

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 165

BY SENATORS BLAIR AND RUCKER

[Introduced February 8, 2017; referred
to the Committee on Government Organization; and then
to the Committee on the Judiciary]

1 A BILL to amend and reenact §7-1-3n of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §8-12-13 of said code, all relating to allowing county commissions and
 3 municipalities to adopt a building code provided it is no more stringent than the state
 4 building code.

Be it enacted by the Legislature of West Virginia:

1 That §7-1-3n of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; that §8-12-13 of said code be amended and reenacted, all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3n. Authority of certain counties as to building and housing codes; state building code.

1 (a) In addition to all other powers and duties now conferred by law upon county
 2 commissions, county commissions are hereby authorized and empowered, by order duly entered
 3 of record, to adopt building and housing codes establishing and regulating minimum building and
 4 housing standards for the purpose of improving the health, safety and well-being of its citizens.
 5 Such codes may be adopted either for the entire county, or for any portion or portions of such
 6 county which may constitute an effective area or areas for such purposes, without the necessity
 7 of adopting such codes for any other portion of such county. Notwithstanding any other provision
 8 of this subsection to the contrary, no such code shall apply to or affect any territory within the
 9 boundaries of any municipal corporation which has adopted and in effect a housing and building
 10 code, unless and until such municipal corporation so provides by ordinance, or to structures on
 11 parcels of land used primarily for agricultural purposes.

12 (b) Notwithstanding the provisions of subsection (a), all existing county building codes are
 13 void one year after the promulgation of a state building code by the State Fire Commission as
 14 provided in chapter twenty-nine, article three, section five-b of this code.

15 ~~Upon the voidance of the county's existing building code, if the county commission votes~~
 16 ~~to adopt a building code, it must be the state building code promulgated pursuant to chapter~~
 17 ~~twenty-nine, article three, section five-b of this code~~ Following the voidance of the county's
 18 existing building code, if the county commission votes to adopt a county building code, it may do
 19 so provided the requirements are no more stringent than the state building code promulgated by
 20 the State Fire Commission.

21 (c) In addition to all other powers and duties now conferred by law upon county
 22 commissions, county commissions are hereby authorized and empowered, by order duly entered
 23 of record, to adopt such a state or county building code upon promulgation by the State Fire
 24 Commission. However, such state or county building code shall not apply to or affect any territory
 25 within the boundaries of any municipal corporation which has not adopted the state or county
 26 building code.

CHAPTER 8. MUNICIPAL CORPORATIONS.

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED
 RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL
 OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

§8-12-13. Building regulation; general and special codes; state building code.

1 (a) The governing body of every municipality shall have plenary power and authority by
 2 ordinance or a code of ordinances to:

3 (1) Regulate the erection, construction, repair or alteration of structures of every kind
 4 within the corporate limits of the municipality, prohibit, within specified territorial limits, the
 5 erection, construction, repair or alteration of structures of wood or other combustible material, and
 6 regulate excavations upon private property;

7 (2) Regulate electric wiring by prescribing minimum specifications to be followed in the
 8 installation, alteration or repair thereof; and

9 (3) Regulate plumbing by prescribing the minimum specifications to be followed in the
10 installation, alteration or repair of plumbing, including equipment, water and sewer pipe, traps,
11 drains, cesspools and septic tanks.

12 (b) Notwithstanding the provisions of subsection (a), all existing municipal building codes
13 are void one year after the promulgation of a state building code by the State Fire Commission
14 as provided in chapter twenty-nine, article three, section five-b of this code.

15 Following the voidance of the municipality's building code, if the municipality votes to adopt
16 a municipal building code, it may do so provided the requirements are no more stringent than the
17 state building code promulgated by the State Fire Commission.

18 (c) The governing body of every municipality shall have plenary power and authority by
19 ordinance or a code of ordinances to adopt such state building code promulgated by the State
20 Fire Commission.

NOTE: The purpose of this bill is to allow municipalities and county commissions to adopt building codes provided they are no more stringent than the state building code.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.