

ORDINANCE AFFIRMING, RATIFYING AND ENACTING THE MUNICIPAL BUILDING  
CODE OF THE TOWN OF LOST CREEK, WEST VIRGINIA, AN ORDINANCE  
AMENDING PRIOR ORDINANCES OF THE TOWN OF LOST CREEK, WEST VIRGINIA  
BY PROVIDING FOR THE ADOPTION OF THE WEST VIRGINIA STATE BUILDING  
CODE SET FORTH AND DEFINED BY TITLE 87, SERIES 4 OF  
THE CODE OF STATE RULES, AS AMENDED

---

WHEREAS, West Virginia Code §8-12-13 empowers municipalities to adopt building codes, but requires that any code adopted be the state building code as promulgated by the state fire commission; and,

WHEREAS, the Council of the Town of Lost Creek previously passed and adopted an Ordinance enacting and adopting certain sections and provisions related to property management and control; and,

WHEREAS, the prior Ordinance placed into effect the 2015 edition of the International Property Maintenance Code, making certain amendments thereto and establishing fee structures; and,

WHEREAS, the most recent state building code was adopted by the State Fire Commission, pursuant to Legislative Rules promulgated by the Fire Marshal under West Virginia Code §15A-11-5, with an effective date of August 1, 2022, and

WHEREAS, the Council of the Town of Lost Creek, West Virginia, desires in all respects to comply with the statutes of the State of West Virginia insofar as matters concerning building codes.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE TOWN OF LOST CREEK, WEST VIRGINIA, AS FOLLOWS:

ARTICLE I – ADOPTION

The Council of the Town of Lost Creek hereby amends its ORDINANCE TO PROVIDE FOR THE ADOPTION OF THE REVISED STANDARDS AND REQUIREMENTS OF THE

STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, passed May 4, 2021, or any other ordinances previously adopted concerning building codes, by adopting and incorporating by reference, as if set out at length herein, for the purposes of safeguarding life and property and to ensure the quality of construction of all structures erected, renovated, or removed throughout the Town, that certain code known as the State Building Code, set forth and defined by Legislative Rule Title 87, Series 4 of the West Virginia Code of State Rules, as amended, as promulgated by the West Virginia State Fire Marshal pursuant to authority granted in West Virginia Code § 29-3-5b.

The standards and requirements as set out and published by the International Code Council, and American National Standards Institute, and the National Fire Protection Association, as listed below, and as adopted by the State Fire Commission with an effective date of August 1, 2022, shall have the same force and effect as if set out verbatim herein:

- (1) International Building Code 2018 (with amendments)
- (2) International Residential Code for One and Two Family Dwellings 2018 (with amendments)
- (3) International Existing Building Code 2018 (with amendments)
- (4) International Plumbing Code 2018
- (5) International Mechanical Code 2018
- (6) International Fuel Gas Code 2018 (with amendments)
- (7) International Property Maintenance Code 2018
- (8) National Electric Code 2020

(9) ICC / ANSI A 117.1 Standards for Accessibility & Usable Buildings and Facilities  
2017

(10) ANSI / ASHRAE / IESNA Standard 90.1 2013(for commercial buildings)

(11) International Energy Conservation Code 2015 (for residential buildings)

(12) International Swimming Pool and Spa Code 2018

ARTICLE II – SEVERABILITY

In the event that any provision of this Ordinance is determined to be unconstitutional or otherwise invalid by a court exercising competent jurisdiction, such determination shall not affect the validity of this Ordinance as a whole or the provisions thereof which are not specifically determined to be unconstitutional or invalid.

ARTICLE III – CONFLICT OF LAWS OR ORDINANCES

The provisions of any and all other Ordinances of the Town of Lost Creek previously adopted are hereby amended only to the extent of the provisions of this Ordinance; however, all provisions of previously adopted Town ordinances that are not expressly amended by this Ordinance, including their imposition of requirements for inspections, permits, and fees payable to the Town, shall remain in full force and legal effect.

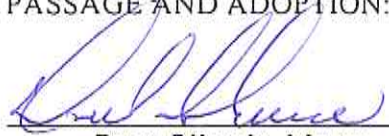
ARTICLE IV - EFFECTIVE DATE: This amendatory provision of this Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the Town of Lost Creek, West Virginia.

FIRST READING:

February 6, 2024

SECOND READING, PASSAGE AND ADOPTION:

March 5, 2024

  
\_\_\_\_\_  
Dave Oliverio, Mayor

CERTIFICATE OF ENACTMENT

I, Kathryn L. Goldsmith, Recorder, do hereby certify that the foregoing ORDINANCE AFFIRMING, RATIFYING AND ENACTING THE MUNICIPAL BUILDING CODE OF THE TOWN OF LOST CREEK, WEST VIRGINIA, AN ORDINANCE AMENDING PRIOR ORDINANCES OF THE TOWN OF LOST CREEK, WEST VIRGINIA BY PROVIDING FOR THE ADOPTION OF THE WEST VIRGINIA STATE BUILDING CODE SET FORTH AND DEFINED BY TITLE 87, SERIES 4 OF THE CODE OF STATE RULES, AS AMENDED, was lawfully ordained and enacted by the Council of the Town of Lost Creek, West Virginia, at a regular session of the said Council assembled on March 5, 2024.