

RESOLUTION

WHEREAS, It is the desire of the County Commission of Jefferson County, West Virginia to protect the life and property of the citizens of Jefferson County; and

WHEREAS, The County Commission of Jefferson County, West Virginia duly passed an Ordinance adopting the State of West Virginia building code on March 29, 2001; and

WHEREAS, the County Commission of Jefferson County, West Virginia desires that all building permits issued before September 1, 2013, shall remain valid and regulated under the state building codes adopted and in effect prior to September 1, 2013; and

WHEREAS, The State of West Virginia has decreed that as of September 1, 2013, the State of West Virginia building code shall be revised to the following codes with local amendment as permitted by law:

2012 International Building Code

2012 International Plumbing Code

2012 International Mechanical Code

2012 International Fuel Gas Code

2012 International Property Maintenance Code (at the option of Jefferson County, this ordinance is not adopted)

2003 International Energy Conservation Code

Until the 2009 International Energy Conservation Code – for residential buildings
- becomes Effective November 30, 2013

2007 ANSI/ASHRAE/IESNA Standard 90.1 – for Commercial Buildings

2009 International Residential Code for One & Two Family Dwellings (with exceptions/amendments)

2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings and Facilities

2012 International Existing Building Code

(with amendment adopting the NFPA 101, Life Safety Code 2009 Edition)

2011 Edition of the National Electric Code, NFPA 70; and

WHEREAS, the County Commission of Jefferson County, West Virginia desires that all building permits issued on or after September 1, 2013, be regulated under the revised State building code, as adopted by the County Commission of Jefferson County, West Virginia.

THEREFORE, BE IT RESOLVED that the County Commission of Jefferson County, West Virginia desires to adopt the revised State of West Virginia building code that shall become effective September 1, 2013, and HEREBY adopts the new Building Code Enforcement Ordinance, as attached.

BY: Dale Manuel DATE: August 1, 2013

Dale Manuel, President
County Commission of Jefferson County

ATTEST



Jennifer Maghan
CLERK OF JEFFERSON COUNTY

ORDINANCE AND ORDER

An ordinance and order to ADOPT the State of West Virginia building code relating to building construction and building inspection activities in Jefferson County, West Virginia, and enforcement of said codes.

WHEREAS, it is the desire of the County Commission of Jefferson County, West Virginia to adopt the state building code relating to minimum building and housing construction standards for the public safety, health, and well-being; and

WHEREAS, the adoption of this code is to facilitate proper permitting, inspection, and enforcement activities relating to the construction of buildings, structures, and additions within the jurisdiction of Jefferson County, West Virginia.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY The County Commission of Jefferson County, by authority of the Code of West Virginia under Section 3n, Article 1, Chapter 7, of the Code of West Virginia, One-thousand Nine-hundred Thirty-one, that the State Building Code as provided for in Section 5b, Article 3, Chapter 29, of the Code of West Virginia, One-thousand Nine-hundred Thirty-one, are hereby adopted and made a part hereof, as if fully set out in this ordinance, with the amendments/additions/insertions/changes/exceptions, if any, prescribed in the Jefferson County Building Code Enforcement Ordinance.

BE IT FURTHER ORDAINED AND ORDERED that **this Ordinance and Order shall take effect and be in force from the 1st day of September, 2013**, the public welfare requiring it.

PASSED AND APPROVED BY The County Commission of Jefferson County, West Virginia on the 1st day of August, 2013.

BY: Dale Manuel

Dale Manuel, President
County Commission of Jefferson County

ATTEST:

Jennifer Maghan
CLERK OF JEFFERSON COUNTY



JEFFERSON COUNTY BUILDING CODE ENFORCEMENT ORDINANCE

GENERAL AUTHORITY

By authority of the Code of West Virginia, Chapter 7, Article 1, Section 3n & Chapter 29, Article 3, Section 5b, to enforce minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, and use of all buildings and structures: providing for the issuance of permits, collection of fees, making of inspections, providing penalties for the violation thereof, to be known as the "Jefferson County Building Code Enforcement Ordinance".

STANDARDS & CODES

In accordance with the provisions of the Code of West Virginia, Chapter 29, Article 3, Section 5b, the County Commission of Jefferson County, West Virginia does hereby adopt the State Building Code as set forth in Title 87, Legislative Rules, State Fire Commission, Series 4, State Building Code, which becomes effective on September 1, 2013. The standards and requirements as set out and published by the International Code Council (ICC) and the American National Standards Institute (ANSI), as listed below, shall have the same force and effect as if set out verbatim in this Section, except as modified and/or amended herein; any reference to the ICC Electrical Code shall mean NFPA 70, National Electrical Code 2011. Copies of all adopted Codes and Legislative Rules shall be on file in the Office of the Clerk of the County Commission.

