



CITY OF CHARLESTON WEST VIRGINIA



COUNCIL MEMBER – WARD 20

Chad Robinson
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Charleston, WV 25304
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chad.robinson@cityofcharleston.org

Ordinance and Rules Committee, Chair
Parks and Recreation Committee
Finance Committee
Parking Facilities Committee

A meeting of the Council Committee on Ordinance & Rules will be held on Monday, July 18, 2022
at 5:15 PM. **To be held in person**
AV ROOM #308, CITY HALL

Agenda

BILLS

1. Bill No. 7966 - A BILL to amend the Code of the City of Charleston by updating references to the state building code in order to conform to the state requirements, effective August 1, 2022.

DISCUSSION

1. Discussion of Consumer Protection

ADJOURN

CR/ns

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk.com>**

Bill No. 7966

Introduced in Council:

July 5, 2022

Adopted by Council:

Introduced by:

Chad Robinson

Referred to:

Ordinance and Rules

Bill No. 7966 - 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, effective August 1, 2022.

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 § 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, as stated in the Legislative Rule:

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 ~~2018~~ 2021 edition.

Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 square feet, the project documents shall be designed by an Architect licensed by the WV Board of Architects, or a Professional Engineer licensed by the WV State Board of Registration for Professional Engineers.

The ANSI/ASHRAE/IESNA Standard 90.1-~~2010~~2013 edition for commercial buildings. Using building energy benchmarking in all commercial structures means measuring a building's energy use and then comparing it to the energy use of similar buildings, its own historical energy usage, or a reference performance level, and is an allowable option for improved energy efficiency and performance.

International Building Code 2015 2018 :	
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 of 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 2018 <u>2021</u> Edition.	
International Residential Code for One- and Two-Family Dwellings 2015 2018 :	
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) <u>(404.12)</u>	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.
<u>Section M1402.1 General</u>	<u>Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section M1403.1 Heat pumps</u>	<u>Electric heat pumps shall be listed and labeled in accordance with UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section M1412.1 Approval of equipment</u>	<u>Absorption systems shall be installed in accordance with the manufacturer's instructions. Absorption equipment shall comply with UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section M1413.1 General</u>	<u>Evaporative cooling equipment and appliances shall comply with UL 1995 or UL/CSA 60335-2-40 and shall be installed in accordance with 4401.3 Referenced standard list:</u>
<u>Section 4401.3 Referenced standard list</u>	<u>ASHRAE</u> <u>1791 Tullie Circle, NE</u>

	Atlanta, GA 30329
<u>Standard references</u>	<u>Title</u>
34-2019	Designation and Safety Classification of Refrigerants
CSA	CSA Group 8501 East Pleasant Valley Road Cleveland, OH 44131-5516
<u>Standard referenced</u>	<u>Title</u>
CAN/CSA/C22.2 No. 60335-2-40-2019	Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers-3rd edition
UL	UL LLC 333 Pfingsten Road Northbrook, IL 60062-2096
<u>Standard referenced</u>	<u>Title</u>
1995-2015:	Heating and Cooling Equipment
UL/CSA 60335-2-40-19:	Household And Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers – 3rd Edition

