be made for tying the lower end of the rafter to the floor construction. When the installation of this tie is not possible because of structural conditions, the rafter size shall be increased sufficiently to support the roof load without thrust or undue bending in the lower end and the size of the collar beams shall be not less than that of the rafters.

In flat roof construction, when the ceiling is suspended from the roof, the spans for the roof joists shall be as required in the floor joist table. The ceiling joists shall be 2 by 4's of same spacing as roof joists and supported by 1 by 4 inch hangers spaced not more than 6 feet o. c. and securely nailed to sides of the roof and ceiling joists.

Maximum spans for wood roof rafters shall be as listed in the following table, and are based on a total live and dead load of 40 pounds per square foot, uniformly distributed. (The live load is considered as acting normal to the roof surface.)

MAXIMUM CLEAR SPANS OF RAFTERS

For wood and asphalt shingle roofs (rafters for slate, tile or asbestos-cement (rigid) shingle roofs shall be of sufficient size to carry the load).

Assumed total live and dead load—40 pounds per square foot.

(Clear span shall mean the distance measured horizontally from plate to a point directly beneath the ridge. The actual rafter length will depend on the roof slope and must be determined accordingly.)

For Roof with a Minimum Slope of 5 to 12

Lumber Size			Maximum Clear Span		
			Min. Fiber stress 1200 lbs.	Min. Fiber stress 1000 lbs.	Min. Fiber stress less than 1000 lbs.
Nominal	Actual	Spacing Center to Center	Doug. Fir (Coast Region & Inland Empire) Sou. Yell. Pine, Western Larch	West Coast Hemlock, Cypress, Redwood, Tamarack	All Other Soft Wood
2 x 4	1⅝ x 3⅝	24"	6' 6"	6' 1"	5' 1"
		20"	7' 3"	6' 7"	5' 6"
		16"	8' 1"	7' 4"	6' 2"
		12"	9' 4"	8' 6"	7' 2"
2 x 6	1⅝ x 5⅝	24"	10' 3"	9' 4"	7' 8"
		20"	11' 4"	10' 5"	8' 8"
		16"	12' 6"	11' 5"	9' 6"
		12"	14' 2"	13' 1"	11' 0"
2 x 8	1⅝ x 7½	24"	13' 8"	12' 6"	10' 0"
		20"	15' 2"	13' 8"	11' 0"
		16"	16' 7"	15' 3"	12' 1"
		12"	18' 4"	16' 7"	14' 3"

Note.—Where the allowable fiber stress of the species of wood used is in excess of 1200 pounds, increased spans will be permitted provided they are determined on the same basis as used for this table. Rafters on roofs with slopes less than 5 to 12 shall be figured same as floor joists.

Rafters shall be securely spiked to the wall plate. Opposing rafters shall be framed directly opposite each other at the ridge. There shall be a ridge board at all ridges and a valley rafter at all valleys. The depth of the ridge board and valley rafter shall be not less than the cut end of the abutting rafters. Valley rafters shall be not less than 2 inches thick for spans less than 12 feet, and 4 inches thick for spans over 12 feet.

All openings in roof construction for dormer windows which are not supported on partitions shall be frame with doubled rafters and headers.

Requirements for headers and trimmers for roof framing around chimneys shall be the same as required for floors except that for a sloping roof where headers are less than 4 feet in length and the chimney is either at the ridge or the eaves, the trimmers may be single.

Roof rafters shall be covered with 1 inch T. & G. roof sheathing not more than 8 inches in width, laid closed for tile, slate, asbestos-cement, or asphalt shingles; or 1 by 4 inch shingle lath for wood shingle roof, spaced according to shingle exposure. All roof sheathing and shingle lath shall be securely nailed to rafters at each bearing.

End-matched (T. & G.) boards may be used for roof sheathing; provided, that no two adjoining boards break joints over the same rafter space and each board shall bear on at least two rafters.

Crickets or chimney saddles shall be installed on the upper side of all chimneys that are not in contact with the ridge.

Exterior Walls. Wood stud walls shall have corner posts built up using—

(1) Two 2 by 4 pieces with a 2 by 6 member between; or

(2) A 4 by 6 solid post with a 2 by 4 piece to form the interior lathing corner, or

(3) Three 2 by 4 pieces arranged to form the interior lathing corner.

Studs shall be not less than 2 by 4's spaced not more than 16 inches o. c.

All window and door openings shall have studs doubled on jambs. The inner stud shall be cut to receive the lintel or header over the opening and shall extend in one piece from lintel or header to bearing.

Lintels or headers over all openings shall be doubled and shall be set on edge. Spans for lintels or headers shall not exceed the following for the size given:

Spans up to 4 feet: Two 2 by 4's.
Spans 4 feet to 5½ feet: Two 2 by 6's.
Spans 5½ feet to 7 feet: Two 2 by 8's.
Spans over 7 feet: Two 2 by 10's.

In lieu of lintels, trussed construction may be used.

All risers shall be the same height for each story.

Open basement stairs shall have stringers not less than 2 inches thick. If treads are less than 1⅛ inch thick, a third stringer shall be installed. (7-3-51, § 17.)

Sec. 1-20. Live loads.

The live loads in all structures shall consist of all loads other than

those covered under the heading of "dead loads" and shall not be less than the following:

	Lbs. Per Sq. Ft.
Dwellings	40
Hotels (upper floors), apartment houses, tenements, dormitories, hospitals, asylums	40
(But all stair, stair landings, hall and corridors and any other portion having a public use shall be designed to sustain a live load of 100 pounds per square foot.)	
Office buildings (ground floor), corridors, stairs and lobbies in all buildings of public nature	100
Office buildings (upper floors)	70
School rooms, theatre galleries, churches, stables	70
Assembly rooms, main floor of theatres, ball rooms, gymnasium, any rooms to be used for drilling or dancing, grandstands:	
For floors	100
For columns	60
Ordinary stores for light stock, garages	100
Stores for heavy stock, warehouses and light manufacturing	150 to 350
Sidewalks	50
Roofs, from flat to 20 degree pitch	35
Roofs, 20 degree pitch and steeper, on horizontal projection	25

If heavy concentrated loads such as safes, armatures or other special machinery are likely to occur on floors special provisions shall be made for them.

For structures carrying traveling or moving machinery fifty percent shall be added to the stairs resulting from such live loads to provide for the effects of impact and vibration.

All sills and all bearing plates for roof rafters framing into masonry walls shall be bolted to the masonry walls with one-half inch bolts bedded firmly in the masonry and spaced not more than eight feet apart.

All sills and girders on top of foundation walls and piers shall be levelled, shimmed up with slate chips or brick, and thoroughly bedded in cement mortar.

Top plates shall be not less than doubled 2 by 4's which shall lap at all corners and at all intersecting partitions. All such laps shall be securely spiked.

Wood sheathing, when laid diagonally on exterior walls, shall be applied at approximately 45 degrees and extend in opposite directions on each side adjoining at the corner, and corner bracing will not be required.

In all cases except where diagonal wood sheathing is used, all external corners shall have diagonal 1 by 4 inch braces let into the outside face of the studs at approximately 45 degrees and wherever possible shall extend from sill to plate. Braces shall be securely nailed to each stud and to sill and plate. When openings occur near the corners, 1 by 4 inch knee braces let into the face of the studs shall be installed above and below the openings at approximately 45 degrees extending across not less than 3 stud spaces.

Wood sheathing boards shall be 1 inch thick, not more than 8 inches wide, laid closed with each board drawn up tight and securely nailed at each stud or bearing point. Jointing shall occur over the center of and parallel to the studs.

Note.—End-matched (T. & G.) boards may be used for sheathing provided no two adjoining boards break joints over the same stud space, and each board shall bear on at least two studs.

When shingles are applied over other than wood sheathing boards, 1 by 2 inch nailing strips shall be used, nailed to the studs over the building paper and spaced according to the shingle exposure.

Wood sheathing boards shall be installed and laid closed under rigid shingle siding where shingle butt thickness is less than 3/8 inch.

All exterior finish shall be backed up with water-resisting building paper or saturated asphalt felt and shall be applied over all types of sheathing without exception. Each lap shall be not less than 4 inches with at least a four-inch lap on the water-resisting material around openings. All exterior openings in frame walls shall have strips of water-resisting building paper or saturated asphalt felt installed behind the exterior trim.

Studs in exterior frame walls may run from sill to roof line provided they do not exceed 20 feet in length. Studs shall be in continuous lengths without splicing. Floor joists supported on exterior frame walls shall bear on 1 by 6 inch ribbons let into the inside face of the studs. Joists bearing on ribbons shall be securely nailed to the studs. Where the wall height exceeds 20 feet, a doubled

2 by 4 inch bearing plate shall be installed continuous at the second flood level.

Interior partitions. All bearing partition studs shall be not less than 2 by 4's spaced not more than 16 inches o. c. set the four-inch way.

Nonbearing partition studs may be 2 by 4's spaced 16 inches o. c. set the two-inch way for walls around closets and chimneys, for walls not exceeding 6 feet of unsupported length which contain openings, and for wall exceeding 6 feet provided they are devoid of openings.

All openings in interior bearing partitions shall have jambs and heads double-framed same as required for exterior openings. Jambs and heads of openings in nonbearing partitions shall be 2 by 4's doubled.

The top plates of all bearing partitions shall be doubled. All partition plates shall lap at all intersecting partitions and at outside walls, and shall be securely spiked.

When partitions frame on top of the joists or subfloor, the studs shall bear on a sole plate at least 2 inches thick.

Where nonbearing partitions run parallel to the second floor joists a lathing member shall be placed above the partition plate and shall be wide enough to provide nailing surface for ceiling lath.

Wood-bearing partitions in cellars or basements will not be acceptable.

No stud shall be cut more than half its depth to receive piping and duct work. If more depth is required, the partition studs shall be increased accordingly. Where the running of piping and duct work necessitates the cutting of plates, proper provision, acceptable to the building inspector, shall be made for tying together and supporting all structural members affected by such cutting.

Corners for all rooms shall be framed solid for lath or other interior finish.

All interior partitions connecting to masonry walls shall have the end stud anchored to the masonry with not less than three one-half inch bolts in each story height.

Stairs. Main stairways shall have not less than 6 feet 8 inches continuous clear headroom measured vertically from the front edge of the tread to a line parallel to the stair run.

In figuring the stair run, the treads shall be not less than 9 inches wide, risers shall be not more than 8¼ inches high, and tread shall

be so proportioned to riser that an easy run is obtained. The width of tread, including the nosing, shall be not less than 10¼ inches.

The cutting and framing of all structural members such as stringers and landings shall be such that the development of their full strength will not be impaired. Stringers shall have solid bearing at top and bottom. The minimum effective depth of wooden stair stringers shall be 3½ inches.

If winders are used, the width of treads at 18 inches from the converting end shall be not less than the tread width on the straight stair run. (7-3-51, § 19.)

Sec. 1-21. Amendments and appeals.

The board of county supervisors shall appoint a committee of seven members consisting of a representative of each of the following:

Board of county supervisors
Builder or contractor
Architects' group
Engineers' group
Planning commission
Real estate board
Citizens' group

It shall be the responsibility of this committee to meet regularly to (1) hear any appeal for relief from rulings made under this Code or any hardships resulting from the existence of this Code; and (2) to provide continuing review of this Code, and hear and pass upon recommendations for its modification or amendment.

The board of county supervisors shall authorize this committee to make technical revisions or modifications of this Code. (4-1-54.)

CHAPTER 2.

ELECTRICITY.[1]

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§ 2-24. Qualifications of journeymen electricians.
§ 2-25. Examination prerequisite to issuance of journeymen's certificate of registration.
§ 2-26. Application for examination for journeymen's certificate.

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1. For state law authorizing board of supervisors of counties to adopt such measures as they may deem expedient to secure and promote the health, safety and general welfare of the inhabitants of their counties, see Code of 1950, § 15-8, par. (5).

§ 2-27. Supervision of examinations for journeymen electrician's certificate.
§ 2-28. Re-examination in event of failure to pass.
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§ 2-40. Identification card of journeyman electricians.
§ 2-41. Employment of learners or apprentices.
§ 2-42. Electrical work done by person on his own premises.

Article I. In General.

Sec. 2-1. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

Electrical contractor. A person having an established place of business, who either in person or by the employment of journeymen, performs the work of installing wires, conduits, apparatus, fixtures and other appliances for carrying or using electricity for light, heat or power purposes.

Electrical work. The work of installing wires, conduits, apparatus, fixtures or other electrical appliances.

Journeyman electrician. A person doing any work of installing wires, conduits, apparatus, fixtures and other appliances, for hire. (5-16-45, § 5; 9-5-45.)

Sec. 2-2. Electrical inspector generally—Creation of office; tenure; removal.

There is hereby created the office of electrical inspector. The

electrical inspector shall be appointed by the board of county supervisors upon recommendation of the county executive and shall not be appointed for a definite tenure, but shall be removable at the pleasure of the board of county supervisors. (5-16-45, § 1.)

Sec. 2-3. Same—Qualifications.

The person chosen to fill the office of electrical inspector shall be of good moral character, shall be possessed of such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment; shall be well versed in approved methods of construction for safety to persons and property, the statutes of the state relating to electrical work and any orders, rules and regulations issued by authority thereof, and the National Electrical Code, as approved by the American Standards Association, shall have had at least three years' experience as an electrical inspector or in the installation of electrical equipment, or in lieu of such experience shall be a graduate in electrical or mechanical engineering of a college or university considered by the board of county supervisors as having suitable requirements for graduation and shall have had two years' practical electrical experience. (5-16-45, § 1.)

Sec. 2-4. Same—Bond.

Before entering upon the discharge of his duties, the electrical inspector shall file a bond in a penalty to be fixed by the board of county supervisors, payable to the board of county supervisors, and approved by the clerk of the board of county supervisors and conditioned upon the faithful performance of his duties. (5-16-45, § 1.)

Sec. 2-5. Same—Oath; filing certificates of oath and appointment.

The electrical inspector shall take and subscribe an oath, the certificate of which, together with the certificate of his appointment, shall be filed with the clerk of the board of county supervisors. (5-16-45, § 1.)

Sec. 2-6. Same—Duties generally.

The electrical inspector shall supervise, control and inspect the

installation of wiring, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power purposes, within the county and shall see that the same shall be installed in the manner prescribed by this chapter or any amendments hereto. The electrical inspector may delegate any of his powers or duties to any of his assistants. (5-16-45, § 3.)

Sec. 2-7. Same—Salary of inspector and assistants.

The electrical inspector and the assistant electrical inspectors shall be paid for their services once a month on a check warrant drawn by the board of county supervisors. The amount of the salary of the electrical inspector and assistant electrical inspectors shall be set by the board of county supervisors. (5-16-45, § 9.)

Sec. 2-8. Permit for installation of wires, appliances, etc.

It shall be the duty of any person installing wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power purposes falling within the provisions of this chapter, to procure a permit from the electrical inspector of the county before commencing such work. The fee for such permit shall be paid to the director of finance of the county at the time of procurement. (5-16-45, § 7; 9-5-45.)

Sec. 2-9. Inspection of installation of wires, etc., generally; certificates of compliance with chapter.

It shall be the duty of the electrical inspector to follow the installation of the work of installing wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power purposes falling within the provisions of this chapter and satisfy himself that the same is being done in accordance with the provisions of this chapter and, upon the completion of such work in accordance with the provisions of this chapter, it shall then be the duty of the electrical inspector to issue a certificate to the power company or person installing a power plant on any property to the effect that such work had been done in accordance with the provisions of this chapter and authorizing the use of electric current therein.

It shall be the duty of the electrical inspector to refuse to grant such a certificate until all of the provisions of this chapter have been complied with. It shall be unlawful for any person to con-

nect to any wiring or to furnish current in any building, fixture, motor or open wiring before a certificate therefor has been issued by the electrical inspector. (5-16-45, §§ 7, 11; 9-5-45.)

Sec. 2-10. Covering electrical work prior to inspection and approval; when inspection to be made.

It shall be unlawful for any person to cover or conceal any electrical work in any building until such work has been inspected and approved by the electrical inspector. Such inspection shall be made by the electrical inspector within forty-eight hours after he has been notified by the person doing the electrical work that such work is ready for inspection. (5-16-45, § 10.)

Sec. 2-11. Permit fees; number of inspections.

The permit fee referred to in section 2-8 of this volume for issuing such a permit shall be payable in advance and before any inspection shall be made by the electrical inspector, shall be as follows:

(a) *General wiring*: Service entrance with four branch circuits or less, for lighting and convenience outlets or small fixed appliances, three dollars. Each additional four circuits or fraction, one dollar. Three-wire branch circuits will be considered the same as two two-wire branch circuits and will be charged for accordingly. Circuits added to existing service will be charged for, same as above.

(b) *Lighting fixtures, ceiling fans and heating devices or appliances*: One KW or less capacity which are not used jointly with other apparatus, each ten or fractional part thereof, one dollar. Lamp sockets and lamp receptacles, not an actual part of fixtures will, for the purpose of fixing the fee, be considered as individual fixtures.

(c) *Electric heating devices*: Each range, clothes dryer or other heating device of over one KW capacity with circuit wiring, but not including water heaters, on regular wiring permit with other building wiring, each one dollar. Device with circuit only or with service entrance change, three dollars.

(d) *Electric hot water heater*: All wiring for heater on regular wiring permit with other building wiring, each one dollar and fifty cents. All wiring for heater only, three dollars, including main service change if necessary.