The Property Maintenance Code is not adopted and shall not be enforced.

ADMINISTRATIVE PROCESS

The administration of the building code shall be in accordance with the Administration Chapter of the applicable building code.

AMENDMENTS, INSERTIONS, CHANGES & APPENDIX ADOPTION

Fee Schedule for all codes: "Attachment A – Schedule of Permit Fees," shall apply. The Schedule of Permit Fees may be amended from time to time, by the County Commission of Jefferson County.

International Residential Code 2009:

Section R101.1 Title, insert "Jefferson County, West Virginia" where "[NAME OF JURISDICTION]" appears.

Section R113.4 Violation Penalties, shall be amended to read as follows:

"Any person, firm or corporation violating any of the provisions of any of the adopted codes shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia."

Section R114.2 Unlawful Continuance, shall be amended to read as follows:

"Any person, firm, or corporation who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor and each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm, or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia."

Table R301.2(1) insert the following design criteria:

Ground Snow Load	Wind	Seismic Design Category	Subject to Damage From				Winter Design Temp (Deg. F)	Ice Shield Underlayment Req'd.	Flood Hazard	Air Freezing Index	Mean Annual Temp. (Deg. F)
			Weathering	Frost Line Depth (24")	Termite	Decay					
(lbs per sq. ft.)	Speed (mph)										
30	90	B	Severe	Min. 30 inches to bottom of footer	Heavy to Moderate	Slight to Moderate	10	No	F.I.R.M. 1980, as amended	1000	52.6

IRC Section P2603.6.1 Sewer Depth, insert "28 (twenty eight) (710 mm)" where "[Number]" appears.

IRC Section G2415.10 Minimum Burial Depth, Include the following: If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner”.

IRC Section R311.7.4 Stair Treads and Risers:

Section R311.7.4.1 Riser Heights – The maximum riser height shall be eight and one-quarter (8-1/4) inches.

Section R311.7.4.2 Tread Depth – The minimum tread depth shall be nine (9) inches.

IRC Section R403.1.7.1 Building Clearances From Ascending Slopes, delete in its entirety, no replacement.

IRC Section R403.1.7.2 Footing Setbacks From Descending Slope Surfaces, delete in its entirety, no replacement.

IRC Section N1101-N1104 (Chapter 11) Energy Efficiency, delete in its entirety, replace with 2003 International Energy Code
Until the 2009 International Energy Conservation Code – for residential buildings - becomes Effective November 30, 2013

§87-4-5 Fire Protection of Floors in Residential Buildings –

New One and Two Family Dwellings over one level in height. New One and Two Family Dwellings containing a basement, and One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide a method of fire protection of floors (1) A ½ inch (12.7mm) gypsum wall board membrane, 5/8 inch (16 mm) wood structural panel or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimensional lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings: *Provided*, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

International Residential Code 2009 – Appendix Adoption:

The following appendices are specifically adopted:

- Appendix A – Sizing and Capacities of Gas Piping.
- Appendix B – Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, And Appliances Listed For Use With Type B Vents.
- Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.
- Appendix E - Manufactured Housing Used As Dwellings.
- Appendix F - Radon Control Methods.
- Appendix G - Swimming Pools, Spas and Hot Tubs.
- Appendix J - Existing Buildings and Structures.
- Appendix M - Home Day Care – R3 Occupancy.

2) International Building Code 2012:

Section 101.1 Title insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

Section 101.4.5 Fire Prevention is deleted.

Section 113.3 Board of Appeals is deleted and replaced with the following:

“Section 113.3 Board of Appeals

113.3 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect, or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work.”

Section 114.4 Violation Penalties shall be amended to read as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”

Section 115.3 Unlawful Continuance shall be amended to read as follows:

“Any person, firm, or corporation who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor and each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm, or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia”

Section 1608.2 Ground Snow Loads add the following sentence at the end of the paragraph:

“The ground snow load for Jefferson County, West Virginia shall be a minimum of 30 pounds per square foot.”

Section 1612.3 Establishment of Flood Hazard Areas insert “*Jefferson County, West Virginia*” where “[NAME OF JURISDICTION]” appears. Insert “1980” where “[INSERT DATE OF ISSUANCE]” appears in the first paragraph.

Section 1809.5 Frost Protection, method no. 1, extending below the frost line of the locality shall mean the depth to the bottom of the footing is a minimum of thirty (30) inches.

