

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### Senate Bill 728

FISCAL  
NOTE

BY SENATORS TRUMP, BALDWIN, MARONEY, RUCKER,

SMITH, SYPOLT, AND PITSENBARGER

[Introduced February 7, 2020; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §7-1-3n of the Code of West Virginia, 1931, as amended, relating  
2 to exempting all property used for agricultural purposes from county property maintenance  
3 codes and ordinances; and making such codes unenforceable.

*Be it enacted by the Legislature of West Virginia:*

## **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. If a county adopts a property maintenance  
12 code or ordinance, including, but not limited to, the ICC International Property Maintenance Code,  
13 such code or ordinance shall exempt all property used for agricultural purposes. Any such code  
14 heretofore adopted by any county will be and is unenforceable as to agricultural property.

15 (b) Notwithstanding the provisions of subsection (a), all existing county building codes are  
16 void one year after the promulgation of a state building code by the State Fire Commission as  
17 provided in §29-3-5b of this code.

18 Upon the voidance of the county's existing building code, if the county commission votes  
19 to adopt a building code, it must be the state building code promulgated pursuant to §29-3-5b of

20 this code.

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 state building code upon promulgation by the State Fire Commission.  
24 However, such state building code shall not apply to or affect any territory within the boundaries  
25 of any municipal corporation which has not adopted the state building code.

NOTE: The purpose of this bill is to exempt all property used for agricultural purposes from the requirements and enforcement of county property maintenance codes or ordinances.

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