



1 three, chapter twenty-nine-a of this code to safeguard life and  
2 property and to ensure the quality of construction of all  
3 structures erected or renovated throughout this state through the  
4 adoption of a state building code. The rules shall be in  
5 accordance with standard safe practices so embodied in widely  
6 recognized standards of good practice for building construction and  
7 all aspects related thereto and have force and effect in those  
8 counties and municipalities adopting the State Building Code:  
9 *Provided*, That each county or municipality may adopt the code to  
10 the extent that it is only prospective and not retroactive in its  
11 application.

12 (b) The State Fire Commission has authority to propose rules  
13 for legislative approval in accordance with the provisions of  
14 article three, chapter twenty-nine-a of this code, regarding  
15 building construction, renovation and all other aspects as related  
16 to the construction and mechanical operations of a structure. The  
17 rules shall be known as the "State Building Code."

18 (c) The State Fire Commission shall propose a rule for  
19 legislative approval in accordance with the provisions of article  
20 three, chapter twenty-nine-a of this code to include the following  
21 building energy codes in the State Building Code:

22 (1) The 2009 edition of the International Energy Conservation  
23 Code for residential buildings or other building energy code or  
24 codes for residential buildings that meets or exceeds equivalent

1 energy savings; and

2       (2) The ANSI/ASHRAE/IESNA Standard 90.1-2007 building energy  
3 code for commercial buildings or other building energy code or  
4 codes for commercial buildings that meets or exceeds equivalent  
5 energy savings.

6       (d) The State Fire Commission has authority to propose rules  
7 for legislative approval, in accordance with the provisions of  
8 article three, chapter twenty-nine-a, establishing state standards  
9 and fee schedules for the licensing, registration, certification,  
10 regulation and continuing education of persons which will conduct  
11 inspections relating to the State Building Code, which include, but  
12 are not limited to, building code officials, inspectors, plans  
13 examiners and home inspectors.

14       (e) The State Fire Commission has authority to establish  
15 advisory boards as it deems appropriate to encourage representative  
16 participation in subsequent rule making from groups or individuals  
17 with an interest in any aspect of the State Building Code or  
18 related construction or renovation practices.

19       (f) For the purpose of this section, the term "building code"  
20 is intended to include all aspects of safe building construction  
21 and mechanical operations and all safety aspects related thereto.  
22 Whenever any other state law, county or municipal ordinance or  
23 regulation of any agency thereof is more stringent or imposes a  
24 higher standard than is required by the State Building Code, the

1 provisions of the state law, county or municipal ordinance or  
2 regulation of any agency thereof governs if they are not  
3 inconsistent with the laws of West Virginia and are not contrary to  
4 recognized standards and good engineering practices. In any  
5 question, the decision of the State Fire Commission determines the  
6 relative priority of any such state law, county or municipal  
7 ordinance or regulation of any agency thereof and determines  
8 compliance with state building code by officials of the state,  
9 counties, municipalities and political subdivisions of the state.

10 (g) Enforcement of the provisions of the State Building Code  
11 is the responsibility of the respective local jurisdiction. Also,  
12 any county or municipality may enter into an agreement with any  
13 other county or municipality to provide inspection and enforcement  
14 services: *Provided*, That any county or municipality may adopt the  
15 State Building Code with or without adopting the BOCA National  
16 Property Maintenance Code.

17 (h) After the State Fire Commission has promulgated rules as  
18 provided in this section, each county or municipality intending to  
19 adopt the State Building Code shall notify the State Fire  
20 Commission of its intent.

21 (i) The State Fire Commission may conduct public meetings in  
22 each county or municipality adopting the State Building Code to  
23 explain the provisions of the rules.

24 (j) The provisions of the State Building Code relating to the

1 construction, repair, alteration, restoration and movement of  
2 structures are not mandatory for existing buildings and structures  
3 identified and classified by the State Register of Historic Places  
4 under the provisions of section eight, article one of this chapter  
5 or the National Register of Historic Places, pursuant to 16 U.S.C.  
6 §470a. Prior to renovations regarding the application of the State  
7 Building Code, in relation to historical preservation of structures  
8 identified as such, the authority having jurisdiction shall consult  
9 with the Division of Culture and History, State Historic  
10 Preservation Office. The final decision is vested in the State  
11 Fire Commission. Additions constructed on a historic building are  
12 not excluded from complying with the State Building Code.

13 (k) The State Fire Commission has authority to propose rules  
14 for legislative approval, in accordance with the provisions of  
15 article three, chapter twenty-nine-a, establishing state standards  
16 for green plumbing and mechanical systems design and construction  
17 using the International Association of Plumbing and Mechanical  
18 Officials, Green Plumbing and Mechanical Code Supplement 2010:  
19 Provided, That each county or municipality may adopt the supplement  
20 to the extent that it is only prospective and not retroactive in  
21 its application.

NOTE: The purpose of this bill is to promote construction of water efficient public buildings; provide a uniform construction standard through adoption of International Association of Plumbing

and Mechanical Officials 2010, Green Plumbing and Mechanical Code Supplement; and to require its use when new public facilities are constructed. This bill, through the adoption and utilization of a International Association of Plumbing and Mechanical Officials 2010, Green Plumbing and Mechanical Code Supplement saves water and energy use and minimizes water and waste waster treatment expenses.

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