



CITY OF CHARLESTON WEST VIRGINIA



Council Member – Ward 5

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Ordinance and Rules Committee, Chair
Parks and Recreation Committee

TO: Ordinance and Rules Committee
FROM: Jeanine Faegre, Chair
RE: Committee Meeting

AGENDA
ORDINANCE AND RULES COMMITTEE MEETING
UNTIL FURTHER NOTICE, MEETINGS WILL BE MADE AVAILABLE TO THE PUBLIC VIA ZOOM
JANUARY 13, 2021
5:30 p.m.

***Join via internet:**

<https://us02web.zoom.us/j/81583553011?pwd=S3Z6QlRMVEoxekpwcWpoWnFPdENzUT09>

Passcode: 921719

***Join via Telephone: (312) 626-6799 or (929) 436-2866**

Webinar ID: 815 8355 3011

Agenda

Approval of Previous Minutes

1. 7-28-2020

Resolutions

1. Resolution No. 416-21 - Amending the Rules of Council to clarify the orders of business and further address the proceedings during extraordinary circumstances that require an electronic, rather than in-person, meeting with respect to public speakers speaking before Council.

Adjournment

JF/ns

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., JULY 28, 2020

*IN RESPONSE TO THE COVID-19 PANDEMIC, THE MEETING OF THE ORDINANCE AND RULES COMMITTEE WAS CONDUCTED ELECTRONICALLY. THE MEETING WAS MADE AVAILABLE TO THE PUBLIC AS A LIVE STREAM VIA ZOOM (PER THE AGENDA).

Jeanine Faegre, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:30p.m., JULY 28, 2020.

Committee Members Present:

Jeanine Faegre, Chair
Bobby Haas, Vice Chair
John Kennedy Bailey
Bobby Reishman
Keeley Steele

1. Approval of Previous Minutes – Councilmember Reishman moved to approve the minutes of the previous meeting on 2-13-2020. Councilmember Steele seconded. There was no objection and the minutes were approved.

2. Bill No. 7877 –
Tony Harmon, Director of Building Commission, stated that the bill is updating the City Code to what the State recently adopted, which is to change the National Electric Code to the most recent standard. Having the City's code up to date helps with obtaining grants.

City Attorney, Kevin Baker, added that other than certain sections of the State Code being reorganized, there are no major changes.

With no further discussion, Councilmember Reishman made a motion to approve the bill. Councilmember Haas seconded. With the ayes being in the majority, Bill No. 7877 was approved.

Councilmember Reishman motioned to adjourn the meeting. Councilmember Haas seconded. Meeting adjourned.

Bill No.7877 - A BILL to amend and reenact Section 14-33 of the Code of the City of Charleston, as amended, by updating references to the state building code in order to conform to the state requirements.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Section 14-33 of the Code of the City of Charleston, as amended, is hereby amended and reenacted to read as follows:

CHAPTER 14 – BUILDINGS AND BUILDING REGULATIONS.
ARTICLE II. – BUILDING CODE.

Sec. 14-33. - Adoption of state building code; exercise of authority beyond corporate limits.

(a) There is adopted the state building code as authorized by W. Va. Code § 8-12-13 and promulgated pursuant to W. Va. Code § 29-3-5b 15A-11-5, and by the State of West Virginia in Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.), state building code, which are collectively adopted by reference as if fully restated herein, and the provisions of such code sections and regulations shall be controlling within the city.

(b) The following amendments are made and incorporated into the codes adopted by subsection (a) of this section:

Whenever referenced in the several ICC codes adopted herein, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2015 2018 edition.

The ANSI/ASHRAE/IESNA Standard 90.1-2010 edition for commercial buildings.
International Building Code 2015:

Section 101.1 Insert "the City of Charleston"

Section 1612.3 Insert "the City of Charleston" dated "April 3, 1985"

Section 3412.2 Insert "April 30, 2019"

Delete Section 101.4.5 Fire Prevention, in its entirety.

