

ORDINANCE NO. 417 OF THE CITY OF BUCKHANNON, AN ORDINANCE
AMENDING PRIOR ORDINANCES OF THE CITY OF BUCKHANNON
BY PROVIDING FOR THE ADOPTION OF THE WEST VIRGINIA STATE BUILDING
CODE SET FORTH AND DEFINED BY TITLE 87, SERIES 4 OF
THE CODE OF STATE RULES, AS AMENDED

WHEREAS, West Virginia Code §8-12-13 empowers municipalities to adopt building codes, but requires that any code adopted be the state building code as promulgated by the state fire commission; and,

WHEREAS, the City of Buckhannon has one year from the promulgation of said state building code in which to adopt the same; and,

WHEREAS, the Council of the City of Buckhannon passed and adopted Ordinance No. 377, being the City of Buckhannon's Electrical Inspection and Fire Protection Ordinance, on September 19, 2013, effective on October 19, 2013; and,

WHEREAS, the said Ordinance No. 377 was amended in certain respects by the provisions of Ordinance No. 378, including the imposition of a fee structure, effective February 1, 2014; and,

WHEREAS, Ordinance No. 398, effective January 16, 2016 placed into effect the 2012 edition of the International Property Maintenance Code, making certain amendments thereto and establishing further fee structures; and,

WHEREAS, the most recent state building code was adopted by the State Fire Commission, pursuant to Legislative Rules promulgated by the Fire Marshal under West Virginia Code §29-3-5b, effective August 1, 2016; and,

WHEREAS, the Council of the City of Buckhannon desires in all respects to comply with the statutes of the State of West Virginia insofar as matters concerning building codes.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

ARTICLE I - ADOPTION: The Council of the City of Buckhannon hereby amends Ordinance Nos. 377, 378, 398, or any other ordinances previously adopted concerning building codes, by adopting and incorporating by reference, as if set out at length herein, for the purposes of safeguarding life and property and to ensure the quality of construction of all structures erected, renovated, or removed throughout the City, that certain code known as the State Building Code, set forth and defined by Legislative

Rule Title 87, Series 4 of the West Virginia Code of State Rules, as amended, as promulgated by the West Virginia State Fire Marshal pursuant to authority granted in West Virginia Code § 29-3-5b.

The standards and requirements as set out and published by the International Code Council, and American National Standards Institute, and the National Fire Protection Association, as listed below, and as adopted by the State Fire Commission with an effective date of August 1, 2016, shall have the same force and effect as if set out verbatim herein:

- (1) International Building Code 2015 (with amendments)
- (2) International Residential Code for One and Two Family Dwellings 2015 (with amendments)
- (3) International Existing Building Code 2015 (with amendments)
- (4) International Plumbing Code 2015
- (5) International Mechanical Code 2015
- (6) International Fuel Gas Code 2015 (with amendments)
- (7) International Property Maintenance Code 2015
- (8) NFPA 70 / National Electric Code 2014
- (9) ICC / ANSI A 117.1 Standards for Accessibility & Usable Buildings and Facilities 2009
- (10) ANSI / ASHRAE / IESNA Standard 90.1 2007 (for commercial buildings)
- (11) International Energy Conservation Code 2009 (for residential buildings)
- (12) International Swimming Pool and Spa Code 2015

ARTICLE II – SEVERABILITY: In the event that any provision of this Ordinance is determined to be unconstitutional or otherwise invalid by a court exercising competent jurisdiction, such determination shall not affect the validity of this Ordinance as a whole or the provisions thereof which are not specifically determined to be unconstitutional or invalid.

ARTICLE III – EFFECT UPON CITY ORDINANCE NOS. 377, 378, 398 AND ANY AND ALL OTHER ORDINANCES OF THE CITY OF BUCKHANNON PREVIOUSLY ENACTED RESPECTING INSPECTIONS, PERMITS OR FEES: The provisions of Ordinance Nos. 377, 378, 398 and any and all other Ordinances of the

City of Buckhannon previously adopted are hereby amended only to the extent of the provisions of this Ordinance; however, all provisions of previously adopted City ordinances, particularly Ordinance Nos. 377, 378, and 398 of the City of Buckhannon, that are not expressly amended by this Ordinance, including their imposition of requirements for inspections, permits, and fees payable to the City, shall remain in full force and legal effect.

ARTICLE IV - EFFECTIVE DATE: This amendatory provisions of this Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., June 2, 2017.

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| FIRST READING: | April 20, 2017 |
| SECOND READING, PASSAGE AND ADOPTION: | May 3, 2017 |

David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Susan Aloi, City Recorder, do hereby certify that the foregoing Ordinance No. 417 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on May 3, 2017.

Susan Aloi, City Recorder