(e) *Service*: Service entrance replacement only, three dollars.

(f) *Fractional horsepower motor driven fixed device or appliance*: Oil burners, stokers, gas burners with electrical controls, garbage disposal units, dishwashers, water pumps, etc., except gasoline pumps, on regular wiring permit with other building wiring, each one dollar. Device with circuit wiring only, three dollars.

(g) *Motors*: One motor, one horsepower and over with circuit wiring, three dollars. Each additional motor one to five horsepower, one dollar. Each additional motor, six to fifteen horsepower, each two dollars. Each additional motor, over sixteen horsepower, each three dollars.

(h) *Gasoline pumps:* One to four pumps including lights in pump only, three dollars. Each additional pump, one dollar.

(i) *Signs*: Outdoor signs, one, three dollars. Each additional, one dollar. Electric signs inside buildings will be considered the same as fixtures and will be charged for as under (b) of this section.

(j) *Marquee or outline lighting, incandescent*: First fifty sockets, three dollars. All over fifty sockets, each five cents.

(k) *Vacuum tube type signs on outline lighting*: One transformer, three dollars. Each additional transformer, one dollar.

(l) *Transformers*: For inspection of each separate bank of power transformers, consisting of one to three transformers, including primary wiring in excess of six hundred volts, three dollars. Bell ringing transformers of not over twenty-five watt capacity, no charge.

(m) *Carnivals, circuses, indoor and outdoor exhibitions*: For inspection of all temporary wiring, motors and devices requiring transformer capacity over ten KW, ten dollars.

(n) *Temporary permits,* two dollars. This to include temporary service on poles or sheds and wiring for lawn fetes.

(o) *Fixed appliance or device*: A fixed appliance or device, as applied to this section, is one which is obviously intended, by size, weight, permanancy of connections and type of service, not to be readily moved from place to place.

(p) *Minimum service entrance amperes capacity*: Any occupancy, for human habitation, with a total connected load of over

fourteen thousand watts, including lighting and fixed appliances shall have a minimum service entrance of one hundred amperes capacity.

Lighting loads and demand factor calculations shall be not less than required by the National Electrical Code.

(q) *Temporary or permanent electric service connections*: No temporary or permanent electric service connection for light, heat or power purposes will be granted until necessary permits are secured from the electrical inspector for oil burners, gas burners, or stokers in each occupancy.

Any items not covered in the foregoing schedule of fees will be charged for under (a) of this section.

Upon the payment of the permit fee it shall be the duty of the electrical inspector to make not more than two inspections of such work. Should additional inspections be necessary, due to the failure of the person installing such work to install the same in accordance with the provisions of this chapter, such person shall pay an additional fee of one dollar for each additional inspection. Any additional inspections made by the electrical inspector for causes other than the negligence of the person installing such work except for the inspection of temporary service, shall be made without charge. (5-16-45, § 5; 9-5-45; 7-6-54.)

Sec. 2-12. Correction of defects generally.

When any electrical equipment is found by the electrical inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs necessary in the judgment of the electrical inspector, to place such equipment in safe condition. If such work is not completed within ten days or any longer period that may be specified by the electrical inspector in such notice, the electrical inspector shall have the authority to disconnect or order the discontinuance of electric service to the electrical equipment. (5-16-45, § 3.)

Sec. 2-13. Wiring in schools, churches, stores, etc.

It shall be the duty of the electrical inspector to make reinspections from time to time at his discretion of the electrical wiring in all schools, churches, stores, gas or filling stations, dance halls, hotels, inns, tourist homes, tourist camps, public halls or any other

place used as a place of public entertainment or public assemblage. No charge is to be made by the electrical inspector for this service.

Upon finding defects in such wiring it shall be the duty of the electrical inspector to notify the owner of such public place of such defects and to further notify such person that such work must be remedied within thirty days from the date of such notification.

It shall be the duty of the owner of such premises to correct any defective wiring thus reported to him within thirty days from the date of notification thereof. It shall be the duty of such owner to procure a permit and to have the same inspected by the electrical inspector in the same manner as other work done under this chapter. (5-16-45, § 12.)

Sec. 2-14. Disconnection of electrical equipment in case of emergencies.

In cases of emergency where necessary for safety to persons or property or where electrical equipment may interfere with the work of the fire department, the electrical inspector shall have the authority to immediately disconnect or cause the disconnection of any electrical equipment. (5-16-45, § 3.)

Sec. 2-15. Compliance with National Electrical Code and supplementary rules of electrical inspector.

All electrical work done in the county shall be done in the manner prescribed by the edition of the National Board of Fire Underwriters' Code, known as the National Electrical Code, 1951 Edition, in effect at the time such work is done, together with such supplementary rules as may be issued from time to time by the electrical inspector of the county. Copies of such supplementary rules shall be furnished to all persons requesting same.

Three copies of the National Electrical Code shall be kept on file in the office of the clerk of the board of county supervisors. Such copies will be available for public inspection during office hours. (5-16-45, § 6; 9-5-45.)

Sec. 2-16. Exception as to electric public service plants, etc.

This chapter shall not be construed to apply to the installation, repairing and wiring by electric public service plants or by elec-

tric railroad companies, in connection with the erection, construction, maintenance or repair of lines for transmission of electricity from the source of supply to the service switch on the premises where used; nor to work of such plants or companies on premises owned or controlled by them; nor to work of municipal electric plants or of such electric companies in installing, maintaining and repairing on the premises of customers, service connections and meters and other company owned apparatus and utilities appliances after installation nor to work in connection with the lighting of public ways or alleys; nor to the work of companies, maintaining or repairing wires, apparatus, fixtures or other appliances used by such companies and necessary for and incident to their business. (5-16-45, § 5; 9-5-45.)

Article II. Board of Electrical Examiners and Certificates of Registration.

Sec. 2-17. Board—Creation; designation; composition; appointment and term of members.

There is hereby created a board of five members, to be known and designated as the board of electrical examiners. The board of electrical examiners shall consist of the electrical inspector, by virtue of his office, who shall act as chairman, two duly registered electricians in good standing, one representative of the local electric public utility and one layman. The members of the board of electrical examiners, except the electrical inspector, shall be appointed for a term of five years by the board of county supervisors. (5-16-45, § 4; 9-5-45.)

Sec. 2-18. Same—Vacancies.

Any vacancies on the board of electrical examiners shall be filled for the remainder of the term as provided in this article. (5-16-45, § 4; 9-5-45.)

Sec. 2-19. Same—Removal of members.

Members of the board of electrical examiners may be removed for cause or otherwise by the board of county supervisors. (5-16-45, § 4; 9-5-45.)

Sec. 2-20. Same—Compensation; expenses.

The members of the board of electrical examiners shall serve without compensation. All incidental and clerical expenses relative to the administration of this article by the board of electrical examiners shall be paid by the board of county supervisors out of the county levy fund. (5-16-45, § 4; 9-5-45.)

Sec. 2-21. Same—Recommendation of members by electrical inspector.

The electrical inspector shall recommend for appointment the personnel of the board of electrical examiners. (5-16-45, § 4; 9-5-45.)

Sec. 2-22. Same—Duties generally.

The board of electrical examiners shall set up and designate the standards and qualifications for persons applying to the board for certificates of registration, shall determine the qualifications and standards to be required of persons who receive certificates of registration and may require oral or written examinations, either or both. The board shall also designate the time and place of their meetings, the time and place of examinations, and may determine any other matters of procedure not inconsistent with the provisions of this chapter. (5-16-45, § 4; 9-5-45.)

Sec. 2-23. Certificate of registration prerequisite to acting as electrical contractor or journeyman electrician.

No person shall enter into, engage in or work at the business of installing wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power purposes, as a journeyman electrician, unless such person shall have received a certificate of registration issued by the board of electrical examiners in accordance with the provisions of this article. (5-16-45, § 5; 9-5-45.)

Sec. 2-24. Qualifications of journeymen electricians.

Applicants for a journeyman electrician's certificate must have had at least one year's experience as a journeyman electrician or helper. (5-16-45, § 5; 9-5-45.)

Sec. 2-25. Examination prerequisite to issuance of journeymen's certificate of registration.

The board of electrical examiners, before issuing a journeymen's certificate of registration to any applicant, shall examine the applicant therefor. (5-16-45, § 4; 9-5-45.)

Sec. 2-26. Application for examination for journeymen's certificate.

Application for examination referred to in the preceding section shall be in writing. (5-16-45, § 5; 9-5-45.)

Sec. 2-27. Supervision of examinations for journeymen electrician's certificate.

Examinations for journeymen's certificates of registration may be supervised by one or more of the members of the board of electrical examiners. (5-16-45, § 4; 9-5-45.)

Sec. 2-28. Re-examination in event of failure to pass.

Upon failure of any applicant for a journeymen's certificate to pass an examination given by the board of electrical examiners, he shall be eligible for re-examination one month after failure, but if he fails at such re-examination, then he will be ineligible for examination until a further lapse of six months. No fee shall be charged for such re-examinations. (5-16-45, § 5; 9-5-45.)

Sec. 2-29. Sanction of board of electrical examiners necessary for granting of certificates.

No registration card or certificate of registration shall be granted without the sanction of the board of electrical examiners. (5-16-45, § 4; 9-5-45.)

Sec. 2-30. Issuance of journeymen's certificates of registration.

If an applicant is approved by the board of electrical examiners, the board shall issue to the applicant a journeymen's certificate of registration setting forth that such applicant has been duly examined and approved by the board of electrical examiners.

A journeyman electrician's certificate, herein called certificate

"B", shall be granted to any person who has passed the journeyman electrician examination before the board of electrical examiners. It shall specify the name and address of such person who shall thereby be authorized to engage in the occupation of a journeyman electrician. (5-16-45, §§ 4, 5; 9-5-45.)

Sec. 2-31. Issuance of electrical contractor's certificate of registration.

An electrical contractor's certificate, herein called certificate "A", shall be granted to any person engaged in or about to engage in the business of installing electrical wires, conduits, apparatus, fixtures and other electrical appliances qualified under this chapter. The certificate "A" shall specify the name and address of the person to whom issued. (5-16-45, § 5; 9-5-45.)

Sec. 2-32. Bond prerequisite to electrical contractor's certificate of registration.

Before any electrical contractor's certificate of registration, herein called certificate "A", shall be issued the applicant therefor shall give a bond payable to the board of county supervisors in the sum of one thousand dollars with surety approved by the clerk of the board of county supervisors and conditioned to indemnify and save harmless the county as well as any other person, from all expense and damage that may be caused by any negligent, defective or inadequate work done in the county under his certificate. When any electrical work has been done by an electrical contractor, which shall be deemed defective or inadequate by the electrical inspector and the contractor shall fail to revise or put such work in proper condition to the satisfaction of the electrical inspector within ten days after written notice from the electrical inspector so to do, the bond shall be forfeited and the principal and surety on such bond shall ipso facto be and become liable for, and shall pay so much on account of such bond as may be necessary to perfect such work and, in addition thereto, shall pay any and all damages which may be occasioned to any person by reason of such defective or inadequate work. This bond shall be deposited with the clerk of the board of county supervisors. (5-16-45, § 5; 9-5-45.)

Sec. 2-33. Journeymen's certificates of registration restricted to specialized branches of industry.

In connection with the issuance of journeymen's certificates of registration, the board of electrical examiners shall give due consideration to the specialized branches of the industry, such as radio, electrical signs, oil burners, motors, etc., and may issue certificates of registration restricted to the specific field in which the applicant is qualified to perform electrical work falling within the scope of this chapter. (5-16-45, § 4; 9-5-45.)

Sec. 2-34. Revocation or suspension of certificates of registration.

Certificates of registrations shall be subject to revocation or suspension by the board of electrical examiners at any time for good cause. It shall be unlawful for any person, whose certificate of registration has been so revoked or suspended, to enter into, engage in or work at the business of installing wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power purposes during the period for which such certificate of registration is revoked or suspended. (5-16-45, § 4; 9-5-45.)

Sec. 2-35. Term and renewal of certificates of registration; re-examination upon failure to renew.

Certificates of registration shall be issued for one year, commencing on July first of each year. Certificates of registration shall be renewed on or before July first of each year thereafter. Anyone failing to renew his journeymen's certificate of registration on or before August first of any year must be re-examined before a new certificate of registration can be issued.

Any journeymen's certificate of registration expiring while the holder thereof is in the military or naval service of the United States shall be renewed without further examination, upon payment of the prescribed fee, at any time within four months after such person's discharge from the service. (5-16-45, § 4; 9-5-45.)

Sec. 2-36. Registration fees.

Applicants for certificate "A" shall be eligible to receive such certificate upon the payment of the registration fee which shall be twenty dollars for the first year and five dollars for each renewal.

Applicants for certificate "B" shall pay a fee of one dollar for the first year and each year thereafter. These fees shall be paid by the applicant to the director of finance of the county at the time of obtaining the certificate of registration or renewal thereof. Every holder of certificate "A" shall be entitled to one card, certificate "B", upon passing examination, without cost. (5-16-45, § 5; 9-5-45; 5-7-52; 7-6-54.)

Sec. 2-37. Transfer of certificates of registration.

Certificates of registration shall not be transferable. (5-16-45, § 5; 9-5-45.)

Sec. 2-38. Forms of certificates of registration.

Two forms of certificate of registration shall be issued. The first, referred to as certificate "A", shall be known as "The Electrical Contractor's Certificate" and the second, referred to as certificate "B", shall be known as "Journeyman Electrician's Certificate." (5-16-45, § 5; 9-5-45.)

Sec. 2-39. Display of electrical contractor's certificate.

The holder of an electrical contractor's certificate of registration, herein called certificate "A", shall keep such certificate of registration displayed in a conspicuous place in his principal office or place of business. (5-16-45, § 5; 9-5-45.)

Sec. 2-40. Identification card of journeyman electricians.

The holders of a journeyman electrician's certificate of registration, herein called certificate "B", shall be furnished by the board of electrical examiners with evidence of the fact that such person holds a journeyman electrician's certificate. This evidence may be in card form or otherwise, and shall be carried on the person and exhibited on request. (5-16-45, § 5; 9-5-45.)

Sec. 2-41. Employment of learners or apprentices.

Nothing in this article shall be construed to prohibit the employment of a learner or apprentice working with and under the direct personal supervision of a holder of a journeyman electrician's certificate of registration, herein called certificate "B". (5-16-45, § 5; 9-5-45.)

Sec. 2-42. Electrical work done by person on his own premises.

Nothing in this article shall be construed to prevent a person from doing any of the electrical work described in this chapter when done in person in buildings located on his own property. (5-16-45, § 5; 9-5-45.)

CHAPTER 3.

GAS.[1]

§ 3-1. Appliances and accessories generally.
§ 3-2. Compliance with and adoption of NBFU Pamphlet No. 54 relative to installation of piping and appliances.
§ 3-3. Turning on or reconnecting gas service.
§ 3-4. Adequate supply of gas prerequisite to installation of space-heating appliance.

Sec. 3-1. Appliances and accessories generally.

All gas appliances and accessories hereinafter[2] installed, sold or offered for sale shall conform to reasonable standards of safety. The presence on a gas appliance or accessory of a safety seal or label of a nationally recognized testing agency or a certificate or letter of approval from such agency or the inclusion of an appliance or accessory in an approved listing by such agency shall be prima facie evidence that such appliance or accessory conforms to reasonable standards of safety. Such nationally recognized testing agency shall be one qualified and equipped to perform and one that does perform periodic inspections of current models or gas appliances and accessories. (4-2-52, § 1.)

Sec. 3-2. Compliance with and adoption of NBFU Pamphlet No. 54 relative to installation of piping and appliances.

Installation of appliances, accessories and piping that complies

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1. For state law authorizing boards of supervisors of counties to adopt such measures as they may deem expedient to secure and promote the health, safety and general welfare of the inhabitants of their counties, see Code of 1950, § 15-8, par. (5). For state law as to injury to gas appliances and as to unlawful use of gas, see Code of 1950, § 18-215.

2. **Editor's note.**—The ordinance here codified was effective on and after May 12, 1952.

with the standards of the National Board of Fire Underwriters for the installation of gas piping and gas appliances in buildings, Pamphlet No. 54, 1950 Edition, shall be considered, prima facie, as conforming to reasonable standards of safety, the provisions of which are incorporated herein by reference as though set out in full in this chapter. The clerk of the board of county supervisors shall keep available in his office copies thereof for study and inspection by any interested parties. (4-2-52, § 2.)

Sec. 3-3. Turning on or reconnecting gas service.

It shall be unlawful for any person, except an authorized agent or employee of the gas supplier, to turn on or reconnect gas service in or on any premises where and when gas service is not at the time being rendered. This section shall not be construed to prohibit an installer from turning on the supply of gas temporarily for the purpose of testing the installation made by him or from turning on gas that he has temporarily turned off for the purpose of connecting an appliance or making repairs. (4-2-52, § 2.)

Sec. 3-4. Adequate supply of gas prerequisite to installation of space-heating appliance.

It shall be unlawful for any person to install any gas appliance for the purpose of space heating without first determining from the gas supplier that adequate facilities are present to supply gas to such appliances in such quantities as will assure reasonably safe and uninterrupted operation. (4-2-52, § 2.)

CHAPTER 4.

SEWERAGE FACILITIES.[1a]

Article I. In General.

