

AN ORDINANCE REPEALING ORDINANCE NO.54 IN ITS ENTIRETY, WHICH ORDINANCE PROVIDED FOR THE ADOPTION OF THE "STATE BUILDING CODE" AS PROMULGATED BY THE STATE FIRE COMMISSION MAY 1, 1998; AND REENACTING AND ADOPTING THE "STATE BUILDING CODE" AS PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION APRIL 1, 2003, WHICH PROVIDES FOR THE REGULATION OF ALL MATTERS RELATING TO THE ERECTION, CONSTRUCTION, REPAIR, RENOVATION, ADDITION, ALTERATION, MAINTENANCE, REMOVAL, DEMOLITION, LOCATION, AND OCCUPANCY OF ALL BUILDINGS AND STRUCTURES OF EVERY KIND AND ALL OTHER ASPECTS OF CONSTRUCTION WITHIN THE CORPORATE LIMITS OF THE TOWN OF LUMBERPORT

WHEREAS, West Virginia Code §29-3-5b, mandated that as of the 1st day of July, 1988, the State Fire Commission was obligated to promulgate comprehensive rules and regulations to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this State and that said rules and regulations shall be known as the "State Building Code";

WHEREAS, West Virginia Code §8-12-13, empowers the governing body of every municipality to regulate all matters relating to the erection, construction, repair, renovation, alteration, addition, maintenance, removal, demolition, location, and occupancy of all buildings and structures of every kind and all other aspects of construction within the corporate limits of said municipality and said code section further provides that all existing municipal building codes are void one year after the promulgation of said "State Building Code" and that thereafter if a municipality desires to adopt a building code it must be the "State Building Code";

WHEREAS, it is deemed necessary to adopt the State Building Code, as amended and revised, in order to properly regulate all matters relating to the erection, construction, repair, renovation, alteration, addition, maintenance, removal, demolition,

location, and occupancy of all buildings and structures within the corporate limits of the Town of Lumberport pursuant to West Virginia Code §8-12-13; and

WHEREAS, it is the intent of the Town of Lumberport to establish minimum building and housing standards by adopting and putting into force and effect the State Building Code as amended and revised, pursuant to West Virginia Code §29-3-5b.

NOW, THEREFORE, THE TOWN OF LUMBERPORT ORDAINS THAT:

Section 1. REPEAL: Ordinance No. 54, which ordinance provided for the adoption of the “State Building Code” as promulgated by the State Fire Commission May 1, 1998, is hereby repealed in its entirety.

Section 2. REENACT AND ADOPT: The “State Building Code” is hereby reenacted and adopted, as promulgated by the State Fire Commission April 1, 2003, pursuant to West Virginia Code §8-12-13 and 29-3-5b; and all model codes and standards adopted thereunder, as modified or revised by the State Fire Commission prior to or subsequent to adoption of this Ordinance, are hereby adopted by reference as if fully set forth verbatim herein.

Section 3. SAVINGS: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or rights acquitted 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.

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 not inconsistent with the laws of the State of West Virginia and is 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. INDEMNIFICATION OF CODE OFFICIAL: The code official, officer or employee charged with the enforcement of the State Building Code, and the members of the Building Code Board of Appeals, while acting for the Town Of Lumberport, shall not thereby be rendered liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties, and under the provisions of the State Building Code shall be defended by the legal representative of the Town of Lumberport until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of the State Building Code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.


Section 6. DUTIES OF LAW ENFORCEMENT PERSONNEL: It shall be the duty of law enforcement personnel and the municipal court judge of the Town of Lumberport to assist in the enforcement of the State Building Code.

Section 7. SEVERABILITY: If any section, sentence, clause, or phrase of this article shall be declared invalid for any reasons whatsoever, such decisions shall not

affect the remaining portions of this article, which shall continue in full force and effect,
and to this end the provisions of this article are hereby declared to be severable.

This ordinance shall be effective immediately upon adoption.

Passed this the 5th day of May, 2003.


MAYOR

ATTEST:



TOWN CLERK

APPROVED AS TO FORM:

ATTORNEY, TOWN OF LUMBERPORT, WV

We, the undersigned officials of the Town of Lumberport, West Virginia, do hereby certify that the ordinance entitled:

AN ORDINANCE REPEALING ORDINANCE NO.54 IN ITS ENTIRETY, WHICH ORDINANCE PROVIDED FOR THE ADOPTION OF THE "STATE BUILDING CODE" AS PROMULGATED BY THE STATE FIRE COMMISSION MAY 1, 1998; AND REENACTING AND ADOPTING THE "STATE BUILDING CODE" AS PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION APRIL 1, 2003, WHICH PROVIDES FOR THE REGULATION OF ALL MATTERS RELATING TO THE ERECTION, CONSTRUCTION, REPAIR, RENOVATION, ADDITION, ALTERATION, MAINTENANCE, REMOVAL, DEMOLITION, LOCATION, AND OCCUPANCY OF ALL BUILDINGS AND STRUCTURES OF EVERY KIND AND ALL OTHER ASPECTS OF CONSTRUCTION WITHIN THE CORPORATE LIMITS OF THE TOWN OF LUMBERPORT

was introduced and publicly read in its entirety at the regular meeting of Council held April 7, 2003, and was published in the Clarksburg Export-Telegram on April 24, 2003.

A public hearing was held on May 5, 2003. There being no request that the proposed Ordinance be read in its entirety for a second time, the Clerk read the title only and copies were available to the public. The Ordinance was duly adopted pursuant to the West Virginia Code, signed by the undersigned officials, and filed in the office of the Town Clerk.

Adopted by Council of the Town of Lumberport, West Virginia, this the 5th day of May, 2003.

George A. Hagan
MAYOR

ATTEST:

Norm J. Edwards
TOWN CLERK

A TRUE COPY:

George A. Hagan
MAYOR OF THE TOWN OF LUMBERPORT, WV

Norm J. Edwards
CLERK OF THE TOWN OF LUMBERPORT, WV

APPROVED AS TO FORM:

ATTORNEY, TOWN OF LUMBERPORT, WV