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IN THE
SUPREME COURT OF VIRGINIA
AT RICHMOND

THE BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA, et al.,

Appellants,

v.

MILLER AND SMITH, INC.,

Appellee.

RECORD NO. 790677

APPENDIX TO THE BRIEF

FROM THE CIRCUIT COURT OF

FAIRFAX COUNTY

VOLUME I

VOLUME I

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ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

Section 100.0 Scope

100.1 Title: These regulations shall be known as the Building Code of [*name of municipality*] hereinafter referred to as the Basic Code. They shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment as herein defined and shall apply to existing or proposed buildings and structures in the [*name of municipality*]; except as such matters are otherwise provided for in the local municipal charter, or other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of the Basic Code.

100.2 Application of References: Unless otherwise specifically provided in the Basic Code, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of the Basic Code.

100.3 Code Remedial: The Basic Code shall be construed to secure its expressed intent which is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation and fire safety; and in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

Section 101.0 Matter Covered

The provisions of the Basic Code shall apply to all buildings and structures and their appurtenant constructions, including vaults, area and street projections, and accessory additions; and shall apply with equal force to municipal, county, state and private buildings; except where such buildings are otherwise specifically provided for by statute.

101.1 Exemptions: No building or structure shall be constructed, extended, repaired, removed or altered in violation of these provisions, except for ordinary repairs as defined in section 102, and except further that the raising or lowering or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted, provided the building is not otherwise altered or its use or occupancy changed.

101.2 Matters Not Provided For: Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure or essential for the safety of the occupants thereof and which is not specifically covered by the Basic Code, shall be determined by the building official.

101.3 Continuation of Unlawful Use: The continuation of occupancy or use of a building or structure, or of a part thereof, contrary to the provisions of the Basic Code, shall be deemed a violation and subject to the penalties prescribed in section 123.

101.4 Zoning Restrictions: When the provisions herein specified for structural, fire and sanitary safety are more restrictive than the zoning law, the Basic Code shall control the erection or alteration of buildings in respect to location, use, permissible area and height; but in any case, the most rigid requirements of either the building code or the zoning law shall apply whenever they may be in conflict.

Section 102.0 Ordinary Repairs

Ordinary repairs to buildings may be made without application or notice to the building official; but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Section 103.0 Installation of Service Equipment

When the installation, extension, alteration or repair of an elevator, moving stairway, mechanical equipment, refrigeration, air conditioning or ventilating apparatus, plumbing gas piping, electric wiring, heating system or any other equipment is specifically controlled by the provisions of the Basic Code or the approved rules, it shall be unlawful to use such equipment until a certificate of approval has been issued therefor by the building official or other municipal agency having jurisdiction.

Section 104.0 Maintenance

All buildings and structures and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by the Basic Code in a building, or which were required by a previous statute in a building when erected, altered or repaired, shall be maintained in good working order.

104.1 Owner Responsibility: The owner or his designated agent shall be responsible for the safe and sanitary maintenance of the building or structure and its exitway facilities at all times.

Section 105.0 Change in Existing Use

105.1 Continuation of Existing Use: The legal use and occupancy of any structure existing on [*date of adoption of this code*] or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in the Basic Code or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.

105.2 Change in Use: It shall be unlawful to make any change in the use or occupancy of any structure which would subject it to any special provision of the Basic Code without approval of the building official and his certification that such structure meets the intent of the provisions of law governing building construction for the proposed new use and occupancy and that such change does not result in any greater hazard to public safety or welfare.

Section 106.0 Existing Buildings

Except as provided in this section, existing buildings when altered or repaired as herein specified shall be made to conform to the full requirements of the Basic Code for new buildings:

106.1 Alterations Exceeding Fifty Per Cent: If alterations or repairs are made within any period of twelve (12) months, costing in excess of fifty (50) per cent of the physical value of the building; or

106.2 Damages Exceeding Fifty Per Cent: If the building is damaged by fire or any other cause to an extent in excess of fifty (50) per cent of the physical value of the building before the damage was incurred.

106.3 Alterations Under Fifty Per Cent: If the cost of alterations or repairs described herein is between twenty-five (25) and fifty (50) per cent of the physical value of the building, the building official shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements for new buildings:

106.4 Alterations Under Twenty-five Per Cent: If the cost of alterations or repairs described herein is twenty-five (25) per cent or less of the physical value of the building, the building official shall permit the restoration of the building to its condition previous to damage or deterioration with the same kind of materials as those of which the building was constructed; provided that such construction does not endanger the general safety and public welfare and complies with the provisions of section 928.1 in respect to existing roofs.

106.5 Increase in Size: If the building is increased in floor area or number of stories, the entire building shall be made to conform with the

requirements of the Basic Code in respect to means of egress, fire safety, light and ventilation.

106.6 Part Change in Use: If a portion of the building is changed in occupancy or to a new use group and that portion is separated from the remainder of the building with the required vertical and horizontal fire divisions complying with the fire grading in table 16, then the construction involved in the change shall be made to conform to the requirements for the new use and occupancy and the existing portion shall be made to comply with the exitway requirements of the Basic Code.

106.7 Physical Value: In applying the provisions of this section, the physical value of the building shall be determined by the building official and be based on current replacement costs.

Section 107.0 Department of Building Inspection

107.1 Building Official: The department of building inspection of [*name of municipality*] is hereby created and the executive official in charge thereof shall be known as the building official.

107.2 Appointment: The building official shall be appointed by the chief appointing authority of the municipality; and he shall not be removed from office except for cause and after full opportunity has been granted him to be heard on specific and relevant charges by and before the appointing authority.

107.3 Organization: The building official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of the Basic Code and as authorized by the appointing authority.

107.4 Deputy: The building official may designate an employee as his deputy who shall exercise all the powers of the building official during the temporary absence or disability of the building official.

107.5 Qualifications of Building Official: To be eligible for appointment, the building official shall have had at least five (5) years building experience as a licensed professional engineer or architect, building inspector, contractor or superintendent of building construction. For three (3) years of which experience he shall have been in responsible charge of work; and he shall be generally informed on good engineering practice in respect to the design and construction of buildings, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants.

107.6 Qualifications of Assistants: No person shall be appointed as a technical assistant unless he has had at least three (3) years practical experience in the technical work which he is appointed to supervise, or in responsible charge of building construction, or as a skilled worker. No person shall be appointed as inspector of construction who has had less than three (3) years experience in general building construction.

107.7 Restriction on Employees: No official or employee connected with the department of building inspection, except one whose only connection is that of a member of the board of survey or of the board of appeals established under the provisions of sections 126.0 and 127.0, shall be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or of specifications therefor, unless he is the owner of the building; nor shall such officer or employee engage in any work which conflicts with his official duties or with the interests of the department.

107.8 Relief From Personal Responsibility: The building official, officer or employee charged with the enforcement of the Basic Code, while acting for the municipality, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of the Basic Code shall be defended by the legal representative of the municipality until the final termination of the proceedings. In no case shall the building official or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Basic Code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

107.9 Official Records: An official record shall be kept of all business and activities of the department specified in the provisions of the Basic Code, and all such records shall be open to public inspection at all appropriate times.

Section 108.0 Duties and Powers of Building Official

The building official shall enforce all the provisions of the Basic Code and shall act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment, and the location, use, occupancy, and maintenance of all buildings and structures, except as may otherwise be specifically provided for by statutory requirements or as herein provided:

108.1 Applications and Permits: He shall receive applications and issue permits for the erection and alteration of buildings and structures, and inspect the premises for which such permits have been issued and enforce compliance with the Basic Code provisions;

108.2 Building Notices and Orders: He shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require the

necessary safeguards during construction, to require adequate exitway facilities in existing buildings and structures, and to insure compliance with all the code requirements for the safety, health and general welfare of the public;

108.3 Inspections: He shall make all the required inspections, or he may accept reports of inspection by authoritative and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or he may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the appointing authority;

108.4 Research and Investigations: He shall make or cause to be made investigations of new developments in the building industry; subject to local climatic or other conditions, he shall accredit tests meeting the functional requirements of the Basic Code conducted by accredited authoritative agencies listed in appendix A; or he may accept duly authenticated reports from the Building Officials Conference of America, or from recognized authoritative sources of all new materials and methods of construction proposed for use which are not specifically provided for in the Basic Code; the costs of all tests or other investigations required under these provisions shall be paid by the applicant;

108.5 New Rules: He shall promulgate rules under the procedure provided in section 109, establishing the conditions for use of new materials consistent with the provisions of the Basic Code and with minimum requirements based on accepted engineering practice;

108.6 Department Records: He shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. File copies of all papers in connection with building operations shall be retained in the official records so long as the building or structure to which they relate remains in existence; and

108.7 Annual Report: At least annually, he shall submit to the chief authority of the municipality a written statement of all permits and certificates issued, orders promulgated and materials approved.

Section 109.0 Rules and Regulations

109.1 Rule Making Authority: The building official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of the Basic Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but no such rules shall have the effect of waiving working stresses or fireresistive requirements specifically provided in the Basic Code or violating accepted engineering practice involving public safety.

109.2 Accepted Engineering Practice: In the absence of approved rules, the regulations, specifications and standards listed in appendix A—Accredited Authoritative Agencies, appendix B—Accepted Engineering Practice, and appendix C—Accredited Material Standards, shall be deemed to represent accepted engineering practice in respect to the material, equipment, system or method of construction therein specified.

109.3 Promulgation of Rules: No rule or regulation shall become effective until four weeks after the intention to adopt such rules shall have been published in accordance with local statutes in an official paper or public newspaper with general circulation in the municipality, and only after a public hearing shall have been held on the rule.

109.4 Amendment of Rules: All rules adopted by the procedure herein established shall have the same effect as provisions of the Basic Code; but such rules may be amended or repealed at any time by the same procedure herein prescribed for their adoption.

Section 110.0 Modifications

110.1 Variations: When there are practical difficulties involved in carrying out structural or mechanical provisions of the Basic Code or of an approved rule, the building official may vary or modify such provision upon application of the owner or his representative, provided that the spirit and intent of the law shall be observed and public welfare and safety be assured.

110.2 Written Modification: The application for modification and the final decision of the building official shall be in writing and shall be officially recorded with the application for the permit in the permanent records of the department of building inspection.

Section 111.0 Inspection

111.1 Preliminary Inspection: Before issuing a permit, the building official shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof; and he shall conduct such inspections from time to time during and upon completion of the work for which he has issued a permit; and he shall maintain a record of all such examinations and inspections and of all violations of the Basic Code.

111.2 Accredited Inspection Services: He may accept reports of his own inspectors or of approved inspection services which satisfy his requirements as to qualifications and reliability.

111.3 Plant Inspection: When required by the provisions of the Basic Code or by the approved rules, materials or assemblies shall be inspected at the point of manufacture or fabrication.

111.4 Inspection Reports: All inspection reports shall be in writing and shall be certified by the licensed authority, or responsible officer of the service, or the individual when expert inspection services are accepted. A label or mark of approval permanently fixed to the product indicating that factory inspection has been made shall be accepted in lieu of the aforesaid report in writing.

111.5 Final Inspection: Upon completion of the building or structure, and before issuance of the certificate of use and occupancy required in section 120.0, a final inspection shall be made and all violations of the approved plans and permit shall be noted and the holder of the permit shall be notified of the discrepancies.

Section 112.0 Right of Entry

In the discharge of his duties, the building official or his authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the municipality for which a permit has been issued to enforce the provisions of the Basic Code.

112.1 Official Badge: He may adopt a badge of office for himself and assistants which shall be displayed for the purpose of identification.

112.2 Municipal Cooperation: The assistance and cooperation of police, fire, and health departments and all other municipal officials shall be available to him as required in the performance of his duties. (See section 404.)

Section 113.0 Application for Permit

113.1 When Permit is Required: It shall be unlawful to construct, enlarge, alter, remove or demolish a building, or change the occupancy of a building from one use group to another requiring greater strength, exitway or sanitary provisions; or to change to a prohibited use; or to install or alter any equipment for which provision is made or the installation of which is regulated by the Basic Code, without first filing an application with the building official in writing and obtaining the required permit therefor; except that ordinary repairs as defined in section 102 which do not involve any violation of the Basic Code shall be exempt from this provision.

113.2 Form of Application: The application for a permit shall be submitted in such form as the building official may prescribe and shall be accompanied by the required fee as prescribed in section 118.

113.3 By Whom Application is Made: Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized

to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

113.4 Description of Work: The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building, and such additional information as may be required by the building official.

113.5 Plans and Specifications: The application for the permit shall be accompanied by not less than two (2) copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. When quality of materials is essential for conformity to the Basic Code, specific information shall be given to establish such quality; and in no case shall the code be cited or the term "legal" or its equivalent be used as a substitute for specific information. The building official may waive the requirement for filing plans when the work involved is of a minor nature.

113.6 Plot Diagram: There shall also be filed a plot plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing buildings and construction that are to remain on the site or plot.

113.7 Engineering Details: The building official may require adequate details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design.

113.8 Amendments to Application: Subject to the limitations of section 113.9 amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued; and such amendments shall be deemed part of the original application and shall be filed therewith.

113.9 Time Limitation of Application: An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the building official may grant one or more extensions of time for additional periods not exceeding ninety (90) days each.

Section 114.0 Permits

114.1 Action on Application: The building official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the plans do not

conform to the requirements of all pertinent laws, he shall reject such application in writing stating the reasons therefor. If he is satisfied that the proposed work conforms to the requirements of the Basic Code and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practicable.

114.2 Suspension of Permit: Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

114.3 Previous Approvals: Nothing in the Basic Code shall require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively prosecuted within ninety (90) days after the effective date of this ordinance; and the entire building shall be completed as authorized within two (2) years after the date of approval of the application.

114.4 Signature to Permit: The building official shall attach his signature to every permit; or he may authorize a subordinate to affix such signature thereto.

114.5 Approved Plans: The building official shall stamp or endorse in writing both sets of corrected plans "Approved", and one set of such approved plans shall be retained by him and the other set shall be kept at the building site, open to inspection of the building official or his authorized representative at all reasonable times.

114.6 Revocation of Permits: The building official may revoke a permit or approval issued under the provisions of the Basic Code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

114.7 Approval in Part: The building official may issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of the Basic Code. The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.

114.8 Posting of Permit: A true copy of the building permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until the completion of the same.

114.9 Notice of Start: At least twenty-four (24) hours' notice of start of work under a building permit shall be given to the building official.

Section 115.0 Conditions of Permit

115.1 Payment of Fees: No permit shall be issued until the fees prescribed in section 118 have been paid.

115.2 Compliance with Code: The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of the Basic Code, except as specifically stipulated by modification or legally granted variation as described in the application.

115.3 Compliance with Permit: All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.

115.4 Compliance with Plot Plan: All new work shall be located strictly in accordance with the approved plot plan.

115.5 Change in Plot Plan: No lot or plot shall be changed, increased or diminished in area from that shown on the official plot plan, unless a revised diagram showing such changes accompanied by the necessary affidavit of owner or applicant shall have been filed and approved; except that such revised plot plan will not be required if the change is caused by reason of an official street opening, street widening or other public improvement.

Section 116.0 Demolition of Buildings

116.1 Service Connections: Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building such as water, electric, gas, sewer and other connections. A permit to demolish or remove a building shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

Section 117.0 Removal of Buildings

117.1 Notice to Adjoining Owners: Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.

117.2 Lot Regulation: Whenever a building is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of article 13.

Section 118.0 Fees

No permit to begin work for new construction, alteration, removal, demolition or other building operation shall be issued until the fees prescribed in this section shall have been paid to the department of building inspection or other authorized municipal agency, nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost of the work involved be approved until the additional fee shall have been paid.

118.1 Special Fees: The payment of the fee for the construction, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures, or fees for inspections, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the department of building inspection.

118.2 New Construction and Alterations: The fee for a building permit shall be based on the volume of the structure, or as otherwise prescribed in the local ordinances, and the building official is authorized to establish by approval rules a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined in article 2.

118.3 Moving of Buildings: The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate of —— per hundred (100) dollars of the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location.

118.4 Demolition: The fee for a permit for the demolition of a building or structure shall be at the rate of —— for each —— cubic foot of volume of building or structure.

118.5 Signs: The fee for signs, billboards and other display structures for which permits are required under the provisions of the Basic Code shall be in accordance with the local laws or regulations.

118.6 Accounting: The building official shall keep an accurate account of all fees collected for building permits; and such collected fees shall be deposited monthly in the municipal treasury, or otherwise disposed of as required by law.

118.7 Refunds: In the case of a revocation of a permit or abandonment or discontinuance of a building project, the volume of the work actually completed shall be computed and any excess fee for the incompleted work shall be returned to the permit holder; except that all

penalties that may have been imposed on the permit holder under the requirements of the Basic Code shall first be collected.

Section 119.0 Volume Computation

For the determination of the permit fees, the volume of the structure shall be computed as herein provided:

119.1 Structures with Basements: The volume of the building shall include all enclosed dormers, porches, penthouses and other enclosed portions of the structure extending from the basement or cellar floor to the mean height of a pitched roof, or the average height to the top of the roof beams of a flat roof.

119.2 Structures without Basements: For buildings without basements or cellars, the volume shall be based on the height measured to a level located one-fifth (⅕) the distance from the first floor level to the bottom of the footings, but not to exceed two and one-half (2½) feet below the first floor level.

119.3 Open Sheds: For open sheds and structures of a similar character, the volume shall be measured within the perimeter of the roof for a height from the grade line to the mean roof level.

Section 120.0 Certificate of Use and Occupancy

120.1 New Buildings: No building hereafter erected shall be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the building official.

120.2 Buildings Hereafter Altered: No building hereafter enlarged, extended or altered to change from one use group to another, in whole or in part, and no building hereafter altered for which a certificate of use and occupancy has not been heretofore issued, shall be occupied or used until the certificate shall have been issued by the building official, certifying that the work has been completed in accordance with the provisions of the approved permit; except that any use or occupancy, which was not discontinued during the work of alteration, shall be discontinued within thirty (30) days after the completion of the alteration unless the required certificate is secured from the building official.

120.3 Existing Buildings: Upon written request from the owner of an existing building, the building official shall issue a certificate of use and occupancy, provided there are no violations of law or orders of the building official pending, and it is established after inspection and investigation that the alleged use of the building has heretofore existed. Nothing in the Basic Code shall require the removal, alteration or abandonment of, or prevent the continuance of the use and occupancy of a lawfully existing building, unless such use is deemed to endanger public safety and welfare.

120.4 Changes in Use and Occupancy: After a change of use has been made in a building, the reestablishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless all the applicable provisions of the Basic Code are compiled with. A change from one prohibited use, for which a permit has been granted, to another prohibited use shall be deemed a violation of the Basic Code.

120.5 Temporary Occupancy: Upon the request of the holder of a permit, the building official may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.

120.6 Contents of Certificate: When a building or structure is entitled thereto, the building official shall issue a certificate of use and occupancy within ten (10) days after written applications. The certificate shall certify compliance with the provisions of the Basic Code and the purpose for which the building or structure may be used in its several parts. The certificate of use and occupancy shall specify: the use group, in accordance with the provision of article 2, the fire grading as defined in article 2 and table 16, the maximum live load on all floors as prescribed in article 7, the occupancy load in the building and all parts thereof as defined in article 2 and article 6, and any special stipulations and conditions of the building permit.

Section 121.0 Posting Buildings

121.1 Posted Use and Occupancy: Every building and structure and part thereof designed for high hazard, storage, mercantile, industrial or business use (use groups A, B, C, D, and E) as defined in article 2, shall be posted on all floors by the owner with a suitably designed placard in a form designated by the building official, which shall be securely fastened to the structure in a readily visible place, stating: the use group, the fire grading, the live load and the occupancy load.

121.2 Posted Occupancy Load: Every building and structure and part thereof designed for use as a place of public assembly or as an institutional building for harboring people for penal, correctional, educational, medical or other care or treatment (use Groups F and H) shall be posted with an approved placard designating the maximum occupancy load.

121.3 Replacement of Posted Signs: All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed, or defaced and, if lost, removed or defaced, shall be immediately replaced.

121.4 Periodic Inspection: The building official may periodically inspect all existing buildings and structures except one- and two-family

dwellings, for compliance with the law in respect to posting; or he may accept the report of such inspection from an authorized licensed professional engineer or architect; and such inspection and report shall specify any violation of the requirements of the Basic Code in respect to the posting of floor load, fire grading, occupancy load and use group of the building.