Section 3412.2 Applicability, insert “*March 29, 2001*” where “[DATE TO BE TO BE INSERTED BY THE JURISDICTION]” appears in the first paragraph.

International Building Code 2012 – Appendix Adoption:

The following appendices are specifically adopted:

Appendix E - Supplementary Accessibility Requirements

Appendix H - Signs

3) International Plumbing Code 2012:

Section 101.1 Title insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

Section 106.6.3 Fee Refunds insert “zero percent (0%)” in paragraph no. 2 where “[SPECIFY PERCENTAGE]” appears.

Section 106.6.3 Fee Refunds insert “zero percent (0%)” in paragraph no. 3 where “[SPECIFY PERCENTAGE]” appears.

Section 108.4 Violation Penalties shall be amended as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia”.

Section 108.5 Stop Work Orders insert “fifty (50)” for the not less than “[AMOUNT]” and “five-hundred (500)” for the not more than “[AMOUNT]”.

Section 305.4.1 Sewer Depth insert “28 (twenty eight) (710mm)” where “[NUMBER]” appears twice in the first paragraph.

Section 903.1 Roof Extension insert “12 (twelve) (300mm)” where “[NUMBER]” appears in the first paragraph.

International Plumbing Code 2012 – Appendix Adoption:

The following appendices are specifically adopted:

Appendix B – Rates of Rainfall for Various Cities

Appendix D – Degree Day and Design Temperatures

Appendix E - Sizing of Water Piping System

4) International Mechanical Code 2012:

Section 101.1 Title insert “*Jefferson County, West Virginia*” where “[NAME OF JURISDICTION]” appears.

Section 106.5.3 Fee Refunds insert “*zero percent (0%)*” in paragraph no. 2 where “[SPECIFY PERCENTAGE]” appears.

Section 106.5.3 Fee Refunds insert “*zero percent (0%)*” in paragraph no. 3 where “[SPECIFY PERCENTAGE]” appears.

Section 108.4 Violation Penalties shall be amended as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia”.

Section 108.5 Stop Work Orders insert “*fifty (50)*” for the not less than “[AMOUNT]” and “*five-hundred (500)*” for the not more than “[AMOUNT]”.

International Mechanical Code 2012 – Appendix Adoption:

The following appendices are specifically adopted:

Appendix A – Combustion Air Openings and Chimney Connector
Pass-Throughs

5) International Fuel Gas Code 2012:

Section 101.1 Title insert “*Jefferson County, West Virginia*” where “[NAME OF JURISDICTION]” appears.

Section 106.6.3 Fee Refunds insert “*zero percent (0%)*” in paragraph no. 2 where “[SPECIFY PERCENTAGE]” appears.

Section 106.6.3 Fee Refunds insert “*zero percent (0%)*” in paragraph no. 3 where “[SPECIFY PERCENTAGE]” appears.

Section 108.4 Violation Penalties shall be amended as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”

Section 108.5 Stop Work Orders insert “*fifty (50)*” for the not less than “[AMOUNT]” and “*five-hundred (500)*” for the not more than “[AMOUNT]”.

International Fuel Gas Code 2012 – Appendix Adoption:

The following appendices are specifically adopted:

- Appendix A – Sizing and Capacities of Gas Piping (IFGS)
- Appendix B - Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, And Appliances Listed For Use With Type B Vents (IFGS)
- Appendix C - Exit Terminals of Mechanical Draft And Direct-Vent Venting Systems (IFGS)

6) International Energy Conservation Code 2003:

Section 101.1 Title insert “*Jefferson County, West Virginia*” where “[NAME OF JURISDICTION]” appears.

7) Existing Buildings Code 2012:

Section 101.1 Title insert “*Jefferson County, West Virginia*” where “[NAME OF JURISDICTION]” appears.

Section 101.4.2 Buildings Previously Occupied, omit reference to “International Fire Code” and substitute “*NFPA Life Safety Code 2009 Edition.*”

Section 113.4 Violation Penalties shall be amended as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”

8) NFPA 70, National Electric Code, 2011 Edition: (no amendments).

Electrical inspections shall be conducted by an approved private (third-party) electrical inspector, using the National Electric Code approved by the West Virginia State Fire Commission. Fees for said electrical inspections shall be paid by the applicant directly to the private inspector or inspection service provider and shall not be included in the permit fees paid to the County.

9) 2009 ICC/ANSI A117.1 Standards for Accessibility and Useable Buildings and Facilities: (no amendments).

