

ORDINANCE NO. PC 25-02

AN ORDINANCE ADOPTING THE WEST VIRGINIA STATE BUILDING CODE (87CSR4) AS THE MINIMUM BUILDING STANDARDS FOR HAMPSHIRE COUNTY, WEST VIRGINIA

WHEREAS, W.Va. Code §15A-11-5 authorizes the West Virginia State Fire Commission to promulgate and adopt the State Building Code, 87CSR4, effective August 1, 2022, through August 1, 2027;

WHEREAS, W.Va. Code §7-1-31l empowers Hampshire County Commission to adopt and enforce the State Building Code locally;

NOW, THEREFORE, BE IT ORDAINED by the Hampshire County Commission as follows:

SECTION 1: ADOPTION OF STATE BUILDING CODE

The Hampshire County Commission hereby adopts and incorporates by reference the mandatory minimum provisions of the West Virginia State Building Code (87CSR4), effective from August 1, 2022, through August 1, 2027. Specifically, the following national standards as listed and mandated by Section 4.1 of 87CSR4, including the stated exceptions therein, are incorporated and adopted herein:

- 2018 International Building Code (with stated exceptions)
- 2018 International Plumbing Code
- 2018 International Mechanical Code (with stated amendments)
- 2018 International Fuel Gas Code (with stated exceptions)
- 2015 International Energy Conservation Code (Residential Buildings, with stated exceptions)
- ANSI/ASHRAE/IESNA Standard 90.1-2013 (Commercial Buildings)
- 2018 International Residential Code for One- and Two-Family Dwellings (with stated exceptions)
- 2017 ICC/ANSI A117.1 American National Standard for Accessibility & Usable Buildings & Facilities
- 2018 International Existing Building Code (with stated exception)
- 2020 National Electrical Code (NFPA 70, with stated exceptions)
- 2018 International Swimming Pool and Spa Code

Optional appendices and discretionary codes are excluded.

SECTION 2: BOARD OF APPEALS

In accordance with 87CSR4 §4.1.a.2, the Hampshire County Commission shall maintain a local Board of Appeals. The Board shall consist of five (5) members, with up to three (3) alternates, who shall be qualified by experience and training in building construction matters and who shall not be employees of the County. At least one member of the Board shall be a West Virginia

Registered Professional Architect or Engineer, or a West Virginia Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical, or Fire Protection Contractor with at least ten (10) years of experience, five (5) of which must have been in responsible charge of work.

SECTION 3: AGRICULTURAL EXEMPTION

Pursuant to 87CSR4 §1.6 and §9, this ordinance shall not apply to buildings or structures used primarily for agricultural purposes, including agritourism facilities. If the Hampshire County Planning Office determines that there is insufficient evidence to clearly establish an agricultural or agritourism purpose, owners or responsible parties claiming this exemption must submit the necessary information to the West Virginia Commissioner of Agriculture to obtain a formal determination of eligibility. The subsequent exemption shall be effective upon a favorable determination by the Commissioner of Agriculture.

SECTION 4: ENFORCEMENT AND PENALTIES

The Hampshire County Commission will enforce the State Building Code as adopted herein. Violations shall be subject to penalties authorized by state law, except that penalties shall not include imprisonment.

SECTION 5: NOTIFICATION TO STATE FIRE COMMISSION

The County Clerk shall forward a certified copy of this Ordinance to the West Virginia State Fire Commission within thirty (30) days of its adoption, in compliance with 87CSR4 §7.1.

SECTION 6: SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are severable.

SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and shall remain in effect until August 1, 2027, unless amended or repealed by Hampshire County Commission.

Adopted this 10th day of June, 2025.

HAMPSHIRE COUNTY COMMISSION

By: Brian D. Eglinger
Brian Eglinger, President - Hampshire County Commission

Attest: Eric W. Strite
Eric Strite, County Clerk

Hampshire County
Eric W. Strite, Clerk
Instrument 239106
06/16/2025 @ 11:20:22 AM
ORDINANCE
Book 25 @ Page 281
Pages Recorded 2