

## ORDINANCE 275

**AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING CHAPTER 5, SEC. 5-7, REGARDING THE VERSION OF THE INTERNATIONAL BUILDING CODE ADOPTED AS THE STATE BUILDING CODE.**

**WHEREAS**, the City of Elkins received notification from the State Fire Marshal's Office advising that the State Building Code Title 87, Series 4 has been revised with an effective date of August 1, 2020; and,

**WHEREAS**, said memorandum advised that each municipality wishing to adopt and enforce the State Building Code shall have to formally adopt the new additions by ordinance and submit a copy to the State Fire Commission at: State Fire Commission, ATTN: Building Code Adoption, 1207 Quarrier Street, 2nd Floor, Charleston, WV 25301; and,

**WHEREAS**, the City of Elkins desires to adopt the current State Building Code and to comply with the requirements of each adopted code; and,

**WHEREAS**, the City of Elkins has previously adopted an earlier version of the State Building Code, but the City is now required to adopt the newest version of the State Building Code to comply with the directive of the State Fire Marshal's Office; and,

**WHEREAS**, the Common Council has determined that the City of Elkins, by adopting the State Building Code, is providing for the best interests of the citizens and residents of the City of Elkins.

**NOW, THEREFORE**, be it ordained and enacted by the Common Council of the City of Elkins that City Code section 5-7 be amended and supplemented by adopting the changes made to Title 87, Series 4, State Building Code, and shall read as follows:

Section 5-7:

(a) – The City of Elkins adopts the following codes which currently comprise the State Building Code, as if the same were fully written out herein:

2015 International Building Code

2015 International Residential Code for One and Two Family Dwellings, with the following exceptions:

4.1. h.1 The 2015 edition of the International Residential Code for One and Two Family Dwellings, Seventh Printing, entitled "Energy Efficiency", is exempt from this rule.

4.1.h.2 Section G2415.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches 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.j.1. Omit reference to International Fire Code and substitute NFPA Life Safety Code 2018 edition.

4.1.k. The 2017 edition of the National Electric Code, NFPA 70.

4.1. k.1 For renovations in one- and two-family homes where no new square footage is involved, arc-fault circuit interrupter (AFCI) protection shall not be required, except for in bedrooms. For renovation in one- and two-family homes where square footage is added but no electrical service is installed, arc-fault circuit interrupter (AFCI) protection shall not be required.

Section R311.7.5 Stair Treads and Risers

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

311.7.5.2 Tread Depth – The minimum tread depth shall be nine (9) inches.

2015 International Existing Building Code

2015 International Plumbing Code

2015 International Mechanical Code

2015 International Fuel Gas Code

2015 International Swimming Pool and Spa Code

2018 NFPA Life Safety Code

2009 International Energy Conservation Code

2009 ICC/ANSI A 117.1 Accessible & Useable Buildings

The ANSI/ASHRAE/IESNA Standard 90.1-2010 edition for commercial buildings

2015 International Property Maintenance Code

2017 National Electric Code (NFPA 70)

(b) The City of Elkins also adopts as part of the Code(s), the following:

*§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 one and two family dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide for one of the following methods for fire protection of floors: (1) A ½-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 dimensional lumber of structural composite lumber equal to 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 2015 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 R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

Townhouses meeting the Fire Resistant Construction Standard R302.2 will be treated a New One and Two Family Dwellings and shall comply with Section 5.1 above.

(c) International Property Maintenance Code as follows:

Section 112.4. Any person who shall continue any work 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, and in violation of the International Property Maintenance Code shall be liable to a fine of not less than \$100.00 dollars.

Section 302.4. **Weeds.** All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of **8 inches**. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 304.14. **Insect screens.** During the period from **April 1 to November 1** every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 602.3. **Heat supply.** Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from **October 1 to May 1** to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Section 602.4. **Occupiable workspaces.** Indoor occupiable workspaces shall be supplied with heat during the period from **November 1 to April 1** to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

Any other ordinance or parts of ordinance or sections of the City Code previously adopted in conflict herewith are hereby repealed and are declared null and void.


If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

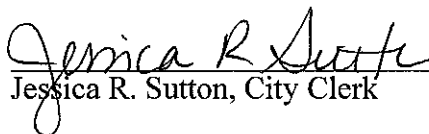
PASSED AND APPROVED ON FIRST READING: 6<sup>th</sup> day of August 2020.

PASSED AND APPROVED ON SECOND AND FINAL READING THE 20<sup>th</sup> day of August 2020.

CITY OF ELKINS, WEST VIRGINIA

  
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Van T. Broughton, Mayor

*Attest:*

  
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Jessica R. Sutton, City Clerk