EXCEPTIONS:

A) The following structures are not subject to inspection by local jurisdictions:

Group U utility structures and storage sheds comprising an area not more than 200 sq.-ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture).

Not included are those utility structures and storage sheds which have plumbing or electrical connections, are a non-residential use, or for the storage of explosives or other hazardous or explosive materials.

B) The intent and requirements for an appeals board in each of the separate codes may be met with the creation of a single appeals board for the entire State Building Code, in accordance with and as amended in this ordinance under the International Building Code 2012.

Attachment - A

Jefferson County, West Virginia Department of Planning, Zoning & Engineering SCHEDULE OF PERMIT FEES (As of July 1, 2010)		
RESIDENTIAL		
Type	Base Fee	Additional Square Foot Fee
Single Family Residence (Including Modular/Mobile Homes)	\$25 plus \$25 per deck	Finished \$0.18 Unfinished \$0.10
Additions	\$50	\$0.18
Internal Renovations to Existing Home	\$50 plus \$50 per required inspection	
Sheds, Decks, Detached Garages & Other Structures Ancillary to Residences	\$50	\$0.08
Attached Residential Structures (Duplexes & Town Homes less than 4 story)	\$25 per dwelling unit plus \$25 per deck	\$0.20
Swimming Pool	\$25	\$0.08/sq.-ft. of pool surface area
AGRICULTURAL		
Bona-fide Agricultural Structure (requires an affidavit)		\$50.00
COMMERCIAL		
Commercial/Industrial/Multi-Family Buildings	Value less than \$50,000	\$250 plus \$0.18 per sq.-ft. of building floor space.
	Value greater than \$50,000	\$500 plus \$0.18 per sq.-ft. of building floor space.
Signs	Value \$2500 or less	\$50.00/sign
	Value over \$2500	\$250.00/sign
Churches, church additions, pavilions, and other ancillary structures	Value less than \$25,000	\$50.00 per required inspection
	Value greater than \$25,000	\$250 plus \$0.18 per sq.-ft.
Demolition Permit - Commercial		\$200
Site Plan - Improvement Location Permit Only (No structures)		\$250.00 plus \$1.00 for every \$1,000 of value over \$50,000
Cell Towers & Electric Substation - Site Plan ILP		\$1,000.00/site
Cell Tower & Electric Substation Equipment - Building Permit		\$250
MISCELLANEOUS		
Chimney Additions		\$100/chimney
Temporary Construction Trailer		\$50
Reinspection of any component		\$50/reinspection
Permit Application Denied & resubmitted with 90 days for review.		\$75.00 reapplication fee only.
Plan Change After Permit is Issued		\$50 plus \$50 for each required inspection due to plan change
<p><u>Note:</u> The permit application fee for any application not specifically covered by this Fee Schedule shall be determined at the discretion of the Director of Planning, Zoning and Engineering.</p>		

ATTACHMENT – B

Legislative Rule, Title 87, Series 4, State Building Code

Effective September 1, 2013

Note: Title 87, Series 4, is available from the
Administrative Law Division of the Office of the West Virginia Secretary of State
Title 87, Series 4, may be viewed at the following link:

<http://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=8584>

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Do Not Mark In This Box

2013 JUN -3 AM 11: 23

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 87-04

TITLE OF RULE BEING AMENDED: State Building Code

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2626

SECTION 64-6-2, PASSED ON April 12, 2013

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: September 1, 2013

Robert S Sullivan

Authorized Signature

**TITLE 87
LEGISLATIVE RULE
STATE FIRE COMMISSION**

**SERIES 4
STATE BUILDING CODE**

2013 JUN -3 11:11:23
STATE

§87-4-1. General.

1.1. Scope. -- This rule establishes the standards considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure compliance with the minimum standards of safe construction of all structures erected or renovated throughout this state.

1.2. Authority. -- W. Va. Code §29-3-5b.

1.3. Filing Date. -- June 3, 2013

1.4. Effective Date. -- September 1, 2013

1.5. Incorporation of other Documents. -- This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Subsection 4.1 of this rule. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

§87-4-2. Definitions.

2.1. "ANSI" means American National Standards Institute, 25 West 43rd St., Fourth Floor, New York, NY 10036.

2.2. "ASTM" means American Society of Testing and Materials.

2.3. "Fire Commission" means the thirteen (13) appointed members of the West Virginia State Fire Commission.

2.4. "Fire Marshal" means the West Virginia State Fire Marshal and/or his or her designated representatives.

2.5. "Local jurisdiction" means municipal or county level government.

2.6. "ICC" or "International" means International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001.

2.7. "NFPA" means National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9101.

