

CITY OF OAK HILL
ORDINANCE 2026-X7
SECOND READING

NOW THEREFORE, be it ordained by the Council of the City of Oak Hill, in the
State of West Virginia, as follows:

SECTION 1: AMENDMENT “11.18.010” of the Oak Hill Municipal Code is hereby
amended as follows:

A M E N D M E N T

11.18.010 AMENDMENT

- A. There is adopted by reference, for the purpose of establishing rules and regulations, the State Building Code as promulgated by the West Virginia State Fire Commission pursuant to W. Va. Code 29-3-5(b) and the provisions thereof shall be controlling within the corporate limits of Oak Hill. One copy of the code, certified by the Fayette County Commission, shall be maintained on file in the office of the Fayette County Clerk, and shall be available to the public for inspection and use during all regular business hours.
- B. Any existing City ordinance that is more stringent or imposes a higher standard that is required by the above referenced codes shall govern, provided such ordinance is not inconsistent with the laws of West Virginia and is not contrary to recognized standards and good engineering practices.
- C. Any existing city ordinance that is less stringent or imposes a lower standard that is required by the above referenced codes is hereby amended to comply therewith.
- D. The standards and requirements as set out and as published by the International Code Council and American Standards Institute, and National Fire Protection Association, as listed below in this subsection, shall have the same force and effect as set out verbatim in this rule.

1. The 2018 or current edition, International Building Code, with the following exceptions:

- a. Provided; that the section entitled “Fire Prevention” and identified as Section 101.4.5 is deleted and not considered to be a part of the rule.
- b. The Board of Appeals shall be appointed by the Fayette County Commission and shall be the same Board of Appeals utilized by Fayette County.

2. The 2018 or current edition of the International Property Maintenance and Housing Code.
3. The 2018 or current edition of the International Plumbing Code.
4. The 2018 or current edition of the International Mechanical Code. The following shall be in addition to the current language found in the said edition of the reference code and section:
 - a. See International Mechanical Code, Section 908, Cooling Towers, Evaporative Condensers and Fluid Coolers.
 - (1) 908.1 General-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.
 - b. Section 916 Pool and Spa Heaters
 - (1) 916.1 General-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.
 - (2) Exception: Portable residential spas and portable residential exercise spas shall comply with UL 1563 or CSA C22.2 No. 218.1
 - c. Section 918 Forced-Air Warm-Air Furnaces
 - (1) 918.1 Forced-Air furnaces-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.
 - (2) 1918.2 Heat Pumps-Electric heat pumps shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40.
 - d. Section 1101 General
 - (1) 1101.2 Factory-Built Equipment and Appliances-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 603356-2-89. 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 instructions.
 - (2) 1101.6 General. 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, IIAE 2. High probability systems utilizing A2L refrigerants shall comply with ASHRAE 15. 5. The 2018 or current edition of the International Fuel Gas Code, with the following exception:

- a. Section 404.10 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.
6. The 2015 or current edition of the International Energy Conservation Code, for residential buildings, with the following exception:
- a. 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.
7. The 2018 or current edition of the International Residential Code for One and Two Family Dwellings, with exceptions:
- a. 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.
 - b. Chapter 11 of the 2018 or current edition of the International Residential Code for One- and Two-Family Dwellings, Seventh Printing, entitled "Energy Efficiency", is exempt from this rule.
 - c. Section M1402 Central Furnaces.
 - (1) M1402.1 General-Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or UL/CSA 60335-2-40.
 - d. Section M1403 Heat Pump Equipment
 - (1) M1403.1 Heat pumps-Electric heat pumps shall be listed and labeled in accordance with UL 1995 or UL/CSA 60335-2-40.
 - e. Section M1412 Absorption Cooling Equipment
 - (1) M1412.1 Approval of equipment-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.
 - f. Section M1413 Evaporative Cooling Equipment
 - (1) M1413.1 General-Evaporative cooling equipment and appliances shall comply with UL 1995 or UL/CSA 60335-240

and shall be installed in accordance with 4401.3 Referenced standard list.