Section 122.0 Violations

122.1 Notice of Violation: The building official shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use or occupancy of a building or structure in violation of the provisions of the Basic Code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of the Basic Code; and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

122.2 Prosecution of Violation: If the notice of violation is not complied with promptly, the building official shall request the legal council of the municipality to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of the Basic Code or of the order or direction made pursuant thereto.

122.3 Violation Penalties: Any person who shall violate a provision of the Basic Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the Basic Code, shall be guilty of a misdemeanor, punishable by a fine of not more than —— dollars or by imprisonment not exceeding one (1) year, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

122.4 Abatement of Violation: The imposition of the penalties herein prescribed shall not preclude the legal officer of the municipality from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

Section 123.0 Stop-Work Order

123.1 Notice to Owner: Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of the Basic Code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop-work order shall be in

writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work may be resumed.

123.2 **Unlawful Continuance:** Any person who shall continue any work in or about the building after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than —— dollars or more than —— dollars.

Section 124.0 Unsafe Buildings

124.1 **Right of Condemnation:** All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exitway facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which by reason of illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe buildings shall be taken down and removed or made safe and secure, as the building official may deem necessary and as provided in this section. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of the Basic Code.

124.2 **Examination and Record of Damaged Building:** The building official shall examine every building or structure reported as dangerous, unsafe structurally or constituting a fire hazard; and he shall cause the report to be filed in a docket of unsafe structures and premises, stating the use of the building, the nature and estimated amount of damages, if any, caused by collapse or failure.

124.3 **Notice of Unsafe Building:** If an unsafe condition is found in a building or structure, the building official shall serve on the owner, agent or person in control of the building or structure a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the building official his acceptance or rejection of the terms of the order.

124.4 **Restoration of Unsafe Building:** A building or structure condemned by the building official may be restored to safe condition provided no change of use or occupancy is contemplated or compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is in excess of fifty (50) per cent of its replacement value, exclusive of foundations, such building shall be made to comply in all respects with the requirements for materials and methods of construction of buildings hereafter erected.

124.5 **Posting Unsafe Notice:** If the person addressed with an unsafe notice cannot be found within the city after diligent search, then such

notice shall be sent by registered or certified mail to the last known address of such person; and a copy of the unsafe notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

124.6 Disregard of Unsafe Notice: Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the proper legal official of the municipality shall be advised of all the facts and he shall institute the appropriate action to compel compliance.

Section 125.0 Emergency Measures

125.1 Vacating Buildings: When, in the opinion of the building official, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building, the building official is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows:

"THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY
HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL"

and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.

125.2 Temporary Safeguards: When, in the opinion of the building official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, he shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been instituted.

125.3 Closing Streets: When necessary for the public safety, the building official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe buildings, and prohibit the same from being used.

125.4 Emergency Repairs: For the purposes of this section the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

125.5 Costs of Emergency Repairs: Costs incurred in the performance of emergency work shall be paid from the municipal treasury on certificate of the building official; and the legal authority of the municipality shall institute appropriate action against the owner of the premises where the unsafe building or structure was located for the recovery of such costs.

Section 126.0 Board of Survey

126.1 Application for Survey: The owner of a building or structure or his duly authorized representative who has been served with an unsafe order and notice to make such structure safe, secure or habitable or to take down and remove such structure shall have the right, except in cases of emergency, to demand the appointment of a board of survey if he deems such order to be unnecessary, improper or unreasonable. Such demand shall be in writing with a statement of the reasons therefor.

126.2 Constitution of Board of Survey: The board of survey shall consist of three persons, one of whom shall be the building official or an assistant designated by him; another shall be the owner or his legal representative, or a licensed professional engineer or architect, or a qualified builder designated by the owner; and the third shall be a licensed professional engineer or architect chosen jointly by the other two members, or designated by a justice of the court of record in case of failure of agreement.

126.3 Compensation of Board of Survey: The third member of the board shall receive for his services a fee of —— dollars to be paid by the appellant.

126.4 Survey Procedure: The powers and duty of the board of survey shall be:

126.41 Inspection of Structure: To inspect the building or structure and to confirm, modify or revoke the order of the building official as may seem just and proper in the interest of public safety and welfare; and

126.42 Determination of Repair Cost: To determine the suitable cost of reconstruction, restoration or rehabilitation in the repair of an unsafe building or structure, in case of disagreement or dispute.

126.5 Survey Findings.

126.51 Report: The board of survey shall determine its findings, and submit a report in writing affirming or modifying the order of the building official in whole or in part and recommending the remedial steps to be taken to render the building or structure safe.

126.52 Method of Decision: The findings and determinations of any two members of the board shall be deemed conclusive, and certified copies of the report shall be filed with the building official and with the owner or his representative and shall be binding upon the building official and all parties in interest.

Section 127.0 Board of Appeals

127.1 Application for Appeal: The owner of a building or structure or any other person may appeal from a decision of the building official refusing to grant a modification of the provisions of the Basic Code covering the manner of construction or materials to be used in the

erection, alteration or repair of a building or structure to the board of appeals. Application for appeal may be made when it is claimed that: the true intent of the Basic Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Basic Code do not fully apply, or an equally good or better form of construction can be used.

127.2 Constitution of Board of Appeals:

127.21 Membership of Board: The board of appeals shall consist of five (5) members appointed by the chief appointing authority of the municipality, one member to be appointed for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one to serve one (1) year; and thereafter each new member to serve for five (5) years or until his successor has been appointed.

127.22 Qualifications of Board Members: Each member shall be a licensed professional engineer or architect, or a builder or superintendent of building construction, with at least ten (10) years experience, for five (5) years of which he shall have been in responsible charge of work; and at no time shall there be more than two (2) members of the board selected from the same profession or business; and at least one of the professional engineers shall be a licensed structural or civil engineer of architectural engineering experience.

127.23 Absence of Members: During absence of a member by reason of disability or disqualification, the appointing officer shall designate a qualified substitute.

127.24 Chairman of Board: The board shall select one of its members to serve as chairman, and the building official shall designate a clerk from the department to serve as secretary to the board, who shall keep a detailed record of all proceedings on file in the department of building inspection.

127.25 Exemption of Members: No member of the board shall pass on any question in which he is engaged as contractor or material dealer, or in the preparation of plans or specifications, or in which he has any personal interest.

127.3 Compensation of Board of Appeals: Compensation of appointed members of the board shall be determined by the proper authority of the municipality.

127.4 Appeals Procedure:

127.41 Notice of Meetings: The board shall meet upon notice of the chairman within ten (10) days of the filing of an appeal or at stated periodic meetings if warranted by the volume of work;

127.42 Public Hearing: All hearings shall be public; and the appellant, his representative, the official of the municipality and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard;

127.43 **Adjourned Meeting:** When five (5) qualified members are not present to consider a specific appeal, either the appellant, the building official or their representatives may request a postponement of the hearing.

127.5 **Decision of Board of Appeals:**

127.51 **Action of Board:** The board shall affirm, modify or reverse the decision of the building official by a concurring vote of three (3) members;

127.52 **Resolutions of Board:** Every action of the board shall be by resolution and certified copies shall be furnished to the appellant and to the building official;

127.53 **Determining Vote:** Failure to secure three (3) concurring votes shall be deemed a confirmation of the decision of the building official, except that the appellant shall be entitled to further hearing before a full board if there were not five (5) qualified members present when the vote was taken;

127.54 **Enforcement of Decision:** The building official shall take immediate action in accordance with the decision of the board.

127.6 **Court Review:** Any person aggrieved by a decision of the board of appeals, whether or not a previous party to the decision, or any municipal officer or official board of the municipality, may apply to the appropriate court for a writ of certiorari to correct errors of law in such decisions. Application for review shall be made to the proper court of jurisdiction within fifteen (15) days after the filing of the board's decision in the office of the building official.

Section 128.0 Controlled Materials Procedure

128.1 **Waiver of Examination and Inspection:**

128.11 **Under Direct Supervision:** When plans for the erection or alteration of a building are prepared by a licensed professional engineer or registered architect, which contemplate structural work or structural changes involving public safety or health, and such plans are accompanied by an affidavit of the applicant that he has supervised the preparation of the architectural, structural and mechanical design plans and that he will supervise or check all working drawings and shop details for the construction, and that the structure will be built under his field supervision and in accordance with the approved plans, and that such plans conform to all the provisions of the Basic Code and the legal rules adopted under its provisions, and that all the material used in the construction will be controlled materials as defined in sections 701 and 722, the building official may waive examination of the plans and field inspection of the construction and may issue a permit for the performance of the work.

128.12 **Qualified Supervisor:** The licensed or registered professional engineer or architect shall be qualified by experience and training

in the particular field of construction involved in the building project under consideration.

128.13 Verified Report: Before the issuance of the certificate of use and occupancy for such building, the licensed professional engineer or architect who prepared and filed the original plans and who supervised the erection of the building shall file a verified report that the structure has been erected in accordance with the approved plans; and as erected, the building complies in all respects with the Basic Code and all other laws governing building construction except as to the specific variations legally authorized under the provisions of the Basic Code and as specifically noted in the verified report and cited in the certificate of use and occupancy.

128.2 Special Technical Services: When applications for unusual designs of magnitude of construction are filed, the building official may refer such plans and specifications to the Plan Review Service of the Building Officials and Code Administrators International for advice and recommendations as to their safety of design and compliance with the Basic Code; or he may, in his discretion, retain a properly qualified licensed engineer or registered architect to examine such application for a specific building operation with respect to safety and conformance to statutory requirements. Such employed licensed engineer or registered architect shall supervise the construction in the field to secure compliance with the approved plans and permit; and upon completion of the work, he and the builder shall file with the building official a verified report to the effect that the building has been erected in accordance with accepted engineering practice and in conformity to all the statutory provisions governing building construction for the designated use group classification of the building or structure in respect to use, fire grading, floor and occupancy loads.

Section 129.0 Validity

129.1 Partial Invalidity: In the event any part or provision of the Basic Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which may or shall be determined to be legal; and it shall be presumed that the Basic Code would have been passed without such illegal or invalid parts or provisions.

129.2 Segregation of Invalid Provisions: Any invalid part of the Basic Code shall be segregated from the remainder of the code by the court holding such part invalid, and the remainder shall remain effective.

129.3 Decisions Involving Existing Buildings: The invalidity of any provision in any section of the Basic Code as applied to existing buildings and structures shall not be held to affect the validity of such section in its application to buildings and structures hereafter erected.

1961 Fairfax County Code, Chapter 6, Buildings
§§ 6-5(g) and 6-5(h), Fees

* * *

(g) Section 118.6 of the Building Code adopted by section 6-4 shall be amended to read as follows:

"Any permit issued by the Building Inspector pursuant to the provisions of this Code, under which no work is commenced, may be cancelled upon the application of the owner at any time within six (6) months from the date of issuance and the Board of Supervisors shall refund fifty percent of the fee paid for such permit. Any permit issued pursuant to this Code shall expire and become null and void after the expiration of six (6) months if no work is commenced thereunder during a six (6) months period; provided, however, that any permit so voided may be reinstated upon application of the original applicant within one (1) year from the original date of issuance with no additional fee; and provided that at the time of application for reinstatement, such plans and application comply with the then existing Building Code and other applicable ordinances of the County."

(h) Section 118.7 of the Building Code adopted by section 6-4 is hereby deleted in its entirety. (5-2-56, § 3; 2-7-68; 6-30-71.)

* * *

1961 Fairfax County Code, Chapter 6, Buildings
§ 6-1, Adoption; § 6-5, Fees; § 6-6, General

25-73-6

ADOPTION OF AMENDMENTS TO THE 1961 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, AS AMENDED, BY PROVIDING A NEW CHAPTER TO BE KNOWN AS CHAPTER 6, BUILDING.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room of the Massey Building at Fairfax, Virginia on August 6, 1973, the Board after having first given notice of its intention to do so, in the manner prescribed by law, deleted Chapter 6 (Buildings) of 1961 Code of the County of Fairfax, Virginia and replaced it with a new Chapter 6, to be known as the Fairfax County Building Code, which includes the adoption of the Building Officials Conference of America, Inc. (BOCA) Basic Building Code, including standards and amendments as adopted by the Virginia State Board of Housing as part of the Virginia Uniform Statewide Building Code, (Virginia State Law, Chapter 829, Section 36-100 of the Acts of the Virginia General Assembly of 1972).

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY

Section 6-1 ADOPTION

There is hereby adopted by the Board of Supervisors for the purpose of establishing rules and regulations for the construction, alteration, removal, placement, demolition, equipment and maintenance of buildings and structures, including permits and penalties, that certain building code known as the Virginia Uniform Statewide Building Code, of which not less than five copies have been and are now filed and available in the Office of the Building Official or his designee in the County Office Building and in the Office of the Clerk of the Circuit Court and may be viewed during the hours between 8:00 A. M. and 4:30 P. M., Monday

thru Friday inclusive, except holidays and the same is hereby adopted and incorporated as fully as is set out at length herein. From the date on which this Chapter shall take effect, the provisions of this Chapter shall be controlling in all matters contained herein.

* * *

Section 6-5 FEES

(a) No permit to begin work for new construction, alteration, removal, placement, demolition or any other building operation shall be issued until the fees prescribed in this section in Paragraph (b) of this section the Board of Supervisors shall have been paid to the Director of Finance of Fairfax County for the use of said County, nor shall an amendment to a permit necessitating an additional fee because of an increase in the size of the buildings or an increase in the estimated cost of the work involved be approved until the additional fee shall have been paid.

(b) The Board of Supervisors shall, by resolution, establish and may change from time to time a schedule of fees to be collected by the Director of Finance of Fairfax County.

Section 6-6 GENERAL

(1) Any permit issued by the Building Official pursuant to the provisions of this Code, under which no work is commenced, may be cancelled upon the application of the owner at any time within six (6) months from the date of issuance and the Board of Supervisors shall refund fifty percent of the fee paid for such permit. Any permit issued pursuant to this Code shall expire and become null and void after the expiration of six (6) months if no work is commenced thereunder during a six (6) months period provided, however that any permit so voided may

be reinstated upon application of the original applicant within one (1) year from the original date of issuance with no additional fee and provided that at the time of application for reinstatement, such plans and application comply with the then existing Virginia Uniform Statewide Building Code and other applicable ordinances of the County.

* * *

1973 Accumulative Supplement to Virginia Uniform Statewide Building Code (excerpts)

Section I - Adoption of Building Code

That a certain document which is on file in the office of the State Board of Housing, being marked and designated as "THE BOCA BASIC BUILDING CODE, FIFTH EDITION, 1970, with ACCUMULATIVE SUPPLEMENT 1972" as published by the Building Officials and Code Administrators International be and is hereby adopted as the Uniform Statewide Building Code of the State of Virginia; for the control of each and all of the regulations, provisions, penalties, conditions, and terms of "THE BOCA BASIC BUILDING CODE, FIFTH EDITION, 1970, with ACCUMULATIVE SUPPLEMENT 1972" are hereby referred to, adopted and made a part thereof, as if fully set out in these Virginia Board of Housing regulations, with the addition, insertions, deletions, and changes, if any, prescribed in Section II of these regulations.

Section II - Additions, Insertions, and Changes

That the following sections are hereby revised as follows:

Section 100.0 Scope

100.1 Title:
These regulations shall be known as the Uniform Statewide Building Code of the State of Virginia; hereinafter referred to as the Basic Code. They shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location and occupancy and maintenance of all buildings and structures and their service equipment as herein defined and shall apply to existing or proposed buildings and structures in the State of Virginia; or in the rules and regulations authorized for promulgation under the provisions of the Basic Code.

Section 101.0 Matter Covered

The provisions of the Basic Code shall apply to all buildings and structures and their appurtenant constructions, including vaults, area and street projections, and accessory additions; and shall apply with equal force to municipal, county, state and private buildings; except where such buildings are otherwise specifically provided for by statute, or where such buildings are subject to local city or county codes as approved by the Board of State Building Code Review as established in Chapter 6 of Title 36, Code of Virginia, 1950 as amended. Such approved local codes are for a period not to exceed two years from the effective day of the Uniform Statewide Building Code, see Section 105.1.

Section 105.0 Change in Existing Use

105.1 Continuation of Existing Use:
The legal use and occupancy of any structure existing on September 1, 1973 or until such date not to extend beyond September 1, 1975 as approved by the Review Board or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in the Basic Code or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Section 107.0 Department of Building Inspection

107.1 Local Government Officer to Administer CODE-Building Official:
As of September 1, 1973 the administration and enforcement of the Building Code shall be the responsibility of the local governing body's building official. Whenever a local governing body has no such an official, they shall enter into an agreement with another local governing body able to furnish such an official, or with some other agency as provided in Section 128-0 of the Basic Code, or a State agency approved by the State Board of Housing.

Section 109.0 Rules and Regulations

109.1 Rule Making Authority:
The State Board of Housing shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of the Basic Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but no such rules shall have the effect of waiving working stresses or fireresistive requirements specifically provided in the Basic Code or violating accepted engineering practice involving public safety.

118.2 New Construction and Alterations:
The fee for a building permit shall be as prescribed in the local ordinances, and the building official is authorized to establish by approval rules a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined in article 2.

118.3 Moving of Buildings:
The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate established by local ordinances based on the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location.

118.4 Demolition:
The fee for a permit for the demolition of a building or structure shall be at the rate established by local ordinances.

120.7 (added section to BOCA Basic CODE) Zoning and Other Laws:
No certificate of occupancy shall be issued if in violation of zoning or other local ordinances.

122.2 Prosecurion of Violation:
If the notice of violation is not complied with promptly, the building official shall request the legal counsel of the municipality to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of the Basic Code or of the order or direction made pursuant thereto.

122.3 Violation Penalties:
Any person who shall violate a provision of the Basic Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the Basic Code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00). Each day that a violation continues shall be deemed a separate offense.

122.4 Abatement of Violation:
The imposition of the penalties herein prescribed shall not preclude the legal officer of the municipality from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

123.1 Notice to Owner:
Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of the Basic Code to the extent that such building practices are being conducted in an unsafe and dangerous manner, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work may be resumed.

123.2 Unlawful Continuance:
Any person who shall continue any work in or about the building after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not more than five hundred dollars ($500.00).

124.6 Disregard of Unsafe Notice:
Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the proper legal official of the municipality shall be advised of all the facts and he shall institute the appropriate action to compel compliance.

126.3 Compensation of Board of Survey:
The third member of the board shall receive for his services a fee proportionate to his usual professional service charges as agreed upon with the applicant and paid for by the applicant.

127.52 Resolutions of Board:
Every action of the board shall be by resolution and certified copies shall be furnished to the appellant and to the building official, and the building official shall transmit a copy thereof to the Review Board.

127.6 Review Board (Board of State Building Code Review)
Any person aggrieved by a decision of the board of appeals, whether or not a previous party to the decision, or any municipal officer or official board of the municipality, may apply to the Review Board. Such application for review must be made by certified mail within fifteen (15) days after the filing of the board of appeals' decision in the office of the building official. The Review Board shall render the final decision on an appeal.

127.7 Court Review:
An appeal from the Review Board shall be in accordance with the provisions of Section 9-6.13 of the Code of Virginia, and an appeal shall lie to the Supreme Court as provided in Section 9-6.14 of such Code.

* * *

Section III - Inconsistent Local Building Codes and Regulations Repealed

That all building codes and regulations of the counties, municipalities and State agencies in conflict herewith are repealed as called for in Chapter 829, Section 36-100 of the Acts of the General Assembly of 1972.

* * *

1974 Accumulative Supplement to Virginia Uniform Statewide Building Code (excerpts)

Part A
Adoption of Virginia Uniform Statewide Building Code

A certain document which is on file in the Office of the State Board of Housing was adopted on January 29, 1973, as the Uniform Statewide Building Code of the Commonwealth of Virginia, hereinafter sometimes called the Basic Code.

The Basic Code is *now* comprised of the following pamphlets as if fully set out in these regulations with the additions, insertions, deletions and changes, if any, prescribed in Part B of this Supplement.