§ 4-1. Definitions.
§ 4-2. Responsibility of sanitary engineer for district facilities.
§ 4-3. Employment and compensation of employees, etc.
§ 4-4. Enforcement of article by sanitary engineer.
§ 4-5. Preparation of budget, etc., by sanitary engineer.
§ 4-6. Sanitary engineer to file annual report and inventory.
§ 4-7. Standards of design, construction and operation.
§ 4-8. Sanitary engineer's right of entry.
§ 4-9. Service to owners of premises located outside of district.
§ 4-10. Sewerage works in new subdivisions, etc.
§ 4-11. Removal of covers of manholes, etc.
§ 4-12. Obstructing, etc., sewers.
§ 4-13. Tampering with manholes, tanks, etc.
§ 4-14. Damaging or defacing property; cutting trees; dumping refuse or rubbish.

Article II. Connections.

§ 4-15. Connection may be required when private disposal system is not satisfactory.
§ 4-16. Connection may be required when private disposal system needs cleaning or repair.
§ 4-17. Where construction of private disposal systems prohibited.
§ 4-18. Connection required upon erection of premises.
§ 4-19. Failure to comply with notice to connect; use of private disposal system after notice to connect.
§ 4-20. Permit prerequisite to installation, etc., of connection.
§ 4-21. Application for connection generally; unauthorized use of service.
§ 4-22. Approval of application for connection and payment of permit fee prerequisite to issuance of permit.
§ 4-23. Owners of premises to furnish materials and labor.
§ 4-24. Ownership and repair of connections.
§ 4-25. Supervision, inspection and approval of connections.
§ 4-26. Premises to have separate connection; exception.

1a. Editor's note.—Attention is called to the fact that on May 12, 1954, an ordinance was adopted by the board of county supervisors authorizing and providing for the transfer of the sanitary sewerage system of Sanitary District No. 1 of Fairfax County to the board of county supervisors of Fairfax County for the use and benefit not only of the residents of such district but also for the use and benefit of the residents of the county as an interval part of the comprehensive county integrated sewerage system for the county.

§ 4-27. Depth of connections.
§ 4-28. Prevention of cave-ins in trenches.
§ 4-29. Location of water and sewer connections in same trench.
§ 4-30. Size and material of connections.
§ 4-31. Direction and grade of pipe.
§ 4-32. How joints and connections made generally; requirements as to joints.
§ 4-33. Use of existing branches for connection; connection when branch cannot be located or use thereof is impractical.
§ 4-34. Tapping or puncturing street sewers.
§ 4-35. Installation of standard "test-tee" required.
§ 4-36. Cleanouts.
§ 4-37. Trapping and venting fixtures, etc.
§ 4-38. Connection of drains for surface water, etc., prohibited.
§ 4-39. Where grease or intercepting traps required.
§ 4-40. Static water test.
§ 4-41. Notice that connection is ready for inspection; reinspection when connection is not approved.

Article III. Charges.

§ 4-42. Payment on quarterly basis; board of county supervisors to fix schedule of charges.
§ 4-43. Proration.
§ 4-44. Records; billing generally; when bills due and payable.
§ 4-45. Collection and deposit of remittances.
§ 4-46. Copies of bills, etc., to be furnished to director of finance.
§ 4-47. Copies of receipts for bills collected to be furnished to sanitary engineer.
§ 4-48. Termination of service upon failure to pay charges; resumption of service.
§ 4-49. Enforcement of payment.
§ 4-50. Duties of director of finance generally.
§ 4-51. Adjustment of disputed bills.
§ 4-52. Liability for payment of charges upon transfer of premises.
§ 4-53. Liability for charges upon termination of service.

Article I. In General.[2]

Sec. 4-1. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention the following terms shall, for the purpose of this article, have the meanings indicated in this section:

2. For state law as to sanitary districts in certain counties, see Code of 1950, § 21-120.

District. Sanitary District Number One, in the county.

Facilities of the district. Any sewer, pipe, manhole, pumping station or other appurtenance of the sewerage works which is constructed, installed, operated or maintained in the district by the board of county supervisors.

Owner. Any person having an interest, whether legal or equitable, sole or only partially, in any premises which are, or are about to be, served by the facilities of the district.

Premises. Any building, group of buildings, other dwelling units or land upon which buildings are to be constructed which are, or are about to be, served by the facilities of the district.

Premises having access to the facilities of the district. Any premises of which any part abuts a highway, street, alley, public space or private property in which the facilities of the district are located or of which any part is located not more than three hundred feet distant from the facilities of the district, and which can be served by the facilities of the district.

Sanitary engineer. The sanitary engineer or his duly authorized representative directed and authorized by the board of county supervisors to supervise the operation of the facilities of the district.

Sewerage facilities of premises. Any plumbing system, piping system, fixtures or other appurtenance which is designed to carry the normal domestic liquid or liquid-carried wastes from premises to a system of sewage disposal. (4-18-45, § 1.)

Sec. 4-2. Responsibility of sanitary engineer for district facilities.

The sanitary engineer, in addition to all other duties imposed upon him herein, shall have direct charge of the facilities of the district now operated or hereafter to be operated by the board of county supervisors and he shall be responsible for the operation and maintenance thereof. (4-18-45, § 4, A, par. 1.)

Sec. 4-3. Employment and compensation of employees, etc.

In order that proper operation and maintenance of the facilities of the district may be afforded, the sanitary engineer shall employ such labor or help as may be necessary to enable him to dis-

charge the duties of his office. The employment of such assistants or employees and the compensation to be paid for their services shall be approved by the board of county supervisors. (4-18-45, § 4, A, par. 2.)

Sec. 4-4. Enforcement of article by sanitary engineer.

The sanitary engineer shall carry out and enforce all of the provisions of this article which have not been designated as the duty of any other officer of the board of county supervisors. (4-18-45, § 4, A, par. 3.)

Sec. 4-5. Preparation of budget, etc., by sanitary engineer.

Prior to the beginning of each fiscal year, the sanitary engineer shall prepare and submit to the board of county supervisors a detailed budget for the operation of the facilities during such fiscal year, together with a suggested schedule of the rates to be charged for the service to be rendered during that year. (4-18-45, § 4, A, par. 4.)

Sec. 4-6. Sanitary engineer to file annual report and inventory.

Subsequent to the end of each fiscal year, the sanitary engineer shall render to the board of county supervisors a complete inventory of all materials, supplies, stock and equipment belonging to the district, together with an annual report setting forth in detail the operation of the facilities of the district during such fiscal year. (4-18-45, § 4, A, par. 5.)

Sec. 4-7. Standards of design, construction and operation.

The sanitary engineer shall prepare such standards as may be necessary to regulate the design, construction and operation of sewerage works to be constructed in the district which affect or may affect the facilities of the district now, or hereafter to be operated by the board of county supervisors. The standards shall be amended from time to time as conditions warrant and shall be subject to the approval of the board of county supervisors. (4-18-45, § 4, A, par. 6.)

Sec. 4-8. Sanitary engineer's right of entry.

All premises connected to the facilities of the district shall, at all reasonable hours, be open to the sanitary engineer for the purpose of installing, removing or repairing the facilities of the district or for inspecting the premises, fixtures and appurtenances therein which are connected to the facilities of the district. (4-18-45, § 7, A, par. 1.)

Sec. 4-9. Service to owners of premises located outside of district.

Any owner of premises which are located outside of the boundaries of the district who desires to connect the sewerage facilities of such premises to the facilities of the district shall be permitted to do so; provided, that such owner shall agree to observe and comply with all ordinances and rules and regulations adopted by the board of county supervisors concerning the service rendered by the facilities of the district, to pay all charges for service rendered to such premises by such facilities, whether such service is rendered to such owner, his subtenant or assignee until such time as the board of county supervisors shall receive proper notice to discontinue the service and terminate such agreement, and to pay all taxes that the board of county supervisors may levy on such premises to meet operating expenses or interest and sinking fund charges upon any bonds issued on behalf of the district; provided, however, that such taxes be not computed upon a rate greater than the rates applying to like property within the district enjoying the service rendered by such facilities. (4-18-45, § 7, A, par. 4.)

Sec. 4-10. Sewerage works in new subdivisions, etc.

Any person contemplating any new subdivision, development or project within the district shall, before commencing with the construction thereof, furnish to the sanitary engineer, in triplicate, the plans, specifications and contract documents for the sewerage works contemplated to be constructed therein which affect or may affect the facilities of the district operated by the board of county supervisors. The construction of such sewerage works shall not commence until the plans, specifications and contract documents therefor have been approved by the sanitary engineer.

Such plans, specifications and contract documents shall be sub-

mitted in the manner required by the sanitary engineer and as approved by the board of county supervisors.

The sanitary engineer shall review such plans, specifications and contract documents to determine whether or not they comply with the standards for the construction of sewerage works as approved by the board of county supervisors and if so complying, to approve the same for construction.

Any deviation from the manner of submitting such plans, specifications and contract documents or from the standards as approved by the board of county supervisors shall be cause for a refusal of review or examination or approval by the sanitary engineer, subject to appeal to the board of county supervisors.

Any person contemplating the construction of such sewerage works shall, at the time of submitting the plans, specifications and contract documents therefor, agree, by a written contract approved by the attorney for the commonwealth, that if such plans, specifications and contract documents are approved, that upon the completion of the construction of such sewerage works and the approval thereof by the sanitary engineer the sewerage works so constructed will become the property of the board of county supervisors and will thereafter be subject to all of the regulations concerning the facilities of the district as approved by the board of county supervisors. (4-18-45, § 5, A, par. 5.)

Sec. 4-11. Removal of covers of manholes, etc.

No unauthorized person shall remove the cover from any manhole or other opening into the facilities of the district. (4-18-45, § 6, A, par. 1.)

Sec. 4-12. Obstructing, etc., sewers.

No person shall obstruct or cause the obstruction of any sewer or discharge into any sewer any substance which will in any way impair the efficiency of operating and maintaining the facilities of the district. (4-18-45, § 6, A, par. 2.)

Sec. 4-13. Tampering with manholes, tanks, etc.

No unauthorized person shall tamper with any manhole, tank, pumping station or other structure connected to the facilities of the district. (4-18-45, § 6, A, par. 3.)

Sec. 4-14. Damaging or defacing property; cutting trees; dumping refuse or rubbish.

No person shall damage or deface any property of the district, cut any trees or dump any refuse or rubbish upon any part of the property of the district. (4-18-45, § 6, A, par. 4.)

Article II. Connections.

Sec. 4-15. Connection may be required when private disposal system is not satisfactory.

It shall be the duty of the county health department, upon notification by the sanitary engineer, to inspect the systems of sewage disposal maintained on those premises having access to, but not connected to, the facilities of the district for the purpose of ascertaining whether or not such systems are operating satisfactorily, and, if any are found to be operating unsatisfactorily, the county health department shall notify the owners of the premises served thereby to connect the sewerage facilities of such premises to the facilities of the district in the manner provided by this division within a fixed period of time. (4-18-45, § 2, A, par. 1.)

Sec. 4-16. Connection may be required when private disposal system needs cleaning or repair.

No privy, septic tank system or other system of sewage disposal serving any premises within the district having access to the facilities of the district shall be cleaned or repaired in any manner to improve its operating condition. The county health department shall notify the owner of such premises to connect the sewerage facilities thereof to the facilities of the district in the manner provided by this division within a fixed period of time. (4-18-45, § 2, A, par. 2.)

Sec. 4-17. Where construction of private disposal systems prohibited.

No privy, septic tank system or other system of sewage disposal designed to serve any premises having access to the facilities of the district shall hereafter[3] be constructed in the district and the

3. **Editor's note.**—The ordinance here codified was enacted April 18, 1945.

sewerage facilities of such premises shall be connected to the facilities of the district in the manner provided by this division. (4-18-45, § 2, A, par. 3.)

Sec. 4-18. Connection required upon erection of premises.

The sewerage facilities of all premises hereafter[4] erected in the district having access to the facilities of the district, shall be connected to such facilities in the manner provided by this division, and all such premises shall not be occupied until such connections have been completed and approved. (4-18-45, § 2, A, par. 4.)

Sec. 4-19. Failure to comply with notice to connect; use of private disposal system after notice to connect.

Any owner of premises who fails to connect the sewerage facilities of such premises to the facilities of the district after notification by the county health department and within the period of time as fixed by the county health department, or any owner of a premises who permits the use of a privy, septic tank or other system of sewage disposal after notification by the county health department and after the expiration of the period of time as fixed by the county health department for a connection of the sewerage facilities of such premises to the facilities of the district, shall be guilty of a misdemeanor and punished as provided in section 1-6 of volume I of this Code. (4-18-45, § 2, A, par. 5.)

Sec. 4-20. Permit prerequisite to installation, etc., of connection.

No person shall install, alter or repair any connection intended to connect the sewerage facilities of any premises to the facilities of the district until a permit has first been issued by the sanitary engineer. (4-18-45, § 2, B, par. 1.)

Sec. 4-21. Application for connection generally; unauthorized use of service.

Whenever any owner of premises within the district desires to connect the sewerage facilities of such premises to the facilities

4. **Editor's note.**—The ordinance here codified was enacted April 18, 1945.

of the district he, or his duly authorized representative, shall make application for sewerage service on the contract forms furnished by the sanitary engineer. All applications for sewerage service shall clearly indicate the various uses of the various premises for which the services to be rendered by the facilities of the district are to be utilized. Any owner of premises who utilizes the services of the facilities of the district for any use other than that which the application for sewerage service to the particular premises indicated and was approved, without first making application and securing approval thereof for sewerage service to provide the services of the facilities of the district for such other use, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-6 of volume I of this Code. (4-18-45, § 2, B, par. 1.)

Sec. 4-22. Approval of application for connection and payment of permit fee prerequisite to issuance of permit.

A permit for the installation of a connection to provide sewerage service to any premises shall be issued only after an application for sewerage service to such premises is approved by the sanitary engineer and after payment of the requisite connection permit fee, as fixed by the board of county supervisors is paid to the director of finance. (4-18-45, § 2, B, par. 2.)

Sec. 4-23. Owners of premises to furnish materials and labor.

All labor and material necessary for installing connections between premises and street sewers, including those portions located within the rights of way of public or private streets, shall be furnished by the owners of such premises at their own cost and expense. (4-18-45, § 2, B, par. 3.)

Sec. 4-24. Ownership and repair of connections.

The ownership of connections between premises and street sewers, including those portions located within the rights of way of public or private streets, shall be vested in the owners of such premises. The board of county supervisors shall not be responsible for the operation and maintenance of such connections. The board of county supervisors shall not be responsible for the repair of any connection unless the necessity for such repair can be proven to be caused by or

to have been caused by the improper functioning of the street sewer to which it is connected. (4-18-45, § 2, B, par. 4.)

Sec. 4-25. Supervision, inspection and approval of connections.

All connections to the facilities of the district shall be made under the supervision of the sanitary engineer and all matters pertaining to such connections shall be decided by the sanitary engineer subject to appeal to the board of county supervisors. Each connection shall be inspected by the sanitary engineer and, until approval of such is rendered by the sanitary engineer, it shall remain open without any covering and shall not be subject to use. Any person who covers or uses a connection before it is approved by the sanitary engineer shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-6 of volume I of this Code. (4-18-45, § 2, C, par. 1.)

Sec. 4-26. Premises to have separate connection; exception.

The connection of the sewerage facilities of any premises to the facilities of the district shall be separate from and independent of that of any other premises, except where premises are located in the rear of other premises on an interior lot and the facilities of the district are not available or cannot be installed to the rear premises through an adjoining alley, court, yard or driveway, in which case the connection serving the front premises may be extended to the rear premises and the whole shall be considered as one connection. (4-18-45, § 2, C, par. 2.)

Sec. 4-27. Depth of connections.

The depth of connections shall be sufficient to protect such connections from freezing and in no case shall this depth be less than eighteen inches. (4-18-45, § 2, C, par. 3.)

Sec. 4-28. Prevention of cave-ins in trenches.

Trenches shall at all times be protected against cave-ins, and all necessary sheathing, bracing and shoring shall be installed to insure safety in installing and inspecting connections. (4-18-45, § 2, C, par. 4.)

Sec. 4-29. Location of water and sewer connections in same trench.

Water and sewer connections may be located in one trench; provided, that the water connection is benched at least six inches in the side of the trench and at least eighteen inches above the sewer connection and no part or appurtenance of the water connection is located in such a manner that would interfere with the operation of uncovering the complete sewer connection. (4-18-45, § 2, C, par. 5.)

Sec. 4-30. Size and material of connections.

All connections shall be made of single hub cast-iron soil pipe, known commercially as "extra heavy", not less than four inches in diameter, and shall conform to the requirements of Federal Specifications WW-P-401 and subsequent revisions thereof. (4-18-45, § 2, C, par. 6.)

Sec. 4-31. Direction and grade of pipe.

All pipe shall be laid in a straight line. The minimum grade shall be one-quarter inch per foot unless permission for a lesser grade is secured from the sanitary engineer. All changes in direction must be accomplished by the use of standard forty-five degree or long turn bends, "Y" branches or other approved fittings. (4-18-45, § 2, C, par. 7.)

Sec. 4-32. How joints and connections made generally; requirements as to joints.

All joints and connections shall be made watertight. They shall be made in a trench free from water, mud or loose dirt and shall be carefully made to insure a complete seal. Joints shall be firmly packed with oakum or hemp in such a manner that the pipe will be centered in the joint space. The depth of joint space remaining for joint material after such packing shall not be less than one inch. The joint material shall be caulking lead which shall be thoroughly caulked in place. (4-18-45, § 2, C, par. 8.)

