



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

A meeting of the Council Committee on Ordinance & Rules will be held on Wednesday, April 10, 2019. The meeting will begin promptly at 6:00 PM in the AV Room, 3rd Floor of City Hall.

Agenda

Old Business:

1. Approval of previous minutes

New Business:

1. Bill No. 7812: A Bill to amend Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code

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JF/ns

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., NOVEMBER 20, 2017

LEADERSHIP ROOM

Committee Members Present:

Jack Harrison, Chair
Rick Burka, Vice Chair
Tom Lane
Rutha Chestnut
Pat Jones
Mary Beth Hoover
Karan Ireland

Others:

Susie Salisbury
Paul Ellis

The Chairperson called the meeting to order.

1. Bill No. 7768 - An Ordinance to amend and reenact Chapter 38, Article II, Division 3, Section 38-126 of the Code of the City of Charleston expanding the organizations for which community service may be served.

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

That Chapter 38, Article II, Division 3, Section 38-126 of the Code of the City of Charleston, is hereby amended and reenacted to read as follows:

Chapter 38, Article II
Division 3

Sec. 38-126. – Community service work may be substituted in lieu of incarceration or a fine in municipal court.

(a) Notwithstanding any provision of this Code to the contrary, the municipal judge may substitute in lieu of the imposition of a sentence of incarceration or imposition of a fine community service work for such incarceration or fine. Where community service work is ordered as a substitute for a sentence of incarceration, an eight-hour work day shall extinguish one day of any sentence of incarceration. Where community service work is ordered as a substitute for a fine, the prevailing federal minimum wage in effect at the time of sentencing shall be used to compute the hours of community service work necessary to extinguish the fine. In the discretion of the court, the sentence credits may run

November 20, 2017

concurrently or consecutively.

(b) If approved by the court, any community service ordered pursuant to the provisions of this section shall be performed for in the City of Charleston, and may be performed for the City of Charleston or for any other public entity or non-profit organization providing services that benefit the public and the City of Charleston.

(c) Persons sentenced under the provisions of this section remain under the jurisdiction of the municipal court. The court may withdraw the community service sentence at any time, with or without notice, and order a person previously sentenced to community service to serve the term of incarceration or to pay the fine available to the court upon the person's conviction: Provided, that any community service work performed before the community service sentence is withdrawn shall be credited against any term of incarceration or fine imposed

Councilmember Lane moved to approve the Resolution. Councilmember Burka seconded the motion. A roll call was taken:

YEAS: Harrison, Burka, Lane, Chestnut, Jones, Hoover, Ireland

NAYS: NONE

ABSENT: Ealy, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Chair declared Bill No. 7768 approved.

Councilmember Lane motioned to adjourn the meeting. Councilmember Chestnut seconded.

Meeting adjourned.

1 Bill No. 7812

2
3 Introduced in Council

Referred to

4
5 April 1, 2019

Ordinance & Rules

6
7 Introduced by:

Passed by Council

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9 Jeanine Faegre

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13 Bill No.7812: A BILL to amend Chapter 14, Article II, Section 14-33 of the Municipal Code of
14 the City of Charleston for the purpose of updating the Building Code of the City of Charleston to
15 be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-
16 5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.).

17
18 **Now, therefore, be it Ordained by the Council of the City of Charleston, West Virginia:**

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20 That effective ~~August 1, 2016~~April 30, 2019, Chapter 14, Article II, Section 14-33 of the
21 Municipal Code of the City of Charleston is hereby amended for the purpose of updating the
22 Building Code of the City of Charleston to be consistent with the recently amended State Building
23 Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule
24 Series 4 (§ 87-4-1 et seq.), to read as follows:

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

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

33 (b) The following amendments are made and incorporated into the codes adopted by 14-33 (a)
34 herein:

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 edition.
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The ANSI/ASHRAE/IESNA Standard 90.1-2007 10 <u>10</u> edition for commercial buildings.
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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 " August 1, 2016 <u>April 30, 2019</u> "
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.l. Omit references to International Fire Code and substitute NFPA Life Safety Code 2009 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	Insert into blank spaces as follows:

R301.2(1)	Ground Snow Load - "20 psf" Wind Speed - " 90 115 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", "\$500", "30 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

	\$500.00"
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", "\$500", "30 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 \$500.00"
International Existing Building Code 2015:	
Section 101.1	Insert "the City of Charleston"
Section 1301.2	Insert " August 1, 2016 <u>April 30, 2019</u> "
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", "\$500", "30 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 \$500.00"
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 (305mm) 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 \$500.00"
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 "
2014 National Electrical Code, NFPA 70:	
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 (16mm) 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.

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

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