The BOCA Basic Building Code/1970
BOCA Basic Building Code Accumulative Supplement 1972
The BOCA Basic Mechanical Code/1971
BOCA Basic Plumbing Code/1970
BOCA Basic Plumbing Code Accumulative Supplement 1972
One and Two Family Dwelling Code/1971
One and Two Family Dwelling Code Accumulative Supplement 1973
National Electric Code 1971
Electrical Code for One and Two Family Dwellings
Virginia Administrative Amendments 1973 Edition (merged into this Accumulative Supplement)

Part B
Virginia Amendments
BOCA Basic Building Code

Section 100.0 Scope
100.1 Title: These regulations shall be known as the Uniform Statewide Building Code of the State of Virginia; hereinafter referred to as the Basic Code. They shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location and occupancy and maintenance of all buildings and structures and their service equipment as herein defined and shall apply to existing or proposed buildings and structures in the State of Virginia; or in the rules and regulations authorized for promulgation under the provisions of the Basic Code. (September, 1973)

Section 101.0 Matter Covered
The provisions of the Basic Code shall apply to all buildings and structures and their appurtenant constructions, including vaults, area and street projections, and accessory additions; and shall apply with equal force to municipal, county, state and private buildings; except where such buildings are otherwise specifically provided for by statute, or where such buildings are subject to local city or county codes as approved by the Board of State Building Code Review as established in Chapter 6 of Title 36, Code of Virginia, 1950 as amended. Such approved local codes are for a period not to exceed two years from the effective day of the Uniform Statewide Building Code, see Section 105.1. (September, 1973)

Section 105.0 Change in Existing Use

105.1 Continuation of Existing Use: The legal use and occupancy of any structure existing on September 1, 1973 or until such date not to extend beyond September 1, 1975 as approved by the Review Board or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in the Basic Code or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public. (September, 1973)

Section 107.0 Department of Building Inspection

107.1 Local Government Officer to Administer Code--Building Official: As of September 1, 1973, the administration and enforcement of the Building Code shall be the responsibility of the local governing body's building official. Whenever a local governing body has no such an official, they shall enter into an agreement with another local governing body able to furnish such an official, or with some other agency as provided in Section 128-0 of the Basic Code, or a State agency approved by the State Board of Housing. (September, 1973)

Section 109.0 Rules and Regulations

109.1 Rule Making Authority: The State Board of Housing shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of the Basic Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but no such rules shall have the effect of waiving working stresses or fireresistive requirements specifically provided in the Basic Code or violating accepted engineering practice involving public safety. (September, 1973)

109.3 Promulgation of Rules: The State Board of Housing may modify, amend or repeal any code provision from time to time as the public interest requires, but before any code provisions are adopted, the State Board of Housing shall hold at least one public hearing after at least 60 days notice thereof has been given by publication in at least four newspapers of general circulation published in the State. In addition to notice by publication the State Board shall notify in writing the governing official of every municipality in the State of the hearing. At any such hearing all persons desiring to do so shall be afforded an opportunity to present their views.

No such modification or amendment shall be effective earlier than 60 days from the adoption thereof. (April, 1974)

Section 113.0 Application for Permit

113.3 By Whom Application is Made: Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application, when required by the building official. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application. (April, 1974)

Section 118.0 Fees

118.2 New Construction and Alterations: The fee for a building permit shall be as prescribed in the local ordinances, and the building official is authorized to establish by approval rules a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined as article 2. (September, 1973)

118.3 Moving of Buildings: The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate established by local ordinances. (April, 1974)

118.4 Demolition: The fee for a permit for the demolition of a building or structure shall be at the rate established bv local ordinances. (September, 1973)

Section 120.0 Certificate of Use and Occupancy
120.7 (added) Zoning and Other Laws: No certificate of occupancy shall be issued if in violation of zoning or other local ordinances. (September, 1973)

Section 122.0 Violations
122.2 Prosecution of Violation: If the notice of violation is not complied with promptly, the building official shall request the legal counsel of the municipality to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of the Basic Code or of the order or direction made pursuant thereto. (September, 1973)

122.3 Violation Penalties: Any person who shall violate a provision of the Basic Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the Basic Code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00). Each day that a violation continues shall be deemed a separate offense. (September, 1973)

122.4 Abatement of Violation: The imposition of the penalties herein prescribed shall not preclude the legal officer of the municipality from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises. (September, 1973)

Section 123.0 Stop Work Order
123.1 Notice to Owner: Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of the Basic Code to the extent that such building practices are being conducted in an unsafe and dangerous manner, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work may be resumed. (September, 1973)

123.2 Unlawful Continuance: Any person who shall continue any work in or about the building after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not more than five hundred dollars ($500.00). (September, 1973)

Section 124.0 Unsafe Buildings
124.6 Disregard of Unsafe Notice: Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the proper legal official of the municipality shall be advised of all the facts and he shall institute the appropriate action to compel compliance. (September, 1973)

Section 125.0 Emergency Measures

125.5 Costs of Emergency Repairs or Demolition: Costs incurred in the performance of emergency work or demolition shall be paid from the municipal treasury on certificate of the building official; and the legal authority of the municipality shall institute appropriate action against the owner of the premises where the unsafe building or structure was located for the recovery of such costs. (April, 1974)

Section 126.0 Board of Survey

This entire Section has been deleted. (April, 1974)

Section 127.0 Board of Appeals

127.52 Resolutions of Board: Every action of the board shall be by resolution and certified copies shall be furnished to the appellant and to the building official, and the building official shall transmit a copy thereof to the Review Board. (September, 1973)

127.6 Review Board (Board of State Building Code Review): Any person aggrieved by a decision of the board of appeals, whether or nct a previous party to the decision, or any municipal officer or official board of the municipality, may apply to the Review Board. Such application for review must be made by certified mail within fifteen (15) days after the filing of the board of appeals' decision in the office of the building official. The Review Board shall render the final decision on an appeal. (September, 1973)

127.7 Court Review: An appeal from the Review Board shall be in accordance with the provisions of Section 9-6.13 of the Code of Virginia, and an appeal shall lie to the Supreme Court as provided in Section 9-6.14 of such Code. (September, 1973)

* * *

Part C
Inconsistent Local Building Codes and Regulations Repealed

All building codes and regulations of the counties, municipalities and State agencies in conflict herewith are repealed as called for in Article 1, Chapter 6, Title 36 (Sections 36-97 et. seq.) of the Code of Virginia 195.0 as amended.

* * *

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

SECTION 100.0 SCOPE

100.1 Title: These regulations shall be known as the Building Code of [*name of jurisdiction*] hereinafter referred to as "this code."

100.2 Scope: These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment as herein defined, and shall apply to existing or proposed buildings and structures in the [*name of jurisdiction*]; except as such matters are otherwise provided for in the local jurisdictional charter, or other ordinance or statutes, or in the rules and regulations authorized for promulgation under the provisions of this code.

100.3 Application of references: Unless otherwise specifically provided in this code, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this code.

100.4 Code remedial: This code shall be construed to secure its expressed intent, which is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation and fire safety; and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

SECTION 101.0 MATTER COVERED

101.1 General: The provisions of this code shall apply to all buildings and structures and their appurtenant constructions, including vaults, area and street projections, and accessory additions; and shall apply with equal force to municipal, county, state and private buildings; except where such buildings are otherwise specifically provided for by statute.

101.2 Exemptions: A building or structure shall not be constructed, extended, repaired, removed or altered in violation of these provisions,

except for ordinary repairs as defined in Section 102.0, and except further that the raising, lowering or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted, provided the building or structure is not otherwise altered or its use or occupancy changed.

101.3 Matters not provided for: Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure, or essential for the safety of the occupants thereof, and which is not specifically covered by this code, shall be determined by the building official.

101.4 Continuation of unlawful use: The continuation of occupancy or use of a building or structure, or of a part thereof, contrary to the provisions of this code, shall be deemed a violation and subject to the penalties prescribed in Section 123.0.

101.5 Zoning restrictions: When the provisions herein specified for structural, fire and sanitary safety are more restrictive than the zoning law, this code shall control the erection or alteration of buildings or structures, in respect to location, use, permissible area and height; but in any case, the most rigid requirements of either the building code or the zoning law shall apply whenever they may be in conflict.

SECTION 102.0 ORDINARY REPAIRS

102.1 General: Ordinary repairs to structures may be made without application or notice to the building official; but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

SECTION 103.0 INSTALLATION OF SERVICE EQUIPMENT

103.1 General: When the installation, extension, alteration or repair of an elevator, moving stairway, mechanical equipment, refrigeration, air conditioning or venilating apparatus, plumbing gas piping, electric wiring, heating system or any other equipment is specifically controlled by the provisions of this code or the approved rules, it shall be unlawful to use such equipment until a certificate of approval has been issued therefor by the building official or other agency having jurisdiction.

SECTION 104.0 MAINTENANCE

104.1 General: All buildings and structures and all parts thereof, both

existing and new, shall be maintained in a safe and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by this code in a building or structure, or which were required by a previous statute in a building or structure, when erected, altered or repaired, shall be maintained in good working order.

104.2 Owner responsibility: The owner or his designated agent shall be responsible for the safe and sanitary maintenance of the building or structure and its exitway facilities at all times.

SECTION 105.0 CHANGE IN EXISTING USE

105.1 Continuation of existing use: The legal use and occupancy of any structure existing on [*date of adoption of this code*] or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in this code and the housing code or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.

105.2 Change in use: It shall be unlawful to make any change in the use or occupancy of any structure which would subject it to any special provision of this code without approval of the building official, and his certification that such structure meets the intent of the provisions of law governing building construction for the proposed new use and occupancy, and that such change does not result in any greater hazard to public safety or welfare.

SECTION 106.0 EXISTING STRUCTURES

106.1 Application: Except as provided in this section, existing structures, when altered or repaired as herein specified, shall be made to conform to the full requirements of this code for new structures.

106.2 Alterations exceeding 50 per cent: If alterations or repairs are made within any period of twelve (12) months, costing in excess of fifty (50) per cent of the physical value of the structure, this code's requirements for new structures shall apply.

106.3 Damages exceeding 50 per cent: If the structure is damaged by fire or any other cause to an extent in excess of fifty (50) per cent of the physical value of the structure before the damage was incurred, this code's requirements for new structures shall apply.

106.4 Alterations under 50 per cent: If the cost of alterations or repairs described herein is between twenty-five (25) and fifty (50) per cent of the physical value of the structure, the building official shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements for new structures.

106.5 Alterations under 25 per cent: If the cost of alterations or repairs

described herein is twenty-five (25) per cent or less of the physical value of the structure, the building official shall permit the restoration of the structure to its condition previous to damage or deterioration with the same kind of materials as those of which the structure was constructed; provided that such construction does not endanger the general safety and public welfare and complies with the provisions of Section 926.2 in respect to existing roofs.

106.6 Increase in size: If the structure is increased in floor area or number of stories, the entire structure shall be made to conform with the requirements of this code in respect to means of egress, fire safety, light and ventilation.

106.7 Part change in use: If a portion of the structure is changed in occupancy or to a new use group, and that portion is separated from the remainder of the structure with the required vertical and horizontal fire divisions complying with the fire grading in Table 902, then the construction involved in the change shall be made to conform to the requirements for the new use and occupancy, and the existing portion shall be made to comply with the exitway requirements of this code.

106.8 Physical value: In applying the provisions of this section, the physical value of the structure shall be determined by the building official and be based on current replacement costs.

SECTION 107.0 DEPARTMENT OF BUILDING INSPECTION

107.1 Building official: The department of building inspection of [*name of jurisdiction*] is hereby created and the executive official in charge thereof shall be known as the building official.

107.2 Appointment: The building official shall be appointed by the chief appointing authority of the jurisdiction; and he shall not be removed from office except for cause and after full opportunity has been granted him to be heard on specific and relevant charges by and before the appointing authority.

107.3 Organization: The building official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority.

107.4 Deputy: The building official may designate an employee as his deputy who shall exercise all the powers of the building official during the temporary absence or disability of the building official.

107.5 Qualifications of building official: To be eligible for appointment, the building official shall have had at least five (5) years building experience as a licensed professional engineer or architect, building inspector, contractor or superintendent of building construction. For three (3) years of which experience he shall have been in responsible charge of

work; and he shall be generally informed on good engineering practice in respect to the design and construction of buildings, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants.

107.6 Qualifications of assistants: A person shall not be appointed as a technical assistant unless he has had at least three (3) years practical experience in the technical work which he is appointed to supervise, or in responsible charge of building construction, or as a skilled worker. A person shall not be appointed as inspector of construction who has had less than three (3) years experience in general building construction.

107.7 Restriction of employees: An official or employee connected with the department of building inspection, except one whose only connection is that of a member of the board of survey or of the board of appeals established under the provisions of Sections 126.0 and 127.0, shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or of specifications therefor, unless he is the owner of the building; nor shall such officer or employee engage in any work which conflicts with his official duties or with the interests of the department.

107.8 Relief from personal responsibility: The building official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any of his subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

107.9 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times.

SECTION 108.0 DUTIES AND POWERS OF BUILDING OFFICIAL

108.1 General: The building official shall enforce all the provisions of

this code and shall act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment, and the location, use, occupancy, and maintenance of all buildings and structures, except as may otherwise be specifically provided for by statutory requirements or as provided in the following Sections 108.2 through 108.8.

108.2 Applications and permits: He shall receive applications and issue permits for the erection and alteration of buildings and structures, and inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

108.3 Building notices and orders: He shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction, to require adequate exitway facilities in existing buildings and structures, and to insure compliance with all the code requirements for the safety, health and general welfare of the public.

108.4 Inspections: He shall make all the required inspections, or he may accept reports of inspection by authoritative and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or he may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the appointing authority.

108.5 Research and investigations: He shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, he may approve its use subject to the requirements of this code. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.

108.5.1 Research reports: He may accept as supporting data to assist him in his determination duly authenticated Research Reports from the Building Officials and Code Administrators International or from other approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for in this code.

108.6 New rules: He shall promulgate rules under the procedure provided in Section 109.0, establishing the conditions for use of new materials consistent with the provisions of this code and with minimum requirements based on accepted engineering practice.

108.7 Department records: He shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. File copies of all papers in

connection with building operations shall be retained in the official records so long as the building or structure to which they relate remains in existence.

108.8 **Annual report:** At least annually, he shall submit to the chief authority of the jurisdiction a written statement of all permits and certificates issued, orders promulgated and materials approved.

SECTION 109.0 RULES AND REGULATIONS

109.1 **Rule making authority:** The building official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fireresistive requirements specifically provided in this code or violating accepted engineering practice involving public safety.

109.2 **Accepted engineering practice:** In the absence of provisions not specifically contained in this code or approved rules, the regulations, specifications and standards listed in Appendix B, Accepted Engineering Practice, and Appendix C, Accredited Material Standards, shall be deemed to represent accepted engineering practice in respect to the material, equipment, system or method of construction therein specified.

109.3 **Promulgation of rules:** A rule or regulation shall not become effective until four (4) weeks after the intention to adopt such rules shall have been published in accordance with local statutes in an official paper or public newspaper with general circulation in the jurisdiction, and only after a public hearing shall have been held on the rule.

109.4 **Amendment of rules:** All rules adopted by the procedure herein established shall have the same effect as provisions of this code; but such rules may be amended or repealed at any time by the same procedure herein prescribed for their adoption.

SECTION 110.0 MODIFICATIONS

110.1 **Variations:** When there are practical difficulties involved in carrying out structural or mechanical provisions of this code or of an approved rule, the building official may vary or modify such provision upon application of the owner or his representative, provided that the spirit and intent of the law shall be observed and public welfare and safety be assured.

110.2 **Written modification:** The application for modification and the final decision of the building official shall be in writing and shall be

officially recorded with the application for the permit in the permanent records of the department of building inspection.

SECTION 111.0 INSPECTION

111.1 Preliminary inspection: Before issuing a permit, the building official shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof; and he shall conduct such inspections from time to time during and upon completion of the work for which he has issued a permit; and he shall maintain a record of all such examinations and inspections and of all violations of this code.

111.2 Accredited inspection services: He may accept reports of his own inspectors or of approved inspection services which satisfy his requirements as to qualifications and reliability.

111.3 Plant inspection: When required by the provisions of this code or by the approved rules, materials or assemblies shall be inspected at the point of manufacture or fabrication in accordance with Section 111.4 and Article 19.

111.4 Inspection reports: All inspection reports shall be in writing and shall be certified by the licensed authority, or responsible officer of the service, or the individual when expert inspection services are accepted. An identifying label or stamp permanently fixed to the product indicating that factory inspection has been made shall be accepted in lieu of the aforesaid inspection report in writing if the intent or meaning of such identifying label or stamp is properly substantiated.

111.5 Final inspection: Upon completion of the building or structure, and before issuance of the certificate of use and occupancy required in Section 120.0, a final inspection shall be made and all violations of the approved plans and permit shall be noted and the holder of the permit shall be notified of the discrepancies.

SECTION 112.0 RIGHT OF ENTRY

112.1 General: In the discharge of his duties, the building official or his authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the jurisdiction to enforce the provisions of this code.

112.2 Official badge: He may adopt a badge of office for himself and assistants which shall be displayed for the purpose of identification.

112.3 Jurisdictional cooperation: The assistance and cooperation of police, fire, and health departments and all other officials shall be available to him as required in the performance of his duties (see Section 403.0).

SECTION 113.0 APPLICATION FOR PERMIT

113.1 When permit is required: It shall be unlawful to construct, enlarge, alter or demolish a structure; or change the occupancy of a building or structure requiring greater strength, exitway or sanitary provisions; or to change to a prohibited use; or to install or alter any equipment for which provision is made or the installation of which is regulated by this code, without first filing an application with the building official in writing and obtaining the required permit therefor; except that ordinary repairs, as defined in Section 102.0, which do not involve any violation of this code shall be exempt from this provision.

113.2 Form of application: The application for a permit shall be submitted in such form as the building official may prescribe and shall be accompanied by the required fee as prescribed in Section 118.0.

113.3 By whom application is made: Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

113.4 Description of work: The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the building official.

113.5 Plans and specifications: The application for the permit shall be accompanied by not less than two (2) copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. When quality of materials is essential for conformity to this code, specific information shall be given to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information. The building official may waive the requirement for filing plans when the work involved is of a minor nature.

113.6 Plot diagram: There shall also be filed a plot plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the slot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.

113.7 Engineering details: The building official may require adequate details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design. Plans for buildings more than two (2) stories in height shall indicate how required structural and fireresistance rating integrity will be maintained, and where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and systems.

113.8 Amendments to application: Subject to the limitations of Section 113.9, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued; and such amendments shall be deemed part of the original application and shall be filed therewith.

113.9 Time limitation of application: An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the building official may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each.

SECTION 114.0 PERMITS

114.1 Action on application: The building official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to the requirements of all pertinent laws, he shall reject such application in writing, stating the reasons therefor. If he is satisfied that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practicable.

114.2 Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

114.3 Previous approvals: This code shall not require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively prosecuted within ninety (90) days after the effective date of this ordinance and completed with dispatch.

114.4 Signature to permit: The building official shall attach his signature to every permit; or he may authorize a subordinate to affix such signature thereto.

114.5 Approved plans: The building official shall stamp or endorse in writing both sets of corrected plans *Approved*, and one set of such approved plans shall be retained by him and the other set shall be kept at the building site, open to inspection of the building official or his authorized representative at all reasonable times.

114.6 Revocation of permits: The building official may revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

114.7 Approval of part: The building official may issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this code. The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.

114.8 Posting of permit: A true copy of the building permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until the completion of the same.

114.9 Notice of start: At least twenty-four (24) hours notice of start of work under a building permit shall be given to the building official.

SECTION 115.0 CONDITIONS OF PERMIT

115.1 Payment of fees: A permit shall not be issued until the fees prescribed in Section 118.0 have been paid.

115.2 Compliance with code: The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by modification or legally granted variation as described in the application.

115.3 Compliance with permit: All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.

115.4 Compliance with plot plan: All new work shall be located strictly in accordance with the approved plot plan.

115.5 Change in plot plan: A lot or plot shall not be changed, increased or diminished in area from that shown on the official plot plan, unless a revised diagram showing such changes accompanied by the necessary affidavit of owner or applicant shall have been filed and approved; except that such revised plot plan will not be required if the

change is caused by reason of an official street opening, street widening or other public improvement.

SECTION 116.0 DEMOLITION OF STRUCTURES

116.1 Service connections: Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

SECTION 117.0 REMOVAL OF STRUCTURES

117.1 Notice to adjoining owners: Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.

117.2 Lot regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of Article 13.

SECTION 118.0 FEES

118.1 General: A permit to begin work for new construction, alteration, removal, demolition or other building operation shall not be issued until the fees prescribed in this section shall have been paid to the department of building inspection or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost of the work involved be approved until the additional fee shall have been paid.

118.2 Special fees: The payment of the fee for the construction, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by a building permit, shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures, or fees of inspections, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the department of building inspection.

118.3 **New construction and alterations:** The fee for a building permit shall be based on the volume of the structure, or as otherwise prescribed in the local ordinances, and the building official is authorized to establish by approval rules, a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined in Article 2.

118.4 **Moving of buildings:** The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate of [*amount*] per hundred (100) dollars of the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location.