g. Chapter 44 Referenced standards

h. Section R311.7.5 Stair Treads and Risers

(1) 311.7.5.1 Riser Heights- the maximum riser height shall be eight and one-quarter (8 1/4) inches. 311.7.5.2 Tread Depth The minimum tread depth shall be nine (9) inches.

i. Section R403.1.7.1 Building Clearances from Ascending Slopes is not applicable to this rule.

j. Section R403.1.7.2. Footings Setbacks from Descending Slope Surfaces is not applicable to this rule.

k. The 2017 or current ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings and Facilities.

l. The 2018 or current International Existing Building Code, with the following exception:

(1) Omit reference to International Fire Code and Substitute NFPA Life Safety Code 2018 or current edition.

m. The 2020 or current edition of the National Electrical Code, NFPA 70, with the following exception:

(1) Section 210.8(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 until January 1, 2023.

(2) 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.

n. The 2018 or current edition of the International Swimming Pool and Spa Code

o. Wherever referenced in the several ICC codes adopted in this section, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2021 or current edition.

p. Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 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. .

q. The ANSI/ASHRAE/IESNA Standard 90.1 2013 or current edition for commercial buildings.

(1) 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.

8. Fire Protection of Floors in Residential Buildings

a. 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 1/2 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 R313.1 or R313.2 of the 2015 or current 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 or current edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.*

b. 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.

9. Exceptions.

a. The following structures are not subjected to inspection by local jurisdictions:

(1) Group U utility structures and storage shed comprising an area not more than 200 square feet which have no plumbing or electrical connections and are used only for residential storage purposes. (examples include sheds that are for 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 storage of explosives or other hazardous explosive materials.

A copy of the codes listed herein is on file with the Secretary of State and the Oak Hill Building Safety Department. These code books, collectively or separately, may be obtained by contacting the publisher.

10. Unlawful acts: penalty; injunctive relief upon violation.

a. Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let another to occupy or permit another person to occupy any premises, property, structure or equipment regulated by the City of Oak Hill Building Code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of the code, or fail to obey a lawful order of the code official, or to remove or deface a placard on notice posted under the provisions of this code.

b. Penalty. A person who shall violate a provision of the Oak Hill Building Code upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

c. Injunction. In the case of any unlawful acts, the City Council or such person as the City Council may designate is hereby authorized and empowered to institute and maintain a suit to restrain by injunction the violation of the Building Code notwithstanding the penalty of the violation thereof.

11. Conflicts.

a. Whenever there arises a conflict between the State Fire Code and the State Building Code, the State Fire Code shall take precedence.

b. Whenever there arises a conflict between the International Plumbing

Code portion of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources shall take precedence.

c. Whenever there arises a conflict between the State Building Code and statutory laws of the State of West Virginia, the West Virginia Code shall take precedence.

d. In the event that any provision of the State Building Code conflicts with any provision of the electrical code adopted in this chapter, and

such conflicting provisions relate to electrical work, the applicable provisions of the electrical code shall prevail.

(Ord. 2-13-17)

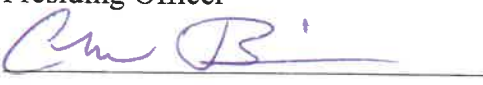
REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.


SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED SECOND READING BY THE CITY OF OAK HILL COUNCIL 3/9/2017.

	AYE	NAY	ABSENT	ABSTAIN
Bill Hannabass	✓			
Diana Janney	✓			
Roger Evans	✓			
Terry VanBuskirk	✓			
Tim Buskirk	✓			
Carlos (PJ) Elder Jr.	✓			
Chris Gill	✓			

Presiding Officer

Charles H. Briscoe Jr., Mayor
City of Oak Hill

Attest

Valerie Vaughn, Clerk/Treasurer
City of Oak Hill