Sec. 4-33. Use of existing branches for connection; connection when branch cannot be located or use thereof is impractical.

Connections to street sewers shall be made through existing "Y"

branches previously installed therein or through existing lateral branches previously installed to the property lines of the premises to be connected. Any person who plans to install a connection for any premises shall, at the time of procuring a permit therefor, request the sanitary engineer to furnish him with the location of the "Y" branch or lateral branch that was installed for the premises to be connected and thereafter he shall plan to install the connection so that it will connect to the street sewer or lateral branch at such designated location. In case a "Y" branch or lateral branch was not installed for the premises to be connected, cannot be located or is found to be impractical for use, in the opinion of the sanitary engineer, a connection to the street sewer shall be made by means of inserting an approved cast-iron saddle or thimble in the street sewer and thoroughly cementing the same in place. (4-18-45, § 2, C, par. 9.)

Sec. 4-34. Tapping or puncturing street sewers.

Whenever it is necessary to tap any street sewer for the insertion of an approved saddle or thimble, the street sewer shall be completely uncovered and exposed and the excavation shall be free of all water. No street sewer shall be punctured for a tap or for any other purpose except during the presence of and under the supervision of the sanitary engineer, and at least twenty-four hours' notification of the date and hour when a tap is desired to be made shall be given the sanitary engineer. A section of the connection to be installed adjacent to the street sewer, of reasonable length, shall be assembled and shall be available for insertion into the saddle or thimble before the street sewer is tapped. No street sewer shall be tapped unless the saddle or thimble can be inserted and the section of the connection as aforesaid can be installed immediately after such tapping. (4-18-45, § 2, C, par. 10.)

Sec. 4-35. Installation of standard "test-tee" required.

A standard "test-tee" not less than four inches in diameter shall be installed on each connection at a point not greater than five feet from the point where such connection connects to the street sewer, "Y" branch or lateral branch. (4-18-45, § 2, C, par. 11.)

Sec. 4-36. Cleanouts.

A suitable means for cleaning and rodding each connection shall

be installed at the premises end thereof. Such cleanout shall be a standard "Y", tee or other approved fitting and shall be securely capped and sealed to prevent the entrance of ground-water infiltration. (4-18-45, § 2, C, par. 12.)

Sec. 4-37. Trapping and venting fixtures, etc.

No fixture, plumbing system or other sewerage facilities of any premises shall be connected to the facilities of the district unless the same is adequately trapped and vented. All traps shall depend upon water seals for their action and such water seals shall be at least two inches in depth. (4-18-45, § 2, C, par. 13.)

Sec. 4-38. Connection of drains for surface water, etc., prohibited.

No drain from a roof, paved court, yard, garage, cellar, areaway, subsoil drainage system or any other drain designed to carry any surface water or wastes other than the normal domestic liquid or liquid-carried wastes from premises shall be connected to the facilities of the district. In the event that such a drain from any premises is found to be connected to the facilities of the district, the sanitary engineer shall give the owner of such premises ten days' notification to sever such connection and discontinue the use thereof. Any owner who fails to sever such connection and discontinue the use thereof within the period of time as fixed by the sanitary engineer, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-6 of volume I of this Code. (4-18-45, § 2, C, par. 14.)

Sec. 4-39. Where grease or intercepting traps required.

All waste from restaurants, lunchrooms, garages or other commercial or industrial establishments which contains grease, oil, fat or other deleterious material shall be conveyed in a separate drainage system to a vented grease or intercepting trap that meets the approval of the sanitary engineer before such waste shall be discharged into the connection to the facilities of the district. No connection to serve such premises shall be approved until an approved grease or intercepting trap is installed. (4-18-45, § 2, C, par. 15.)

Sec. 4-40. Static water test.

No connection shall be approved until a static water test as pro-

vided by a height of water not less than ten feet above the elevation of the point where such connection enters the premises indicates that such connection is watertight. (4-18-45, § 2, C, par. 16.)

Sec. 4-41. Notice that connection is ready for inspection; reinspection when connection is not approved.

Any person who desires an inspection of a connection shall give the sanitary engineer at least twenty-four hours' notification of the date and hour when such inspection is desired. In the event that the connection is not approved by the sanitary engineer, such person shall repair the connection and renotify the sanitary engineer, as above, for an additional inspection and shall pay the requisite fee, as fixed by the board of county supervisors for each such reinspection. (4-18-45, § 2, C, par. 17.)

Article III. Charges.

Sec. 4-42. Payment on quarterly basis; board of county supervisors to fix schedule of charges.

All owners of premises who have connected, or who shall hereafter connect, the sewerage facilities of such premises to the facilities of the district shall pay for the use of the same a monthly service charge to be paid quarterly in advance. The schedule of such service charges shall be fixed by a resolution of the board of county supervisors prior to the beginning of each fiscal year, but may be altered at such other times as may in the discretion of the board of county supervisors be necessary. (4-18-45, § 3, A, par. 1.)

Sec. 4-43. Proration.

All owners of premises who have connected, or who shall hereafter connect, the sewerage facilities of such premises to the facilities of the district shall be charged for the service rendered from the first day of the month, following that in which the service was started. There shall be no allowance made in the quarterly charges for service rendered during any period of time less than thirty days. (4-18-45, § 3, A, par. 2.)

Sec. 4-44. Records; billing generally; when bills due and payable.

The sanitary engineer shall keep an accurate record of all premises and owners thereof which are served by the facilities of the district and shall bill each owner quarterly, in advance, in accordance with the monthly service charges as fixed by the board of county supervisors, on or before the first day of each quarter. Payment of all bills shall be made on or before the last day of the first month of each quarter. (4-18-45, § 3, B, par. 1.)

Sec. 4-45. Collection and deposit of remittances.

The director of finance shall collect the remittance for these bills and shall account for them in a separate fund to be known as "Sanitary District Number One Operating Fund". (4-18-45, § 3, B, par. 3.)

Sec. 4-46. Copies of bills, etc., to be furnished to director of finance.

On the date of each billing, the sanitary engineer shall furnish the director of finance with duplicate copies of each bill and with a list of the accounts receivable for that billing period. (4-18-45, § 3, B, par. 2.)

Sec. 4-47. Copies of receipts for bills collected to be furnished to sanitary engineer.

The director of finance shall furnish the sanitary engineer with a duplicate copy of the receipt for each bill collected on the date next following the date that such collection was made. (4-18-45, § 3, B, par. 4.)

Sec. 4-48. Termination of service upon failure to pay charges; resumption of service.

In the event that the quarterly charges are not paid on or before the due date thereof, the director of finance shall notify the sanitary engineer of all delinquent accounts and, upon receipt of such notice, the sanitary engineer shall make arrangements to discontinue service to the premises involved and shall discontinue such service unless such charges are paid by the owners of such premises before the service is actually discontinued. Service shall not be resumed until

all bills of the district standing against such premises have been paid in full and until a sum equal to the cost of discontinuing and resuming the service, as determined by the sanitary engineer, is paid to the director of finance. (4-18-45, § 3, B, par. 5.)

Sec. 4-49. Enforcement of payment.

The payment of all charges shall be enforced in the same manner and to the same extent and with the same rights as now exist or may hereafter be provided by law for the enforcement of claims or demands between individuals. Proceedings as to such enforcement shall be instituted and conducted in the name of the board of county supervisors. (4-18-45, § 3, B, par. 6.)

Sec. 4-50. Duties of director of finance generally.

The director of finance shall take all steps as herein provided, and as otherwise provided for by law, for the collection of any and all delinquent accounts.

The director of finance shall collect all remittances for connection permit fees, discontinuance and resumption of service charges, reinspection fees, etc., and shall account for them in the same manner as the quarterly charges hereinbefore described.

The director of finance shall furnish monthly reports concerning the status of the funds of the district to the board of county supervisors and to the sanitary engineer. (4-18-45, § 3, B, pars. 7 to 9.)

Sec. 4-51. Adjustment of disputed bills.

Any claim made for abatement from any bill, account or charge shall be filed by the owner in writing with the sanitary engineer and shall not effect an extension of the time for payment, but such disputed bill, account or charge shall be in arrears from and after the last day allowed for such payment. Adjustment shall be made by the sanitary engineer, subject to appeal to the board of county supervisors and any charge in excess of the amount finally found to be correct will be refunded to the owner by the board of county supervisors. (4-18-45, § 3, B, par. 10.)

Sec. 4-52. Liability for payment of charges upon transfer of premises.

Any owner of premises the sewerage facilities of which are con-

nected to the facilities of the district who sells or otherwise transfers the ownership of such premises shall be liable for the payment of all charges made for service rendered to such premises until such owner makes application for discontinuance of service on the forms furnished by the sanitary engineer and secures the approval of the sanitary engineer therefor. No such application shall be approved by the sanitary engineer until the new owner makes application for sewerage service on the contract forms furnished by the sanitary engineer. (4-18-45, § 7, A, par. 2.)

Sec. 4-53. Liability for charges upon termination of service.

Any owner of premises the sewerage facilities of which are connected to the facilities of the district who desires a discontinuance of the service rendered by the facilities of the district shall be liable for the payment of all charges made for service rendered to such premises until such owner makes application for discontinuance of service on the forms furnished by the sanitary engineer and secures the approval of the sanitary engineer therefor. No such application shall be approved by the sanitary engineer until the adjusted amount due for service rendered to that date has been paid in full. No allowance shall be made in the adjustment of the amount due for service rendered to that date for any period of time less than thirty days and the adjusted amount shall include a charge for service during the entire month in which the application for discontinuance of such service was approved. In case payment has been made for service rendered beyond the date on which the application for discontinuance was approved, the difference between the adjusted amount due and that which has been paid will be refunded by the board of county supervisors. (4-18-45, § 7, A, par. 3.)

CHAPTER 5.

SUBDIVISIONS.

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Article I. In General.[1]

Sec. 5-1. Definitions.

The following words used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

(1) *Subdivide.* To separate, in any manner, any tract of land into three or more lots or other divisions of land (except as hereinafter provided) at one time or over an extended period of time, except however the separation of any tract of land into lots or other divisions of land, all of which contain an area of five acres or more, or the partition of any tract of land ordered by a court of competent jurisdiction.

1. For state law as to subdivisions of lands in any county adjoining any county having a density of population in excess of one thousand inhabitants per square mile, see Code of 1950, §§ 15-795, 15-795.1, 15-795.2.

(2) *Subdivision.* The land subdivided as defined herein and when appropriate to the context, the process of subdividing or re-subdividing.

(3) *Street.* A strip of land, subject to vehicular or pedestrian traffic and providing direct or indirect means of access to property, including but not limited to road, lane, drive, trail, court, place, terrace, alley, avenue, highway, boulevard or any other thoroughfare.

(4) *Public street.* An existing street or a platted street dedicated for the use of the general public, graded and paved or to be graded and paved, in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

(5) *Street width.* The shortest distance between the lines which delineate the right of way of a street.

(6) *Local thoroughfare.* A public street primarily designed to serve as access to abutting property, and to provide secondary through traffic movement.

(7) *Local street.* A public street primarily designed to serve as access to abutting property, and not intended to provide for through traffic movement.

(8) *Cul de sac.* A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

(9) *Alley.* A minor public street, primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street.

(10) *Easement.* A grant by a property owner of the use of land for a specific purpose.

(11) *Service drive.* A public street, generally paralleling and contiguous to a main-traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right of way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

(12) *Outlot.* Any lot which does not comply with the frontage and area requirements of chapter 6 of this volume.

(8-6-47, § 6; 8-2-50.)

Sec. 5-2. General requirements.

The following shall be considered desirable minimum requirements and shall be varied only in specific cases:

(1) *Subdivision names.* The names of new subdivisions shall not duplicate nor too closely approximate the names of existing subdivisions.

(2) *Street names.* Names of new streets shall not duplicate existing or platted street names unless the new street is a continuation of or in alignment with the existing or platted street.

(3) *Building sites.* Shall have frontage on existing or recorded public streets.

(4) *Easements.* Where required, easements of widths appropriate to the purpose intended shall be provided.

(5) *Street layout:*

(a) Streets shall be provided to give access to adjoining acreage and to connect with the principal streets in adjoining subdivisions.

(b) Cul de sac streets shall be provided with a turn-around with a minimum right-of-way radius of fifty feet.

(c) Blocks in general shall not be longer than one thousand feet between street intersections unless warranted by some unusual condition.

(d) Reserve strips protecting the use of dead-end and boundary streets will be permitted on condition that such reserve strips shall become null and void, and thereby automatically dedicated for public street purposes, when land abutting thereon is dedicated for public street purposes.

(6) *Street widths:*

(a) Alleys ..... 20 feet
(b) Service drives ..... 30 feet
(c) Local streets ..... 50 feet
(d) Local thoroughfares ..... 60 feet
(e) When a subdivision abuts one side of any street which has been included in the state system of secondary highways, the subdivider shall not be required to dedicate more than one-half of any right of way necessary to make such street comply with the minimum width fixed for same, and shall not be responsible for grading or surfacing such street.

(7) *Service drives.* Whenever a subdivision abuts a road which is included in the state system of primary highways a service drive extending for the full length of the subdivision along such road and providing limited access thereto shall be provided. If the right of way of such road has been fixed at one hundred and sixty feet, or greater, the service drive may be located within such right of way.

(8) *Reservations for public use.* In the interest of public welfare the subdivider shall provide reservations of suitable and adequate sites for schools, parks and playgrounds. (8-6-47, § 3; 9-6-50.)

Sec. 5-3. Penalty.

Any person who, being the owner or agent of any land affected by the provisions of this chapter as amended, transfers or sells or agrees to sell, or negotiates to sell any land divided in violation of this chapter, as amended, shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars and not more than two hundred and fifty dollars, and each day after the first, during which such violation shall continue shall constitute a separate offense. The description of such lot or parcel by metes and bounds or otherwise in the instrument of transfer or other document used in the process of selling or transferring shall not exempt such person or the transaction from this prescribed penalty. In case of any violation of the provisions of this chapter the governing body, in addition to other remedies, may institute any appropriate action or proceeding to prevent such violation or attempted violation, to restrain, correct or abate such violation or attempted violation or to prevent any act which would constitute such a violation. (10-15-52.)

Article II. Plats.

Sec. 5-4. Generally.

(1) Any owner or proprietor of any tract of land in the unincorporated area of the county who subdivides the same as provided in this chapter shall cause a plat of such subdivision with reference to known or permanent monuments to be made in accordance with this chapter and a copy of the plat shall be recorded in the office of the clerk of the circuit court.

(2) The clerk of the circuit court shall not file or record any such plat or any copy thereof required by this chapter to be re-

corded until such plat or copy thereof shall have been approved, and such approval evidenced thereon, in accordance with the provisions of this chapter.

(3) Copies of all plats required by the provisions of this article shall be submitted to the office of the county planning commission.

(4) Preliminary and final plats shall be required and every such plat shall be prepared by a surveyor or engineer duly authorized by the state to prepare such plats. (8-6-47, §§ 1, 2.)

Sec. 5-5. Fees for examination and approval.

The board of county supervisors, by resolution shall establish, or change from time to time, a schedule of fees for the examination and approval of plats to be collected by the director of finance and deposited to the credit of the general levy fund. (8-6-47, § 6.)

Sec. 5-6. Preliminary plats—Generally.

Three blue, black or sepia line prints of preliminary plats shall be submitted for approval. One copy, with the action of the approving authority noted thereon, shall be returned to the subdivider. (8-6-47, § 2.)

Sec. 5-7. Same—Preparation.

Preliminary plats of a subdivision shall be prepared in accordance with the regulations set forth in this section. Such plats shall be drawn to a scale of not smaller than one inch equals two hundred feet, may be drawn in pencil and may be of one or more sheets as necessary to show the following information:

(a) Name of subdivision, owner, subdivider, surveyor or engineer; date of drawing, number of sheets, north point and scale.

(b) Location of proposed subdivision by an insert map at a scale of not less than two inches equal one mile indicating thereon adjoining roads and their names and numbers, towns, subdivisions and other landmarks.

(c) A boundary survey or existing survey of record, provided, that such survey shows a closure with an accuracy of not less than one in two thousand, five hundred; total acreage, acreage of subdivided area, number and approximate areas of all building sites; existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

(d) All existing, platted and proposed streets and easements, their names, numbers and width; public areas and parking spaces; existing utilities, watercourses, their names and other pertinent data.

(e) Topography with five foot contour intervals or such other lesser intervals which may be necessary to show the character of the terrain, properly correlated to the U.S.G.S. datum, for all subdivisions providing building sites of less than ten thousand square feet and for all other subdivisions when deemed necessary.

(f) Elevation of existing and proposed ground surface at all street intersections and points of major grade change along center lines of streets together with proposed grade lines connecting therewith. (8-6-47, § 4.)

Sec. 5-8. Same—Approval.

Preliminary plats shall be approved for the county planning commission, by the county planning engineer or by the chairman or the vice-chairman of the county planning commission and such action shall be evidenced on copies thereof by his signature provided the provisions of this chapter are complied with in the preparation thereof. No such plat shall be approved, however, until the same has been approved by either the county health officer, or his agent, or by the county sanitary engineer, or his agent, relative to the installation of such sewage disposal facilities as shall be necessary in the development of the subdivision as shown on such plat. Approval of the preliminary plats shall be valid for a period of six months from the date thereof and such approval shall not be considered to be an acceptance of such plats for recordation. (8-6-47, § 2; 11-5-47; 3-16-49; 11-1-50.)

Sec. 5-9. Final plats—Generally.