118.5 **Demolition:** The fee for a permit for the demolition of a building or structure shall be at the rate of [*amount*] for each [*amount*] cubic foot of volume of building or structure.

118.6 **Signs:** The fee for signs, billboards and other display structures for which permits are required under the provisions of this code shall be in accordance with the local laws or regulations.

118.7 **Accounting:** The building official shall keep an accurate account of all fees collected for building permits; and such collected fees shall be deposited monthly in the jurisdiction treasury, or otherwise disposed of as required by law.

118.8 **Refunds:** In the case of a revocation of a permit or abandonment of discontinuance of a building project, the volume of the work actually completed shall be computed and any excess fee for the incompleted work shall be returned to the permit holder; except that all penalties that may have been imposed on the permit holder under the requirements of this code shall first be collected.

SECTION 119.0 VOLUME COMPUTATION

119.1 **General:** For the determination of the permit fees, the volume of the structure shall be computed as provided in this section.

119.2 **Structures with basements:** The volume of the structure shall include all enclosed dormers, porches, penthouses and other enclosed portions of the structure extending from the basement or cellar floor to the mean height of a pitched roof, or the average height to the top of the roof beams of a flat roof.

119.3 **Structures without basements:** For structures without basements or cellars, the volume shall be based on the height measured to a level located one-fifth (1/5) the distance from the first floor level to the bottom of the footings, but not to exceed two and one-half (2½) feet below the first floor level.

119.4 Open sheds: For open sheds and structures of a similar character, the volume shall be measured within the perimeter of the roof for a height from the grade line to the mean roof level.

SECTION 120.0 CERTIFICATE OF USE AND OCCUPANCY

120.1 New buildings: A building or structure hereafter erected shall not be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the building official.

120.2 Buildings hereafter altered: A building or structure hereafter enlarged, extended or altered to change from one use group to another or to a different use within the same use group, in whole or in part, and a building or structure hereafter altered for which a certificate of use and occupancy has not been heretofore issued, shall not be occupied or used until the certificate shall have been issued by the building official, certifying that the work has been completed in accordance with the provisions of the approved permit; except that any use or occupancy, which was not discontinued during the work of alteration, shall be discontinued within thirty (30) days after the completion of the alteration unless the required certificate is secured from the building official.

120.3 Existing buildings: Upon written request from the owner of an existing building or structure, the building official shall issue a certificate of use and occupancy, provided there are not violations of law or orders of the building official pending, and it is established after inspection and investigation that the alleged use of the building or structure has heretofore existed. This code shall not require the removal, alteration or abandonment of, or prevent the continuance of, the use and occupancy of a lawfully existing building or structure, unless such use is deemed to endanger public safety and welfare.

120.4 Changes in use and occupancy: After a change of use has been made in a building or structure, the reestablishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless the building complies with all applicable provisions of this code. A change from one prohibited use, for which a permit has been granted, to another prohibited use shall be deemed a violation of this code.

120.5 Temporary occupancy: Upon the request of the holder of a permit, the building official may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

120.6 Contents of certificate: When a building or structure is entitled thereto, the building official shall issue a certificate of use and occupancy

within ten (10) days after written applications. The certificate shall certify compliance with the provisions of this code and the purpose for which the building or structure may be used in its several parts. The certificate of use and occupancy shall specify: the use group, in accordance with the provision of Article 2; the fire grading as defined in Article 2 and Table 902; the maximum live load on all floors as prescribed in Article 7; the occupancy load in the building and all parts thereof as defined in Article 2 and Article 6; and any special stipulations and conditions of the building permit.

SECTION 121.0 POSTING STRUCTURES

121.1 Posted use and occupancy: Every building and structure and part thereof designed for business, factory and industrial, high hazard, mercantile, or storage use, (use groups B, F, H, M, and S) as defined in Article 2, shall be posted on all floors by the owner with a suitably designed placard in a form designated by the building official, which shall be securely fastened to the structure in a readily visible place, stating: the use group, the fire grading, the live load and the occupancy load.

121.2 Posted occupancy load: Every building and structure and part thereof designed for use as a place of public assembly or as an institutional building for harboring people for penal, correctional, educational, medical or other care or treatment (use groups A and I) shall be posted with an approved placard designating the maximum occupancy load.

121.3 Replacement of posted signs: All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed, or defaced and, if lost, removed or defaced, shall be immediately replaced.

121.4 Periodic inspection: The building official may periodically inspect all existing buildings and structures, except one- and two-family dwellings, for compliance with the law in respect to posting; or he may accept the report of such inspection from an authorized licensed professional engineer or architect; and such inspection and report shall specify any violation of the requirements of this code in respect to the posting of floor load, fire grading, occupancy load and use group of the building.

SECTION 122.0 VIOLATIONS

122.1 Notice of violation: The building official shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code; and

such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

122.2 Prosecution of violation: If the notice of violation is not complied with promptly, the building official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

122.3 Violation penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [*specify offense*], punishable by a fine of not more than [*amount*], or by imprisonment not exceeding [*number of days*], or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

122.4 Abatement of violation: The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

SECTION 123.0 STOP-WORK ORDER

123.1 Notice to owner: Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work may be resumed.

123.2 Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than [*amount*] or more than [*amount*].

SECTION 124.0 UNSAFE STRUCTURES

124.1 Right of condemnation: All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exitway facilities, or which constitute a fire hazard, or are otherwise danger-

ous to human life or the public welfare, or which by reason of illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe structures shall be taken down and removed or made safe and secure, as the building official may deem necessary and as provided in this section. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this code.

124.2 **Examination and record of damaged structure:** The building official shall examine every building or structure reported as dangerous, unsafe structurally or constituting a fire hazard; and he shall cause the report to be filed in a docket of unsafe structures and premises, stating the use of the structure, the nature and estimated amount of damages, if any, caused by collapse or failure.

124.3 **Notice of unsafe structure:** If an unsafe condition is found in a building or structure, the building official shall serve on the owner, agent or person in control of the building or structure a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the building official his acceptance or rejection of the terms of the order.

124.4 **Restoration of unsafe structure:** A building or structure condemned by the building official may be restored to safe condition provided change of use or occupancy is not contemplated or compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is in excess of fifty (50) per cent of its replacement value, exclusive of foundations, such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.

124.5 **Posting unsafe notice:** If the person addressed with an unsafe notice cannot be found within the city after diligent search, then such notice shall be sent by registered or certified mail to the last known address of such person; and a copy of the unsafe notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

124.6 **Disregard of unsafe notice:** Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the legal counsel of the jurisdiction shall be advised of all the facts and he shall institute the appropriate action to compel compliance.

SECTION 125.0 EMERGENCY MEASURES

125.1 Vacating structures: When, in the opinion of the building offi-

cial, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the building official is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows: *This structure is unsafe and its use or occupancy has been prohibited by the building official,* and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.

125.2 Temporary safeguards: When, in the opinion of the building official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, he shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been instituted.

125.3 Closing streets: When necessary for the public safety, the building official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structure, and prohibit the same from being used.

125.4 Emergency repairs: For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

125.5 Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the building official; and the legal authority of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe building or structure was located for the recovery of such costs.

SECTION 126.0 BOARD OF SURVEY

126.1 Application for survey: The owner of a building or structure or his duly authorized representative who has been served with an unsafe order and notice to make such structure safe, secure or habitable or to take down and remove such structure shall have the right, except in cases of emergency, to demand the appointment of a board of survey if he deems such order to be unnecessary, improper or unreasonable. Such demand shall be in writing with a statement of the reasons therefor.

126.2 Constitution of board of survey: The board of survey shall consist of three (3) persons, one (1) of whom shall be the building official or an assistant designated by him; another one (1) shall be the owner or his legal representative, or a licensed professional engineer or architect, or a

qualified builder designated by the owner; and the third shall be a licensed professional engineer or architect chosen jointly by the other two (2) members, or designated by a justice of the court of record in case of failure of agreement.

126.3 Compensation of board of survey: The third member of the board shall receive for his services a fee of [*amount*] dollars to be paid by the appellant.

126.4 Survey procedure: The powers and duty of the board of survey shall be as indicated by the following Sections 126.4.1 and 126.4.2.

126.4.1 Inspection of structure: To inspect the building or structure and to confirm, modify or revoke the order of the building official as may seem just and proper in the interest of public safety and welfare.

126.4.2 Determination of repair cost: To determine the suitable cost of reconstruction, restoration or rehabilitation in the repair of an unsafe building or structure, in case of disagreement or dispute.

126.5 Survey findings

126.5.1 Report: The board of survey shall determine its findings, and submit a report in writing affirming or modifying the order of the building official in whole or in part and recommending the remedial steps to be taken to render the building or structure safe.

126.5.2 Method of decision: The findings and determinations of any two (2) members of the board shall be deemed conclusive, and certified copies of the report shall be filed with the building official and with the owner or his representative and shall be binding upon the building official and all parties in interest.

SECTION 127.0 BOARD OF APPEALS

127.1 Application for appeal: The owner of a building or structure or any other person may appeal from a decision of the building official refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the board of appeals. Application for appeal may be made when it is claimed that: the true intent of this code or the rules legally adapted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used.

127.2 Construction of board of appeals

127.2.1 Membership of board: The board of appeals shall consist of five (5) members appointed by the chief appointing authority of the jurisdiction, one (1) member to be appointed for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and

one (1) to serve one (1) year; and thereafter each new member to serve for five (5) years or until his successor has been appointed.

127.2.2 Qualifications of board members: Each member shall be a licensed professional engineer or architect, or a builder or superintendent of building construction, with at least ten (10) years experience, for five (5) years of which he shall have been in responsible charge of work; and there shall not be more than two (2) members of the board selected from the same profession or business; and at least one (1) of the professional engineers shall be a licensed structural or civil engineer of architectural engineering experience.

127.2.3 Absence of members: During absence of a member by reason of disability or disqualification, the appointing officer shall designate a qualified substitute.

127.2.4 Chairman of board: The board shall select one (1) of its members to serve as chairman, and the building official shall designate a clerk from the department to serve as secretary to the board, who shall keep a detailed record of all proceedings on file in the department of building inspection.

127.2.5 Exemption of members: A member of the board shall not pass on any question in which he is engaged as contractor or material dealer, or in the preparation of plans or specifications, or in which he has any personal interest.

127.3 Compensation of board of appeals: Compensation of appointed members of the board shall be determined by the proper authority of the jurisdiction.

127.4 Appeals procedure

127.4.1 Notice of meeting: The board shall meet upon notice of the chairman within ten (10) days of the filing of an appeal or at stated periodic meetings if warranted by the volume of work.

127.4.2 Public hearing: All hearings shall be public; and the appellant, his representative, the official of the jurisdiction and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard.

127.4.3 Adjourned meeting: When five (5) qualified members are not present to consider a specific appeal, either the appellant, the building official or their representatives may request a postponement of the hearing.

127.5 Decision of board of appeals

127.5.1 Action of the board: The board shall affirm, modify or reverse the decision of the building official by a concurring vote of three (3) members.

127.5.2 Resolutions of board: Every action of the board shall be by resolution and certified copies shall be furnished to the appellant and to the building official.

127.5.3 Determining vote: Failure to secure three (3) concurring votes shall be deemed a confirmation of the decision of the building official, except that the appellant shall be entitled to further hearing before a full board if there were not five (5) qualified members present when the vote was taken.

127.5.4 Enforcement of decision: The building official shall take immediate action in accordance with the decision of the board.

127.6 Court review: Any person aggrieved by a decision of the board of appeals, whether or not a previous party to the decision, or any officer or official board of the jurisdiction, may apply to the appropriate court for a writ of certiorari to correct errors of laws in such decisions. Application for review shall be made to the proper court of jurisdiction within fifteen (15) days after the filing of the board's decision in the office of the building official.

SECTION 128.0 CONTROLLED MATERIALS PROCEDURE

128.1 Waiver of examination and inspection

128.1.1 Under direct supervision: When plans for the erection or alteration of a structure are prepared by a licensed professional engineer or registered architect, which contemplate structural work or structural changes involving public safety or health, and such plans are accompanied by an affidavit of the applicant that he has supervised the preparation of the architectural, structural and mechanical design plans and that he will supervise or check all working drawings and shop details for the construction, and that the structure will be built under his field supervision and in accordance with the approved plans, and that such plans conform to all the provisions of this code and the legal rules adopted under its provisions, and that all the material used in the construction will be controlled materials as defined in Sections 201.0 and 721.0, the building official may waive examination of the plans and field inspection of the construction and may issue a permit for the performance of the work.

128.1.2 Qualified supervisor: The licensed or registered professional engineer or architect shall be qualified by experience and training in the particular field of construction involved in the building project under consideration.

128.1.3 Verified report: Before the issuance of the certificate of use and occupancy for such structure, the licensed professional engineer or architect who prepared and filed the original plans and who supervised the erection of the structure shall file a verified report that the structure

has been erected in accordance with the approved plans; and as erected, the structure complies in all respects with this code and all other laws governing building construction except as to the specific variations legally authorized under the provisions of this code and as specifically noted in the verified report and cited in the certificate of use and occupancy.

128.2 Special technical services: When applications for unusual designs or magnitude of construction are filed, the building official may refer such plans and specifications to the Plan Review Service of Building Officials and Code Administrators International for advice and recommendations as to their safety of design and compliance with this code; or he may, at his discretion, retain a properly qualified registered engineer or registered architect to examine such application for a specific building operation with respect to safety and conformance to statutory requirements. Such employed registered engineer or registered architect shall supervise the construction in the field to secure compliance with the approved plans and permit; and upon completion of the work, he and the builder shall file with the building official a verified report to the effect that the structure has been erected in accordance with accepted engineering practice and in conformity to all the statutory provisions governing building construction for the designated use group classification of the building or structure in respect to use, fire grading, floor and occupancy loads. All fees and costs related to the performance of special technical services shall be paid by the applicant.

SECTION 129.0 VALIDITY

129.1 Partial invalidity: In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which may or shall be determined to be legal; and it shall be presumed that this code would have been passed without such illegal or invalid parts or provisions.

129.2 Segregation of invalid provisions: Any invalid part of this code shall be segregated from the remainder of the code by the court holding such part invalid, and the remainder shall remain effective.

129.3 Decisions involving existing structures: The invalidity of any provision in any section of this code as applied to existing buildings and structures shall not be held to affect the validity of such section in its application to buildings and structures hereafter erected.

1975 Accumulative Supplement to Virginia Uniform Statewide Building Code (excerpts)

Introduction

The 1972 General Assembly passed legislation creating a State Board of Housing and directed it to adopt a building code that would apply equally across Virginia. On January 29, 1973, the State Board of Housing selected a nationally recognized, performance oriented code. Using the model code of Building Officials and Code Administrators, International, Inc. (BOCA), on November 17, 1975 the Board adopted the following to be the Uniform Statewide Building Code of Virginia (sometimes referred to as "this Code").

The BOCA Basic Building Code/1975
The BOCA Basic Mechanical Code/1975
The BOCA Basic Plumbing Code/1975
The One and Two Family Dwelling Code/1975
The National Electric Code/1975—Adopted, effective March 1, 1975
The Virginia Administrative Amendments/1975*

*The Virginia Administrative Amendments, 1975 consisted of changes that were needed to conform the model code for use in Virginia. These amendments have been merged into this Accumulative Supplement.

The Virginia General Assembly also created a State Building Code Technical Review Board (the "Review Board") to interpret provisions of the code, to hear appeals, and to provide technical assistance to the State Board of Housing on amendments.

The Uniform Statewide Building Code becomes effective February 7, 1976, for the entire State of Virginia.

All sections of the Basic Code which have been amended by the State Board of Housing are printed in this Accumulative Supplement.

Part A
Adoption of Virginia Uniform Statewide Building Code

A certain document which is on file in the Office of the State Board of Housing was adopted on November 17, 1975, as the Uniform Statewide Building Code of the Commonwealth of Virginia, hereinafter sometimes called this Code, to become effective February 7, 1976.

The Uniform Statewide Building Code is *now* comprised of the following pamphlets as is fully set out in these regulations with the additions, insertions, deletions and changes, if any, prescribed in Part B of this Supplement.

The BOCA Basic Building Code/1975

The BOCA Basic Mechanical Code/1975

The BOCA Basic Plumbing Code/1975

The One and Two Family Dwelling Code/1975

The National Electrical Code/1975

The Virginia Administrative Amendments 1975 Edition (merged into this Accumulative Supplement)

Part B
Virginia Amendments
BOCA Basic Building Code
Article I ADMINISTRATION AND ENFORCEMENT

Section 100.0 Scope

100.1 Title: These regulations shall be known as the Uniform Statewide Building Code of the State of Virginia; hereinafter referred to as this Code. They shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment as herein defined and shall apply to existing or proposed buildings and structures in the State of Virginia; or in the rules and regulations authorized for promulgation under the provisions of this Code.

Section 105.0 Change in Existing Use

105.1 Continuation of Existing Use: The legal use and occupancy of any structure existing on February 7, 1976, or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in this Code, or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Section 107.0 Department of Building Inspection

107.1 Local Government Officer to Administer Code; Building Official: The administration and enforcement of the Building Code shall be the responsibility of the local governing body's building official. Whenever a local governing body has no such official, they shall enter into an agreement with another local governing body able to furnish such an official, or with some other agency as provided in Section 128.0 of this Code, or a State agency approved by the State Board of Housing.

Section 109.0 Rules and Regulations

109.1 Rule Making Authority: The State Board of Housing shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this Code, to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but no such rules shall have the effect of waiving working stresses or fireresistive requirements specifically provided in this Code or violating accepted engineering practice involving public safety.

109.3 Promulgation of Rules: The State Board of Housing may modify, amend or repeal any code provision from time to time as the public interest requires, but before any code provisions are adopted, the State Board of Housing shall hold at least one public hearing after at least 30 days notice thereof has been given by publication in at least four newspapers of general circulation published in the State. In addition to notice by publication, the State Board shall notify in writing the governing official of every municipality in the State of the hearing. At any such hearing all persons desiring to do so shall be afforded an opportunity to present their views.

No such modification or amendment shall be effective earlier than 60 days from the adoption thereof.

Section 113.0 Application for Permit

113.3 By Whom Application is Made: Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application, when required by the building official. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

Section 118.0 Fees
118.3 New Construction and Alterations: The fee for a building permit shall be as prescribed in the local ordinances, and the building official is authorized to establish by approved rules, a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined as Article 2.

118.4 Moving of Buildings: The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate established by local ordinances.

118.5 Demolition: The fee for a permit for the demolition of a building or structure shall be at the rate established by local ordinances.

Section 120.0 Certificate of Use and Occupancy
120.7 (added) Zoning and Other Laws: No certificate of occupancy shall be issued if in violation of zoning or other local ordinances.

Section 122.0 Violations
122.2 Prosecution of Violation: If the notice of violation is not complied with promptly, the building official shall request the legal counsel of the municipality to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

122.3 Violation Penalties: Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000.). Each day that a violation continues shall be deemed a separate offense.

Section 123.0 Stop-Work Order
123.2 Unlawful Continuance: Any person who shall continue any work in or about the building after having been served with a stop-work order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not more than one thousand dollars ($1,000.).

Section 126.0 Board of Survey
This entire Section has been deleted. Any reference to this Section in this Code should read Section 127.0 Board of Appeals.

Section 127.0 Board of Appeals
127.5.2 Resolutions of Board: Every action of the Board shall be by resolution and certified copies shall be forwarded to the appellant and to the building official, and the building official shall transmit a copy thereof to the Review Board.

127.6 Review Board (State Building Code Technical Review Board): Any person aggrieved by a decision of the Board of Appeals, whether or not a previous party to the decision, or any municipal officer or official board of the municipality, may apply to the Review Board. Such application for review must be made by certified mail within fifteen (15) days after the filing of the Board of Appeals' decision in the office of the Building Official. The Review Board shall render the final decision on an appeal.

127.8 (added) **Court Review:** An appeal from the Review Board shall be in accordance with the provisions of Section 9-6.13 of the Code of Virginia, and an appeal shall lie to the Supreme Court as provided in Section 9-6.14 of such Code.

* * *

Part C
Inconsistent Local Building Codes and Regulations Repealed

All building codes and regulations of the counties, municipalities and State agencies in conflict herewith are repealed as called for in Article 1, Chapter 6, Title 36 (Sections 36-97 *et. seq.*) of the Code of Virginia 1950, as amended.

* * *

Fairfax County Building Permit Form

COUNTY OF FAIRFAX, VA. - BUILDING PERMIT

Name: Miller and Smith, Inc. BP — Site Plan No. — NO. P 104446

Hereby Permission To: build Meadowbrook dwelling — Date: 11/15/73

according to approved plans and application

Lot No: 205 — Blk. No. — Sect. 3 — Mag. Dist. Centre.

