

HB 2136

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WEST VIRGINIA STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2136

(By Delegates Manuel, Doyle and Rowe)



Passed March 12, 1999

In Effect Ninety Days from Passage

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LEGISLATIVE DEPARTMENT

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FOR

H. B. 2136

(BY DELEGATES MANUEL, DOYLE AND ROWE)

[Passed March 12, 1999; 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 the state building code; and establishing compliance criteria applicable to renovations performed upon certain historic buildings.

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 and statewide building code.

- 1 (a) The state fire commission shall propose rules for
- 2 legislative approval in accordance with the provisions of article
- 3 three, chapter twenty-nine-a of this code, to safeguard life and
- 4 property and to ensure the quality of construction of all struc-
- 5 tures erected or renovated throughout this state through the

6 adoption of a state building code. The rules shall be in accor-
7 dance with standard safe practices so embodied in widely
8 recognized standards of good practice for building construction
9 and all aspects related thereto and have force and effect in those
10 counties and municipalities adopting the state building code.

11 (b) The state fire commission has authority to propose rules
12 for legislative approval in accordance with the provisions of
13 article three, chapter twenty-nine-a of this code, regarding
14 building construction, renovation and all other aspects as
15 related to the construction and mechanical operations of a
16 structure. The rules shall be known as the "State Building
17 Code."

18 (c) For the purpose of this section the term "building code"
19 is intended to include all aspects of safe building construction
20 and mechanical operations and all safety aspects related thereto.
21 Whenever any other state law, county or municipal ordinance
22 or regulation of any agency thereof is more stringent or imposes
23 a higher standard than is required by the state building code, the
24 provisions of the state law, county or municipal ordinance or
25 regulation of any agency thereof governs if they are not
26 inconsistent with the laws of West Virginia and are not contrary
27 to recognized standards and good engineering practices. In any
28 question, the decision of the state fire commission determines
29 the relative priority of any such state law, county or municipal
30 ordinance or regulation of any agency thereof and determines
31 compliance with state building code by officials of the state,
32 counties, municipalities and political subdivisions of the state.

33 (d) Enforcement of the provisions of the state building code
34 is the responsibility of the respective local jurisdiction. Also,
35 any county or municipality may enter into an agreement with
36 any other county or municipality to provide inspection and
37 enforcement services: *Provided*, That any county or municipal-
38 ity may adopt the state building code with or without adopting
39 the BOCA national property maintenance code.

40 (e) After the state fire commission has promulgated rules as
41 provided in this section, each county or municipality intending
42 to adopt the state building code shall notify the state fire
43 commission of its intent.

44 (f) The state fire commission may conduct public meetings
45 in each county or municipality adopting the state building code
46 to explain the provisions of the rules.

47 (g) The provisions of the state building code relating to the
48 construction, repair, alteration, restoration and movement of
49 structures are not mandatory for existing buildings and struc-
50 tures identified and classified by the state register of historic
51 places under the provisions of section eight, article one, chapter
52 twenty-nine of this code, or the national register of historic
53 places, pursuant to Title XVI, section 470a of the United States
54 Code. Prior to renovations regarding the application of the state
55 building code, in relation to historical preservation of structures
56 identified as such, the authority having jurisdiction shall consult
57 with the division of culture and history, state historic preserva-
58 tion office. The final decision is vested in the state fire commis-
59 sion. Additions constructed on a historic building are not
60 excluded from complying with the state building code.

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



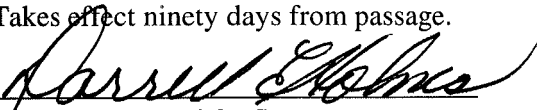
Chairman Senate Committee



Chairman House Committee

Originating in the House.

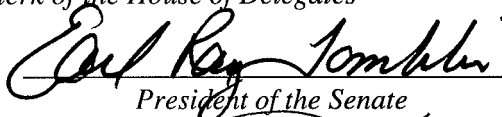
Takes effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

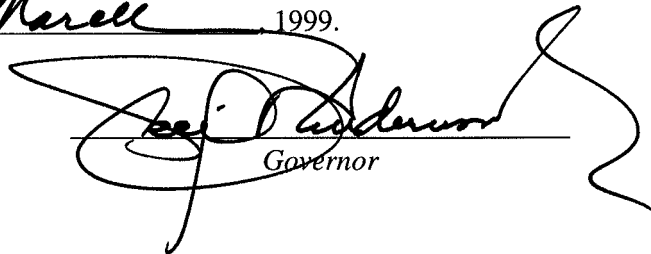


President of the Senate



Speaker of the House of Delegates

The within _____ approved this the _____
day of _____ 1999.



Governor

PRESENTED TO THE

GOVERNOR

Date

3/22/99

Time

10:17 am