The final plat on tracing cloth and eight blue, black, or sepia line prints of the final plat of the subdivision or section thereof, accompanied by a receipt from the director of finance, evidencing the payment of all required fees, shall be submitted for approval. Two prints, with the action of the approving authority noted thereon, shall be returned to the surveyor or engineer who prepared the plat. The final plat on tracing cloth with the action of the approving authority noted thereon shall be retained by the planning commission until such time as the same is to be recorded. At that time

such tracing cloth shall be transmitted forthwith to the office of the clerk of the circuit court by the planning commission. After recordation, the clerk of the circuit court shall return such tracing cloth to the planning commission. (8-6-47, § 2; 8-2-50.)

Sec. 5-10. Same—Preparation.

Final plats of a subdivision shall be prepared in accordance with the regulations set forth in this section. Such plats shall be drawn in ink on linen to a scale of one hundred feet to the inch or larger with letters and figures not less than 0.10 inch in height on a sheet or sheets not less than nine inches by fifteen inches, nor more than eighteen inches by thirty inches and shall show the following information:

(a) Name of subdivision, magisterial district, county, state, owner; north point, the scale and date of drawing and number of sheets. If shown on more than one sheet, match lines shall clearly indicate where the several sheets join. A blank oblong space three inches by five inches high shall be reserved for the use of the approving authority.

(b) Location of proposed subdivision by an insert map at a scale of not less than two inches equals one mile indicating thereon adjoining roads and their names and numbers, towns, subdivisions and other landmarks.

(c) A boundary survey with an error of closure within the limit of one in ten thousand related to the true meridian, and showing the location of all monuments and their type of material. The survey may be related to U. S. C. and G. S. state grid north if the coordinates of two adjacent corners of the subdivision are shown.

(d) Certificate signed by the surveyor and engineer setting forth the source of title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title.

(e) A statement to the effect that the subdivision as it appears in this plat is with the free consent and in accordance with the desire of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgment of deeds.

(f) When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.

(g) The accurate location and dimensions by bearings and distances with all curve data of all lot and street lines, and center lines of streets; boundaries of all easements, parks, school sites or other public areas; the number and area of all building sites; all existing and platted streets, their names, numbers and width; existing utilities, watercourses and their names; names of owners and their property lines, both within the boundaries of the subdivision and adjoining such boundaries.

(h) All dimensions shown in feet and decimals of a foot to the closest one hundredth of a foot; all bearings in degrees, minutes and seconds to the nearest ten seconds.

(i) The data for all curves along street frontages shall be shown in detail at the curve or in a curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearing. (8-6-47, § 4; 8-2-50; 11-1-50.)

Sec. 5-11. Same—Approval.

Final plats shall be approved for the board of county supervisors, by the county executive or by the chairman or acting chairman of the board of county supervisors and such action shall be evidenced on copies thereof by his signature provided:

(a) Such plats are in accordance with approved preliminary plats and the provisions of this chapter and, as such, have been recommended for approval by the county planning commission which action shall be evidenced on the copies by the signature of the county planning engineer or the chairman or vice-chairman of the county planning commission, and such plats have been approved by either the county health officer, or his agent, or by the county sanitary engineer, or his agent, which action shall be evidenced on the copies by the signature of either officer and,

(b) All physical improvements required by the provisions of this chapter for the subdivision so platted shall have been installed therein, and approved for conformance with the plans and specifications therefor; except that in lieu of actual installation of such physical improvements, the subdivider shall have executed an agreement or furnished a surety bond in an amount equal to the total cost of such improvements guaranteeing that the improvements will be installed within a designated reasonable length of time. The agreement shall be approved and executed by the board of county supervisors, signed by its chairman or acting chairman, and attested

by its clerk within thirty days of the date of such agreement. The plans and specifications for the required physical improvements shall be submitted and approved prior to the commencement of construction thereunder or the approval of final plats as the case may be.

Approval of the final plats of subdivisions or sections thereof shall not be deemed the acceptance by the county of any street, alley, or other public space shown on the plats for maintenance, repair or operation thereof, and shall be null and void if copies thereof are not offered for record within ninety days after the date thereof. (8-6-47, § 2; 3-16-49; 11-1-50; 5-12-54.)

Article III. Improvements.

Sec. 5-12. Monuments.

In all subdivisions monuments shall be placed in the ground at all corner and angle points in the outer lines of the subdivision and at all points of angles and curvature in the right of way lines of all streets within the subdivision. At designated points in the outer lines of the subdivision and at least two points in each block such monuments shall be stone or concrete not less than four inches square or four inches in diameter and at least thirty inches long. In all other locations such monuments shall be iron pipe not less than one-half inch or more than one inch in diameter. The top of all stone and concrete monuments shall be set not less than one inch or more than four inches above the finished grade of the ground surface at their respective locations. (8-6-47, § 5.)

Sec. 5-13. Subdivisions including or involving new public streets, easements, etc., connecting two public streets.

(1) Improvements required in subdivisions which include or involve any new public street or any easement or any right of way connecting two public streets shall be as follows:

a. Streets shall be graded and surfaced to widths as follows:

	Graded	*Surfaced*
(1) Alleys	20 ft.	20 ft.
(2) Service drives	32 ft.	20 ft.
(3) Local streets	32 ft.	20 ft.
(4) Local thoroughfares	36 ft.	20 ft.

Surfacing shall be composed of eight inches of compacted pit gravel or six inches of compacted crushed stone, except when conditions warrant a lesser or greater depth, the planning commission shall specify the depth to be employed.

b. A drainage system shall be provided for by means of culverts under roadways, side, lead and outlet ditches and any other structures that are necessary to provide adequate drainage of both natural and storm water for all streets and adjoining properties.

c. Street signs shall be installed at all street intersections.

(2) Additional improvements required in subdivisions which include or involve any new public street, any easement or any right of way connecting two public streets and providing building sites of less than fifteen thousand square feet and/or widths of less than ninety feet.

(a) Streets shall be surfaced and surface treated to widths as follows:

(1) Alleys	20 ft.
(2) Service drives	26 ft.
(3) Local streets	26 ft.
(4) Local thoroughfares	36 ft.

Surfacing shall be composed of eight inches of compacted pit gravel or six inches of compacted crushed stone, except when conditions warrant a lesser or greater depth the planning commission shall specify the depth to be employed. Surface treatment shall be in accordance with the current specifications of the state department of highways for the types employed.

(b) Gutters shall be constructed of a one: two: four mix concrete in sections not more than ten feet long with a one-half inch pre-molded bituminous expansion joint at intervals not greater than thirty feet and at all tangent points of curves. A pre-molded bituminous joint shall be provided at the junction of valley gutters.

(c) Sidewalks shall be provided on at least one side of all local thoroughfares and shall be constructed of a one: two: four mix concrete with a minimum width of three feet and a minimum depth of four inches. Concrete shall be poured in alternate square blocks with a one-inch pre-molded bituminous expansion joint at intervals not greater than fifty feet and at junction points of curbs.

(d) Sanitary sewer facilities approved by the county sanitary engineer shall be provided. A central water supply system shall be provided.

(3) Additional improvements required in subdivisions which include or involve any new public street, any easement or any right of way connecting two public streets, and which provide any building site containing an area of less than twenty-one thousand, seven hundred and eighty-one square feet and/or a width of less than one hundred feet.

Streets shall be graded, surfaced and surface treated to widths as follows:

	Graded	*Surfaced*	*Surface treated*
(1) Alleys	20 ft.	20 ft.	20 ft.
(2) Service drives	32 ft.	20 ft.	20 ft.
(3) Local streets	32 ft.	20 ft.	20 ft.
(4) Local thoroughfare	36 ft.	20 ft.	20 ft.

Surfacing shall be composed of eight inches of compacted pit gravel or six inches of compacted crushed stone.

Pavement width shall be a minimum of twenty feet with a bituminous oiled surface applied according to the following specifications:

Prior to the application of bituminous materials, all surface streets shall first be brought to an even and smooth surface with the required width, thickness and cross-section as shown on the approved plans for the subdivision. Following the above a prime bituminous surface treatment shall be put down as follows:

Bituminous materials to be asphalts in the following grades or types: RC-1 or RC-2 or tars of RT-3 or RT-4. Materials shall be applied at the rate of .4 gallons per square yard. On the bituminous materials there shall be spread thirty pounds of No. 9 stone rolled in with a seven-ton roller. Any bare spots that appear shall be brought out by hand spreading.

The prime coat shall be left in place for at least forty-eight hours before it is followed by a second treatment. The second treatment shall consist of asphalts of the following grades: Either OH-1 or AP-00 or tars may be used of RT-5 or RT-6. This material is to be applied at the rate of .35 gallon per square yard and covered with thirty pounds of No. 9 stone and thoroughly rolled with a seven-ton roller until all irregularities are eliminated.

The period for applying bituminous treatments shall be from May

first until October fifteenth. Bituminous treatments may also be applied at such other periods as may be designated by the resident engineer of the state department of highways as acceptable.

(4) A central water supply system shall be provided.
(8-6-47, § 6; 7-12-50; 2-21-51; 2-11-53.)

Sec. 5-14. Plans and specifications.

Two blue, black or sepia line prints of the plans and specifications for all of the required physical improvements to be installed in a subdivision, as prepared by a surveyor or engineer duly authorized by the state to prepare such plans and specifications shall be submitted to the county planning commission for approval. Such plans and specifications shall be in conformity with the plans and specifications approved by the county for the various types of physical improvements.

If approved, one copy bearing such approval and the signature of either the county subdivision design engineer or the assistant county subdivision design engineer shall be returned to the subdivider. (8-6-47, § 5; 10-15-52.)

Sec. 5-15. Inspection during installation.

Periodic inspections during the installation of the physical improvements shall be made to insure conformity with the approved plans and specifications. The subdivider shall notify the proper administrative officers, when each phase of the installation is completed and ready for inspection. (8-6-47, § 5.)

Sec. 5-16. Certificates of approval.

Upon completion of installation of the required improvements, the administrative officers charged with the responsibility for each of the various types of improvements shall issue certificates of approval therefor to the subdivider or his agent, and such certificates shall operate as evidence for the release of any agreement or bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof. (8-6-47, § 5.)

Sec. 5-17. Acceptance by county.

The installation of improvements in subdivisions as required in this article shall in no case serve to bind the county to accept such

improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvements. (8-6-47, § 5.)

CHAPTER 6.

ZONING.[1]

§ 6-1. Definitions.
§ 6-2. Districts.
§ 6-3. Agricultural District.
§ 6-4. Rural Residence District.
§ 6-5. Suburban Residence District.
§ 6-6. Urban Residence District.
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§ 6-9. Industrial District.
§ 6-10. Nonconforming uses.
§ 6-11. General regulations and exceptions.
§ 6-12. Board of zoning appeals.
§ 6-13. Enforcement and administration.
§ 6-14. Multiple housing.
§ 6-15. Signs.
§ 6-16. Use permits.

Sec. 6-1. Definitions.

For the purpose of this chapter certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "building" includes the word "structure," and the word "section" refers to sections in this chapter.

1. *Accessory building.* A subordinate building on the same lot with a main building, the use of which is incidental to that of the main building, such as a garage or stable.

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1. **Editor's note.**—In the case of Fairfax County v. Parker, 186 Va. 675, 44 S. E. (2d) 9, the Zoning Ordinance enacted February 5, 1941 and here codified, was held valid.

For state law authorizing counties to enact zoning ordinances, see Code of 1950, §§ 15-849 to 15-854.

2. *Alley.* A public way not less than twenty feet in width located within the interior of a block and intended for rear access and service to abutting property.

3. *Apartment house.* A building used or intended to be used as a residence for three or more families living independently of each other.

4. *Building.* A structure having a roof supported by columns or walls and intended for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

5. *Building setback line.* A line beyond which a building or structure shall not extend.

6. *Dwelling, single family.* A dwelling constructed to accommodate only one family and containing only one housekeeping unit.

7. *Dwelling, duplex.* A dwelling constructed to accommodate two families, one above the other with no communication between the accommodations except as may be provided by a common entrance.

8. *Dwelling.* A building designed and arranged primarily for use as a residence by one or more persons, excluding hotels, apartment houses, tourist cabins or any structure mounted or demounted originally intended as a trailer, bus, freight or passenger car for the purpose of transporting persons, animals or chattels.

9. *Garage, public or private.* A building used for the housing or storing of motor-driven vehicles, in which no commercial repair work is done.

10. *Guest house.* A dwelling used exclusively (other than for residence by the occupant) to provide three or more rooms for rental to travelers or transients.

11. *Height of building.* The vertical distance measured from the mean level of the established curb or street grade in front of the building to the level of the highest point of the building. Where no road or street grade has been established within twenty-five feet of the front of the building, the established grade shall be construed as the natural grade twenty-five feet in front of such building.

12. *Hotel.* A building containing six or more sleeping rooms offered singly or in suite for hire as temporary lodging, with or with-

out meals, and containing no provisions for the preparation of meals except that a public dining room with kitchen facilities may be provided.

13. *Lot.* A separate piece or parcel of land of record having frontage on a street or road, or legal access thereto by means of a right of way, whose area, in addition to the parts thereof occupied or which may hereafter be occupied by a building and buildings accessory thereto, is sufficient to furnish the yards, and minimum area required for compliance with this chapter. The word "lot" shall include "building site."

14. *Side line.* The side line of a road or street is the right of way line or property line.

15. *Street.* A highway, or road or other public way, either accepted by public authority or used by the public or dedicated on approved plats.

16. *Structural alterations.* Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

17. *Tourist camp.* An area within which is located one or more cabins for rental to transients.

18. *Tourist house.* See "Guest house."

19. *Trailer camp.* Any land upon which habitually or frequently one or more trailers are harbored and remuneration is received in connection therewith, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such trailer camp.

20. *Wayside stand.* An enclosed or unenclosed structure, with or without a roof, which is designed and used for the display and sale of farm products produced in the immediate vicinity of the premises upon which it is located. The term wayside stand shall not include movable tables without a roof.

21. *Yard, side.* An unoccupied space extending for the full length of a building between the building and the side lot line.

22. *Yard, rear.* A space unoccupied, except by a building of accessory use as herein permitted, extending for the full width of the lot between the extreme rear line of the building and the rear lot line. (2-5-41, § 1; 1-5-49.)

Sec. 6-2. Districts.

(a) *Establishment of districts.* For the purpose of this chapter, the county is hereby divided into the following classes of districts.

Agricultural Districts
Rural Residence Districts
Suburban Residence Districts
Urban Residence Districts
Rural Business Districts
General Business Districts
Industrial Districts

(b) *Location and boundaries of districts; Zoning Map.* The location and boundaries of the districts are hereby established as shown on the Zoning Map, dated 1941, which is hereby declared to be a part of this chapter. Those district boundary lines are, unless otherwise shown on the Zoning Map or herein described, either the center lines of streets or roads or railroads, or lines parallel or perpendicular thereto as noted on the map. The Zoning Map and all notations, dimensions, and designations shown thereon shall be as much a part of this chapter as if the same were fully described herein.

(c) *Lots in two districts.* Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion; provided, that the lot has frontage on a street in the less restricted district.

(d) *Portion of Business District.* Whenever a portion of any Business District is indicated on the Zoning Map as a strip parallel to an opened or unopened street, the depth of such strip, unless otherwise shown on such map, shall be two hundred feet in the Rural Business District and two hundred feet in the General Business District measured at right angles from the side lines of the street to which such strip is parallel and adjacent. (2-5-41, § 2.)

Sec. 6-3. Agricultural District.

(a) *Use regulations.* In any Agricultural District no building or structure shall be erected, altered or used, and no land shall be used, unless otherwise provided in this chapter, except for one or more of the following uses:

1. Farming, dairy farming, livestock and poultry raising, lumber

and sawmilling, and all uses commonly classed as agriculture and forestry, and uses which are customarily appurtenant thereto, and which are in harmony with the character of the neighborhood with no restrictions as to the operation of such vehicles or machinery as are incident to such uses and with no restrictions as to the sale or marketing of products raised on the premises; provided, that no building or structure for the raising, housing or sale of poultry, livestock or other animals on a commercial scale, or sawmill, shall be located less than one hundred feet from any street, lot or property line.

2. Any use permitted in the Rural Residence District, and subject to the same conditions in each case as set forth in subsection (a) of section 6-4 of this volume.

3. Any of the following uses subject to the provisions of section 6-12 of this volume.

a. Tourist camps and cabins.

b. Signs, billboards and other advertising devices.

c. Hotels, tea rooms and restaurants.

d. Automobile filling stations and repair shops in connection therewith as permitted in the Rural Business Districts.

e. Wayside stands for the sale of products produced in the immediate vicinity, except the setback required shall be twenty-five feet from the nearest side line of the street or road or fifty feet from the center line whichever is the greater distance.

f. Mines (including utilization of any natural resources), quarries, and soil, sand and gravel stripping, taking or excavation.

(b) *Height regulations.* No height regulations shall apply in the Agricultural District.

(c) *Area regulations.* The minimum size of yards and other open spaces including the minimum lot area per dwelling shall be as follows, except as provided in section 6-11 of this volume.

1. *Lot area per structure.* No structure shall be erected or placed on a lot or building site containing an area of less than 21,781 square feet; provided, a larger area is not required by the county health unit. The lot shall have width of not less than one hundred feet, measured at the building setback line. Except, however, that a corner lot shall have a width of not less than one hundred twenty-five feet measured at the building setback line and a depth of not less than one hundred twenty-five feet measured at the building setback line.

