

ORDINANCE 2019-02

AN ORDINANCE TO AMEND AND RE-ENACT PORTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF MARTINSBURG, PART SEVENTEEN – BUILDING AND HOUSING CODE, ARTICLE 1711 – WEST VIRGINIA STATE BUILDING CODE, SECTION 1711.01 – ADOPTION; AND REPEALING ORDINANCE NUMBER 2016-19 OF THE CITY OF MARTINSBURG, WEST VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARTINSBURG, WEST VIRGINIA:

Section 1711.01 – ADOPTION

There is hereby adopted by Council, the State Building Code as promulgated by the West Virginia State Fire Commission pursuant to West Virginia Code 29-3-5b and the provisions of Legislative Rule Title 87 Series 4 filed on February 22, 2019 which consists of the standards and requirements as set out and as published by the International Code Council, the American National Standards Institute, and the National Fire Protection Association as listed below, and shall have the same force and effect as if set out verbatim in this rule, except all references to the ICC Electrical Code mean NFPA 70, the 2014 National Electric Code. Wherever referenced in several ICC codes adopted below, any reference to the International Fire Code should be substituted with NFPA Life Safety Code 2015 edition.

(a) The 2015 International Building Code, with the following exceptions:

- i. Provided; that the section entitled “Fire Prevention” and identified as Section 101.4.5 is deleted and not considered to be a part of this rule.
- ii. Section 113.3 shall be modified to read as follows:

113.3 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and 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 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.

(b) The 2015 edition of the International Plumbing Code.

(c) The 2015 edition of the International Mechanical Code.

(d) The 2015 edition of the International Fuel Gas Code, with the following exception:

- i. Section 404.10 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.
- (e) The 2015 edition of the International Property Maintenance Code, with the following exception:
 - i. Section 110.3 Failure to Comply shall be modified to read as follows:

110.3 Failure to Comply. 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.
- (f) The 2009 edition of the International Energy Conservation Code for residential buildings.
- (g) The ANSI/ASHRAE/IESNA Standard 90.1-2010 edition for commercial buildings.
- (h) The 2015 edition of the International Residential Code, with the following exceptions:
 - i. Chapter 11 of the 2015 edition of the International Residential Code, seventh printing, entitled “Energy Efficiency”, is exempt from this rule.
 - ii. Section G2415.12 (404.10) 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.
 - iii. Section R311.7.5.1 Riser heights. The maximum riser height shall be eight and one-quarter (8 ¼) inches.
 - iv. Section R311.7.5.2 Tread depth. The minimum tread depth shall be nine (9) inches.
 - v. Section R403.1.7.1 Building clearances from ascending slopes is not applicable to this rule.
 - vi. Section R403.1.7.2 Footing setbacks from descending slope surfaces is not applicable to this rule.
- (i) The 2009 ICC/ANSI A117.1 Standards for Accessibility & Usable Buildings & Facilities.
- (j) The 2015 edition of the International Existing Building Code, with the following exception:

- i. Omit reference to International Fire Code and substitute NFPA Life Safety Code 2015 edition.
- (k) The 2014 edition of the National Electric Code, NFPA 70.
- (l) The 2015 edition of the International Swimming Pool and Spa Code.
- (m) Fire Protection of Floors in Residential Buildings:
 - i. 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 a method of fire protection of floors of a ½ inch (12.7 mm) gypsum wall board membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member. Alternatively, floor fire protection may be provided with 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. If the flooring does not meet the requirements of this section, the dwelling must contain an Automatic Fire Sprinkler System as set forth in Section R313.1 or R313.2 of the 2015 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 R313.1 or R313.2 of the 2015 International Residential Code for One and Two Family Dwellings are exempt from this requirement.
 - ii. Townhouses meeting the Fire Resistant Construction Standard R302.2 will be treated as New One and Two Family Dwellings and shall comply with Section (m)i above.
- (n) Exceptions.

The following structures are not subject to inspection by local jurisdictions:

Group U utility structures and storage sheds comprising an area not more than 200 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections, are a non-residential use or for the storage of explosives or other hazardous and explosive materials.

- (o) Availability of Code Books.

A copy of the codes listed is on file with the Secretary of State and with the City of Martinsburg Planning Department, 232 N. Queen Street, Martinsburg, WV 25401. These code books, collectively or separately, may be obtained by contacting the International

Code Council, 4051 West Flossmoor Rd., Country Club Hills, IL 60478-5795, 1-888-422-7233, or the ICC Store, 1-800-786-4452.

(p) Amendments.

