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
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 legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state through the
adoption of a state building code. The rules shall be in accor-
dance with standard safe practices so embodied in widely
recognized standards of good practice for building construction
and all aspects related thereto and have force and effect in those
counties and municipalities adopting the state building code.

(b) The state fire commission has authority to propose rules
for legislative approval in accordance with the provisions of
article three, chapter twenty-nine-a of this code, regarding
building construction, renovation and all other aspects as
related to the construction and mechanical operations of a
structure. The rules 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.
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 building code, the
provisions of the state law, county or municipal ordinance or
regulation of any agency thereof governs if they are not
inconsistent 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 building code by officials of the state,
counties, municipalities and political subdivisions 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: Provided, That any county or municipali-
ity may adopt the state building code with or without adopting
the BOCA national property maintenance code.

(e) After the state fire commission has promulgated rules as
provided in this section, 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 the rules.

The provisions of the state building code relating to the construction, repair, alteration, restoration and movement of structures are not mandatory for existing buildings and structures identified and classified by the state register of historic places under the provisions of section eight, article one, chapter twenty-nine of this code, or the national register of historic places, pursuant to Title XVI, section 470a of the United States Code. Prior to renovations regarding the application of the state building code, in relation to historical preservation of structures identified as such, the authority having jurisdiction shall consult with the division of culture and history, state historic preservation office. The final decision is vested in the state fire commission. Additions constructed on a historic building are not 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 approve this the 24th day of March 1999.