2. *Building setback line.* There shall be a building setback line

of not less than seventy-five feet from the center line or fifty feet from the side line of the abutting street, whichever is the greater distance.

3. *Side yards.* There shall be on each side of every building, a side yard having a minimum width of twenty-five feet.

4. *Rear yards.* No part of a building shall be erected within twenty-five feet of the rear lot line.

5. *Corner lots and corner clearance* shall conform to provisions prescribed in section 6-11 of this volume. (2-5-41, § 3; 2-21-51; 1-6-54; 4-22-54.)

Sec. 6-4. Rural Residence District.

(a) *Use regulations.* In a Rural Residence District no building or structure shall be erected, altered or used, and no land shall be used unless otherwise provided in this chapter, except for one or more of the following uses:

1. Single family detached dwelling.

2. The office of a resident member of a recognized profession other than an undertaker or mortician, when situated in the same building used by such practitioner as his private dwelling; provided, that no name plate shall be displayed exceeding one square foot in area, containing the name and occupation of the resident on the premises.

3. Customary home occupations; provided, that such occupation shall be engaged in only by residents on the premises; provided, there shall be no display that will indicate from the exterior that the building is being utilized in whole or in part for any purposes other than a dwelling, other than as permitted in paragraph 14 of this section.

4. Tourist homes for the accommodation of the tourist public and operated in a dwelling by the occupant; provided, that such operation shall be subject to the approval of the county health unit.

5. Churches and other places of worship, including parish houses and Sunday schools and uses appurtenant thereto ordinarily conducted for the benefit of such churches, such as festivals, picnics and other similar functions and activities. Fraternal, community and service organizations may conduct carnivals, festivals, horse shows and uses of a similar nature for the benefit of such organizations, provided that each such use be conducted only for such temporary

length of time as in the opinion of the zoning administrator would not be detrimental to the purposes and intent of this chapter.

6. Public and parochial schools, public libraries, public museums, public art galleries.

7. Private garage which shall not be used to house more than two vehicles in excess of those used by the residents of the premises on which the garage is located.

8. Private stable which shall be used to house only such vehicles as are permitted in paragraph 7 of this section and to house not more than two horses in excess of those used by the residents of the premises on which the stable is located.

9. Private summer cottages, or cabins and recreational camp grounds to be occupied for a portion of the year, but not including tourist camps or cabins.

10. Public and private parks, recreational areas and resorts, including golf courses, swimming pools and boating facilities, together with structures accessory thereto.

11. Riding stables and related uses, provided that no structure shall be located less than one hundred feet from any street, lot or property line.

12. Truck gardens, nurseries and greenhouses, including an office.

13. Farming, dairy farming, livestock and poultry raising; provided, that any structure or premises devoted to such use on a commercial scale, shall be located not less than one hundred feet from any street, lot or property line.

14. A sign not more than ten feet in area appertaining to the sale or lease of the premises upon which it is located, or advertising only services or accommodations available on the premises, or agricultural, or farm products which have been produced in the immediate vicinity; provided, that such sign shall be displayed not less than fifty feet from the center line of any street or road.

15. Any of the following uses, permitted by the board of appeals as provided in section 6-12 of this volume.

a. Cemeteries.

b. Private schools and colleges.

c. Clubs and grounds for games or sports, provided any such use is not primarily for gain.

d. Municipal recreation buildings, playgrounds, parks and athletic fields.

e. Community buildings.

f. Hospitals or sanitariums, not treating contagious diseases and

not for the care of epileptic or drug or liquor patients, charitable institutions which are not of a correctional nature and which are not intended for the cure of insane or feeble-minded patients; provided, that any building so used shall be set back not less than one hundred feet from any lot line or street line.

g. Buildings and facilities which are used exclusively by the county government for public purposes, except public schools as hereinbefore permitted.

h. Railroad, trolley, bus or boat passenger stations, and airports or landing fields, but not including car barns or garages. Railroad rights of way and tracks, but not including railroad yards and shops other than for passenger purposes.

i. Static transformer stations, transmission lines and towers and telephone exchanges, but not including service and storage yards.

j. Tea rooms and restaurants.

k. Sanitary landfills subject to such regulations relative to the same as may from time to time be adopted by the board of county supervisors. No such use shall be permitted unless the application shall have first been submitted to the county sanitary engineer and the county health officer for their report and recommendations as to the suitability of the site for such use.

l. Sewage disposal plants or sewage pumping stations. Either of these two uses shall not be granted, however, unless the application shall have first been submitted to the county planning commission for its recommendation.

m. Laboratories for scientific research and scientific development in promotion of the general welfare, including parking area incidental to such use. The scientific research and development activities to be performed shall be described by the applicant and approval will be based upon the nature, purpose and scope of the development and its effect upon the general welfare of the community.

n. Soil, sand and gravel stripping, taking or excavation, except for the:

(1) Removal of sod, soil, sand or gravel not exceeding a depth of eighteen inches,

(2) Exclusive use by the owner or occupant on the property from which the same is taken, for which no permit shall be required,

(3) Excavation or grading in connection with the construction or alteration of a building for which a permit shall have been obtained, and

(4) Grading in accordance with an approved grading plan of a

subdivision for which the final plat shall have been recorded among the land records of the county.

Such uses shall not be approved by the board unless the application shall have first been submitted to the county planning commission for its recommendation.

Before granting approval the board of zoning appeals shall approve plans showing landscaping of the site and showing exterior appearance of all buildings with the intent to afford maximum protection to adjoining property, and shall require as a condition to its approval of such use, strict adherence to such plans.

No such use shall be permitted by the board in any residence or agricultural district unless the following conditions are complied with:

(1) The total first floor area of all buildings shall not exceed twenty per cent of the total land area of the site.

(2) All buildings on such site shall be located not less than three hundred twenty feet from the center line of any street or highway, and not less than two hundred feet from any other property line.

(3) No part of any building on such site shall exceed sixty-five feet in height.

(4) Two parking spaces (each not less than ten feet by eighteen feet in dimension) shall be provided for each three employees.

(5) Parking areas shall be located not less than one hundred feet from any property line, except that no parking shall be permitted between right of way line of any street or highway and the required building setback line therefrom.

The board may in addition to the foregoing designate such conditions in connection with such use as will in its opinion secure substantially the public health, safety, comfort, convenience and general welfare.

(b) *Height regulations.* No building hereafter erected[2] or structurally altered shall exceed three stories or forty feet, except as provided in section 6-12 of this volume.

(c) *Area regulations.* The minimum size of yards and other open spaces including the minimum lot area per dwelling shall be as follows, except as provided in section 6-11 of this volume:

1. *Lot area per structure.* No structure shall be erected or placed on a lot or building site containing an area of less than 21,781

2. The original ordinance comprising this chapter became effective on March 1, 1941.

square feet, provided a larger area is not required by the county health unit. The lot shall have a width of not less than one hundred feet measured at the building setback line. Except, however, that a corner lot shall have a width of not less than one hundred twenty-five feet measured at the building setback line and a depth of not less than one hundred twenty-five feet measured at the building setback line.

2. *Building setback line.* There shall be a building setback line of not less than seventy-five feet from the center line or fifty feet from the side line of the abutting street, whichever is the greater.

3. *Side yards.* There shall be on each side of every building a side yard having a minimum width of twenty-five feet.

4. *Rear yards.* No part of a building shall be erected within twenty-five feet of the rear lot line.

5. *Corner lots and corner clearance* regulations shall conform to provisions prescribed in section 6-11 of this volume. (2-5-41, § 4; 4-19-50; 2-7-51; 2-21-51; 11-5-52; 2-18-53; 1-6-54; 4-22-54.)

Sec. 6-5. Suburban Residence District.

(a) *Use regulations.* In a Suburban Residence District no building or structure shall be erected, altered or used, and no land shall be used unless otherwise provided in this chapter except for one or more of the following uses:

1. Any use permitted in the Rural Residence District and subject to the same condition in each case as set forth in subsection (a) of section 6-4 of this volume.

(b) *Height regulations.* No building in a Suburban Residence District hereafter erected or structurally altered shall exceed three stories or forty feet, except as provided in section 6-11 of this volume.

(c) *Area regulations.* The minimum size yards, and other open spaces including the minimum lot area per dwelling shall be as follows, except as provided in section 6-11 of this volume.

1. *Lot area per structure.* No structure shall be erected or placed on a lot or building site containing an area of less than fifteen thousand square feet, provided a larger area is not required by the county health department; except, however, that lots in subdivisions approved in accordance with the provisions of chaper 5 of this volume relative to subdivision control shall contain an average area of not less than twelve thousand five hundred square feet and

contain a minimum area of not less than ten thousand five hundred square feet. Each lot (except a corner lot) shall have a width of not less than ninety feet measured at the building setback line; except, however, that lots (except corner lots) in a subdivision approved for lot areas of less than fifteen thousand square feet in accordance with the provisions of chapter 5 of this volume shall have a width of not less than eighty feet measured at the building setback line. Each corner lot shall have a width of not less than one hundred fifteen feet measured at the building setback line and a depth of not less than one hundred fifteen feet measured at the building setback line; except, however, that a corner lot in a subdivision approved for lot areas of less than fifteen thousand square feet in accordance with the provisions of chapter 5 of this volume shall have a width of not less than one hundred five feet measured at the building setback line and a depth of not less than one hundred five feet measured at the building setback line.

2. *Building setback line.* There shall be a building setback line of not less than forty-five feet from the nearest side line or seventy feet from the center line of the abutting street, whichever is the greater distance; except, however, that on lots in subdivisions approved for lot areas of less than fifteen thousand square feet in accordance with the provisions of chapter 5 of this volume relative to subdivision control there shall be a building setback line of not less than forty feet from the nearest side line or sixty-five feet from the center line of the abutting street, whichever is the greater distance.

3. *Side yards.* There shall be on each side of every building a side yard having a minimum width of twenty feet; except, however that in subdivisions approved for lot areas of less than fifteen thousand square feet in accordance with the provisions of chapter 5 of this volume there shall be on each side of every building a side yard having a minimum width of fifteen feet.

4. *Rear yards.* No part of a building shall be erected within twenty-five feet of a rear line.

5. *Corner lots and corner clearance* regulations shall conform to provisions prescribed in section 6-11 of this volume. (2-5-41, § 5; 2-21-51; 1-6-54.)

Sec. 6-6. Urban Residence District.

(a) *Use regulations.* In an Urban Residence District no build-

ing or structure shall be erected, altered or used, and no land shall be used unless otherwise provided in this chapter except for one or more of the following uses:

1. Any use permitted in the Rural Residence District and subject to the same condition in each case as set forth in subsection (a) of section 6-4 of this volume.

2. Semidetached dwellings subject to special approval of the board of county supervisors and the prior submission of a report and recommendation to the board by the county planning commission.

a. A semidetached dwelling shall be defined as one of two one-family dwellings having a vertical common party wall.

b. Semidetached dwelling shall conform to the following area regulations:

Lot area. Lot area per dwelling unit shall be a minimum of three thousand, six hundred square feet with a minimum width of thirty feet measured at the building setback line.

Side yard. There shall be on one side of each dwelling unit a side yard equal to not less than one-half the height of the building; provided, however, that no side yard shall be less than ten feet in width.

(b) *Height regulations.* No building hereafter[3] erected or structurally altered shall exceed three stories or forty feet, except as provided in section 6-11 of this volume.

(c) *Area regulations.* The minimum size of yards and other open spaces, including the minimum lot area per dwelling, shall be as follows, except as provided in section 6-11 of this volume:

1. *Lot area per structure.* No structure shall be erected or placed on a lot or building site containing an area of less than ten thousand square feet, provided a larger area is not required by the county health department; except, however, that lots in subdivisions approved in accordance with the provisions of chapter 5 of this volume relative to subdivision control shall contain an average area of not less than ten thousand square feet and contain a minimum area of not less than eight thousand four hundred square feet. Each lot (except a corner lot) shall have a width of not less than seventy feet measured at the building setback line; each corner lot shall have a width of not less than ninety-five feet measured at the building

3. The original ordinance comprising this chapter became effective on March 1, 1941.

setback line and a depth of not less than ninety-five feet measured at the building setback line.

2. *Building setback line.* There shall be a building setback line of not less than thirty-five feet from the nearest side line, or sixty feet from the center line of the abutting street, whichever is the greater distance.

3. *Side yards.* There shall be on each side of every building a side yard equal to not less than one-half the height of the building; provided, however, that no side yard shall be less than ten feet.

4. *Rear yards.* There shall be a rear yard of not less than twenty-five feet.

5. *Corner lots and corner clearance* regulations shall conform to provisions prescribed in paragraph 10 of section 6-11 of this volume. (2-5-41, § 6; 11-2-49; 2-21-51; 1-6-24.)

Sec. 6-7. Rural Business District.

(a) *Use regulations.* In a Rural Business District no building or structure shall be erected, altered or used, and no land shall be used unless otherwise provided in this chapter, except for one or more of the following uses:

1. Any use permitted in the Rural Residence District and subject to the same condition in each case as set forth in subsection (a) of section 6-4 of this volume.

2. Tea rooms and restaurants.

3. Any retail trade or service, subject to the provisions of section 6-16 of this volume; provided, that no industry or manufacturing shall be permitted except the making of articles to be sold exclusively at retail on the premises.

No building or land shall be used for the following:

a. Carpet, rug or bag cleaning.

b. Dyeing and cleaning works employing more than five persons in the process.

c. Any use prohibited in the General Business and Industrial Districts.

4. A private or public garage for the housing of motor vehicles.

5. A private stable which shall be used to house only such vehicles as are permitted in paragraph 4 of this section and only such horses and horse-drawn vehicles as are used by residents of the premises, or used in connection with a business conducted on the premises on which the stable is located.

6. Any use listed in section 6-16 of this volume, subject to securing a use permit for the same as therein provided.
7. Offices.

(b) *Height regulations.* No building hereafter[4] erected or structurally altered shall exceed three stories or forty feet, except as provided in section 6-11 of this volume.

(c) *Area regulations.* Except for a building occupied in whole or in part for residential use, the minimum size of yards and other open spaces shall be as follows, except as provided in section 6-11 of this volume.

1. *Building setback lines* shall conform to those established in the Rural Residence District.

2. *Side and rear yards.* Side yards shall not be required and rear yards shall not be less than ten feet in depth unless an alley is provided, in which case one-half of the width of such alley shall be counted as part of the rear yard; provided, however, that no building in the Rural Business District shall be located a lesser distance from any lot or property line lying in a Residence District than the side yard width required in such Residence District and that such yard requirements in the Rural Business District shall, in the case of automobile filling stations, repair shops and public garages, be increased by not less than twenty-five feet.

3. *Corner lots and corner clearance* regulations shall conform to the provisions prescribed in section 6-11 of this volume.

All buildings containing residential units shall conform to the area regulations in the Residential or Agricultural District surrounding it. (2-5-41, § 7; 9-6-50; 4-4-51; 3-11-53.)

Sec. 6-8. General Business District.

(a) *Use regulations.* In a General Business District no building or structure shall be erected, altered or used and no land shall be used unless otherwise provided in this chapter, except for one or more of the following uses:

1. Any use permitted in the Rural Business District, and subject to the same condition in each case as set forth in subsection (a) of section 6-7 of this volume.

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4. The original ordinance comprising this chapter became effective on March 1, 1941.

2. Hotels and apartment houses.

3. Theaters, assembly halls and similar places of public entertainment, subject to the provisions of section 6-16 of this volume.

4. Banks or offices.

5. Any wholesale trade or service, subject to the provisions of section 6-16 of this volume, provided that no industry or manufacturing shall be permitted except the making of articles to be sold on the premises. No building shall be used for the following:

a. Carpet, rug or bag cleaning.

b. Dyeing and cleaning works employing more than five persons in the process.

c. Any use prohibited in the Industrial District.

(b) *Height regulations.* No building hereafter[5] erected or structurally altered shall exceed three stories or forty feet, except as provided in section 6-11 of this volume.

1. *Building setback lines* shall conform to those established in the Urban Residence District.

2. *Side and rear yards.* Side yards shall not be required, and rear yards shall not be less than ten feet in depth unless an alley is provided, in which case one-half of the width of such alley shall be counted as part of the rear yard; provided, however, that no building in the General Business District shall be located a lesser distance from any lot or property line lying in a Residence District than the side yard width required for such Residence District, and that such yard requirements in the General Business District shall, in the case of automobile filling stations, repair shops and public garages, be increased by not less than twenty-five feet.

3. *Corner lots and corner clearance* regulations shall conform to the provisions prescribed in section 6-11 of this volume.

All buildings containing residential units shall conform to the provisions prescribed for area in Urban Residence District. (2-5-41, § 8; 4-4-51.)

Sec. 6-9. Industrial District.

(a) *Use regulations.* In any Industrial District, buildings or land may be used for any purpose not otherwise prohibited by or-

5. The original ordinance comprising this chapter became effective on March 1, 1941.

dinance within the county, except that trailer camps may be permitted only upon the securing of a use permit for such use, provided, however, that a sanitary landfill may be permitted in the Industrial District only with the approval of the board of zoning appeals as provided in paragraph 15 k of subsection (a) of section 6-4 of this volume. When any of the following uses are not controlled by existing county ordinances, such uses shall require the approval of the board of county supervisors and the prior submission of a report and recommendations to the board by the county planning commission; provided, however, that no such use shall be established within two thousand feet of any Residence District or within five hundred feet of any Business District.