Subdivision: Fox Mill Estates — Use Group: L3 — Type Const: 4B — Fire Dist.

Street or Location: 12535 Arnsley Ct.

Contractor: Owner — Valuation: 13,000.00 — Fee: 47.00

THIS PERMIT IS NOT COMPLETE OR VALID UNLESS SIGNED BY THE BUILDING INSPECTOR AND RECEIPTED BY THE DIRECTOR OF FINANCE

PERMIT EXPIRES SIX MONTHS FROM DATE OF ISSUE IF NO WORK HAS COMMENCED.

PERMIT NOT TRANSFERABLE

(See Reverse Side)

COUNTY OF FAIRFAX

NOV 23 1973

DIRECTOR OF FINANCE

Per 58

CODE 002105

NOTE: Notify Office of Building Inspector 24 hours in Advance of:

INSTALLING FOOTINGS
PLACING BACKFILL
POURING REINFORCING CONCRETE
POURING SLAB ON GRADE
CONCEALING FRAMING
AND WHEN READY FOR FINAL INSPECTION

BUILDING INSPECTOR

ADDRESS

OWNER

CDI-35 6-70 Owner

MAP REFERENCE			
PLAT NUMBER	SUBD. DIV.	BLK. OR SEC.	PARCEL OR LOT
25	1		78

NOTE: Counsel was unable to locate a copy of the actual form submitted into evidence. This form was supplied by counsel for appellee.

MILLER AND SMITH 1301 BEVERLY ROAD • McLEAN VIRGINIA 22101 • (703) 821-2500

June 10, 1976

Mr. Selden H. Garnett
Chief, Permits and Plans
Review Section
County of Fairfax
4100 Chain Bridge Road
Fairfax, Virginia 22030

Dear Mr. Garnett:

This letter is to request a refund of building permit fees that we have previously paid and for which the permit has been abandoned. These lots are located in our Hiddenbrook subdivision, Section 3. We have reapplied for and paid for permits for other house types on these lots. The permits for which we are requesting refunds are as follows:

Lot No.	Permit No.	Fee
176	P105571	34.00
177	P104729	41.00
178	P104739	37.00
179	P105541	34.00
180	P104721	41.00
181	P104726	47.00
182	P104725	41.00
183	P105542	34.00
184	P104724	47.00
185	P104720	37.00
186	P104723	41.00
	Total	$434.00

We have discussed refunds with the people at the Permits Desk and have been informed that Fairfax County does not pay refunds. However, I would direct your attention to Paragraph 118-8 of the Code, which indicates that if the permit is abandoned, which is the case here, that the fee will be returned, based upon the actual work put in place compared with that not put in place. Since none of this was put in place, we are requesting the refund of our entire fee. While the state, in their building code under Section 118-3 does permit local jurisdictions to set the building permit fee, it is silent on the refund, which is covered in the basic code itself.

Cordially yours,

MILLER & SMITH, INC.

RECEIVED JAN 3 1978 Office of County Attorney Fairfax County, Va.

David H. Miller

DHM:cf

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

June 16, 1976

Telephone 691-2891

Mr. David H. Miller
Miller & Smith, Inc.
1301 Beverly Road
McLean, Virginia 22101

Dear Mr. Miller:

This responds to your letter of June 10, 1976, requesting a fee refund for lots in Hiddenbrook, Section 3.

Item 36-105, Chapter 6, Code of Virginia reads: "Fees may be levied by the local governing body in order to defray the cost of enforcement of the Statewide Code". Accordingly, on July 28, 1975, the Board of Supervisors adopted a resolution which governs the fees levied and refunded in Fairfax County for all permits, i.e., building, electrical, mechanical, elevator, plumbing and gas.

It is recognized that as a developer you may find portions of the Virginia Uniform Statewide Building Code confusing and outwardly illogical. Generally speaking, the Virginia Uniform Statewide Building Code prescribes technical standards to be complied with in the construction of buildings and structures.

In promulgating the Virginia Uniform Statewide Building Code, the State Board of Housing empowers local jurisdictions to administer and enforce the technical standards. It is in the administration of the standards that fees are levied and refunded.

In this context, the administrative Section 118.8 of BOCA to which you refer, does not apply in Fairfax County in view of the overriding authority contained in item 36-105, Chapter 6, Code of Virginia.

Sincerely,

C. G. Cooper
Director, Division of Inspection Services

CGC/nas
cc: Division of Administrative Services

JOHN T. HAZEL, JR.
DUANE W. BECKHORN
GRAYSON P. HANES
DANIEL H. SHANER
DONALD C. STEVENS
ARTHUR B. VIEREGG, JR.
ROBERT A. LAWRENCE

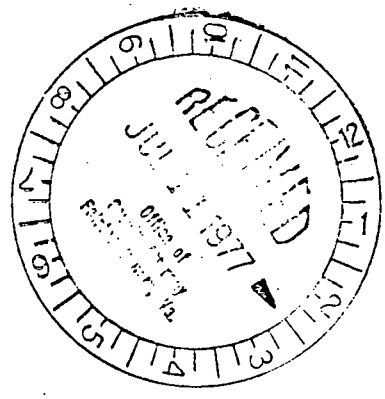
FREDERICK R. GARNER, JR.
ROBERT J. MOYE
TERRY B. LIGHT
FRANCIS A. McDERMOTT
LOUIS J. AEBISCHER, JR.
JOHN J. SABOURIN, JR.
HARRY L. MacPHERSON, III
J. CURTIS BRADLEY, III
R. MARK DARE
ALAN B. CROFT
GAIL W. FEAGLES
A. EVERETT HOEG, III

HAZEL, BECKHORN AND HANES
ATTORNEYS AT LAW
4084 UNIVERSITY DRIVE
P. O. BOX 547
FAIRFAX, VIRGINIA 22030

AREA CODE 703
273-5644

July 8, 1977

Board of Supervisors of
Fairfax County
c/o F. Lee Ruck, Esq.
County Attorney
4100 Chain Bridge Road
Fairfax, Virginia 22030



Mr. Leonard Whorton
County Executive of
Fairfax County
4100 Chain Bridge Road
Fairfax, Virginia 22030

Mr. Donald E. Strickhouser
Acting Director, Department of
Environmental Management
10555 Main Street
Fairfax, Virginia 22030

Building Official of
Fairfax County
10555 Main Street
Fairfax, Virginia 22030

Mr. Claude Cooper
Director, Inspection Services
Department of Environmental Management
10555 Main Street
Fairfax, Virginia 22030

Re: Hiddenbrook, Sections 1, 3 and 4
Hunter's Creek, Sections 1, 2 and 3
Fox Mill Estates, Sections 3, 4 and 5

Gentlemen:

We represent Miller and Smith, Inc. Attached please find a list of building permits (Exhibits A-1 through A-34) involving

the above-referenced subdivisions. The building projects for each of these permits have been abandoned or discontinued and Miller and Smith, Inc. hereby requests a refund of these permit fees pursuant to Section 118.8 of the Virginia Uniform Statewide Building Code.

If you need additional information to process this refund request, please contact the undersigned. After the appropriate County official has had the opportunity to review the list, I would appreciate a call informing me as to how long the processing of these refunds will take.

Very truly yours,

HAZEL, BECKHORN AND HANES

By Robert A. Lawrence
Robert A. Lawrence

RAL:jah
Enclosures

[Enclosures not included]

BILL OF COMPLAINT FOR
DECLARATORY JUDGMENT

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW Complainant herein, by counsel, and respectfully moves this Honorable Court to enter a Declaratory Judgment declaring that certain sums now held by Defendants are rightfully due and owing to Complainant and ordering the delivery to Complainant of said funds, and in support of its prayer, respectfully represents to this Court as follows:

1. That Complainant is a Virginia corporation engaged in the construction of dwellings in various areas of Fairfax County, Virginia, including the subdivisions known as Hiddenbrook, Hunter's Creek and Fox Mill Estates.

2. That as a part of the process of procuring building permits for said subdivisions, Complainant was required to pay certain building permit fees. Many of the dwelling units for which building permits were obtained and the requisite fees paid were never constructed.

3. Pursuant to Section 118.8 of the Virginia Uniform Statewide Building Code which is applicable to and controls Fairfax County procedures and standards, Complainant prepared an itemized list containing the dwelling units for which fees were paid and permits obtained but which have never been constructed by Complainant and construction of which has in fact been abandoned and discontinued. This list are attached hereto as Exhibits A-1 through A-34, and made a part hereof. Said list was delivered

to Defendants along with a request for a refund of the permit fees for the listed dwelling units, pursuant to Section 118.8 of the Virginia Uniform Statewide Building Code. The letter requesting such refund is attached hereto as Exhibit B and made a part hereof.

4. Complainant was and is advised by Defendants, their officers, agents and employees, that said building permit fees are not refundable and will not be refunded.

5. Section 118.8 of the Uniform Statewide Building Code requires Defendants, their officers, agents and employees to refund the building permit fees for which a demand for refund has been made under the circumstances described herein. The refunds due and owing to Complainant amount to $42,516.00.

6. Defendants' refusal to refund is not supported by valid ordinances of the County of Fairfax nor is it supported by statutes of the Commonwealth of Virginia and it is, therefore, invalid, illegal, arbitrary, capricious, unreasonable and discriminatory and further, said refusal constitutes an unlawful taking of Complainant's property and a denial of due process in violation of the Constitution of the United States and the Constitution of the Commonwealth of Virginia.

7. An actual antagonistic assertion has been made by Defendants and there exists a justiciable controversy between the parties, to-wit: Complainant's request for and Defendants' refusal to refund the permit fees as aforesaid; Complainant has no other remedy than the relief prayed herein.

WHEREFORE, Complainant, by counsel, respectfully prays this Honorable Court enter a Declaratory Judgment:

A. Declaring that the provisions of Section 118.8 of the Uniform Statewide Building Code requires a refund to Complainant in any case where a permit has been revoked, or construction under a permit has been abandoned or discontinued.

B. Directing Defendants forthwith to return to Complainant the sum of $42,516.00, plus interest, for the abandoned and discontinued building projects set forth in Exhibits A-1 through A-34.

C. For such additional and further relief as the Court may deem appropriate.

MILLER AND SMITH, INC.

By Counsel, Robert A. Lawrence

[Attachments not included]

REQUEST FOR ADMISSIONS

COMES NOW your Complainant, Miller and Smith, Inc., by counsel, and pursuant to Rule 4:11 of the Rules of the Supreme Court of Virginia, requests that the Defendants either admit or deny, under oath, the truth of the facts herein stated within twenty-eight (28) days of receipt hereof, or, if good faith requires that said Defendants qualify their answers or deny only a part of the matter of which said admissions are requested, that Defendants specify so much of said information as is true and qualify or deny the remainder:

1. That for each building permit cited in Exhibits A-1 through A-34 of the Bill of Complaint filed herein, that said Exhibits accurately reflect:

a. The lot number for which each permit was issued;

b. The permit number;

c. The date each permit was issued;

d. The fee amount paid to Fairfax County by Complainant for each permit.

2. That for each building permit cited on the said Exhibits A-1 through A-34:

a. No portion of the fee has been refunded to Complainant by Fairfax County;

b. No construction has been commenced or completed pursuant to said permit.

MILLER AND SMITH, INC.

By Counsel, Robert A. Lawrence

[Attachments not included]

ANSWER

COME NOW your Defendants and respectfully state to this Court that its grounds of defense are as follows:

FIRST DEFENSE

The statute of limitations is a bar to this suit.

SECOND DEFENSE

The doctrine of estoppel is a bar to this suit.

THIRD DEFENSE

The doctrine of waiver is a bar to this suit.

FIFTH DEFENSE

Defendants answer each of the allegations contained in Complainant's Bill of Complaint as follows:

1. Defendants admit the allegations contained in paragraph 1.

2. Defendants admit Complainant was required to pay building permit fees as part of the process. Defendants' are without sufficient information with which to admit or deny the allegations that many of the dwelling units for which building permits were obtained and the requisite fees paid were never constructed. Defendants affirmatively state that dwelling units are now constructed on the lots for which said building permits were obtained.

3. Defendants deny the allegation that Section 118.8 of the Virginia Uniform Statewide Building Code is applicable to and controls Fairfax County procedures and standards. Because of the length and complexity of the list (over 1,100 individual permits are included), Defendants are without sufficient resources as to admit or deny the allegations with respect to said list at this time and therefore deny them. Defendants will supplement this Answer. Defendants admit that Exhibit B is a copy of a letter received by Defendants.

4. Defendants admit that said fees are no longer refundable. Defendants affirmatively state that said fees were refundable for a fixed period of time set by Fairfax County Ordinance and Board of Supervisors' Resolution. Defendants further state that Complainant never requested refunds during the statutory time period during which refunds were to be granted.

5. Defendants deny the allegations contained in paragraph 5.

6. Defendants deny the allegations contained in paragraph 6.

7. Defendants deny the allegations contained in paragraph 7.

8. Defendants deny all allegations contained in Complainant's Bill of Complaint not specifically denied above.

WHEREFORE, Defendants, by counsel, respectfully request this Court:

a. Dismiss Complainant's Bill of Complaint for Declaratory Judgment;

b. Award Defendants' such additional and further relief as the Court may deem appropriate.

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

By Counsel, Edward J. Finnegan

DEFENDANTS' RESPONSE TO COMPLAINANT'S
REQUESTS FOR ADMISSIONS

COMES NOW the Defendants, by counsel, in response to Complainant's Request for Admissions, and state under oath as follows:

1. Complainant's request requires Defendants to pull more than 1,100 building permits, most of which are four (4) years old, and check each permit against Complainant's Exhibits A-1 through A-34. The enormity, complexity and cost of this task are such that Defendants are without sufficient resources as to admit or deny Complainant's request within the required 28 day period, therefore, for the purpose of this request, paragraph 1 a through d is denied. Defendants state that staff has been assigned to this task. Defendants further state that as soon as the information is available, Defendants' Answer to this request will be supplemented.

2. a. Denied. See Defendants' Answer to paragraph 1.

2. b. Because construction may commence without notification to the Defendants and because said permits are now four years old, Defendants are without sufficient knowledge as to either admit or deny that no construction was commenced for each building permit cited on said exhibits.

With respect to completion of construction see Defendants' Answer to paragraph 1.

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA, et al.

By Counsel, Edward J. Finnegan

SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSIONS

COME NOW Defendants, by counsel, and as a supplement to its Response to Request for Admissions filed on October 7, 1977, state under oath as follows:

1. Exhibits A-1 through A-34 of Complainant's Bill of Complaint do not accurately reflect the records of the Defendants therefore Paragraph 1 is denied. Defendants state that Exhibits △ A-1 through △ A-34 accurately reflect the lot number for which each permit was issued, the permit number, the date each permit was issued, and the fee amount paid to Fairfax County for each permit number set forth in Complainant's Bill of Complaint. Defendants deny that the permits for the following lot numbers for Foxmill Estates, Section 4, were purchased by the Complainant: 313-371, 472-504, and 532-542.

2. Paragraph 2 is denied for the reasons specified in Paragraph 1. However, with respect to Exhibits △ A-1 through △ A-34:

a. Paragraph 2.a. is admitted.

b. Defendants state that because construction may commence without notification to the Defendants and because said permits are now four years old, Defendants are without sufficient knowledge as to either admit or deny that no construction was commenced for each building permit cited on said Exhibits,

therefore, Defendants deny all allegations with respect to commencement of construction. Defendants admit that no construction was completed pursuant to said permits.

3. Defendants deny all allegations contained in Complainant's Request for Admissions not specifically denied above.

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA, et al.

By Counsel, Edward J. Finnegan

REQUEST FOR ADMISSIONS

COMES NOW your Complainant, Miller and Smith, Inc., by counsel, and pursuant to Rule 4:11 of the Rules of the Supreme Court of Virginia, requests that the Defendants either admit or deny, under oath, the truth of the facts herein stated within twenty-eight (28) days of receipt hereof, or, if good faith requires that said Defendants qualify their answers or deny only a part of the matter of which said admissions are requested, that Defendants specify so much of said information as is true and qualify or deny the remainder:

1. That for each building permit cited in Exhibit A-35 attached hereto, that said Exhibits accurately reflect:

a. The lot number for which each permit was issued;

b. The permit number;

c. The date each permit was issued;

d. The fee amount paid to Fairfax County by Complainant for each permit.

2. That for each building permit cited on the said Exhibit A-35:

a. No portion of the fee has been refunded to Complainant by Fairfax County;

b. No construction has been commenced or completed pursuant to said permit.

MILLER AND SMITH, INC.

By Counsel, Robert A. Lawrence

[Attachments not included]

DEFENDANTS' RESPONSE TO REQUEST FOR ADMISSIONS

COME NOW Defendants, by counsel, and as a Response to the Request for Admissions received December 9, 1977, state under oath as follows:

1. Exhibit A-35 does not accurately reflect the records of the Defendants therefore Paragraph 1 is denied. Defendants state that Exhibit AA-35 accurately reflects the lot number for which each permit was issued, the permit number, the date each permit was issued and the fee amount paid to Fairfax County.

2. Paragraph 2 is denied for the reason specified in Paragraph 1. However with respect to Exhibit AA-35:

a. Paragraph 2.a. is admitted.

b. Defendants state that because construction may commence without notification to the Defendants and because said permits are now four years old, Defendants are without sufficient knowledge as to either admit or deny that no construction was commenced for each building permit cited on said Exhibits, therefore, Defendants deny all allegations with respect to commencement of construction. Defendants admit that no construction was completed pursuant to said permits.

3. Defendants deny all allegations contained in Complainant's Request for Admissions not specifically denied above.

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA, et al.

By Counsel, Edward J. Finnegan

COMMONWEALTH of VIRGINIA

Office of Housing

M. D. Stith, Jr.
EXECUTIVE DIRECTOR

6 N SIXTH STREET
SUITE 202
RICHMOND, VIRGINIA 23219
TELEPHONE: (804) 786-7291

January 17, 1978

Mr. Claude G. Cooper
Director of Inspection Services
County of Fairfax
4100 Chain Bridge Road
Fairfax, Virginia 22030

Dear Mr. Cooper:

Re Letter dated January 8, 1978 Requesting Official Interpretation of Section 118.7, 1970 BOCA Code and Section 118.8, 1975 BOCA Code

Pursuant to §36-118 Code of Virginia, your request was submitted to the State Building Code Technical Review Board on January 12, 1978.

By this correspondence, I am forwarding the decision of that Board. To further clarify your inquiry, the following is offered.

The Virginia Uniform Statewide Building Code has no application to building permits issued prior to the effective date of the Virginia Uniform Statewide Building Code in Fairfax County, which was September 1, 1973.

Section 118 of the BOCA Basic Building Code was amended by the State Board of Housing to alert the local governing bodies that fees and refunds for permits issued in accordance with the Virginia Uniform Statewide Building Code were to be required by local ordinance.

Section 118.1 through 118.8 appearing in the 1970 and 1975 BOCA Basic Building Code were not adopted by the State Board of Housing as part of the administrative procedures for the Virginia Uniform Statewide Building Code.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Jack A. Proctor

Jack A. Proctor
State Building Code Director

JAP/can
Enclosures

Pursuant to Section 36-118, the State Building Code Technical Review Board, has interpreted the following Section(s) of the Virginia Uniform Statewide Building Code:

Interpretation Number 92

Code Sections 118.7 Effective Date January 12, 1978

Question: Does Section 118.7 of the 1970 BOCA Basic Building Code apply to local jurisdictions for permits issued in 1973 and 1974 which have established their own permits fee procedures?

Interpretation: 36-105 Code of Virginia empowers the local governing body to levy fees to defray the cost of enforcement of the Virginia Uniform Statewide Building Code. 36-118. Code of Virginia empowers the State Building Code Technical Review Board to interpret the provisions of the Building Code. The State Board of Housing did not adopt Section 118. through 118.8 of the BOCA Code and therefore it is the decision of this Board that they are without jurisdiction on this request.

Walter R. Nexsen

Walter R. Nexsen
Chairman, State Building Code
Technical Review Board

Pursuant to Section 36-118, of the Code of Virginia, 1950 as amended, the State Building Code Technical Review Board recommends to the State Board of Housing that the above Section(s) of the VUSBC be:

Retained as written

Modified - (see attached draft)

Amended - (see attached draft)

Repealed

This recommendation may be held until the next scheduled code change Hearing.

Public Hearing requested.