The State Building Code, City of Martinsburg inserts are as follows:

(1) International Building Code 2015

Section 101.1, insert: Martinsburg, West Virginia

Section 1612.3, inserts: (Berkeley County, West Virginia and Incorporated Areas) and (July 7, 2009)

The City of Martinsburg hereby adopts the following IBC 2015 appendices:

Appendix C: Group U – Agricultural Buildings

Appendix E: Supplementary Accessibility Requirements

Appendix F: Rodent Proofing

Appendix G: Flood-Resistant Construction

Section G102.2, insert: July 7, 2009

Appendix H: Signs

Appendix I: Patio Covers

Appendix J: Grading

(2) International Residential Code 2015

Section R101.1, insert: Martinsburg, West Virginia

Table R301.2 (1), inserts: Ground snow load: 35 psf live load (equivalent)

Wind speed: 115 mph-3 second gust

Topographic Effects: No

Special Wind Region: No

Wind-borne Debris Zone: 1

Seismic Design Category: A

Weathering: Severe

Frost Line Depth: 30 inches

Termite: Yes

Winter Design Temp: 10 degrees

Ice Barrier Underlayment: Yes

Flood Hazards: (a) June 1979 (NFIP entry)

(b) 7/7/09 (Current FIS)

(c) FIRM Map 54003CIND0A

Effective date 7/7/09

Air Freezing Index: 1000

Mean Annual Temp: 50

Section P2603.5.1, insert: 24 inches (two locations)

The City of Martinsburg hereby adopts the following IRC 2015 appendices:

Appendix A: Sizing and Capacities of Gas Piping

Appendix E: Manufactured Housing Used as Dwellings

Appendix F: Radon Control Methods
Appendix G: Piping Standards for Various Applications
Appendix H: Patio Covers
Appendix K: Sound Transmission
Appendix M: Home Day Care R-3 Occupancy
Appendix R: Light Straw-Clay Construction
Appendix S: Strawbale Construction
Appendix U: Solar-Ready Provisions – Detached One and Two Family
Dwellings, Multiple Single Family Dwellings (Townhouses)

(3) International Existing Buildings Code 2015

Section 101.1, insert: Martinsburg, West Virginia
Section 1401.2, insert: August 1, 2016

The City of Martinsburg hereby adopts the following IEBC 2015 appendix:
Appendix B: Supplementary Accessibility Requirements for Existing
Buildings and Facilities

(4) International Plumbing Code 2015

Section 101.0, insert: Martinsburg, West Virginia
Section 106.6.2, insert: Article 1761 of Martinsburg Codified Ordinances
Section 106.6.3.2, insert: fifty percent (50%)
Section 106.6.3.3, insert: fifty percent (50%)
Section 108.4, insert: strict liability offense; three hundred (300); ten (10) days
Section 108.5, insert: one hundred (100); three hundred (300)
Section 305.4.1, insert: 24 inches (two locations)
Section 903.1, insert: 12 inches

The City of Martinsburg hereby adopts the following IPC 2015 appendices:
Appendix C: Structural Safety
Appendix D: Degree Day and Design Temperatures
Appendix E: Sizing of Water Pipe Systems

(5) International Mechanical Code 2015

Section 101.1, insert: Martinsburg, West Virginia
Section 106.5.2, insert: Article 1761 of Martinsburg Codified Ordinances
Section 106.5.3.2, insert: fifty percent (50%)
Section 106.5.3.3, insert: fifty percent (50%)
Section 108.4, insert: strict liability offense; three hundred (300); ten (10) days
Section 108.5, insert: one hundred (100); three hundred (300)

The City of Martinsburg hereby adopts the following IMC 2015 appendix:
Appendix A: Chimney Connector Pass-Throughs

(6) International Fuel Gas Code 2015

Section 101.1, insert: Martinsburg, West Virginia

Section 106.6.2, insert: Article 1761 of Martinsburg Codified Ordinances
Section 106.6.3.2, insert: fifty percent (50%)
Section 106.6.3.3, insert: fifty percent (50%)
Section 108.4, insert: strict liability offense; three hundred (300); ten (10) days
Section 108.5, insert: one hundred (100); three hundred (300)

The City of Martinsburg hereby adopts the following IFGC 2015 appendices:
Appendix A: Sizing and Capacities of Gas Piping (IFGS)
Appendix B: Sizing of Vent Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents (IFGS)
Appendix C: Exit Terminals of Mechanical Draft Systems and Direct-Vent Venting Systems (IFGS)
Appendix D: Recommended Procedure for Safety Inspection of an Existing Appliance Installation (IFGS)

(7) International Property Maintenance Code 2015

Section 101.1, insert: Martinsburg, West Virginia
Section 112.4, insert: one hundred (100); three hundred (300)
Section 302.4, insert: 10 inches
Section 304.14, insert: April 1 to October 1
Section 602.3, insert: October 1 to April 1
Section 602.4, insert: October 1 to April 1

The City of Martinsburg hereby adopts the following IPMC 2015 appendix:
Appendix A: Boarding Standard

(8) International Energy Conservation Code 2009

Section 101.1 insert: Martinsburg, West Virginia

The City of Martinsburg hereby adopts the following IECC 2009 appendix:
Appendix RB: Solar-Ready Provisions – Detached One and Two Family Dwellings, Multiple Single Family Dwellings (Townhouses)

(9) NFPA 70

The adoption of the State Building Code by the City of Martinsburg includes the adoption of NFPA 70, National Electric Code 2014, The annexes are explanatory and do not require adoption.

(q) Severability.

Be it further ordained that if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Martinsburg City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or

phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

THIS ORDINANCE SHALL TAKE EFFECT UPON PASSAGE.

Introduced: April 11, 2019

Adopted: May 9, 2019