1. Abattoir.
2. Ammonia, bleaching powder or chlorine manufacture.
3. Bag cleaning establishment.
4. Blast furnace.
5. Boiler works.
6. Distillation of coal, wood, bones.
7. Distillation of turpentine or varnish.
8. Emery cloth manufacture.
9. Fertilizer manufacture. - sew. disp. plants 6-4-A-15-1.
10. Fireworks or explosives manufacture or storage.
11. Fish canning, curing, grinding or smoking.
12. Garbage incineration other than in municipal plants or incidental to the operation of hotels, restaurants, apartment houses and dwellings.
13. Glue, size or gelatin manufacture.
14. Grinding, cooking, boiling, rendering or storing of slaughterhouse refuse, or animal refuse or rancid fats, or refuse of dead animals.
15. Iron, steel or copper works or foundries.
16. Lime, cement, gypsum or plaster of Paris manufacture.
17. Manufacture of concrete or mortar.
18. Petroleum or asphalt refining or manufacture.
19. Pyroxylin or celluloid manufacture.
20. Pulverizing of charcoal or coal.
21. Smelting of iron.
22. Soap manufacture.
23. Stockyards.
24. Sulphuric, nitric or hydrochloric acid manufacture.
25. Tanning, curing or storage of raw hides or skins.

26. Tetra-ethyl lead precipitate or liquid manufacture.
27. Vinegar manufacture.
28. Wool pulling and scouring.
29. Yeast plants.
30. Any other similar use which in the opinion of the board of county supervisors might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause.

The board of county supervisors shall not act on any application for approval of any such use until the board shall have:

1. Held a public hearing relative to such an application,
2. Caused the notice of such hearing to be published in the same manner as required by law relative to proposed amendments, supplements or changes in the zoning ordinance, and
3. Caused the land involved in such application to be posted with a placard at least fifteen days prior to the date of the hearing; such placard to indicate the use proposed to be made of the land, and the date, time and place of such hearing.

(b) *Height regulations.* No building hereafter erected[6] or structurally altered shall exceed three stories or forty feet in height, except as provided in section 6-11 of this volume.

(c) *Area regulations.* Except for buildings occupied in whole or in part for residential use, the minimum size of yards and other spaces shall be as follows, unless otherwise provided in section 6-11 of this volume.

1. *Building setback lines.* Building setback lines shall conform to those established in the General Business District.

2. *Side and rear yard.* Side yards shall not be required and rear yards shall not be less than ten feet in depth, unless an alley is provided in which case one-half of the width of such alley may be counted as part of the rear yard; provided, however, that no building in the Industrial District shall be located less than one hundred feet from any lot or property line lying in a Residence District and not less than fifty feet from any such line lying in a Business District unless permitted by the board of zoning appeals as provided in section 6-12 of this volume.

3. *Corner lots and corner clearance* regulations shall conform to the provisions prescribed in section 6-11 of this volume.

All buildings containing residential units shall conform to the

6. The original ordinance comprising this chapter became effective on March 1, 1941.

area regulations in the Urban Residence District. (2-5-41, § 9; 5-3-50; 9-6-50; 4-19-50; 5-3-50; 9-6-50; 5-12-54.)

Sec. 6-10. Nonconforming uses.

(a) *Continuation of nonconforming uses.* If at the time of enactment of this chapter,[7] any building, structure or land is being used in a character or manner or for a purpose or is in a location which does not conform to the provisions of this chapter and which is not prohibited by some other ordinance, such character or manner of use or purpose or location as then existing may be continued, and no change of title or possession shall be construed to prevent the nonconforming use of such building, structure or land as hereinafter provided.

(b) *Termination of nonconforming uses.* No building, structure or land in which a nonconforming use is abandoned for a period exceeding one hundred eighty days, or is superseded by a permitted use subsequent to the enactment of this chapter,[8] shall again be devoted to any prohibited use.

(c) *Restoration after damage.* Any nonconforming building, structure or land which is hereafter [9] damaged to an extent exceeding fifty per cent of its then reproduction value, exclusive of foundation, by fire, flood, explosion, earthquake, war, riot, storm, or so-called act of God, may not be restored, reconstructed or used for any other purpose than a purpose permitted under the provisions of this chapter governing the district in which the building, structure or land is located, except where the floors or foundation walls of agricultural buildings are concrete or other masonry and not practical to move, or if the nonconforming location is necessary to meet the requirements of the other existing regulations of the county or of the District of Columbia health department.

(d) *Structural alterations.* Nothing in this chapter shall prevent such structural alterations as may be necessary to restore to a safe or lawful condition any part of a building or structure declared

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7. The original ordinance comprising this chapter became effective on March 1, 1941.

8. The original ordinance comprising this chapter became effective on March 1, 1941.

9. The original ordinance comprising this chapter became effective on March 1, 1941.

unsafe or unlawful by any duly authorized county official. (2-5-41, § 10; 2-21-51.)

Sec. 6-11. General regulations and exceptions.

Height and area requirements shall be subject to the following regulations and exceptions:

1. Barns, silos, chimneys, elevators, tanks, spires and towers not used for human habitation may extend above the height limitation herein fixed. Parapet walls and other similar unused projections may so extend not to exceed five feet.

2. Building heights as prescribed in this chapter may be increased provided that a building shall, in addition to its yard requirements, set back from any street or lot line one foot for each foot of excess height over forty feet; provided, that no dwelling shall exceed forty-five feet or three and one-half stories in height and no building not a dwelling shall exceed seventy-five feet in height.

3. Except as specified in this section, setbacks and yards required by this chapter shall be open and unobstructed to the sky.

4. Cornices and eaves may project not to exceed three feet over any minimum required yard; provided, that any such projection shall not be less than two feet from any lot line.

5. Sills, leaders, belt courses and similar ornamental features may project twelve inches over any minimum yard. An open fire balcony, fire escape or fire tower may project five feet over any yard.

6. A bay window, oriel or balcony which is not more than ten feet wide may project not more than three feet into any front yard or side yard; provided, that it does not come nearer to the side lot line than seven feet and not more than ten feet into any rear yard, provided it does not come nearer to the rear lot line than fifteen feet.

7. Any building shall be required to set back from a street beyond the required set back line the same distance as the set back line observed by that one, of two existing buildings on the immediate adjoining lots on either side, which is nearer the street center line; provided, however, that no building shall be required to set back more than twenty feet from the setback line prescribed in the district in which such building is located. A building may be permitted to set back from the street less than the required set back to conform to the set back established by adjacent existing buildings located on that side of the street within the same block, or if not subdivided into blocks then by existing buildings located within six hundred

feet of either side of such proposed building on the same side of the street.

Notwithstanding any other provisions of this chapter, any building shall be required to set back not less than one hundred feet from the right-of-way line of the Shirley Memorial Highway, except that any building in the Industrial District shall be required to set back not less than one hundred seventy feet from the right-of-way line thereof.

8. Setback and yard requirements shall not apply to any necessary retaining wall or to any fence or wall which is less than five feet high except as provided in paragraph 10; provided, that nothing herein shall prevent the construction of a rear line fence or wall to a height not exceeding seven feet.

9. Terraces, steps, uncovered porches or covered but not enclosed porches, may be permitted; provided, that they shall be located not less than ten feet from any lot or property line and shall not extend into any prohibited area more than ten feet.

10. For the purpose of safety or travel on streets and highways, buildings on corner lots shall observe the setback restrictions on the respective streets on which the building is located; provided, that within the area formed by the center line of the intersecting streets and a line joining points on such center lines at distances from their intersection as prescribed below, there shall be no structure more than three and one-half feet or other obstruction to vision between three and one-half feet, and ten feet above the curb or established road grade:

a. Two hundred feet in the Agricultural, Rural Residence and Rural Business Districts.

b. One hundred and fifty feet in the Suburban Residence District.

c. One hundred feet in the Urban Residence, General Business and Industrial Districts.

A reduction of the hereinabove described setback restrictions may be permitted by the zoning administrator for lots of record prior to the adoption of this chapter;[1] providing, that the zoning administrator deems that safety of travel on adjacent intersecting streets and highways will not be jeopardized.

11. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall

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1. The original ordinance comprising this chapter became effective on March 1, 1941.

Sec. 6-12. Board of zoning appeals.

(a) *Establishment.* A board of zoning appeals is hereby established. The word "board" when used in this section shall mean board of zoning appeals.

(b) *Membership.* The board shall consist of five members appointed by the board of county supervisors whose compensation shall be fixed by the board of county supervisors, and shall contain one member of the county planning commission, and four members other than paid county officials, who are residents of the county. The term of office of the members of the board shall be for five years, except that the five members first appointed shall serve, respectively, for terms of: One for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter members shall be appointed for terms of five years each. Two members so appointed shall at the first meeting in January of each year of the board be elected as chairman and vice-chairman, respectively, by a majority vote of the entire membership of the board. The board shall appoint a clerk whose compensation shall be fixed by the board of county supervisors.

(c) *Appeals.* Appeals to the board may be taken by any person aggrieved, or their agents or by any officer or agency of the county affected by any decision of the zoning administrator.

(d) *General powers and duties.*

1. *Hearings.* Whenever appeal is made to the board, the board shall, within thirty days, publish a notice of the time and place of a public hearing on such appeal, in a local newspaper of general circulation in the county, not less than ten days before such hearing. Additional notice of such hearing shall be given to interested persons and organizations as the board shall deem practicable. The board shall hear all parties interested or affected.

The zoning administrator shall post any tract of land with suitable placards, so as to clearly indicate the area involved in any proposed change of use in connection with any application for a special exception, at least ten days before the hearing.

2. No order of the board approving the erection, alteration or use of a building shall be valid for a period longer than six months, unless:

a. A building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with such permit, or

b. Such use is established within such period; provided, however, that where the use permitted is dependent upon the erection or alteration of a building, such order shall continue in force if a building permit for such erection or alteration is obtained and such erection or alteration is started and proceeds to completion as provided above.

3. Upon appeals, the board shall determine the exact location of a district boundary line as defined in this chapter, where there is a dispute.

4. Upon appeals, the board shall interpret the words of this chapter where there is a dispute as to meaning.

5. The board shall not have the power to amend any provision of this chapter or the Zoning Map.

6. The board shall make a record of all its proceedings setting forth the full reasons for its decisions and the vote of each member participating therein. Such records shall be placed on file and shall be open to public inspection.

(e) *Powers relative to decision of administrative officer.* The board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination or refusal made by the zoning administrator or other administrative official or body in carrying out or enforcement of any provision of this chapter.

(f) *Powers relative to special exceptions or other special questions.* Upon appeals, the board is hereby empowered to grant requests for the following special exceptions when in the judgment of the board such exception shall be found to be in harmony with the general purpose and intent of this chapter and the Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with this chapter and the Zoning Map.

1. Permit in the Agricultural District one or more of the uses set forth in paragraph 3 of subsection (a) of section 6-3 of this volume; provided, that when such use is located within one thousand feet of the center line of any federal or state highway or other street it shall be subject to the following standards and conditions to promote the safety of travel, eliminate or lessen traffic hazards and conserve the investment in such highways and streets.

a. That any building for such uses shall have an additional set back of forty feet more than the set back for other buildings not involving service to the traveling public, such additional set back

to be for the purpose of providing necessary driveways, approaches, parking space, etc.

b. That means of ingress and egress to the highway shall be so located that dangerous or otherwise objectionable conditions will not be created.

c. That automobile filling stations and repair shops shall be so far as possible located in compact groups so as to prevent the undue scattering of such uses along the highway with consequent hazard to the traveling public and impairment of the natural assets of roadside areas and their future use for residential purposes.

d. That no commercial advertising sign, billboard or other such device shall be located less than five hundred feet from the center line of the abutting highway or street.

e. Mines, quarries, and soil, sand and gravel stripping, taking or excavation, subject to the provisions of this subsection (f), paragraph 7.

f. Before granting any appeal under paragraph (f)-1 of this section except those relating to signs, billboards and other advertising devices, the board shall refer the same to the county planning commission for study as to whether a new Rural Business District or the extension of a present Rural Business District is advisable and needed, including the site and vicinity of the proposed roadside used and the need for accommodating other business uses primarily serving the agricultural population. The planning commission shall thereupon make a report to the board of county supervisors who shall then consider the question of amending the Zoning Map by the creation of a new or extended Rural Business District if and as recommended by the planning commission.

2. Permit in any Agricultural, Residence or Business District any of the uses listed in paragraph 15 of subsection (a) of section 6-4 of this volume and permit in any Industrial District the use listed in paragraph 15k of subsection (a) of section 6-4 of this volume; provided the board shall find that:

(a) The granting of the application will not materially affect adversely either the health or safety of persons residing or working in the neighborhood of the proposed use or the general welfare of the community;

(b) The location of such use will neither immediately nor ultimately affect adversely the use or development of neighboring property in accordance with the zoning regulations and map, and with the master plan for the physical development of the unincorporated territory of the county;

(c) Means of ingress and egress to the highway shall be so located that dangerous or otherwise objectionable conditions will not be created;

(d) The applicable provisions of paragraph 7 of subsection (f) of this section shall have been complied with. Before taking action, the board of zoning appeals may request a report by the county planning commission on the matters set forth in subparagraphs (a), (b) and (c) above.

3. Permit, if no structural alterations are made, a nonconforming use of a part of a building to be extended throughout the building, provided the board finds that such extension will not adversely affect the use or development of neighboring property in accordance with this chapter and the Zoning Map.

4. Permit in an Industrial District, a building closer than one hundred feet from any lot or property line lying in a Residence District, or closer than fifty feet from such line lying in a Business District if the building is to be used for purposes which will not tend to impair or detract from the use of neighboring property in accordance with this chapter and the Zoning Map.

5. The board of zoning appeals is hereby empowered to grant special exceptions and authorize the zoning administrator to issue use permits for the erection of multiple housing projects in the Urban Residence District, but any such exception shall not be granted unless the application shall have first been submitted to the county planning commission for its recommendations.

Provided the appeal is granted, the layout of the project shall be approved by the planning commission as being in conformance with the regulations as set forth in section 6-14 of this volume, and a subdivision plat in accordance with duly adopted subdivision regulations shall be approved and recorded before any construction permits shall be issued.

6. The board of zoning appeals is hereby empowered and authorized to grant requests and permit as special exceptions the erection of duplex dwellings in any district, subject to the restrictions hereinafter set forth; provided, that such use shall be found by the board to be in harmony with the general purpose and intent of the zoning regulations and map, and will not tend to affect adversely the use of neighboring property, in accordance with the zoning regulations and map.

a. A duplex dwelling shall be considered to be a dwelling providing accommodations for two-family dwelling units.

b. Each such duplex dwelling shall be on a building site having not less than twice the minimum area and frontage required for single family dwellings in the district in which the duplex dwelling is to be located.

c. Applications must be accompanied by a plot plan of the building site, and floor plans of the proposed dwelling, fully dimensioned, and before the board shall grant an appeal and authorize the issuance of a building permit, such plans must be approved by the planning commission of the county.

d. When such plans are thus approved, copies shall be filed with the zoning administrator, and shall not be deviated from without the written approval of the board of zoning appeals on recommendation of both the planning commission and the county health department.

7. (a) Permit in any Agricultural District any of the uses listed in paragraph f of subsection (a) 3 of section 6-3 of this volume; and in any Residence or Business District any of the uses listed in paragraph n of subsection (a) 15 of section 6-4 of this volume, subject to the applicable provisions of the preceding paragraphs of this subsection (f) provided that the board of zoning appeals shall not act on any application for such uses unless and until the following requirements shall have been met:

The applicant shall furnish to the board five copies of a plat prepared by an engineer or surveyor duly authorized by the state to prepare such plats; which plat shall be drawn to scale of not less than one inch equals one hundred feet and shall show the boundary of the entire tract by courses and distances; the limits and field topography (including location of watercourses) of the area of such tract as is proposed to be so used; and the field topography of and watercourses on such other contiguous area as may be deemed necessary by the county planning commission.

(b) After the foregoing requirements have been met, the board may act and may authorize the zoning administrator to issue a special exception permit; which permit may be granted for periods of one, two or three years at the discretion of the board and which permit, however, shall not be issued until after the applicant shall have furnished and filed with the county executive a bond with surety satisfactory to both the county executive and the commonwealth attorney as to form, sufficiency and execution. Such bond shall be in the amount of one thousand dollars per acre for each acre of the land to be so used and shall guarantee that either upon termination of permit or of operations, whichever event may first occur,

that the ground surface of the land so used shall be left in a safe condition, properly drained, such that:

(1) All banks shall be left with a slope no greater than 2:1 (2 feet horizontal to 1 foot vertical),

(2) Sufficient drainage shall be provided so as to prevent water pockets or undue erosion,

(3) Grading and drainage shall be such that both natural and storm water leaves the entire property at the original, natural drainage points which existed as shown by field topographic map submitted to the board as hereinbefore provided, and that the area draining to any one such point is not increased.

(c) When the foregoing requirements shall have been met the zoning administrator shall issue a permit for such special exception use in accordance with the decision of the board. Such special exception permits shall be renewed or extended by the board in the same manner as the original permit was issued, provided that the terms of the original permit and of this chapter have been met in every respect, insofar as the area on which operations have been terminated are concerned.

(d) Nothing contained in paragraph 7 of subsection (f) of this section shall apply to any gravel pits in legal operation at the time of the adoption of such paragraph [1a] except that all persons, firms or corporations legally operating gravel pits before the adoption of such paragraph, shall strictly comply with the provisions of section 6-12, subsection (f) paragraphs 7(b) (1), (2) and (3) of this amendment.

