

ARLINGTON COUNTY CODE

Chapter 3

BUILDING CODE*

* **Editor's Note:** Ord. No. 09-11, adopted April 28, 2009, amended Ch. 3, in its entirety, as herein set-out. Prior to inclusion of said ordinance, Ch. 3 pertained to similar subject matter.

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§ 3-1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Administrative authority” means the Building Official.

“Building Official” means the Inspections Services Division Chief for the County or such other person as is designated by the County Manager to serve as the "Building Official."

“Municipality” means the County.
(12-8-79; 9-22-81; Ord. No. 82-42, 12-4-82; Ord. No. 86-11, 5-17-86; Ord. No. 97-7, 4-12-97; Ord. No. 07-13, 09-18-07, effective 10-01-07, Ord. No. 08-08, 04-19-08, effective 07-01-08; Ord. No. 09-11, 4-28-09, effective 7-1-09)

§ 3-2. Availability of Building Codes.

There is hereby made available by the County Board of Arlington County, Virginia, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, those certain building codes known as the Uniform Statewide Building Code, adopted and promulgated by the Virginia State Board of Housing pursuant to Chapter 6, Title 36, of the Code of Virginia, (1950) as amended, have been and now are filed in the office of the Inspection Services Division and may be viewed there during their regular business days.

(12-8-79; 9-22-81; Ord. No. 82-42, 12-4-82; Ord. No. 86-11, 5-17-86; Ord. No. 97-7, 4-12-97; Ord. No. 07-13, 09-18-07, effective 10-01-07; Ord. No. 08-08, 04-19-08, effective 07-01-08; Ord. No. 09-11, 04-28-09, effective 07-01-09)

§ 3-3. Supplemental Requirements.

Barbed wire and electrically charged fences. Barbed wire shall not be allowed on any fence or wall at a height of less than six (6) feet. Sharp, unfinished, or cut prongs or links of open mesh type fences shall not be allowed on any fence at a height of less than six (6) feet unless the cut prongs or links are placed at the bottom of the fence. The erection or installation of an electrically charged fence is prohibited.

(12-8-79; Ord. No. 82-42, 12-4-82; Ord. No. 86-11, 5-17-86; Ord. No. 88-8, 4-30-88; Ord. No. 94-9, 4-23-94; Ord. No. 97-7, 4-12-97; Ord. No. 07-13, 09-18-07, effective 10-01-07; Ord. No. 08-08, 04-19-08, effective 07-01-08; Ord. No. 09-11, 04-28-09, effective 07-01-09)

§ 3-4. Reserved.

Editors Note: Former § 3-4, which pertained to fire limits and derived from legislation of Dec. 18, 1976, was repealed by Ord. No. 86-11, adopted May 17, 1986.

§ 3-5. Permit Fees.

All fees shall be paid prior to release of the permit and in accordance with the fee schedule as it may be adopted from time to time by the County Board.

(12-8-79; 10-21-80; 9-22-81; Ord. No. 82-5, 2-27-82; Ord. No. 82-42, 12-4-82; Ord. No. 83-10, 7-1-83; Ord. No. 84-9, 4-28-84; Ord. No. 85-25, 7-13-85; Ord. No. 86-11, 5-17-86; Ord. No. 87-9, 3-21-87; Ord. No. 88-8, 4-30-88; Ord. No. 90-6, 7-1-90; Ord. No. 91-17, 7-1-91; Ord. No. 92-1, 2-1-92; Ord. No. 93-4, 7-1-93; Ord. No. 94-9, 4-23-94; Ord. No. 95-8, 4-29-95; Ord. No. 97-7, 4-12-97; Ord. No. 98-10, 7-1-98; Ord. No. 99-9, § 1, 4-14-99; Ord. No. 03-10, 4-26-03; Ord. No. 04-10, 4-24-04, effective 07-01-04; Ord. No. 07-13, 09-18-07, effective 10-01-07, Ord. No. 08-08, 04-19-08, effective 07-01-08; Ord. No. 09-11, 04-28-09, effective 07-01-09; Ord. No. 10-10, 4-24-10)

§ 3-6. Effect on Other Legislation.

Nothing in this chapter or in the Building Code adopted in this chapter shall be held to invalidate any part of the Zoning Ordinance of the County, dated July 15, 1950, except in cases of direct conflict.

Ord. No. 07-13, 09-18-07, effective 10-01-07; Ord. No. 08-08, enacted 04-19-08, effective 07-01-08; Ord. No. 09-11, 04-28-09, effective 07-01-09)

§ 3-7. Severability.

If any part or parts, section, subsection, sentence, clause, or phrase of this chapter is for any reason declared unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter, which shall remain in full force and effect as if this chapter had been passed with the unconstitutional or otherwise invalid part or parts, section, subsection, sentence, clause or phrase thereof eliminated.