Chairman, State Building Code
Technical Review Board

Pursuant to Section 36-118, the State Building Code Technical Review Board, has interpreted the following Section(s) of the Virginia Uniform Statewide Building Code:

Interpretation Number 93

Code Sections 118.8 Effective Date January 12, 1978

Question: Does Section 118.8 of the 1975 Code apply to a local jurisdiction for permits issued in 1973 and 1974?

Interpretation: 36-105 Code of Virginia empowers the local governing body to levy fees to defray the cost of enforcement of the Virginia Uniform Statewide Building Code. 36-118 Code of Virginia empowers the State Building Code Technical Review Board to interpret the provisions of the Building Code. The State Board of Housing did not adopt Section 118. through 118.8 of the BOCA Code and therefore it is the decision of this Board that they are without jurisdiction on this request.

Walter R. Nexse
Chairman, State Building Code
Technical Review Board

Pursuant to Section 36-118, of the Code of Virginia, 1950 as amended, the State Building Code Technical Review Board recommends to the State Board of Housing that the above Section(s) of the VUSBC be:

Retained as written

Modified - (see attached draft)

Amended - (see attached draft)

Repealed

This recommendation may be held until the next scheduled code change Hearing.

Public Hearing requested.

Chairman, State Building Code
Technical Review Board

FIRST MOTION TO DISMISS

COME NOW your defendants, by counsel, and respectfully apply to this Court for an Order dismissing this case for failure to comply with Section 15.1-552 of the 1950 Code of Virginia, as amended, and as grounds for their Motion state as follows:

1. Section 15.1-552, Va. Code Ann. provides in pertinent part:

> When a claim of any person against a County is disallowed ... he may appeal from the decision of the board to the circuit court . . . . Such appeal may be taken by causing a written notice thereof to be served on the clerk of the board and executing a bond to such county, with sufficient surety to be approved by the clerk, with condition for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court. (Emphasis added.)

2. The Complainant has served no written notice on the clerk of the board and has executed no bond to Fairfax County.

3. The Supreme Court of Virginia has ruled that Counties may only be sued in a manner prescribed by statute. Parker v. Prince William County, 198 Va. 231, 98 S.E.2d 136 (1956); Fidelity & Deposit Co. of Maryland v. Gill, 116 Va. 86, 81 S.E. 39 (1914); Prince George County v. Atlantic, M & O. R. Co., 87 Va. 283, 12 S.E. 667 (1891); Botetourt County v. Burger, 86 Va. 530, 10 S.E. 264 (1889).

4. The Supreme Court of Virginia has further ruled:

> "[Past] cases make it abundantly clear that failure to substantially comply with the statutory requirements applicable to appeal bonds constitutes a jurisdictional defect...." Parker v. Prince William County, supra, at 139.

5. By filing their Answer Defendants did not waive their right to raise this jurisdictional issue. See Parker v. Prince William County, supra.

WHEREFORE, Defendants respectfully move this Court to enter an Order finding that the Complainant has not complied with § 15.1-552, Va. Code Ann. declaring that this Court does not have jurisdiction of this case, dismissing this case with prejudice, and providing further or alternative relief as the Court may deem just and equitable.

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA, et al.

By Counsel, Edward J. Finnegan

SECOND MOTION TO DISMISS

COME NOW your Defendants, by counsel, and respectfully apply to this Court for an Order dismissing this case for lack of original jurisdiction, for failure to exhaust administrative remedies, and as grounds for thier Motion state as follows:

1. Complainant seeks refunds for building permit fees collected by the Defendants for building permits issued to the Complainant and others during 1973 and 1974.

2. Complainant alleges that § 118.8 of the Uniform Statewide Building Code requires a refund for the entire amount of the building permit fees. (See Paragraph 5 of the Bill of Complaint.)

3. Defendants deny that § 118.8 is applicable.

4. Complainant prays that this Court declare that § 118.8 requires a refund and that the Defendants return the entire amount of the building permit fees. (See Paragraph A of the Bill of Complaint.)

5. Complainant's Bill of Complaint requires this Court to determine:

   a. Whether or not § 118.8 is applicable, and

   b. If it is applicable, how is the amount of the refund computed?

6. These determinations will require the Court to interpret provisions of the Virginia Uniform Statewide Building Code.

7. However, the General Assembly has established a mandatory administrative procedure to interpret the Building Code.

> The [State Building Code Technical] Review Board shall interpret the provisions of the Building Code, ... § 36-118, Va. Code Ann. (Emphasis added.)
>
> An appeal from the decision of the Review Board shall be in accordance with the provisions of [the Administrative Process Act] and an appeal shall be to the Supreme Court as provided in [the Administrative Process Act] ... § 36-116 Va. Code Ann. (Emphasis added.)

8. The Administrative Process Act speaks to the purpose of the Act and the role of the Courts:

> A. The purpose of this chapter is to supplement present and future basic laws conferring authority on agencies to either make regulations or decide cases as well as to standardize court review thereof save as laws hereafter enacted may otherwise expressly provide; but this chapter does not supersede or repeal additional procedural requirements in such basic laws. § 9-6.14:3, Va. Code Ann. (Emphasis added.)

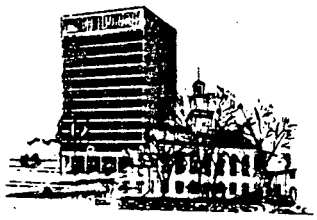
9. It is clear from a reading of the Uniform Statewide Building Code (Title 36, Chapter 6 of the 1950 Code of

Virginia, as amended) and the Administrative Process Act (Title 9, Chapter 1.1:1 of the 1950 Code of Virginia, as amended) that this Court has no original jurisdiction to interpret the provisions of the Building Code; rather that its proper jurisdictional role is to hear appeals from decisions of the Review Board.

WHEREFORE the Defendants respectfully move this Court to enter an Order finding that this case has not properly matured, declaring that this Court does not have jurisdiction over the controversy between the parties, dismissing this case with prejudice and providing such further or alternative relief as the Court may deem just and equitable.

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA, et al.

By Counsel, Edward J. Finnegan



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

February 15, 1978

Mr. Robert A. Lawrence
Hazel, Beckhorn and Hanes
4084 University Drive
Fairfax, Virginia 22030

Dear Mr. Lawrence:

Re: Claim of Miller and Smith in the amount of $40,000

Pursuant to our recent conversation I have researched the County records and find no evidence that the claim of Miller and Smith in the amount of $40,000 for building permits was ever presented to the Board of Supervisors.

If I can be of further assistance to you on this matter please let me know.

Yours truly,

Ethel Wilcox Register

Ethel Wilcox Register
Clerk to the Board

jk

ORDER

THIS MATTER came on to be heard this 27th day of January, 1978, upon Defendants' First and Second Motions to Dismiss, and was argued by counsel, and Memoranda and Authorities were submitted; and

IT APPEARING TO THE COURT that Defendants' First Motion to Dismiss and Second Motion to Dismiss should be denied, it is accordingly

ADJUDGED, ORDERED and DECREED as follows:

1. This Court does not lack jurisdiction pursuant to Section 15.1-547 et. seq., of the Code of Virginia 1950, as amended. The claim of Complainant does not come within the purview of those claims contemplated by the legislature under the provisions of Section 15.1-547, et. seq., of the Code of Virginia, 1950 as amended. Even if the Complainant's claim were governed by Section 15.1-547, et. seq., of the Code of Virginia, 1950 as amended, Complainant would be entitled to proceed with its claim under the provisions of Section 15.1-553 of the Code of Virginia because of Complainant's assertion that the Board of Supervisors have refused or neglected to act upon said claim, ~~and the lack of any assertion on the part of Defendants to the contrary.~~

2. Complainant is not required to exhaust administrative remedies under Sections 36-116 and 36-118 of the Code of Virginia, 1950 as amended, since these Sections are not applicable to Complainant's claim or the proceedings in this case, nor would

any appeal be governed by the provisions of Title 9, Sections 9-6.14:1, et. seq., of the Code of Virginia, 1950 as amended, and known as the Administrative Process Act.

3. Defendants' First Motion to Dismiss and Second Motion to Dismiss are hereby denied.

ENTERED this 19 day of May, 1978.

/s/ Lewis D. Morris, Judge

NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

COUNTY OF FAIRFAX CITY OF FAIRFAX

CITY OF FALLS CHURCH

BARNARD F. JENNINGS
JAMES KEITH
WILLIAM G. PLUMMER
LEWIS D. MORRIS
BURCH MILLSAP
JAMES C. CACHERIS
THOMAS J. MIDDLETON
RICHARD J. JAMBORSKY
JUDGES

FAIRFAX COUNTY COURTHOUSE
4000 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

March 17, 1978

RECEIVED
MAR 20 1978
Office of
County Attorney
Fairfax County, Va.

Edward J. Finnegan, Esq.
4100 Chain Bridge Road
Fairfax, Virginia 22030

Robert A. Lawrence, Esq.
P. O. Box 547
Fairfax, Virginia 22030

Re: Miller and Smith, Inc. v. Board of Supervisors of Fairfax County, Virginia
Chancery No. 54996

Gentlemen:

Please accept my apology for not having ruled on your motions sooner. Due to recent illness I was absent from the office for approximately two weeks and my work was restricted to three or four hours per day for another two weeks.

After consideration of argument of counsel on January 27, 1978, and memoranda and authorities submitted, I have concluded that defendant's first motion to dismiss and defendant's second motion to dismiss should be denied.

I have concluded that the claim of plaintiff does not come within the purview of those claims contemplated by the legislature under the provisions of Section 15.1-547, et. seq., of our State Code. Even if the claim were governed by these sections, it would appear from the pleadings and argument of counsel that the plaintiff would be entitled to proceed with his claim under the provisions of Section 15.1-553 of our code because of plaintiff's assertion that the Board of Supervisors have refused or neglected to act upon its claim.

The Court has further concluded that Sections 36-116 and 36-118 would not be applicable in this type of claim or proceeding, nor would any appeal be governed by provisions of Title 9, Sections 9-6.14:1 et. seq. of the Code of Virginia, known as the Administrative Process Act.

I suggest that Mr. Lawrence prepare an order and have Mr. Finnegan endorse for approval as to form.

With kindest personal regards, I remain

Very truly yours,

Lewis D. Morris

LDM:jah

△ A-1

HIDDENBROOK - Sec. 1

Lot No.	Permit No.	Date Issued	Amount
83	P96605	~~3-9-73 4/2/73~~	47.00
86	P96604	~~" 4/2/73~~	41.00
90	P106603	5-18-73 1/23/74	52.00
90	P96625	~~3-9-73 4/2/73~~	37.00
91	P106613	5-18-73 1/23/74	41.00
91	P96603	~~3-9-73 4/2/73~~	41.00
92	P106611	5-18-73 1/23/74	47.00
92	P96602	~~3-9-73 4/2/73~~	47.00
93	P106610	5-18-73 1/23/74	32.00
93	P96595	~~3-9-73 4/2/73~~	32.00
97	P106606	3-9-73 1/23/74	52.00
101	P106604	3-9-73 1/23/74	41.00

HIDDENBROOK - Sec. 3

176	P105571	8-10-73 12/5/73	34.00
177	P104729	" 11/19/73	41.00
178	P104739	" 11/19/73	37.00
179	P105541	" 12/5/73	34.00
180	P104727	" 11/19/73	41.00
181	P104726	" 11/19/73	47.00
182	P104125 P104725	" 11/19/73	41.00
183	P105542	" 12/5/73	34.00
184	P104724	" 11/19/73	47.00
185	P104720	" 11/19/73	37.00
186	P104723	" 11/19/73	41.00
187	P104722	" 11/19/73	37.00
188	P105545	" 12/5/73	34.00
189	P104736	" 11/19/73	41.00
190	P105544	" 12/5/73	34.00
191	P104735	" 11/19/73	37.00
192	P104734	" 11/19/73	47.00
193	P104733	" 11/19/73	41.00

ΔA-2

Lot No.	Permit No.	Date Issued	Amount
194	P104732	8-10-73 11/19/73	41.00
195	P104737 P104737	" "	37.00
196	P105546	" 12/5/73	34.00
197	P104718	" 11/19/73	32.00
198	P104717	" 11/19/73	47.00
199	P104716	" "	41.00
200	P104138 P104738	" "	37.00
201	P105578	" 12/5/73	34.00
202	P104730 P104730	" 11/19/73	41.00
203	P104731	" "	37.00
204	P104719	" "	47.00
205	P104715	" "	37.00
206	P105543	" 12/5/73	34.00
207	P104714	" 11/19/73	47.00
208	P104713	" "	41.00
209	P105575	" 12/5/73	34.00
210	P104687	" 11/19/73	41.00
211	P105574	" 12/5/73	34.00
212	P104712	" 11/19/73	41.00
213	P104711	" "	37.00
214	P105573	" 12/5/73	34.00
215	P104710	" 11/19/73	41.00
216	P104709	" "	47.00
217	P105572	" 12/5/73	34.00
218	P104708	" 11/19/73	47.00
219	P104707	" "	41.00
220	P104688	" "	37.00
221	P105577	" 12/5/73	34.00
222	P104705	" 11/19/73	47.00
223	P104704	" "	41.00
224	P104703	" "	47.00
225	P104702	" "	37.00
226	P104701	" "	41.00
227	P104700	" "	37.00

ΔA-3

Lot No.	Permit No.	Date Issued	Amount
228	P104699	8-10-73 11/19/73	41.00
229	P104698	" "	47.00
230	P104697	" "	41.00
231	P105576	" 12/5/73	34.00
232	P105532	" "	34.00
233	P105531	" "	34.00
234	P105530	" "	34.00
235	P104676 P104696	" 11/19/73	47.00
236	P104695	" "	41.00
237	P105540	" 12/5/73	34.00
238	P104694	" 11/19/73	41.00
239	P104693	" "	37.00
240	P105529	" 12/5/73	34.00
241	P104692	" 11/19/73	47.00
242	P104691	" "	31.00
243	P105539	" 12/5/73	34.00
244	P104690	" 11/19/73	41.00
245	P104689	" "	47.00

HIDDENBROOK - Sec. 4

246	P104923	9-7-73 11/21/73	37.00
247	P104922	" "	47.00
248	P104921	" "	37.00
249	P105534	" 12/5/73	34.00
250	P104920	" 11/21/73	41.00
251	(L2642) P105561	" 12/5/73	34.00
271	P104918	" 11/21/73	47.00
272	P104917	" "	41.00
273	P104916	" "	37.00
274	P105562	" 12/5/73	34.00
275	P104915	" 11/21/73	37.00

△ A-4

Lot No.	Permit No.	Date Issued		Amount
276	P104914	9-7-73	11/21/73	47.00
277	P104913	"	"	37.00
278	P104919	"	"	47.00
279	P105563	"	12/5/73	34.00
280	P104912	"	11/21/73	41.00
281	P105564	"	12/5/73	34.00
282	P104911	"	11/21/73	47.00
283	P104910	"	"	41.00
284	P104909	"	"	47.00
285	P104908	"	"	37.00
286	P104907	"	"	41.00
287	P105565	"	12/5/73	34.00
288	P104906	"	11/21/73	41.00
289	P105566	"	12/5/73	34.00
290	P104902	"	11/21/73	47.00
291	P104901	"	"	41.00
292	P104900	"	"	47.00
293	P104899	"	"	41.00
294	P105567	"	12/5/73	34.00
295	P104898	"	11/21/73	47.00
296	P104897	"	"	37.00
297	P104896	"	"	41.00
298	P104895	"	"	47.00
299	P104894	"	"	37.00
300	P105568	"	12/5/73	34.00
301	P104893	"	11/21/73	47.00
302	P104892	"	"	41.00
303	P104891	"	"	37.00
304	P105569	"	12/5/73	34.00
305	P104887	"	11/21/73	41.00
306	P104886	"	11/21/73	47.00
307	P105--- 570	"	12/5/73	34.00
308	P104885	"	11/21/73	37.00
309	P104884	"	"	41.00

△A-5

Lot No.	Permit No.	Date Issued	Amount
310	P104883	9-7-73 11/21/73	47.00
311	P105580	" 12/5/73	34.00
312	P104882	" 11/21/73	47.00
313	P104881	" "	41.00
314	P105581	" 12/5/73	34.00
315	P104880	" 11/21/73	37.00
316	P104878	" "	41.00
317	P104877	" "	47.00
318	P104876	" "	37.00
319	P104875	" "	41.00
320	P104864	" "	47.00
321	P105589 P105582	" 12/5/73	34.00
322	P104863	" 11/21/73	41.00
323	P104862	" "	47.00
324	P104861	" "	37.00
325	P105583	" 12/5/73	34.00
326	P104860	" 11/21/73	41.00
327	P105584	" 12/5/73	34.00
328	P104859	" 11/21/73	47.00
329	P105585	" 12/5/73	34.00
330	P104858	" 11/21/73	41.00
331	P105536	" 12/5/73	34.00
332	P104859 P104857	" 11/21/73	37.00
333	P104856	" "	41.00
334	P104855	" "	37.00
335	P104854	" "	47.00
336	P105535	" 12/5/73	34.00
337	P104853	" 11/21/73	47.00
338	P104852	" "	32.00
339	P104851	" "	37.00
340	P105538	" 12/5/73	34.00
341	P104849	" 11/21/73	37.00

△A-6

Lot No.	Permit No.	Date Issued		Amount
342	P105537	9-7-73	12/5/73	34.00
343	P104848	"	11/21/73	41.00
344	P104847	"	"	47.00
345	P104846	"	"	32.00
346	P104845	"	"	47.00
347	P105536 P105550	"	12/5/73	34.00
348	P104844	"	11/21/73	47.00
349	P105549	"	12/5/73	34.00
350	P104843	"	11/21/73	47.00
351	P104842	"	"	41.00
352	P104841	"	"	37.00
353	P105548	"	12/5/73	34.00
354	P104840	"	11/21/73	47.00
355	P105547	"	12/5/73	34.00
356	P104839	"	11/21/73	37.00
357	P104838	"	"	41.00
358	P104837	"	"	37.00
359	P104836	"	"	47.00
360	P104825	"	"	41.00
361	P105558	"	12/5/73	34.00
362	P104824	"	11/21/73	37.00
363	P105556	"	12/5/73	34.00
364	P104823	"	11/21/73	47.00
365	P105553	"	12/5/73	34.00
366	P104822	"	11/21/73	37.00
367	(L2739) P105560	"	12/5/73	34.00
368	P104835	"	11/21/73	37.00
369	P104832	"	"	41.00
370	P104831	"	"	47.00
371	P104830	"	"	41.00
372	P104829	"	"	37.00
373	P104828	"	"	47.00
374	P105552	"	12/5/73	34.00
375	P104827	"	11/21/73	41.00

ΔA-7

Lot No.	Permit No.	Date Issued		Amount
376	P104826	9-7-73	11/21/73	37.00
377	P104767	"	11/20/73	47.00
378	P104766	"	"	41.00
379	P104765	"	"	~~32.00~~ 37.00
380	P105551	"	12/5/73	34.00
381	P104764	"	11/20/73	41.00
382	P104763	"	11/20/73	37.00
383	P104762	"	11/20/73	41.00
384	P104761	"	"	32.00
385	P104759	"	"	47.00
386	P105559	"	12/5/73	34.00
387	P104758	"	11/20/73	41.00
388	P104757	"	"	37.00
389	P105555	"	12/5/73	34.00
390	P104756	"	11/20/73	41.00
391	P105553	"	12/5/73	34.00
392	P104755	"	11/20/73	47.00
393	P104754	"	"	37.00
		TOTAL:		$8,348.00

A 19-6

Hunter's Creek Section 1

Lot No.	Permit No.	Date Issued	Amount
130	P101963	9/15/73	9/13/73 42.00
131	P101889	" "	" 52.00
132	P101829	" "	9/11/73 43.00
133	P101888	" "	9/13/73 52.00
134	P101830	" "	9/11/73 43.00
135	P101962	" "	9/13/73 42.00
136	P101831	" "	9/11/73 43.00
137	P101982	" "	9/13/73 41.00
141	P101960	" "	" 42.00
143	P101983	" "	" 41.00

