

1 **H. B. 4313**

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3 (By Delegates Manchin, Lawrence, Cann, Doyle,
4 Longstreth, Morgan, Stephens and Varner)

5 [Introduced January 26, 2012; referred to the
6 Committee on Political Subdivisions then the Judiciary.]

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10 A BILL to amend and reenact §8-12-13, of the Code of West Virginia,
11 1931, as amended, relating to authority of a municipality to
12 adopt a building code; and requiring that the building code be
13 the state building code.

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

15 That §8-12-13, of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED**
18 **RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND**
19 **MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST**
20 **MUNICIPALITIES.**

21 **§8-12-13. Building regulation; general and special codes; state**
22 **building code.**

23 ~~(a) The governing body of every municipality shall have~~
24 ~~plenary power and authority by ordinance or a code of ordinances~~

1 to:

2 ~~(1) Regulate the erection, construction, repair or alteration~~
3 ~~of structures of every kind within the corporate limits of the~~
4 ~~municipality, prohibit, within specified territorial limits, the~~
5 ~~erection, construction, repair or alteration of structures of wood~~
6 ~~or other combustible material, and regulate excavations upon~~
7 ~~private property;~~

8 ~~(2) Regulate electric wiring by prescribing minimum~~
9 ~~specifications to be followed in the installation, alteration or~~
10 ~~repair thereof; and~~

11 ~~(3) Regulate plumbing by prescribing the minimum~~
12 ~~specifications to be followed in the installation, alteration or~~
13 ~~repair of plumbing, including equipment, water and sewer pipe,~~
14 ~~traps, drains, cesspools and septic tanks.~~

15 ~~(b) Notwithstanding the provisions of subsection (a), all~~
16 ~~existing municipal building codes are void one year after the~~
17 ~~promulgation of a state building code by the State Fire Commission~~
18 ~~as provided in chapter twenty nine, article three, section five-b~~
19 ~~of this code.~~

20 ~~Upon the voidance of the municipality's existing building~~
21 ~~code, if the municipality votes to adopt a building code, it must~~
22 ~~be the state building code promulgated pursuant to chapter twenty-~~
23 ~~nine, article three, section five-b of this code.~~

24 ~~(c) The governing body of every a municipality shall have~~

1 ~~plenary power and authority~~ may by ordinance ~~or a code of~~
2 ~~ordinances to adopt such~~ the state building code promulgated by the
3 State Fire Commission.

NOTE: The purpose of the bill is clarify that if a municipality adopts a building code it must adopt the state building code.

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