Ord. No. 07-13, 09-18-07, effective 10-01-07; Ord. No. 08-08, enacted 04-19-08, effective 07-01-08; Ord. No. 09-11, 04-28-09, effective 07-01-09)

§ 3-8. Reserved.**§§ 3-8.1--3-8.3. Reserved.**

Editors Note: Former §§ 3-8.1--3-8.3, which pertained to safety requirements, were repealed by Ord. No. 86-11, enacted May 17, 1986. The repealed provisions derived from an ordinance of Dec. 8, 1979, and Ord. No. 82-42, enacted Dec. 4, 1982.

§ 3-9. Frost Depth.

The frost line depth shall be twenty-four (24) inches.

(9-22-81; Ord. No. 82-42, 12-4-82; Ord. No. 88-8, 4-30-88; Ord. No. 90-6, 7-1-90; Ord. No. 92-1, 2-1-92; Ord. No. 97-7, 4-12-97; Ord. No. 04-22, 10-2-04, effective 07-01-04; Ord. No. 07-13, 09-18-07, effective 10-01-07; Ord. No. 08-08, enacted 04-19-08, effective 07-01-08; 09-11; 04-28-09, effective 07-01-09)

§ 3-10. Reserved.

Editors Note: Former § 3-10, which pertained to maintenance and derived from legislation of Sept. 22, 1981, was repealed by Ord. No. 09-11, enacted April 28, 2009.

§ 3-11. Reserved.

Editors Note: Former § 3-11, which pertained to smoke detectors and derived from legislation of Sept. 22, 1981, was repealed by Ord. No. 86-11, enacted May 17, 1986.

§ 3-12. Reserved.

Editors Note: Former § 3-12, which pertained to snow loads and frontline requirements derived from legislation of Sept. 22, 1981, was repealed by Ord. No. 07-13, enacted Sept. 18, 2007.

§ 3-13. Reserved.

Editors Note: Former § 3-13, which pertained to parking garage clearances, and derived from Ord. No. 82-42, enacted Dec. 4, 1982 and Ord. No. 83-18, enacted June 18, 1983, was repealed by Ord. No. 93-25, enacted Dec. 14, 1993.

§ 3-14. Unsafe Buildings.

Abatement or removal of nuisances and recovery of costs. Whenever the Building Official believes dangerous, unsafe, or unsanitary conditions exist in any building, and further believes that those conditions menace the health and safety of the building's occupants or the public, then the Building Official shall declare the building to be a public nuisance, shall order the responsible party to abate, raze, or remove the nuisance, and shall initiate a legal action to compel the responsible party to do so.

- A. Authority to require removal or repair of unsafe buildings and structures and recovery of costs.
 1. The owner of property shall at such time or times as the Building Official may prescribe, remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents. The Building Official, through its own agents or employees, may remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents and the County, when the owner and lien holders of property, after reasonable notice and a reasonable time to do so, have failed to remove, repair, or secure said building, wall, or other structure.
 2. In the event the County, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions above, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes and levies are collected.
 3. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia.

B. Whenever a public nuisance exists in the County, the County Manager or his designee may maintain an action to compel the responsible party to abate, raze, or remove such public nuisance. If the public nuisance presents an imminent and immediate threat to life or property, then the County may abate, raze, or remove such public nuisance and recover from the responsible party the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

C. The term "nuisance" shall include, but not be limited to, dangerous or unhealthy substances which have escaped, spilled, been released, or which have been allowed to accumulate in or on any place, and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structure which constitute a menace to the health and safety of the occupants thereof or the public. The term "responsible party" shall include, but not be limited to, the

owner, occupier, or possessor of the premises where the nuisance is located, the owner or agent of the owner of the material which escaped, spilled, or was released, and the owner or agent of the owner who was transporting or otherwise responsible for such material and whose acts or negligence caused such public nuisance.

(Ord. No. 82-42, 12-4-82; Ord. No. 83-18, 6-18-83; Ord. No. 90-26, 8-11-90; Ord. No. 93-25, 12-13-93), Ord. No. 07-13, 09-18-07, effective 10-01-07, Ord. No. 08-08, 09-18-07, effective 07-01-07; Ord. No. 08-08, 04-19-08, effective 07-01-08; Ord. No. 09-11, 04-28-09, effective 07-01-09)

§ 3-15. Reserved.

Editors Note: Former § 3-15, which pertained to the small appliance replacement program derived from legislation of June 18, 1983, was repealed by Ord. No. 07-13, enacted Sept. 18, 2007.

§ 3-16. Reserved.

Editors Note: Former § 3-16, which pertained to the Arlington County Building Code Board of Appeals derived from legislation of Sept. 23, 1989, was repealed by Ord. No. 07-13, enacted Sept. 18, 2007.