Delete Section 113.3 Qualifications, in its entirety and replace with the following:

113.3 Qualifications. The Board of Appeals shall consist of five members, with up to three alternates, who are qualified by experience or 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 or work. No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor.

Section 4.1.k.I. Omit references to International Fire Code and substitute NFPA Life Safety Code 2009 18 Edition.

International Residential Code for One and Two Family Dwellings 2015:

Chapter 11 entitled "Energy Efficiency" is exempt from Title 87, Legislative Rule Series.

Section R101.1 Insert "the City of Charleston"

Section G2415.12(404.10) Delete and replace with:

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.

Table R301.2(1) Insert into blank spaces as follows:

Ground Snow Load - "20 psf"

Wind Speed - "115 mph"

Seismic Design Category - "C"

Weathering - "Severe"

Frost Line Depth - "24 inch"

Termite - "Moderate to Heavy"

Decay - "Slight to Moderate"

Winter Design Temperature - "11 degrees"

Ice Shield Underlayment - No

Flood Hazards - "see FIRM 1985 Floodplain Ordinance"

Air Freezing Index - 500

Mean Annual Temp - 54.5

Topographic effects - "No"

Section P2603.6.1 Insert "30 inches" and "12 inches"

Delete Section 303.5.1 Light Activation, in its entirety.

Delete sections R 311.3.1 Landings at doors in its entirety.

International Plumbing Code 2015:

Section 101.1 Insert "the City of Charleston"

Section 106.6.2 Insert "See the Building Department Administrative Manual, Appendix A"

Section 106.6.3 In No. 2 Insert "100%"
In No. 3 Insert "100%"

Section 108.4 Insert "misdemeanor," "\$1,000," "0 days"

Section 108.5 Amend last sentence in paragraph to read as follows:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$1,000.00"

Section 305.6.1 Insert "30 inches" and "12 inches"

Section 904.1 Insert "12 inches"

International Mechanical Code 2015:

Section 101.1 Insert "the City of Charleston"

Section 106.5.2 Insert "See the Building Department Administrative Manual, Appendix A"

Section 106.5.3 In No. 2 Insert "100%"
In No. 3 Insert "100%"

Section 108.4 Insert "misdemeanor," "\$1,000," "0 days"

Section 108.5 Amend last sentence in paragraph to read as follows:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$1,000.00"

International Existing Building Code 2015:

Section 101.1 Insert "the City of Charleston"

Section 1301.2 Insert "April 30, 2019"

International Energy Conservation Code 2009:

Section 101.1 Insert "the City of Charleston"

International Fuel Gas Code 2015:

Section 101.1 Insert "the City of Charleston"

Section 106.6.2 Insert "See the Building Department Administrative Manual, Appendix A"

Section 106.6.3 In No. 2 Insert "100%"
In No. 3 Insert "100%"

Section 108.4 Insert "misdemeanor," "\$1,000," "0 days"

Section 108.5 Amend last sentence in paragraph to read as follows:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$1,000.00"

Section 404.10 Section 404.10 is deleted in its entirety and replaced with the following:

"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."

International Property Maintenance Code 2015:

Section 101.1 Insert "the City of Charleston"

Section 103.5 Insert "See the Building Department Administrative Manual, Appendix A"

Section 110.3 Modified as follows:

Unless authorized by W. Va. Code § 8-12-16, or absent the express consent of the owner, if the owner of a premises fails to comply with a demolition order within the time prescribed, the legal counsel of the jurisdiction shall institute appropriate action in the Circuit Court of the County in which the property is located against the owner of the premises where the structure is or was located seeking an order causing the structure to be demolished and removed. Thereafter, the local jurisdiction, through an available public agency or by contract or arrangement with private persons, shall demolish and remove the structure and the costs thereof, as well as all fees and costs incurred in the legal action, shall be a lien upon such real estate.

