

ORDINANCE 299

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 271, WHICH IS CODIFIED AS SECTION 150.035 OF THE CITY CODE TO PROVIDE FOR A CERTAIN REVISION TO THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, TO BE EFFECTIVE AUGUST 1, 2022

WHEREAS, pursuant to the provisions of West Virginia Code §8-12-13, the City of Elkins by Ordinance No. 271 has duly adopted the lawfully enacted the State Building Code which consists of the standards and requirements as set out and published by the International Code Council and American Standards Institute and adopted by the State of West Virginia Legislature and codified as Title 87 Series 4 of the Code of State Regulations.

WHEREAS, the State Fire Marshal's Office has notified the City of Elkins of a certain change to said Title 87 Series 4 which will take effect on August 1, 2022, and has directed the City of Elkins to adopt said change as part of its Building and Housing Code

NOW, THEREFORE, be it ordained and enacted by the Common Council of the City of Elkins that Ordinance No. 271 and Section 150.035 of the City Code be and the same is hereby amended and supplemented only as follows:

Section 150.035 of the City Code be and is hereby amended as follows:

The State Building Code be and is hereby reenacted and adopted as promulgated by the West Virginia State Fire Commission, Title No. 87, Series 4 "State Building Code" as approved by the West Virginia Legislature, by Legislative Rule filed January 7, 2022 and effective August 1, 2022 as amended, and which establishes the standards and requirements as set out and as published in 2018 by the International Code Council and American Standards Institute, and the following codes, as promulgated, be and the same are incorporated by reference as if fully set out verbatim herein:

2018 International Building Code, as modified or amended, to include Section 4.1.g. The ANSI/ASHRAE/IESNA Standard 90.1 2013 Edition for commercial buildings, as excepted, modified or amended;

2018 International Residential Code, as excepted, modified or amended;

2018 International Existing Building Code, as excepted, modified or amended;

2018 International Plumbing Code, as excepted, modified or amended;

2018 International Mechanical Code, as excepted, modified or amended;

2018 International Fuel Gas Code, as excepted, modified or amended;

2018 International Property Maintenance Code, as excepted, modified or amended;
NFPA Life Safety Code 2021 Edition;
2020 Edition of the National Electric Code NFPA 70, as excepted, modified or amended;
2017 ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities Code, as excepted, modified or amended;
2018 International Swimming Pool and Spa Code, as excepted, modified or amended;
2015 International Energy Conservation Code – for Residential Dwellings, as excepted, modified or amended, all of which will have an effective date of August 1, 2022.

Section 3. SAVINGS: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or rights acquired or liability incurred, or any cause or causes under any act or ordinance repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance; and to that end the provisions of any prior enactment are hereby saved; provided however, that all building codes previously adopted by the City of Elkins and inconsistent with the State Building Code then in effect are null and void.

Section 4. CONFLICTING ORDINANCES: A. Any existing municipal ordinance that is more stringent or imposes a higher standard than is required by the above referenced codes shall govern, provided such ordinance is consistent with the laws of the State of West Virginia and are not contrary to recognized standards and good engineering practices.

B. Any existing municipal ordinance that is less stringent or imposes a lesser standard than is required by the above-referenced codes is hereby amended to comply therewith.

Section 5. SEVERABILITY: If any section, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 6: ENFORCEMENT: A. In addition to any other City personnel, officer, or official authorized to investigate and enforce the provisions of this article, the City's Building Inspector, and Code Enforcement Officer shall have authority to enforce the provisions of this ordinance.

Section 7. A certified copy of this Ordinance shall be filed with the West Virginia State Fire Commission Office of the State Fire Marshal.

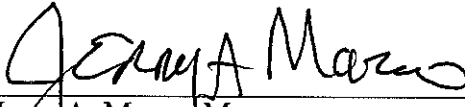
This Ordinance shall become effective thirty (30) days after final adoption.

PASSED AND APPROVED ON FIRST READING: 7th day of July, 2022.

CITY OF ELKINS

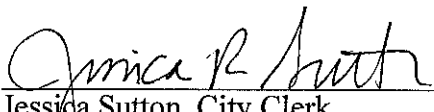
PASSED AND APPROVED ON SECOND AND FINAL READING THE 28th day of
July, 2022.

CITY OF ELKINS, WEST VIRGINIA



Jerry A. Marco, Mayor

Attest:



Jessica Sutton, City Clerk