(g) *Powers relative to variances.* Where, by reason of exceptional topographic conditions of a specific piece of property, or by reason of other extraordinary and exceptional situation or condition, the strict application of any regulation in this chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner, the board shall have power in passing on appeals to grant a variance from such strict application of such regulation, so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without impairing the general purpose and intent of the Zoning Map and this chapter; provided, however, that no provisions of this chapter respecting the size and shape of lots

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1a. Editor's note.—The original ordinance from which paragraph 7 of subsection (f) of this section was derived was effective on April 22, 1954.

shall affect in any way the size and shape of lots either in plats and subdivisions of record prior to the date of adoption of chapter, or the size and shape of lots embraced in deeds executed but not of record as of the date of the adoption of this chapter, or the size and shape of lots heretofore sold under contract, on which no deeds have been executed and recorded as of the date of the adoption of this chapter, irrespective of whether or not the plat of the proposed subdivision in which any such lot is situated or the plat and survey of the land of which any such lot is a part has been placed on record.

(h) *Rules of procedure.*

1. *Meetings.* The board shall hold at least one meeting each month in the county courthouse. Three members of the board shall constitute a quorum of the board but a lesser number may meet and adjourn. All meetings shall be public and all records and minutes of the proceedings shall be kept in writing by the clerk.

2. *Cases before the board.* Each appeal to the board shall be made on the appropriate form provided by the board, and all information called for by such form shall be furnished by the appellant. Any fee required by the board of county supervisors for an appeal shall be paid to the director of finance, who shall issue receipts in duplicate therefor, one copy of such receipt to be filed with the board at the time the appeal is filed.

3. *Priority of appeals.* Appeals shall be heard in the order in which they are filed, except that an appeal may be advanced for hearing by order of the board for good cause shown. A calendar of cases to be heard shall be kept by the clerk in their proper priority.

4. *Action of the board.* The board shall act by resolution in which a majority of the members present shall concur, provided the members present constitute a quorum. Such resolution shall contain a full statement of the reasons for the decision and other action of the board, and the resolution, including the statement of the reasons, shall appear in the minutes of the board.

5. *Conduct of hearings.* At a hearing the order of procedure shall be as follows:

a. *Appellant's side of the case.* The appellant may be represented by an attorney or agent. In the absence of either the appellant or his representative, notice having been given, the board may, in its discretion, proceed to dispose of the case before it.

b. The zoning administrator's or other county official's side of the case.

c. The interested property owner's or other interested person's side of the case.

d. The appellant's rebuttal.

6. *Rehearings.* A rehearing on any resolution of the board may be had only upon the affirmative vote of not less than three members of the board, provided a motion for rehearing is made not later than forty-five days following the date of such resolution. No motion for rehearing shall be entertained unless new evidence is submitted which could not reasonably have been presented at the original hearing.

Any appellant whose appeal is denied may institute a new appeal not less than six months from the date upon which the board took action upon the previous appeal. (2-5-41, § 12; 2-6-49; 11-2-49; 4-19-50; 5-17-50; 6-20-51; 4-22-54.)

Sec. 6-13. Enforcement and administration.

1. *Application for permission to construct, etc.* No building shall hereafter be constructed, erected or structurally altered until an application shall have been filed with and approved by the zoning administrator permitting the construction, erection or alteration. If the building to be constructed, erected or structurally altered is one that requires a building permit therefor, the building permit shall not be issued by such officer as may be designated by the board of county supervisors for that purpose until after the application therefor shall have first been approved by the zoning administrator.

2. *Zoning administrator generally.* This chapter shall be enforced by an officer to be known as the zoning administrator, who shall be appointed by the board of county supervisors prior to the taking effect of this chapter[4] and who, as well as his successors in office, shall serve at the pleasure of the board of county supervisors, and whose compensation as such shall be fixed by resolution of the board of county supervisors.

All applications filed with the zoning administrator as required by paragraph 1 of this section shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the shapes, sizes and locations of the

4. The original ordinance comprising this chapter became effective on March 1, 1941.

building and accessory buildings then existing, and the lines within which the proposed building or structure shall be erected or altered, existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such information with regard to the lot and adjoining lots as may be necessary to determine and provide for the enforcement of this chapter. One copy of such plot plan shall be returned to the owner when such plot plan has been approved by the zoning administrator, and the other copy thereof shall remain on file in the office of the zoning administrator. The zoning administrator shall in no case approve any such application for the construction or alteration of any building if the building as proposed to be constructed or altered would be in violation of any provision of this chapter.

No such plot plans shall be required, however, if the building proposed to be constructed, erected or altered is to be located more than one hundred feet from any lot or property line or from the edge of the right of way of any street or road.

3. *Questions to be presented first to zoning administrator.* It is the intention of this chapter that all questions arising in connection with its enforcement shall be presented first to the zoning administrator, and that such questions shall be presented to the board of zoning appeals only on appeal from the zoning administrator, and that recourse shall be had from the board of zoning appeals as provided by law.

4. *Certificate of use and occupancy.* No building now or hereafter erected or altered shall be occupied, used or changed in use, and no land shall be occupied, used or reduced in size for any nonagricultural or nonresidential purposes until a certificate of use and occupancy shall have been issued by the zoning administrator of the county, to the effect that the building or land complies with all building and health laws and ordinances applicable to such building or land, and complies with the provisions of this chapter.

5. *Violations and penalties.* Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not exceeding thirty days, or by both such fine and confinement in the county jail in the discretion of the justice, court or jury trying the case, and each day upon which such violation shall continue shall constitute a separate offense.

6. *Amendments.*

a. The board of county supervisors may from time to time on its own motion or on petition amend, supplement or change any provision of this chapter. The board of county supervisors may likewise, on its own motion, or on petition of the owner or owners, or contract owner or contract owners of the property proposed for a change of zoning, after public notice and hearing, amend, supplement, or change the Zoning Map.

b. Any such amendment, supplement or change of any provision of this chapter or of the Zoning Map shall not be made or shall not become effective unless the same be first submitted by the board of county supervisors to the county planning commission for its recommendation. This provision, however, shall not apply to changes of zoning proposed by the board of county supervisors on its own motion.

c. The board of county supervisors shall cause the notice of such amendment, supplement or change to be advertised as required by law.

d. In addition to published notice as required by law, the county planning commission shall cause to be posted any tract of land with suitable placard so as to clearly indicate the area involved in any proposed change in the Zoning Map, at least fifteen days prior to the date of the public hearing.

e. No application for any change to the same or to a lesser restricted classification of zoning or use of the same lot, plot, parcel or portion thereof shall be considered by the county planning commission and the board of county supervisors within six months of the final action of the board of county supervisors upon the prior application.

7. *Interpretation and purposes.* In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of health, safety, morals, comfort, prosperity and general welfare of the public. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use or construction of buildings or premises; provided, however, that where this chapter imposes a greater restriction upon the use of building or premises, or requires larger yards or other open spaces than are imposed or required by such existing provisions of law or

ordinance or by such rules, regulations or permits, the provisions of this chapter shall control.

8. *Validity.* Should any section or provision of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

9. *When effective.* This chapter shall become effective on the first day of March, 1941, at 12:01 A. M., and shall continue in force until repealed. (2-5-41, § 13; 4-19-50; 5-7-52.)

Sec. 6-14. Multiple housing.

(a) *Use regulations.* The board of zoning appeals may permit the erection of multiple housing projects in the Urban Residence District, subject to the regulations set forth in this section as provided in paragraph 5 of subsection (f) of section 6-12 of this volume.

1. A multiple housing project shall be considered to be a group of two or more multiple dwellings together with their accessory structures and uses, occupying a parcel of land in one ownership, having any yard or court in common.

2. A multiple dwelling shall be considered to be any building used or designated for use, in whole or in part, as a residence for three or more families living independently of each other and doing their own cooking in such building, including apartment houses, apartment hotels and flats, but not including tourist camps.

(b) *Height regulations.* The height of any structure shall not be limited; provided, that no part of any structure shall be located closer to any property line than a distance equal to one-half the height of that part of the structure from the finished grade along the property line.

(c) *Area regulations.* The minimum lot area requirements shall be determined by the number of rooms in each living unit, as follows:

Apartment Type	*Number of Rooms*	*Lot Area Required Per Living Unit*
1	1	1,400 Square Feet
2	2	1,800 Square Feet
3	3	2,400 Square Feet
4	4	2,600 Square Feet

Rooms containing bath or kitchen facilities are not included in the room count used in the apartment type determination.

Any floor space exceeding forty square feet, enclosed by partitions or walls having cased openings, or doors of any type, shall be deemed to be a room. The use of all rooms shall be clearly defined on the plans submitted with the application for a building permit. No apartment building of any type shall hereafter be erected or altered to provide less than seven thousand five hundred square feet of lot area and an average of seventy-five feet of lot width for each building.

(d) *Percentage of lot coverage.* All apartment houses, including accessory buildings, on any lot shall not cover more than twenty-five per cent of the area of such lot. For the purpose of computing lot coverage for apartment houses, unless otherwise shown, a minimum of one hundred and eighty square feet of accessory building or automobile parking space shall be required for each family occupying such lot.

(e) *Building location regulations.*

1. No multiple dwelling or its accessory structures shall be located less than one hundred feet from the center line of any boundary street nor less than thirty feet from the right of way of any service drive paralleling a boundary street, nor less than sixty feet from the center line of any interior street.

2. No multiple dwelling shall be located less than fifty feet from any side or rear property line; provided, however, that no part of any structure in any multiple housing project shall be located closer to any such property line than a distance equal to one-half the height of that part of the structure from the finished grade along such property line.

3. If any of the structures in a multiple housing project are so located that the front or rear of one structure faces any other structure, a distance of not less than sixty feet shall separate such structures; if any of the structures are arranged in a row, end to end, no such structure shall be closer to any other such structure than a distance equal to the average of their heights; provided, however, that this provision shall not apply to any two structures, if no portion of either building lies within the space between the prolongation of lines along any two opposite walls of the other structure, in which case not less than twenty feet shall separate such structures.

4. No accessory structure shall be located less than twenty-five

feet from any multiple dwelling nor less than twenty-five feet from any side or rear property line. (10-6-46, § 14.)

Sec. 6-15. Signs.

All signs or outdoor advertisements shall comply with the following regulations hereby established for all zoning districts or each specific zoning district as follows:

(a) *All districts.*

1. *Permits.*

a. A sign permit shall be obtained before any outdoor advertisement shall be erected or displayed, except those listed in paragraph 2 of this section.

b. Every sign for which a permit is issued shall have the permit number and date of issuance affixed thereon in letters one inch high at the bottom right-hand corner.

2. *No permits* shall be required for the following signs provided they comply with all other regulations of this section:

a. Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm products, produced or furnished on such farm.

b. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments, or for any political party or for the candidacy of any individual for any nomination or office.

c. Signs or notices containing two square feet or less, placed at a junction of two or more roads in the state highway system denoting only the distance or direction of a residence or place of business, provided, that such signs or notices do not exceed a reasonable number in the discretion of the commissioner of the state highway commission.

d. Signs erected upon property warning the public against hunting, fishing or trespassing thereon.

e. Signs advertising only the name, time and place of bona fide county fairs, carnivals, horse shows or events for the benefit of any civic or charitable cause; provided, that such signs shall be removed within ten days after the last day of any such event so advertised.

f. Highway markers and signs erected, or caused to be erected, by the commissioner of the state highway commission or other authorities in accordance with law.

g. Signs giving the name of occupant or name or number of residence or place.

3. *Signs prohibited.* Any sign or sign structure is illegal:

a. Which involves motion or rotation of any part of the sign or sign structure or displays intermittent lights.

b. That is located in such a manner or place as to constitute a hazard to traffic.

c. Which uses the word "stop" or "danger" prominently displayed, or presents or implies the need or requirement of stopping or the existence of danger or which is a copy or imitation of official signs.

d. That violates any provision of the Virginia State Outdoor Advertising Act, as amended.[5]

4. *Setback.* Any advertisement or advertising structure, not legally permitted within the limits of any street or highway, shall be located not less than thirty feet, or a distance equal to one half the width of the right of way, whichever is the greater distance, from the center line of any street; provided, that the setback of any sign within one hundred feet of a residence shall be the same as that of the residence except where the owner of the sign and the residence be the same.

5. *Real estate.* Signs upon real property advertising same for sale or rent may have an aggregate area not to exceed one-tenth of a square foot of sign area for each lineal foot of lot frontage; provided, that no single advertisement or advertising structure shall exceed sixty square feet in area.

6. *Nonconforming.* Advertisements in connection with nonconforming agricultural or business uses, or business uses established by special exception or use permits granted by the board of zoning appeals, in Agricultural Districts, shall be governed respectively by the regulations established for Agricultural and Business Districts.

(b) *Agricultural districts.*

1. A limit of one-tenth of one square foot of sign area is permitted for each lineal foot of frontage occupied by the use; provided,

5. See Code of 1950, §§ 33-298 to 33-327.

that the aggregate area shall not exceed one hundred and twenty square feet and that no single sign shall exceed sixty square feet.

(c) *Business districts.*

1. A limit of three square feet of sign area is permitted for each lineal foot of frontage occupied by the use; provided, that the aggregate area shall not exceed one hundred and twenty square feet and that no single sign shall exceed sixty square feet.

(d) *Industrial districts.*

1. Any advertisement or advertising structure may be displayed or erected with no limitation of area; provided, that they comply with all other regulations of this section.

(e) *Residential districts.*

1. Each use listed as permitted in connection with a single family detached dwelling may display one sign not to exceed one and one-half square feet.

2. Each use other than a use listed as permitted in connection with a single family detached dwelling, including those subject to the board of appeals, may display not more than two signs, provided the aggregate area does not exceed eighteen square feet.

(f) *Definitions.* The following words or phrases used in this section shall be considered to have the following meanings:

1. *Signs or advertisement.* Any writing, printing, picture, painting, display, emblem, drawing, sign or similar device which is posted or displayed outdoors on real property or in a manner painted, printed, placed, put or affixed upon or to any rock, stone, tree, fence, stump, pole, building, structure or other object and is intended to invite or draw the attention, or to solicit the patronage or support of the public to any goods, merchandise, property, real or personal, business, services, entertainment or amusement manufactured, produced, bought, sold, conducted, furnished or dealt in by any person, or for any political party or for the candidacy of any individual for any nomination or office; the term shall also include any part of any advertisement recognizable as such.

2. *Sign or structure.* Any rigid or semirigid material, with or without any sign or advertisement displayed thereon, situated upon or attached to real property outdoors primarily or principally for the purpose of furnishing a background or base or support upon which an advertisement may be posted or displayed.

3. *Area.* Square feet area shall be measured to include the entire

sign, together with any lattice work, fencing or wall work, incidental to its decoration.

When two signs are placed back to back, so as to be visible from opposite directions, neither one of which exceeds the allowable area specified in this section, they shall be deemed to be one sign.

4. *Billboard.* Any sign whose area is greater than sixty square feet. (10-20-48.)

Sec. 6-16. Use permits.

(a) Use permits shall be required and may be issued for any of the following uses:

1. Automobile filling stations, automobile repair shops in connection with a filling station, or auto repair shops in general (except in the Industrial District where such uses shall be permitted without a use permit); provided, however, that no storage of wrecked vehicles or a wrecking of vehicles shall be permitted on the premises. Such uses shall be so far as possible located in compact groups so as to prevent the undue scattering of the same.

2. Tourist camps, tourist courts, motor courts and tourist cabins (except in the Industrial District, where such uses shall be permitted without a use permit).

3. Trailer camps.

4. Open-air theaters.

(b) Written application for a use permit shall accompany an application to the zoning administrator for approval of such use. The application shall be transmitted forthwith to the board of zoning appeals of the county.

(c) Every application for a use permit shall be accompanied by a check or cash payment of twenty dollars which shall be applied to the cost of advertising and expense incidental to reviewing, publishing and reporting the facts. An application for a use permit shall be advertised for public hearing as required by law.

Every such application shall also be accompanied by three copies of a plot plan drawn to a scale of not less than one inch equals one hundred feet, showing the following information:

1. Boundaries of the subject property shown by bearing and distance of the same.

2. Size, shape and location of all buildings or structures existing on the property.

3. Size, shape and location of all buildings or structures (in-

cluding trailers) proposed to be erected or placed on the property in connection with the application for use permit.

4. Location and width of means of ingress and egress to and from the highway, the same to be so located that dangerous or otherwise objectionable conditions will not be created.

(d) 1. If the board of zoning appeals shall find that, after a duly advertised hearing in the circumstances of a particular situation, the use for which a use permit is sought will not: (1) Affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, and (2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood, it shall issue the use permit, subject to all provisions of law and ordinance relative to the proposed use. In granting any use permit the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the foregoing requirements and that it will continue to do so.

2. Any use permit issued by the board of zoning appeals shall be for an indefinite period and shall be revocable by such board at any time for the failure of the owner or operator of such use to maintain all requirements of law with respect to the maintenance and conduct of the same and all conditions designated in connection therewith by such board in granting the use permit. Before revoking any such permit, however, the board shall give the holder thereof at least ten days' written notice of the time and place for hearing to be held by the board on the revocation of such permit and shall conduct a hearing on the matter.

3. Construction or operation shall be commenced within one year of date of issuance or use permit becomes void. (9-6-50; 4-4-51.)

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