

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1990**

—●—  
**ENROLLED**

**SENATE BILL NO.** 548

(By Senator Wittmer)

—●—  
**PASSED** March 6, 1990

In Effect 90 days from Passage

**ENROLLED**

**Senate Bill No. 548**

(BY SENATOR DITTMAR)

[Passed March 6, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact section five-b, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to removing the requirement that a copy of the state fire code and amendments to the code be filed with each county clerk.

*Be it enacted by the Legislature of West Virginia:*

That section five-b, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

**§29-3-5b. Promulgation of rules, regulations, and statewide building code.**

1 (a) The state fire commission shall promulgate and  
2 repeal rules and regulations to safeguard life and  
3 property and to ensure the quality of construction of  
4 all structures erected or renovated throughout this  
5 state pursuant to the provisions of chapter twenty-  
6 nine-a of this code through the adoption of a state  
7 building code. Such rules, regulations, amendments, or  
8 repeals thereof shall be in accordance with standard

9 safe practices so embodied in widely recognized  
10 standards of good practice for building construction  
11 and all aspects related thereto and shall have force and  
12 effect in those counties and municipalities adopting  
13 the state building code.

14 (b) Pursuant to the provisions of chapter twenty-  
15 nine-a of this code, on the first day of July, one  
16 thousand nine hundred eighty-eight, the state fire  
17 commission shall commence promulgation of compre-  
18 hensive rules and regulations regarding building  
19 construction, renovation, and all other aspects as  
20 related to the construction and mechanical operations  
21 of a structure. Upon the completion of the promulga-  
22 tion of the rules and regulations, such rules and  
23 regulations shall be known as the "State Building  
24 Code".

25 (c) For the purpose of this section the term "building  
26 code" is intended to include all aspects of safe building  
27 construction and mechanical operations and all safety  
28 aspects related thereto: *Provided*, That the state fire  
29 marshal shall provide compliance alternatives for  
30 historic structures and sites as provided for in section  
31 five, article one of this chapter, which compliance  
32 alternatives shall take into account the historic integ-  
33 rity of said historic structures and sites. Whenever any  
34 other state law, county or municipal ordinance or  
35 regulation of any agency thereof is more stringent or  
36 imposes a higher standard than is required by the  
37 state fire code, the provisions of such state law, county  
38 or municipal ordinance or regulation of any agency  
39 thereof shall govern, provided they are not inconsis-  
40 tent with the laws of West Virginia and are not  
41 contrary to recognized standards and good engineering  
42 practices. In any question, the decision of the state fire  
43 commission determines the relative priority of any  
44 such state law, county or municipal ordinance or  
45 regulation of any agency thereof and determines  
46 compliance with state fire regulations by officials of  
47 the state, counties, municipalities and political subdivi-  
48 sions of the state.

49 (d) Enforcement of the provisions of the state

50 building code is the responsibility of the respective  
51 local jurisdiction. Also, any county or municipality  
52 may enter into an agreement with any other county or  
53 municipality to provide inspection and enforcement  
54 services.

55 (e) After the state fire commission has promulgated  
56 rules and regulations as provided herein, each county  
57 or municipality intending to adopt the state building  
58 code shall notify the state fire commission of its intent.

59 The state fire commission may conduct public  
60 meetings in each county or municipality adopting the  
61 state building code to explain the provisions of such  
62 rules and regulations.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frederick L. Parker*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Samuel E. Adams*  
.....  
Clerk of the Senate

*Donald T. Hoops*  
.....  
Clerk of the House of Delegates

*Will Bennett*  
.....  
President of the Senate

*Robert C. Rubin*  
.....  
Speaker House of Delegates

The within *is approved* this the *15th* day of *March* 19*90*

*Walter Boston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/2/90

Time 10:32 am

RECEIVED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE