WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

SENATE BILL NO. 548

(By Senator Wittmer)

PASSED March 6, 1990
In Effect 60 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 repeal rules and regulations to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state pursuant to the provisions of chapter twenty-nine-a of this code through the adoption of a state building code. Such rules, regulations, amendments, or repeals thereof shall be in accordance with standard
safe practices so embodied in widely recognized
standards of good practice for building construction
and all aspects related thereto and shall have force and
effect in those counties and municipalities adopting
the state building code.

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

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

(d) Enforcement of the provisions of the state
building code is the responsibility of the respective local jurisdiction. Also, any county or municipality may enter into an agreement with any other county or municipality to provide inspection and enforcement services.

(e) After the state fire commission has promulgated rules and regulations as provided herein, each county or municipality intending to adopt the state building code shall notify the state fire commission of its intent. The state fire commission may conduct public meetings in each county or municipality adopting the state building code to explain the provisions of such rules and regulations.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ................ day of ........................................

Governor