Section 112.4 Amend last sentence in paragraph to read as follows:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$1,000.00"

Section 302.4	Insert "10 inches"
Section 303.14	Insert "January 1 st to December 31 st "
Section 602.3	Insert "January 1 st to December 31 st "
Section 602.4	Insert "September 1 st to June 1 st "

20142017 National Electrical Code, NFPA 70:

[insert] 4.1.k.1. For renovations in one- and two-family homes where no new square footage is involved, arc-fault circuit interrupter (AFCI) protection shall not be required, except for in bedrooms. For renovation in one- and two-family homes where square footage is added but no electrical service is installed, arc-fault circuit interrupter (AFCI) protection shall not be required.

2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings and Facilities:

Title 87 Legislative Rule, State Fire Commission, Series 4 § 87-4-5 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 ½ 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.

(c) Nothing in this section hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any provision hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

Resolution No. 416-21

Introduced in Council:

January 19, 2021

Adopted by Council:

Introduced by:

Chad Robinson

Referred to:

Ordinance and Rules

Resolution No. 416-21 - Amending the Rules of Council to clarify the orders of business and further address the proceedings during extraordinary circumstances that require an electronic, rather than in-person, meeting with respect to public speakers speaking before Council.

Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

That Rule No. 4 and Rule No. 22 of the Rules of Council be amended to read as follows:

Rule No. 4. - Order of business at regular meetings; special order of business.

(a) The order of business for each regular meeting shall be:

(1) Roll call.

(2) To read, correct and approve of the minutes of previous meetings.

(3) To hear from public speakers pursuant to Rule No. 22.

~~(3)~~ (4) To receive and dispose of communications.

~~(4)~~ (5) To receive and dispose of petitions.

~~(5)~~ (6) To receive and dispose of resolutions.

~~(6)~~ (7) To receive reports of standing committees and act thereon.

~~(7)~~ (8) To receive reports of select committees and act thereon.

~~(8)~~ (9) To receive reports of city officials.

~~(9)~~ (10) Bills introduced and referred to the appropriate committees.

~~(10)~~ (11) Unfinished business and miscellaneous matters.

~~(11)~~ (12) Remarks by members.

(13) Roll call.

(14) Adjournment.

(b) The presiding officer may order any question a special order of business irrespective of the order of business set forth in subsection (a).

Rule No. 22. - Members of the public speaking before city council.

(a) A member of council may ask the floor for a member of the public to speak before council, which said motion is nondebatable. Upon such request, the presiding

1 officer shall inquire of the councilmember the subject matter of the inquiry and ask
2 council if there is any objection to the person speaking, and, if an objection is raised,
3 then council, by majority vote, shall determine whether or not the person shall be
4 allowed to address council. Any person addressing council shall be allowed no more
5 than five minutes to make remarks, unless by unanimous consent council allows a
6 longer period of time.

7 (b) A maximum of ten minutes shall be set aside at the outset of each meeting of
8 the council to permit members of the public, without leave of council, to address the
9 council on any matter pertaining to the city's business. Any member of the public
10 wishing to address the council shall first register with the clerk of the city council, or the
11 clerk's designated representative for such purpose, in the council's chambers not earlier
12 than 15 minutes before the beginning of each meeting setting forth his or her name, the
13 group, if any, on whose behalf he or she wishes to speak, and the subject matter which
14 he or she wishes to address: Provided, That if the presiding officer exercises the
15 authority contained in rule 1(c) to hold a meeting electronically, then the City Clerk may
16 provide for an extended and different period of time and manner for public speakers to
17 sign up that will allow for an efficient meeting of Council and create ample opportunity
18 for the public to participate, as long as that period of time and manner are included on
19 the publicly posted agenda for the meeting. If more than one person registers to
20 address council, such persons shall be allocated time on a prorated basis, and shall be
21 permitted to speak only for the time allotted. In no event shall more than five people be
22 permitted to address the council under this rule 22(b). Nothing in this rule 22(b) shall
23 affect the ability of a member of council to request that a member of the public be
24 allowed to speak pursuant to rule 22(a).