

# WEST VIRGINIA CODE: §15A-10-9

## **§15A-10-9. Maintenance of fire hazard; order for repair or demolition; order to contain notice to comply; right to appeal.**

(a) No person shall erect, construct, reconstruct, alter, maintain, or use any building, structure, or equipment, or use any land in such a way to endanger life or property from the hazards of fire or explosion, or in violation of any regulation, rule, or any provision or any change thereof promulgated by the State Fire Marshal or State Fire Commission.

(b) Whenever the State Fire Marshal determines that any building or structure has been constructed, altered, or repaired in a manner violating the State Building Code, or State Fire Code, prior to the commencement of such construction, alteration, or repairs; or whenever he or she may determine that any building or structure constitutes a fire hazard by reason of want of repair, age, or dilapidated or abandoned condition, or otherwise, and is so situated as to endanger other buildings and property; or whenever he or she may find in any building or upon any premises any combustible, flammable, or explosive substance or material, or other conditions dangerous to the safety of persons occupying the building or premises and adjacent premises or property, he or she may make reasonable orders in writing, directed to the owner of such building, structure, or premises, for the repair or demolition of such building or structure, or the removal of the combustible, flammable, or explosive substance or material, as the case may be, and the remedying of any conditions found to be in violation of a regulation promulgated as aforesaid or to be dangerous to the safety of persons or property.

A true copy of every order of the State Fire Marshal as provided for in this section shall be filed in the county where the premises are totally or partially located, with the county clerk who shall index and record the order in the general lien book. Upon filing, the order constitutes notice of such proceedings to all persons or parties thereafter having dealings involving said property.

A statement of the expenses and administrative charges shall also be filed with the county clerk, recorded, and indexed in the general lien book and upon filing, shall become a lien against the property. Thereafter, a court supervised sale of the property to enforce the collection of the expenses and administrative charges may be prosecuted at the request of the State Fire Marshal, or the Attorney General.

Every order provided for in this section shall contain a notice that compliance therewith shall be required within a period of 30 days from the date of issuance thereof and also that any person desiring to contest the validity of any such order may enter an appeal from such order to the Office of Administrative Hearings established in §15-9-1 *et. seq.* of this code, and then to the circuit court in the county where the premises are totally or partially located as provided in this article.