△ A-9

Hunter's Creek Section 2

Lot No.	Permit No.	Date Issued	Amount
1	P102025	9/6/73 9/14/73	42.00
3	P101948	" " 9/13/73	52.00
7	P101761	" " 9/11/73	43.00
8	P102024	" " 9/14/73	42.00
9	P101762	" " 9/11/73	43.00
10	P101947	" " 9/13/73	52.00
11	P101763	" " 9/11/73	43.00
12	P101978	" " 9/13/73	41.00
13	P101764	" " 9/11/73	43.00
14	P101946 101946	" " 9/13/73	52.00
15	P101765	" " 9/11/73	43.00
16	P101945	" " 9/13/73	52.00
17	P101766	" " 9/11/73	43.00
18	P102023	" " 9/14/73	42.00
19	P101767	" " 9/11/73	43.00
20	P101937	" " 9/13/73	52.00
21	P101768	" " 9/11/73	43.00
22	P102022	" " 9/14/73	42.00
23	P101769	" " 9/11/73	43.00
24	P102021	" " 9/14/73	42.00
25	P101770	" " 9/11/73	43.00
26	P101949	" " 9/13/73	52.00
27	P101771	" " 9/11/73	43.00
28	P102020	" " 9/14/73	42.00
29	P101977	" " 9/13/73	41.00
30	P101772	" " 9/11/73	43.00
31	P102014	" " 9/14/73	42.00
32	P101936	" " 9/13/73	52.00
33	P101773	" " 9/11/73	43.00
34	P102013	" " 9/14/73	42.00
35	P101774	" " 9/11/73	43.00
36	P101735 101935	" " 9/13/73	52.00
37	P101775	" " 9/11/73	43.00
38	P102012	" " 9/14/73	42.00
39	P101776	" " 9/11/73	43.00
40	P101934 101934	" " 9/13/73	52.00
41	P101777	" " 9/11/73	43.00
42	P101931	" " 9/13/73	52.00
43	P101976	" " 9/13/73	41.00
44	P101778	" " 9/11/73	43.00
45	P102011	" " 9/14/73	42.00
46	P101779	" " 9/11/73	43.00
47	P101914	" " 9/13/73	52.00
48	P101975	" " 9/13/73	41.00
49	P101974	" " 9/13/73	41.00
50	P101913	" " 9/13/73	52.00
51	P101780	" " 9/11/73	43.00
52	P102010	" " 9/14/73	42.00
53	P101772 101792	" " 9/11/73	43.00
54	P101912	" " 9/13/73	52.00
55	P102009	" " 9/14/73	42.00
56	P101793	" " 9/11/73	43.00

△ 11-10

Lot No.	Permit No.	Date Issued			Amount
57	P101973	9/6/73		9/13/73	41.00
58	P101794	"	"	9/11/73	43.00
59	P101911	"	"	9/13/73	52.00
60	P101795	"	"	9/11/73	43.00
61	P101910	"	"	9/13/73	52.00
62	P101787 101797	"	"	9/11/73	43.00
63	P102007	"	"	9/14/73	42.00
64	P101778 101798	"	"	9/11/73	43.00
65	P101972	"	"	9/13/73	41.00
66	P101799	"	"	9/11/73	43.00
67	P102006	"	"	9/14/73	42.00
68	P101909	"	"	9/13/73	52.00
69	P101803	"	"	9/11/73	43.00
70	P101908	"	"	9/13/73	52.00
71	P102005	"	"	9/14/73	42.00
72	P101971	"	"	9/13/73	41.00
73	P102003	"	"	9/14/73	42.00
74	P101805	"	"	9/11/73	43.00
75	P101907	"	"	9/13/73	52.00
76	P101806	"	"	9/11/73	43.00
77	P102002	"	"	9/14/73	42.00
78	P101810	"	"	9/11/73	43.00
79	P102001	"	"	9/14/73	42.00
80	P101906 101906	"	"	9/13/73	52.00
81	P101811	"	"	9/11/73	43.00
82	P102000	"	"	9/14/73	42.00
83	P101813	"	"	9/11/73	43.00
84	P101905	"	"	9/13/73	52.00
85	P101999	"	"	9/14/73	42.00
86	P101814	"	"	9/11/73	43.00
87	P101904	"	"	9/13/73	52.00
88	P101815	"	"	9/11/73	43.00
89	P101903	"	"	9/13/73	52.00
90	P101998	"	"	9/14/73	42.00
91	P101816	"	"	9/11/73	43.00
92	P101902	"	"	9/13/73	52.00
93	P101797 101997	"	"	9/14/73	42.00
94	P101817	"	"	9/11/73	43.00
95	P101970	"	"	9/13/73	41.00
96	P101996	"	"	9/14/73	42.00
97	P101818	"	"	9/11/73	43.00
98	P101969	"	"	9/13/73	41.00
99	P101819	"	"	9/11/73	43.00
100	P101995	"	"	9/14/73	42.00
101	P101901	"	"	9/13/73	52.00
102	P101994	"	"	9/14/73	42.00
103	P101900	"	"	9/13/73	52.00
104	P101899	"	"	9/13/73	52.00
105	P101993	"	"	9/14/73	42.00
106	P101820	"	"	9/11/73	43.00
107	P101985	"	"	9/14/73	42.00
108	P101821	"	"	9/11/73	43.00
109	P101898	"	"	9/13/73	52.00

Δ H-11

Lot No.	Permit No.	Date Issued	Amount
110	P101979	9/6/73 9/13/73	41.00
111	P101968	" " "	42.00
112	P101824	" " 9/11	43.00
113	P101897	" " 9/13	52.00
114	P101896	" " 9/13	52.00
115	P101825	" " 9/11	43.00
116	P101967	" " 9/13	42.00
117	P101875 101895	" " "	52.00
118	P101826	" " 9/11	43.00
119	P10955	" " 9/13	42.00
120	P101980	" " 9/13	41.00
121	P101892	" " "	52.00
122	P101966	" " "	42.00
123	P101827	" " 9/11	43.00
124	P101965	" " 9/13	42.00
125	P101891	" " 9/13	52.00
126	P101964	" " 9/13	42.00
127	P101828	" " 9/11	43.00
128	P101981	" " 9/13	41.00
129	P101890	" " 9/13	52.00

△A-12

Hunter's Creek - New Section 3 Area

Lot No.	Permit No.	Date Issued		Amount
1A	P103983	11/5/73	11/8/73	19.00
1B	P103982	" "	11/8/73	19.00
1C	P103981	" "	"	19.00
1D	P103980	" "	"	19.00
2A	P103979	" "	"	19.00
2B	P103978	" "	"	19.00
2C	P103968	" "	"	19,00
2D	P104089	" "	11/9	19.00
3E	P103967	" "	11/8	19,00
3F	P103981? 103929	" "	"	19.00
3G	P103973	" "	"	19.00
3H	P103972	" "	"	19.00
4A	P103971	" "	"	19.00
4B	P103970	" "	"	19.00
4C	P103969	" "	"	19.00
4D	P103988	" "	"	19.00
5E	P103987	" "	"	19.00
5F	P103986	" "	"	19.00
5G	P103985	" "	"	19.00
5H	P103984	" "	"	19.00
6E	P104105	" "	11/9	19.00
6F	P104104	" "	"	19.00
6G	P104095	" "	"	19.00
6H	P104094	" "	"	19.00
7A	P104093	" "	"	19.00
7B	P104092	" "	"	19.00
7C	P104091	" "	"	19.00
7D	P104090	" "	"	19.00
8E	P104086	" "	"	19.00
8F	P104085	" "	"	19.00
8G	P104084	" "	"	19.00
8H	P104083	" "	"	19.00
9A	P104082	" "	"	19.00
9B	P104079	" "	"	19.00
9C	P104078	" "	"	19.00
9D	P104097? 104077	" "	"	19.00
10A	P104076	" "	"	19.00
10B	P104075	" "	"	19.00
10C	P104074	" "	"	19.00
10D	P104073	" "	"	19.00
11A	P104072	" "	"	19.00
11B	P104071	" "	"	19.00
11C	P104070	" "	"	19.00
11D	P104061	" "	"	19.00
12E	P104060	" "	"	19.00
12F	P104059	" "	"	19.00
12G	P104058	" "	"	19.00
12H	P104057	" "	"	19.00
13E	P104056	" "	"	19.00
13F	P104047	" "	"	19.00
13G	P104046	" "	"	19.00
13H	P104045	" "	"	19.00

Δ A-13

Lot No.	Permit No.	Date Issued	Amount
14E	P104044	11/5/73 11/9/73	19.00
14F	P104043	" " "	19.00
14G	P104042	" " "	19.00
14H	P103977	" " 11/6/73	19.00
15A	P103916 P103976	" " "	19.00
15B	P103915 103975	" " "	19.00
15C	P103974	" " "	19.00
15D	P103994	" " "	19.00
16A	P103993	" " "	19.00
16B	P103992	" " "	19.00
16C	P103991	" " "	19.00
16D	P103990	" " "	19.00
17A	P103941 103949	" " "	19.00
17B	P103942	" " "	19.00
17C	P103943	" " "	19.00
17D	P103946	" " "	19.00
18E	P103947	" " "	19.00
18F	P103956	" " "	19.00
18G	P103957	" " "	19.00
18H	P103760-103960	" " "	19.00
19E	P103961	" " "	19.00
19F	P103962	" " "	19.00
19G	P103963	" " "	19.00
19H	P103964	" " "	19.00
20A	P103950	" " "	19.00
20B	P103951	" " "	19.00
20C	P103952	" " "	19.00
20D	P103953	" " "	19.00
21A	P103958	" " "	19.00
21B	P103959	" " "	19.00
21C	P103954	" " "	19.00
21D	P103955	" " "	19.00
22F	P103922	" " "	19.00
22G	P103923	" " "	19.00
22H	P103924	" " "	19.00
22E	P103917	" " "	19.00
23E	P103925	" " "	19.00
23F	P103929	" " "	19.00
23G	P103930	" " "	19.00
23H	P103931	" " "	19.00
24E	P103932	" " "	19.00
24F	P103936	" " "	19.00
24G	P103937	" " "	19.00
24H	P103927	" " "	19.00
25A	P103928	" " "	19.00
25B	P103933	" " "	19.00
25C	P103934	" " "	19,00
25D	P103935	" " "	19.00
26E	P103938	" " "	19.00
26F	P103939	" " "	19.00
26G	P103940	" " "	19.00
26H	P103941	" " "	19.00

△A74

Lot No.	Permit No.	Date Issued	Amount
27A	P103944	11/5/73	11/8/73 19.00
27B	P103945	" "	" 19.00
27C	P103948	" "	" 19.00
27D	P103124 104124	" "	11/9/73 19.00
28E	P104125	" "	" 19.00
28F	P104013	" "	" 19.00
28G	P104012	" "	" 19.00
28H	P104011	" "	" 19.00
29E	P104010	" "	" 19.00
29F	P104009	" "	" 19.00
29G	P104008	" "	" 19.00
29H	P104007	" "	" 19.00
30A	P104006	" "	" 19.00
30B	P104005	" "	" 19.00
30C	P104004	" "	" 19.00
30D	P104003	" "	" 19.00
31A	P103996	" "	" 19.00
31B	P103997	" "	" 19.00
31C	P103998	" "	" 19.00
31D	P103999	" "	" 19.00
32E	P104000	" "	" 19.00
32F	P107001 104001	" "	" 19.00
32G	P104002	" "	" 19.00
32H	P103907 103908	" "	11/8 19.00
33E	P103910	" "	" 19.00
33F	P103911	" "	" 19.00
33G	P103912	" "	" 19.00
33H	P103913	" "	" 19.00
34E	P103914	" "	" 19.00
34F	P103915	" "	" 19.00
34G	P103916	" "	" 19.00
34H	P104068	" "	11/9 19.00
35A	P104069	" "	" 19.00
35B	P104081	" "	" 19.00
35C	P104106	" "	" 19.00
35D	P104107	" "	" 19.00
36E	P104108	" "	" 19.00
36F	P10r109 104109	" "	" 19.00
36G	P104110	" "	" 19.00
36H	P104111	" "	" 19.00
37A	P104112	" "	" 19.00
37B	P104113	" "	" 19.00
37C	P104114	" "	" 19.00
37D	P104118	" "	" 19.00
38A	P104123	" "	" 19.00
38B	P104120	" "	" 19.00
38C	P104062	" "	" 19.00
38D	P104063	" "	" 19.00
39A	P104065	" "	" 19.00
39B	P104066	" "	" 19.00
39C	P104067	" "	" 19.00
39D	P104017	" "	" 19.00
40A	P104016	" "	" 19.00

△ A-15

Lot No.	Permit No.		Date Issued		Amount
40B	P104014		11/5/73	11/9/73	19.00
40C	P104054		" "	"	19.00
40D	P104055		" "	"	19.00
41E	P104021		" "	"	19.00
41F	P104020		" "	"	19.00
41G	P104019		" "	"	19.00
41H	P104018		" "	"	19.00
42A	P104053		" "	"	19.00
42B	P104052		" "	"	19.00
42C	P104050		" "	"	19.00
42D	P104049		" "	"	19.00
43A	P104048		" "	"	19.00
43B	P104032		" "	"	19.00
43C	P104031		" "	"	19.00
43D	P104030		" "	"	19.00
44E	P104029		" "	"	19.00
44F	P104028		" "	"	19.00
44G	P104027		" "	"	19.00
44H	P104026		" "	"	19.00
45A	P104025		" "	"	19.00
45B	P104024		" "	"	19.00
45C	P104024	104023	" "	"	19.00
45D	P104022		" "	"	19.00
46A	P104033		" "	"	19.00
46B	P104034		" "	"	19.00
46C	P104035		" "	"	19.00
46D	P104036		" "	"	19.00
47E	P104037		" "	"	19.00
47F	P104038		" "	"	19.00
47G	P104039		" "	"	19.00
47H	P104041		" "	"	19.00
			Total		$9,626.00

FOX MILL ESTATES - Sec. 3

Lot No.	Permit No.	Date Issued		Amount
205	P10446	4-10-73	11/15/73	47.00
206	P10447	"	"	60.00
207	P10448	"	"	"
208	P10449	"	"	"
209	P104450	"	"	41.00
210	P104451	"	"	47.00
239	P104579	"	11/16	41.00
240	P104578	"	11/16	47.00
241	P104577	"	"	41.00
242	P104576	"	"	"
243	P104575	"	"	60.00
244	P104574	"	"	41.00
245	P104572	"	"	"
246	P104571	"	"	47.00
247	P104570	"	"	41.00
248	P104569	"	"	41.00
249	P104568	"	"	47.00
250	P104567	"	"	41.00
251	P104565	"	"	47.00
252	P104564	"	"	41.00
253	P104563	"	"	"
254	P104562	"	"	47.00
255	P104561	"	"	41.00
256	P104560	"	"	60.00
257	P104559	"	"	47.00
258	P104558	"	"	41.00
259	P104557	"	"	"
260	P104556	"	"	47.00
261	P104554	"	"	41.00
262	P-14553	"	"	60.00

△ P.17

Lot No.	Permit No.	Date Issued		Amount
263	P104552	4-10-73	11/16/73	41.00
264	P104551	"	"	47.00
265	P104550	"	"	41.00
266	P104546	"	"	47.00
267	P104545	"	"	41.00
268	P104543	"	"	47.00
269	P104542	"	"	41.00
270	P104541	"	"	47.00
271	P104540	"	"	41.00
272	P104539 104539	"	"	41.00
273	P104539 104538	"	"	47.00
274	P104537	"	"	41.00
275	P104536	"	"	41.00
276	P104535	"	"	60.00
277	P104534	"	"	41.00
278	P104533	"	"	41.00
279	P104532	"	"	47.00
280	P104531	"	"	41.00
281	P104530	"	"	60.00
282	P104529	"	"	41.00
283	P104526	"	"	41.00
284	P104524	"	"	47.00
285	P104523	"	"	41.00
286	P104522	"	"	41.00
287	P104521	"	"	41.00
288	P104520	"	"	47.00
289	P104519	"	"	41.00
290	P104518	"	"	41.00
291	P104516	"	"	47.00
292	P104515	"	"	41.00
293	P104514	"	"	41.00
294	P104513	"	"	60.00
295	P104512	"	"	47.00

△ A-16

Lot No.	Permit No.	Date Issued		Amount
296	P104511	4-10-73	11/16/73	41.00
297	P104510	"	"	47.00
298	P104509	"	"	41.00
299	P104508	"	"	47.00
300	P104507	"	"	41.00
302	P104506	"	"	41.00
304	P104504	"	"	41.00
306	P104502	"	"	47.00
308	P104500	"	"	41.00
310	P104498	"	"	41.00
312	P104415 104495	"	"	47.00
556	P104427	"	11/15	60.00
557	P104426	"	"	47.00
558	P104425	"	"	41.00
565	P104418	"		47.00
565	P112835 (Renewal)	7-11-74	7/10/74	10.00
566	P104417	4-10-73	11/15/73	41.00
566	P112836 (Renewal)	7-11-74	7/10/74	10.00
567	P104414 104416	4-10-73	11/15/73	41.00
567	P112820 (Renewal)	7-11-74	7/10/74	10.00
568	P104415	4-10-73	11/15/73	41.00
568	P112819 (Renewal)	7-11-74	7/10/74	10.00
569	P104414	4-10-73	11/15/73	41.00
569	P112828 (Renewal)	7-11-74	7/10/74	10.00
570	P104413	4-10-73	11/15/73	47.00
570	P112827 (Renewal)	7-11-74	7/10/74	10.00
571	P104412	4-10-73	11/15/73	41.00
571	P112826 (Renewal)	7-11-74	7/10/74	10.00
572	P104316	4-10-73	11/15/73	41.00
572	P112825 (Renewal)	7-11-74	7/10/74	10.00
573	P104315	4-10-73	11/15/73	41.00
573	P112824 (Renewal)	7-11-74	7/10/74	10.00
574	P104314	4-10-73	11/15/73	41.00
574	P112823 (Renewal)	7-11-74	7/10/74	10.00
575	P104313	4-10-73	11/15/73	41.00
575	P112822 (Renewal)	7-11-74	7/10/74	10.00
576	P104312	4-10-73	11/15/73	41.00
576	P112821 (Renewal)	7-11-74	7/10/74	10.00

△ A-19

Lot No.	Permit No.	Date Issued		Amount
577	P104305	4-10-73	11/15/73	47.00
577	P112887 (Renewal)	7-11-74	7/11/74	10.00
578	P104304	"	11/15/73	60.00
578	P112886 (Renewal)	"	7/10/74	10.00
579	P104303	"	11/15/73	41.00
579	P112782 (Renewal)	"	7/8/74	10.00
580	P104302	"	11/15/73	41.00
580	P112781 (Renewal)	"	7/8/74	10.00
581	P104301	"	11/15/73	60.00
581	P112753 (Renewal)	"	7/8/74	10.00
582	P104300	"	11/15/73	41.00
582	P112837 (Renewal)	"	7/10/74	10.00
583	P104299	"	11/15/73	60.00
583	P112830 (Renewal)	"	7/10/74	10.00
584	P104298	"	11/15/73	41.00
584	P112829 (Renewal)	"	7/10/74	10.00
		TOTAL:		$4,586.00

Δ A-30

Foxmill Estates Section 4

Lot No.	Permit No.	Date Issued		Amount	Renewals
313	P107347	2/21/74	2/15/74	52.00	
314	P107348	" "	"	57.00	
315	P107349	" "	"	44.00	
316	P107351	" "		52.00	
317	P107357	" "		41.00	
318	P107352	" "		57.00	
319	P107353	" "		41.00	
320	P107408	" "	2/19/74	52.00	
321	P107407	" "	"	57.00	
322	P107406	" "	"	45.00	
323	P107427	" "	"	49.00	
324	P107415	" "	"	45.00	
325	P107367	" "	2/15	54.00	
326	P107369	" "	"	52.00	
327	P107414	" "	2/19	45.00	
328	P107412	" "	"	57.00	
329	P107411	" "	"	52.00	
330	P107410	" "	"	57.00	
331	P107370	" "	2/15	57.00	
332	P107409	" "	2/19	57.00	
333	P107416	" "	"	54.00	
334	P107413	" "	"	44.00	
335	P107366	" "	2/15	52.00	
336	P107362	" "	"	57.00	
337	P107368	" "	"	57.00	
338	P107420	" "	2/19	57.00	
339	P107443	" "	"	57.00	
340	P107439	" "	"	52.00	
341	P107438	" "	"	52.00	
342	P107363	" "	2/15	44.00	
343	P107365	" "	"	54.00	
344	P107433	" "	2/19	52.00	
345	P107432	" "	"	45.00	
346	P107431	" "	"	54.00	
347	P107428	" "	"	57.00	

