

ORDINANCE NO.14-04

TOWN OF LUMBERPORT

1. DEFINITIONS
2. REGISTRATION: RESTRICTIONS
3. CITY REGISTRATION ISSUANCE; FEES.
4. REGISTRATION REVOCATIONS; APPEAL.
5. PENALTY

DEFINITIONS.

FOR THE PURPOSE OF THIS ARTICLE, "LANDLORD" MEANS ANY PERSON WHO UNDERTAKES TO, OR OFFERS TO UNDERTAKE OR DOES HIMSELF OR BY OR THROUGH OTHERS, FURNISHES REAL PROPERTY FOR LEASE OR RENT FOR ANY PURPOSE.

REGISTRATION; RESTRICTIONS.

NO PERSON SHALL ENGAGE IN THE BUSINESS OF LEASING OR RENTING REAL PROPERTY WITHOUT FIRST OBTAINING A REGISTRATION AS HEREINAFTER PROVIDED, NOR SHALL A PERSON CONTINUE TO ENGAGE IN ANY SUCH ACTIVITY AFTER HIS REGISTRATION HAS EXPIRED, BEEN SUSPENDED OR REVISED.

CITY REGISTRATION ISSUANCE; FEES.

AN APPLICATION FOR A LANDLORD'S REGISTRATION SHALL BE MADE TO THE OFFICE OF THE BUILDING INSPECTOR, ON SUCH FORMS AS MAY BE REQUIRED OR PRESCRIBED BY THE BUILDING INSPECTOR AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

UPON APPROVAL OF THE APPLICATION FOR A LANDLORD'S REGISTRATION BY THE BUILDING INSPECTOR, A FEE OF FIFTEEN DOLLARS (\$15.00) PER YEAR SHALL BE PAID TO THE TOWN CLERK, WHEREUPON THE REGISTRATION SHALL BE ISSUED. SUCH APPLICATION FORM SHOULD INCLUDE AT THE DISCRETION OF THE BUILDING INSPECTOR, BUT MAY NOT BE LIMITED TO THE FOLLOWING INFORMATION AND SUCH APPLICANT SHALL STATE SUCH INFORMATION ON THE APPLICATION:

- a. NAME OF INDIVIDUAL APPLYING AND COMPANY NAME.
- b. ADDRESS AND TELEPHONE NUMBER

- c. FEDERAL IDENTIFICATION NUMBER AND SOCIAL SECURITY NUMBER.
- d. A LIST BY STREET ADDRESS OF ALL RENTAL PROPERTY OWNED BY THE APPLICANT WITHIN THE TOWN.

LANDLORD'S REGISTRATION SHALL BE VALID FOR A PERIOD OF ONE YEAR BEGINNING JULY 1<sup>ST</sup> OF EACH YEAR. REGISTRATION MAY BE RENEWED. IF A REGISTRATION IS ALLOWED TO LAPSE FOR ONE FULL YEAR, A NEW REGISTRATION SHALL BE OBTAINED BY FILING A NEW APPLICATION AND PAYING THE FEE. NO REGISTRATION ISSUED HEREUNDER SHALL BE PRORATED OR TRANSFERABLE.

#### REGISTRATION REVOCATION; APPEAL.

A REGISTRATION ISSUED PURSUANT TO THIS SECTION MAY BE REVOKED BY THE BUILDING INSPECTOR IF HE FINDS THAT THE LANDLORD'S RENTAL PROPERTY IS UNFIT FOR HABITATION OR USE FOR ITS INTENDED PURPOSE OR FOR LANDLORD' REFUSAL TO CONFORM HIS PROPERTY TO THE REQUIREMENTS OF LAW, OR BREACHES OF SUCH OTHER DUTIES PLACED ON THE LANDLORD BY THE BUILDING CODE OR GENERAL LAW. ANY SUCH REVOCATION SHALL BE PRECEDED BY WRITTEN NOTICE OF THE ANTICIPATED REVOCATION SENT BY CERTIFIED MAIL TO THE LANDLORD'S LAST KNOWN ADDRESS AT LEAST FIFTEEN DAYS PRIOR TO REVOCATION, BUT NOT BEFORE THE BUILDING INSPECTOR HAS MADE EVERY EFFORT TO SERVE THE LANDLORD IN PERSON. SUCH NOTICE SHALL INFORM TH LANDLORD OF THE GROUNDS FOR REVOCATION AND HIS RIGHT TO AN APPEAL TO THE BOARD OF APPEALS AS PROVIDED BY LAW. A REVOCATION OF A REGISTRATION SHALL NOT ENTITLE A LANDLORD TO A REFUND OF ANY PART OF THE REGISTRATION FEE.

IF THE BUILDING INSPECTOR REFUSES TO REGISTER ANY LANDLORD OR IF A LANDLORD IS NOTIFIED BY THE BUILDING INSPECTOR THAT HE WAS NOT IN COMPLIANCE WITH ANY PROVISION OF THIS ARTICLE, SUCH LANDLORD SHALL HAVE THE SAME RIGHT OF APPEAL AS UNDER A REVOCATION OF A REGISTRATION. IF ANY DECISION OF THE BOARD OF APPEALS IS ADVERSE TO ANY LANDLORD, THE LANDLORD MAY APPLY TO THE CIRCUIT COURT OF HARRISON COUNTY FOR REVIEW OF SUCH DECISION IN THE APPROPRIATE MANNER WITHIN THIRTY DAYS OF SUCH DECISION.