2.8. "State Building Code" means the entire contents of this rule and the referenced national standards and codes.

2.9. "State Fire Code" means the entire contents of State Fire Commission, State Fire Code, 87CSR1, and the referenced standards and codes.

§87-4-3. Conflicts.

3.1. Whenever there is a conflict between the State Fire Code and the State Building Code, the State Fire Code takes precedence.

3.2. Whenever there is a conflict between the International Plumbing Code requirements of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources take precedence.

3.3. Whenever there is a conflict between the State Building Code and statutory laws of the State of West Virginia, the laws of the State of West Virginia take precedence.

§87-4-4. National Standards and Codes.

4.1. The standards and requirements as set out and as published by the International Code Council, and American National Standards Institute, and the National Fire Protection Association as listed in this subsection, have the same force and effect as if set out verbatim in this rule.

4.1.a. The 2012 edition, International Building Code, with the following exceptions:

4.1.a.1. Provided; that the section entitled "Fire Prevention" and identified as Section 101.4.5 is deleted and not considered to be a part of this rule.

4.1.a.2. Further provided that the entire subsection entitled "Qualifications" and identified as Section 113.3 is deleted and replaced with the following:

Section 113.3. Board of Appeals

113.3 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work.

4.1.b. The 2012 edition of the International Plumbing Code.

4.1.c. The 2012 edition of the International Mechanical Code.

4.1.d. The 2012 edition of the International Fuel Gas Code, with the following exception:

Section 404.10 Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.e. The 2012 edition of the International Property Maintenance Code. This Code may be rejected at the option of the local jurisdiction.

4.1.e.1. This code may be adopted by the local jurisdiction without requiring adoption of the other national codes and standards listed in this section.

4.1.f. The 2009 edition of the International Energy Conservation Code for residential buildings, *Provided that* this does not become effective until November 30, 2013.

4.1.g The ANSI/ASHRAE/IESNA Standard 90.1-2007 Edition for commercial buildings.

4.1.h The 2009 edition of the International Residential Code for One and Two Family Dwellings, with the following exceptions:

Chapter 11 of the 2009 edition of the International Residential Code for One and Two Family Dwellings, Seventh Printing, entitled "Energy Efficiency", is exempt from this rule.

Section G2415.10 (404.10) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

Section R311.7.4 Stair Treads and Risers

311.7.4.1 Riser Heights -- The maximum riser height shall be eight and one-quarter (8 ¼) inches.

311.7.4.2 Tread Depth -- The minimum tread depth shall be nine (9) inches.

Section R403.1.7.1: Building Clearances From Ascending Slopes is not applicable to this rule.

Section R403.1.7.2: Footings Setbacks From Descending Slope Surfaces is not applicable to this rule.

4.1.j The 2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities.

4.1.k. The 2012 International Existing Building Code, with the following exception:

4.1.k.l. Omit reference to International Fire Code and substitute NFPA Life Safety Code 2009 Edition.

4.1.m. The 2011 edition of the National Electric Code, NFPA 70.

§87-4-5 Fire Protection of Floors in Residential Buildings

5.1 New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A 1/2 inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings: *Provided*, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

§87-4-6. Exceptions.

The following structures are not subject to inspection by local jurisdictions:

Group U utility structures and storage sheds comprising an area not more than ~~±50~~ 200 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

§87-4-7. Adoption by Local Jurisdiction.

7.1. Each local jurisdiction adopting the State Building Code shall notify the State Fire Commission in writing. The local jurisdiction shall send a copy of the ordinance or order to the State Fire Marshal, West Virginia State Fire Commission, 1207 Quarrier Street, 2nd floor, Charleston, West Virginia 25301, within thirty (30) days of adoption.

7.2. Each local jurisdiction which adopts the State Building Code is responsible for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

7.3. Throughout the national codes, adopted in subsection 4.1 of this rule, there are discretionary provisions or amendments which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. The appendices are not a part of the code and must also be adopted by the local jurisdiction to be enforceable. It is therefore the intent of this rule to further authorize each local jurisdiction to further complete, by order or ordinance, those respective areas which are indicated to be completed by the adopting "jurisdiction" and any of the appendices the local jurisdiction wishes to adopt.

7.4. Within the penalty sections of each of the national codes, adopted in Section 4.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of this rule is optional with each adopting local jurisdiction.

7.5. Each of the national codes adopted in subsection 4.1 of this rule provides for a separate appeals board. However, the intent and requirements for an appeal board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

§87-4-8. Existing Building Codes.

8.1. All building codes previously adopted by local jurisdictions are null and void.

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