ΔA·21

Lot No.	Permit No.	Date Issued		Amount	Renewal
348	P107374	2/21/74	2/15/74	52.00	
349	P107436	" "	2/19	44.00	
350	P107458 107358	" "	2/15	52.00	
351	P107360	" "	"	57.00	
352	P107437	" "	2/19	57.00	
353	P107441	" "	"	52.00	
354	P107356	" "	2/15	57.00	
355	P107442	" "	2/19	52.00	
356	P107434	" "	"	57.00	
357	P107435	" "	"	49.00	
358	P107359	" "	2/15	57.00	
359	P104355	11/23/73	11/15/73	41.00	
360	P104348	" "	"	47.00	
361	P107402	" "	2/19/74	52.00	
362	P107401	" "	"	57.00	
363	P107400	" "	"	52.00	
364	P107399	" "	"	57.00	
365	P107355	" "	2/15	44.00	
366	P107354	" "	"	45.00	
367	P107445	" "	2/19	57.00	
368	P107444	" "	"	57.00	
369	P107447	" "	"	52.00	
370	P107446	" "	"	44.00	
371	P107451	" "	"	57.00	
372	P104356	" "	11/15/73	41.00	
373	P105255	" "	12/3/73	47.00	
374	P105254	" "	12/3/73	41.00	
375	P105250	" "	"	47100	
376	P105249	" "	"	41.00	
377	P105248	" "	"	41.00	
378	P105247	" "	"	47.00	
379	P105507	" "	12/6/73	47.00	
380	P105502	" "	"	47.00	
381	P105246	" "	12/3/73	60.00	
382	P105092	" "	[illegible]	60.00	

△ A-22

Lot No.	Permit No.	Date Issued		Amount
383	P105091	T1/5/73	11/26/73	41.00
384	P105090	" "	"	41.00
385	P104340	" "	11/15/73	60.00
386	P105503	" "	12/4/73	47.00
387	P105089	" "	11/26	60.00
388	P105504	" "	12/4	47.00
389	P105088	" "	11/26	60.00
390	P105087	" "	"	60.00
391	P105086	" "	"	41.00
392	P105085	" "	"	60.00
393	P105505	" "	12/4	47.00
394	P105084	" "	11/26	60.00
395	P105506	" "	12/4	47.00
396	P105083	" "	11/26	41.00
397	P105082	" "	"	41.00
398	P105081	" "	"	60.00
399	P105080	" "	"	60.00
400	P105079	" "	"	60.00
401	P105078	" "	"	47.00
402	P104354	" "	11/15	41.00
403	P104347	" "	"	47.00
404	P104353	" "	"	41.00
405	P113721	7/10/74	7/30/74	10.00
406	P113725	" "	"	10.00
407	P11312 113726	" "	"	10.00
408	P113728	" "	"	10.00
409	P113729	" "	"	10.00
410	P113722	" "	"	10.00
411	P113723	" "	"	10.00
412	P113724	" "	"	10.00
413	P113727	" "	"	10.00
414	P113730	" "	"	10.00
415	P113715	" "	"	10.00
416	P113714	" "	"	10.00
417	P113689	" "	"	10.00

Lot No.	Permit No.	Date Issued	Amount
418	P113716	7/10/74	10.00
419	P113717	" "	10.00
420	P113718	" "	10.00
421	P113719	" "	10.00
422	P113720	" "	10.00
423	P113698	" "	10.00
424	P113699	" "	10.00
425	P113700	" "	10.00
426	P113701	" "	10.00
427	P113702	" "	10.00
428	P113703	" "	10.00
429	P113704	" "	10.00
430	P113705	" "	10.00
431	P113706	" "	10.00
432	P113707	" "	10.00
433	P113708	" "	10.00
434	P113709	" "	10.00
435	P113710	" "	10.00
436	P113711	" "	10.00
437	P113712	" "	10.00
438	P113713	" "	10,00
439	P113684	" "	10.00
440	P113685	" "	10.00
441	P113686	" "	10.00
442	P113687	" "	10.00
443	P113688	" "	10.00
444	P113641 113691	" "	10.00
445	P113692	" "	10.00
446	P113693	" "	10.00
447	P113694	" "	10.00
448	P113695	" "	10.00
449	P113696	" "	10.00
450	P113697	" "	10.00
451	P113672	" "	10.00
452	P113673	" "	10.00

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Lot No.	Permit No.	Date Issued	Amount
453	P113674	7/10/74	7/30/74 18.00
454	P113675	" "	" 10.00
455	P113676	" "	" 10.00
456	P113677	" "	" 10.00
457	P113678	" "	" 10.00
458	P113679	" "	" 10.00
459	P113680	" "	" 10.00
460	P113681	" "	" 10.00
461	P113682	" "	" 10.00
462	P113683	" "	" 10.00
463	P113634	" "	" 10.00
464	P113633	" "	" 10.00
465	P113632	" "	" 10100
466	P113631	" "	" 10.00
467	P113630	" "	" 10.00
468	P113617	" "	7/25/74 10.00
469	P113606	" "	" 10.00
470	P113586	" "	7/26/74 10.00
471	P113592	" "	7/29/74 10.00
472	P107453	2/21/74	2/18/74 52.00
473	P107448	" "	" 57.00
474	P107376	" "	" 52.00
475	P107386	" "	" 57.00
476	P107391	" "	" 52.00
477	P107405	" "	" 52.00
478	P107390	" "	" 54.00
479	P107372	" "	2/15/74 57.00
480	P107384	" "	2/14/74 52.00
481	P107404	" "	" 57.00
482	P107383	" "	" 36.00
483	P107382	" "	" 36.00
484	P107381	" "	" 57.00
485	P107380	" "	" 52.00
486	P107379	" "	" 41.00
487	P107378	" "	" 52.00

△ A-29

Lot No.	Permit No.	Date Issued	Amount
488	P107377	2/21/74 2/17/74	57.00
489	P107417	" " "	52.00
490	P107426	" " "	57.00
491	P107425	" " "	57.00
492	P107424	" " "	52.00
493	P107419	" " "	57.00
494	P107418	" " "	52.00
495	P107398	" " "	57.00
496	P107397	" " "	52.00
497	P107396	" " "	52.00 52.00
497 498	P107371	" " 2/15/74	52.00
499	P107392	" " 2/19	57.00
500	P107422	" " "	57.00
501	P107423	" " "	57.00
502	P107429	" " "	52.00
503	P107430	" " "	57.00
504	P107361	" " 2/15	52.00
505	P113594	7/10/74 7/29/74	10.00
506	P113545	" " 7/26/74	10.00
507	P113544	" " "	10.00
508	P113542	" " "	10.00
509	P113585	" " "	10.00
510	P113595	" " 7/29	10.00
511	P113584	" " 7/26	10.00
512	P113605	" " 7/29	10.00
513	P113658	" " 7/30	10.00
514	P113604	" " 7/29	10.00
515	P113659	" " 7/30	10.00
516	P113660	" " 7/30	10.00
517	P113661	" " "	10.00
518	P113662	" " "	10.00
519	P113663	" " "	10.00
520	P113664	" " "	10.00
521	P113669	" " "	10.00

△A-26

Lot No.	Permit No.	Date Issued		Amount
522	P113670	7/10/74	7/30/74	10.00
523	P113671	" "	"	10.00
524	P113643	" "	"	10.00
525	P113644	" "	"	10.00
526	P113645	" "	"	10.00
527	P113646	" "	"	10.00
528	P113647	" "	"	10.00
529	P113648	" "	"	10.00
530	P113649	" "	"	10.00
531	P104400	11/23/74	11/15/73	47.00
532	P107387	" "	2/19/74	57.00
533	P107389	" "	"	49.00
534	P107388	" "	"	49.00
535	P107393	" "	"	57.00
536	P107394	" "	"	52.00
537	P107395	" "	"	44.00
538	P107403	" "	"	49;00
539	P107421	" "	"	57.00
540	P107452	" "	"	52.00
541	P107450	" "	"	52.00
542	P107449	" "	"	57.00
543	P113650	7/10/74	7/30/74	10.00
544	P113651	" "	"	10.00
545	P113653	" "	"	10.00
546	P113654	" "	"	10.00
547	P113655	" "	"	10.00
548	P113656	" "	"	10.00
549	P113657	" "	"	10.00
550	P113636	" "	"	10.00
551	P113637	" "	"	10.00
552	P113638	" "	"	10.00
553	P113639	" "	"	10.00
		TOTAL:		$8,094.00

Note: Lots 313-371,471-503,532-542, were purchased inthe name of the Ryland Group, but paidfor by Miller and Smith,Inc.

Δ A-2

Foxmill Estates - Sec. 5

Lot No.	Permit No.	Date Issued		Amount
585	P104988	11/5/73	11/26/73	41.00
586	P104989	" "	"	47.00
587	P104990	" "	"	41.00
588	P104991	" "	"	41.00
589	P104992	" "	"	47.00
590	P104993	" "	"	41.00
591	P104994	" "	"	41.00
592	P104995	" "	"	47.00
593	P104997	" "	"	41.00
594	P104998	" "	"	41.00
595	P104999	" "	"	47.00
596	P105000	" "	"	41.00
597	P105001	" "	"	41.00
598	P105002	" "	"	47.00
599	P105003	" "	"	41.00
600	P105005	" "	"	41.00
601	P105006	" "	"	41.00
602	P105007	" "	"	47.00
603	P105008	" "	"	41.00
604	P105009	" "	"	41.00
605	P105010	" "	"	41.00
606	P105011	" "	"	41.00
607	P105012	" "	"	41.00
608	P105013	" "	"	41.00
609	P105014	" "	"	47.00
610	P105015	" "	"	41.00
611	P105016	" "	"	60.00
612	P105017	" "	"	41.00
613	P105018	" "	"	60.00
614	P105019	" "	"	41.00
615	P105020	" "	"	47.00

ΔA-26

Lot No.	Permit No.	Date Issued		Amount
616	P105021	11-5-73	11/26/73	41.00
617	P105022	" "	"	41.00
618	P105023	"	"	47.00
619	P105067	"	"	41.00
620	P105068	"	"	41.00
621	P105069	"	"	47.00
622	P105070	"	"	41.00
623	P105071	"	"	47.00
624	P105072	"	"	41.00
625	P105073	"	"	47.00
626	P105074	"	"	41.00
627	P105075	"	"	41.00
628	P105076	"	"	41.00
629	P105077	"	"	47.00
630	P105457	"	12/4/73	41.00
631	P105455	"	"	47.00
632	P105454	"	"	41.00
633	P105448	"	"	41.00
634	P105446	"	"	47.00
635	P105445	"	"	41.00
636	P105444	"	"	41.00
637	P105443	"	"	47.00
638	P105472	"	"	47.00
639	P105442	"	"	41.00
640	P105471	"	"	41.00
641	P105470	"	"	41.00
642	P105469	"	"	41.00
643	P105468	"	"	41.00
644	P105467	"	"	47.00
645	P105466	"	"	41.00
646	P105465	"	"	41.00
647	P105464	"	"	41.00

△A-29

Lot No.	Permit No.	Date Issued	Amount	Renewal
648	P105463	" 12/4/73	47.00	
650	P105461	" "	60.00	
652	P105459	" "	47.00	
653	P105458	" "	41.00	
654	P105441	" "	47.00	
655	P105440	" "	41.00	
656	P105438	" "	60.00	
657	P105431	" "	41.00	
658	P105430	" "	41.00	
659	P105429	" "	41.00	
660	P105428	" "	47.00	
661	P105427	" "	41.00	
662	P105426	" "	41.00	
663	P105425	" "	47.00	
664	P105424	" "	41.00	
665	P105423	" "	41.00	
666	P105436	" "	41.00	
667	P105435	" "	47.00	
668	P105434	" "	41.00	
669	P105432	" "	47.00	
670	P105422	" "	41.00	
671	P105421	" "	41.00	
673	P105414	" "	41.00	
674	P105413	" "	41.00	
675	P105412	" "	41.00	
676	P105411	" "	41.00	
677	P105401	" "	47.00	
678	P105420	" "	41.00	
679	P105419	" "	60.00	
680	P105417	" "	41.00	
681	P105416	" "	41.00	10.00
682	P105415	" "	47.00	10.00

Δ H-30

Lot No.	Permit No.	Date Issued		Amount		Renewal
684	P105407	4-25-73	10/4/73	41.00		10.00
685	P105406	"	10/4	47.00		10.00
686	P105483	"	"	~~41.00~~	47.00	10.00
687	P105405	"	"	41.00		10.00
688	P105404	"	"	47.00		10.00
689	P105403	"	"	60.00		10.00
690	P105400	"	"	41.00		10.00
691	P105399	"	"	41.00		10.00
692	P105398	"	"	41.00		10.00
693	P105397	"	"	60.00		
694	P105396	"	"	60.00		
695	P105395	"	"	47.00		
696	P105394	"	"	60.00		
697	P105393	"	"	41.00		
698	P105392	"	"	41.00		
699	P105391	"	"	60.00		
700	P105390	"	"	47.00		
701	P105389	"	"	41.00		
702	P105384	"	10/3/73	47.00		
703	P105383	"	10/3/73	41.00		
704	P104382 105382	"	"	41.00		
705	P105381	"	"	41.00		
706	P105380	"	"	47.00		
707	P105379	"	"	47.00		
708	P105378	"	"	41.00		
709	P105377	"	"	47.00		
710	P105376	"	"	41.00		
711	P105375	"	"	41.00		
712	P105374	"	"	60.00		
713	P105373	"	"	60.00		
714	P105372	"	"	41.00		
715	P105371	"	"	41.00		
716	P105370	"	"	41.00		

△ A-31

Lot No.	Permit No.	Date Issued	Amount	Renewal
717	P105369	4-25-73 12/3/73	47.00	
718	P105368	" "	41.00	
719	P105367	" "	41.00	
720	P105366	" "	47.00	
721	P105365	" "	41.00	10.00
722	P105363	" "	41.00	10.00
723	P105362	" "	60.00	10.00
724	P105361	" "	60.00	10.00
725	P105360	" "	41.00	10.00
726	P105359	" "	60.00	10.00
727	P105484	" 12/4/73	41.00	10.00
728	P105358	" 12/3/73	41.00	10.00
729	P105357	" "	60.00	10.00
730	P105356	" "	60.00	10.00
731	P105355	" "	60.00	10.00
732	P105354	" "	60.00	10.00
733	P105353	" "	47.00	10.00
734	P105352	" "	41.00	10.00
735	P105351	" "	60.00	10.00
736	P105485	" 12/4/73	~~41.00~~ 47.00	10.00
737	P105350	" 12/3/73	47.00	10.00
738	P105349	" "	60.00	10.00
739	P105486	" 12/4/73	47.00	10.00
740	P105348	" 12/3/73	41.00	10.00
741	P105347	" "	41.00	10.00
742	P105346	" "	60.00	10.00
743	P105345	" "	41.00	10.00
744	P105334	" "	60.00	10.00
745	P105335	" "	47.00	10.00
746	P105337	" "	41.00	10.00
747	P105338	" "	60.00	10.00
748	P105344	" "	60.00	10.00
749	P105487	" 12/4/73	41.00	10.00

A 1

Lot No.	Permit No.	Date Issued		Amount	Renewal
750	P105343 105343	4-25-73	10/3/73	60.00	10.00
751	P105342	"	"	60.00	10.00
752	P105488	"	10/4/73	47.00	10.00
753	P105341	"	10/3/73	60.00	10.00
754	P105339	"	"	41.00	10.00
755	P105333	"	"	41.00	10.00
756	P105332	"	"	60.00	10.00
757	P105482	"	10/4/73	47.00	10.00
758	P105331	"	10/3/73	60.00	10.00
759	P105326	"	"	60.00	10.00
760	P105481	"	10/4/73	47.00	10.00
761	P105325	"	10/3/73	60.00	10.00
762	P105480	"	10/4/73	47.00	10.00
763	P105319	"	10/3	60.00	10.00
764	P105324	"	10/3	41.00	10.00
765	P105323	"	10/3	41.00	10.00
766	P105321	"	"	47.00	10.00
767	P105320	"	"	41.00	10.00
768	P105318	"	"	41.00	10.00
769	P105317	"	"	41.00	10.00
770	P105316	"	"	41.00	10.00
771	P105315	"	"	47.00	10.00
772	P105314	"	"	41.00	
773	P105313	"	"	41.00	
774	P105311	"	"	41.00	
775	P105310	"	"	47.00	
776	P105309	"	"	47.00	
777	P105308	"	"	41.00	
778	P105307	"	"	41.00	
779	P105306	"	"	41.00	
780	P105305	"	"	41.00	
781	P105304	"	"	47.00	
782	P105302	"	"	47.00	
783	P105479	"	10/4/73	47.00	

△ A-33

Lot No.	Permit No.	Date Issued		Amount	Renewal
784	P105478	4-25-73	10/4/73	47.00	
785	P105301	"	10/3	41.00	
786	P105300	"	"	60.00	
787	P105475	"	10/4	47.00	
788	P105299	"	10/3	60.00	
789	P105298	"	"	41.00	
790	P105297	"	"	47.00	
791	P105296	"	"	41.00	
792	P205274 105294	"	"	60.00	
793	P105293	"	"	41.00	
794	P105292	"	"	47.00	
795	P105291	"	"	41.00	
796	P105281 105289	"	"	41.00	
797	P105303	"	"	41.00	
798	P105290	"	"	47.00	
799	P105288	"	"	41.00	
800	P105287	"	"	41.00	
801	P105286	"	"	41.00	
802	P105285	"	"	60.00	
803	P105284	"	"	60.00	
804	P105283	"	"	60.00	
805	P105282	"	"	41.00	
806	P105281	"	"	47.00	10.00
807	P105280	"	"	41.00	10.00
808	P105279	"	"	41.00	10.00
809	P105278	"	"	41.00	10.00
810	P105277	"	"	41.00	10.00
811	P105476	"	10/4/73	47.00	10.00
812	P105276	"	10/3	60.00	10.00
813	P105275	"	"	41.00	10.00
814	P105274	"	"	41.00	10.00
815	P105273	"	"	60.00	10.00
816	P105271	"	"	41.00	10.0
817	P105270	"	"	41.00	10.0

A 1234

Lot No.	Permit No.	Date Issued		Amount	Renewal
818	P105269	4-25-73	10/3/73	47.00	10.00
819	P105267	"	"	41.00	10.00
820	P105266	"	"	41.00	10.00
821	P105265	"	"	41.00	10.00
822	P105264	"	"	60.00	10.00
823	P105263	"	"	60.00	10.00
824	P105474	"	12/4/73	41.00	10.00
825	P105262	"	12/3/73	41.00	10.00
826	P113640	7-8-74	7/30/74	10.00	
827	P113647 113641	"	7/30/74	10.00	
828	P113642	"	"	10.00	
829	P113635	"	"	10.00	
683	P105408	4-25-73	10/4/73	47.00	10.00
830	P105256	"	10/3	41.00	10.00
		Sub Total:		11,022.00	840.00
		GRAND TOTAL:		$11,862.00	

Exhibit A-35

Foxmill Estates

Lot No.	Permit No.	Date Issued	Amount
211	104452	11/15/73	60.00
212	104453	" "	41.00
213	104455	" "	60.00
226	104745	" "	60.00
227	104743	" "	60.00
228	105473	" "	47.00
229	104742	" "	41.00
230	113785 (Renewal)	7/31/74	10.00
231	113784 (Renewal)	" "	10.00
232	113783 (Renewal)	" "	10.00
233	113782 (Renewal)	" "	10.00
234	113781 (Renewal)	" "	10.00
235	113780 (Renewal)	" "	10.00
236	113779 (Renewal)	" "	10.00
237	104581	11/16/73	41.00
238	104580	" "	47.00
303	104517	" "	41.00
301	104496	" "	47.00
305	104503	" "	47.00
307	104501	" "	41.00
309	104499	" "	41.00
311	104497	" "	41.00
554	104429	" "	41.00
555	113769 (Renewal)	7/31/74	10.00
559	104424	11/15/73	60.00
560	104423	" "	60.00
561	104422	" "	41.00
563	104419	" "	47.00
562	104430	" "	41.00
564	104420	" "	41.00
649	105462	12/4/73	41.00
651	105460	" "	60.00
672	105418	" "	41.00
		Tatal	1268.00

PERMITS AND FEES PAID

Date	Permits Applied For	Fees Paid	Permits Issued	Notes
January 1973				
February 1973				
March 1973	145	$ 7,397.00		1/
April 1973	361	16,568.00	6	
May 1973	4	172.00		
June 1973				
July 1973				
August 1973	391	12,275.00		
September 1973	131	5,194.00	135	
October 1973				
November 1973			519	
December 1973			265	
January 1974			6	
February 1974			101	
March 1974				
April 1974				2/
May 1974				
June 1974	20	200.00		
July 1974	116	1,160.00	136	
August 1974				
September 1974				
TOTALS	1,168	$42,966.00	1,168	

Notes:

1/ 102 of the March, 1973 permits were applied for by the Ryland Group ($5,301.00).

2/ 323 permits and $6,396.00 were transferred to the Town of Herndon.