THE BUILDING INSPECTOR SHALL ADVISE THE LANDLORD OF HIS/HER/ITS RIGHTS UNDER THIS SECTION ON ANY NOTICE GIVEN TO SUCH LANDLORD RELATING TO THE REVIEW OF THE BUILDING INSPECTOR'S DECISION.

ADDITION TO PAYING THE REGISTRATION FEE, BE LIABLE FOR A PENALTY OF FIFTY DOLAR (

WHOEVER ENGAGES IN ANY ACTIVITY CONTRARY TO THE PROVISIONS OF THIS ARTICLE, WHETHER WITHOUT OBTAINING A REGISTRATION CERTIFICATE REQUIRED THEREFORE BEFORE COMMENCING THE SAME OR BY CONTINUING THE SAME AFTER THE TERMINATION OF THE EFFECTIVE PERIOD OF ANY SUCH REGISTRATION CERTIFICATE, MAY, IN ADDITION TO PAYING THE REGISTRATION FEE, BE LIABLE FOR A PENALTY OF FIFTY DOLLARHS (\$50.00) FOR EACH MONTH OR FRACTION THEREOF DURING WHICH HE HAS BEEN IN DEFAULT OF THE REGISTRATION FEE. THE BUILDING INSPECTOR, AFTER WRITTEN NOTIFICATION, SHALL COLLECT THE FULL AMOUNT OF THE REGISTRATION FEE AND PENALTY IMPOSED AND HE SHALL NOT ISSUE ANY REGISTRATION CERTIFICATE UNTIL THE REGISTRATION FEE AND THE PENALTY HAVE BEEN PAID IN FULL.

FIRST READING September 16, 2014

PUBLIC HEARING OCTOBER 6<sup>TH</sup> AT 6:30 PM

SECOND READING OF ORDINANCE NO. 14-04 OCTOBER 6<sup>TH</sup> AT 7:00PM

SIGNED BY

MAYOR TOM EXLINE

*Thomas Exline*

TOWN CLERK- RADONNA THOMPSON

*Radonna Thompson*

*Recorder*

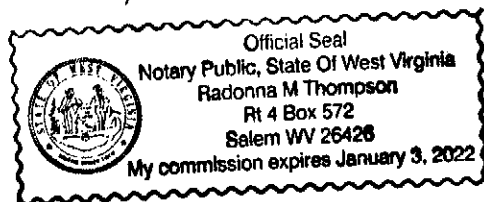
*Shirley Exline*

*Radonna M Thompson*

NOTARY

*Jan 3, 2022*

*Comm. EXP*



**ORDINANCE NO. 14-05**

**AN ORDINANCE ENACTING THE MUNICIPAL BUILDING CODE OF THE "TOWN OF LUMBERPORT", AS THE SAME ADOPTS TITLE 87, SERIES 4 OF THE W.VA. CODE OF STATE RULES STATE BUILDING CODE.**

**1.0 Purpose.**

**WHEREAS, the State Building Code establishes the standard 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.**

**WHEREAS, W.VA. Code 8-12-13 requires that all building code ordinances are null and void unless the city adopts the State Building Code.**

**WHEREAS, it is necessary for the City to enact rules and regulations, as well as fees, pertaining to the same.**

**NOW, THEREFORE, it is necessary for the City to enact rules and regulations, as well as fees, pertaining to the same.**

**NOW, THEREFORE, the City hereby ordains that (applicable statute) addressing erection, construction, repair or alteration of structures of every kind, is added to its City Code and reads as follows:**

**2.0 Definitions.**

**2.1 "ANSI" means American National Standards Institute, 25 West 43<sup>rd</sup> 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. "The City" means municipal or county level government.**

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

**2.7. "NEPA" 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.

2.10 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.

### **3.0 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 ordinances of the West Virginia State Department of Health and Human Resources, the ordinances 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.

### **4.0 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 ordinance.

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 ordinance.

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.

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 ordinance.

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

ordinance.

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

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.

## **5.0 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.

## **6.0 Exceptions.**

The following structures are not subject to inspection by the City:

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.

**7.0 Application.**

7.1. Upon adoption, the City will notify the State Fire Commission in writing. The City 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. The City acknowledges that it is responsible for the enforcement of the building code as provided in West Virginia Code 8-12-13.

7.3. Throughout the national codes, adopted in subsection 4.1 of this ordinance, there are discretionary provisions or amendments which require further action by the City 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 City to be enforceable. The City must therefore adopt any of the appendices the City wishes to enforce.

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

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

**8.0 Existing Building Codes.**

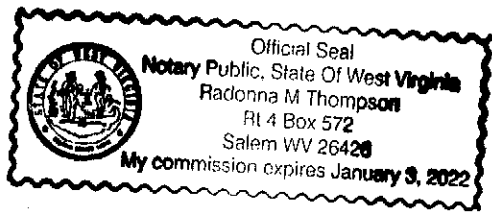
8.1. All building codes previously adopted by the City are null and void.

This ordinance shall be in full force and effect from the date of passage. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

FIRST READING: *Nov. 3, 2014*  
Mayor *Thomas C. Eflin*

ADOPTED: *December 1, 2014*

FILED:  
City Clerk



RECORDED:  
PASSED AND ADOPTED this the *1<sup>st</sup>* day of *December*, *2014*, by the following vote:  
*all in favor*