	- UL/CSA 60335-2-89—21 - Household And Similar - Electrical Appliances – - Safety - Part 2-89: - Particular - Requirements for - Commercial Refrigerating - Appliances with an - Incorporated or Remote - Refrigerant Unit or - Compressor																																																										
Table R301.2(4)	Insert into blank spaces Table as follows: <u>CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA</u> <u>2018 INTERNATIONAL RESIDENTIAL CODE</u> <u>TABLE R301.2</u> <table> <tr> <td>Ground Snow Load</td><td>20psf</td></tr> <tr> <td><u>Wind Design:</u></td><td></td></tr> <tr> <td>Speed (mph)</td><td>115mph</td></tr> <tr> <td>Topographic effects</td><td>No</td></tr> <tr> <td>Special wind region</td><td>No</td></tr> <tr> <td>Windborne debris zone</td><td>No</td></tr> <tr> <td>Seismic Design Category</td><td>A</td></tr> <tr> <td><u>Subject to damage from:</u></td><td></td></tr> <tr> <td>Weathering</td><td>Severe</td></tr> <tr> <td>Frost Line depth</td><td>24 inches</td></tr> <tr> <td>Termite</td><td>Moderate to Heavy</td></tr> <tr> <td>Ice Barrier Underlayment</td><td>No</td></tr> <tr> <td>Flood Hazards</td><td>See Firm Maps dated</td></tr> <tr> <td></td><td>February 6, 2008</td></tr> <tr> <td>Air Freezing Index</td><td>500</td></tr> <tr> <td>Mean Annual Temperature</td><td>54.5</td></tr> </table> <u>MANUAL J DESIGN CRITERIA</u> <table> <tr> <td>Elevation</td><td>981</td></tr> <tr> <td>Latitude</td><td>38</td></tr> <tr> <td>Winter Heating</td><td>15 deg.</td></tr> <tr> <td>Summer Cooling</td><td>89 deg.</td></tr> <tr> <td>Altitude Correction Factor</td><td>.97</td></tr> <tr> <td>Indoor Design Temperature</td><td>70 deg.</td></tr> <tr> <td>Design Temperature Cooling</td><td>75 deg.</td></tr> <tr> <td>Heating Temperature Difference</td><td>55</td></tr> <tr> <td>Cooling Temperature Difference</td><td>14 deg.</td></tr> <tr> <td>Wind Velocity Heating</td><td>15mph</td></tr> <tr> <td>Wind Velocity Cooling</td><td>7 ½ mph</td></tr> <tr> <td>Coincident Wet Bulb</td><td>73</td></tr> <tr> <td>Daily Range</td><td>M</td></tr> </table>	Ground Snow Load	20psf	<u>Wind Design:</u>		Speed (mph)	115mph	Topographic effects	No	Special wind region	No	Windborne debris zone	No	Seismic Design Category	A	<u>Subject to damage from:</u>		Weathering	Severe	Frost Line depth	24 inches	Termite	Moderate to Heavy	Ice Barrier Underlayment	No	Flood Hazards	See Firm Maps dated		February 6, 2008	Air Freezing Index	500	Mean Annual Temperature	54.5	Elevation	981	Latitude	38	Winter Heating	15 deg.	Summer Cooling	89 deg.	Altitude Correction Factor	.97	Indoor Design Temperature	70 deg.	Design Temperature Cooling	75 deg.	Heating Temperature Difference	55	Cooling Temperature Difference	14 deg.	Wind Velocity Heating	15mph	Wind Velocity Cooling	7 ½ mph	Coincident Wet Bulb	73	Daily Range	M
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	Winter Humidity 30% TO 40% Summer Humidity 50 — 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"
<u>Section R311.7.5 Stair Treads and Risers</u>	<u>311.7.5.1 Riser Heights -- The maximum riser height shall be eight and one-quarter (8 ¼) inches.</u> <u>311.7.5.2 Tread Depth -- The minimum tread depth shall be nine (9) inches.</u>
<u>Section R403.1.7.1</u>	<u>Building Clearances from Ascending Slopes is not applicable to this rule.</u>
<u>Section R403-1.7.2</u>	<u>Footings Setbacks from Descending Slope Surfaces is not applicable to this rule.</u>
<u>Section P2603.6.1</u>	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 2018:	
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 <u>305.4.1</u>	Insert "30 inches" and "12 inches"
Section 904.1 <u>903.1</u>	Insert "12 inches"
International Mechanical Code 2015 <u>2018</u> :	
Section 101.1	Insert "the City of Charleston"
Section 106.5.2	Insert "See the Building Department Administrative Manual, Appendix A"
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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"
<u>Section 908.1 General</u>	<u>A cooling tower used in conjunction with an air-conditioning appliance shall be installed in accordance with the manufacturer's instructions. Factory-built cooling towers shall be listed in accordance with UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section 916.1 General</u>	<u>Pool and spa heaters shall be installed in accordance with the manufacturer's instructions. Oil-fired pool and spa heaters shall be tested in accordance with UL 1261. Pool and spa heat pump water heaters shall comply with UL 1995, UL/CSA 60335-2-40 or CSA C22.2 No. 236.</u> <u>Exception: Portable residential spas and portable residential exercise spas shall comply with UL 1563 or CSA C22.2 No. 218.1.</u>
<u>Section 918.1 Forced-Air furnaces</u>	<u>Oil-fired furnaces shall be tested in accordance with UL 727. Electric furnaces shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40. Solid fuel furnaces shall be tested in accordance with UL 391. Forced-air furnaces shall be installed in accordance with the listings and the manufacturer's instructions.</u>
<u>Section 918.2 Heat Pumps</u>	<u>Electric heat pumps shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section 1101.2 Factory-Built Equipment and Appliances</u>	<u>Listed and labeled self-contained, factory-built equipment and appliances shall be tested in accordance with UL 207, 412, 471, 1995, UL/CSA 60335-2-40, or UL/CSA 60335-2-89. Such equipment and appliances are deemed to meet the design, manufacture and factory test requirements of this code if installed in accordance with their listing and the manufacturer's</u>

	<u>instructions.</u>																																																																		
<u>Section 1101.6 General</u>	<u>Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15, IIAR 2. High probability systems utilizing A2L refrigerants shall comply with ASHRAE 15.</u>																																																																		
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	<u>UL</u>	<u>UL LLC</u>
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		<u>Northbrook, IL 60062-</u>
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		<u>Refrigerant Unit or</u>
		<u>Compressor</u>
<u>International Existing Building Code 20152018:</u>		
<u>Section 101.1</u>	<u>Insert "the City of Charleston"</u>	
<u>Section 1301.2</u>	<u>Insert "April 30, 2019"</u>	
<u>Omit reference to International</u> <u>Fire Code and substitute</u> <u>NFPA Life Safety Code 2021</u> <u>edition</u>		

International Energy Conservation Code 2009 2015:	
Section 101.1	Insert "the City of Charleston"
Section R402.4.1.2. Testing.	The Building or dwelling unit shall in lieu thereof have an air leakage rate not exceeding five air changes per hour in Climate Zones 3 through 8.
International Fuel Gas Code 2015 2018:	
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 <u>404.12</u>	Section 404.10 <u>404.12</u> 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 2018:	
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 <u>304.14</u>	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 "
2017 <u>2020</u> National Electrical Code, NFPA 70: [insert] <u>4.1.m.1</u> Section 201.8(F) GFCI Protection shall not be required on all new mini-split heating/ventilation/air-conditioning (HVAC equipment and other HVAC units employing power conversion equipment as a means to control compressor speed systems including but not limited to mini-split and A/C units until January 1, 2023. 4.1.k.1. <u>4.1.m.2</u> 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.	
<u>The 2018 edition of the International Swimming Pool and Spa Code.</u>	
2009 <u>2017</u> 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 <u>R313.1</u> or <u>R313.2</u> of the 2009 <u>2018</u> 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 <u>R313.1</u> or <u>R313.2</u> of the 2009 <u>2018</u> edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement. 5.2 Townhouses meeting the Fire-Resistant Construction Standard R302.2 will be treated as	

New One- and Two-Family Dwellings and shall comply with Section 5.1 above.

(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.