

ORDERS — Commissioners Harrison County, W. Va.

Session Held

MONDAY, DECEMBER 28, 2009

Susan J Thomas
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ORDINANCE
INTERNATIONAL PROPERTY
MAINTENANCE CODE

County Commission

BK0079 P60028

AN ORDINANCE ADOPTING THE "INTERNATIONAL PROPERTY MAINTENANCE CODE", AS AUTHORIZED BY THE WEST VIRGINIA STATE FIRE COMMISSION, WHICH PROVIDES FOR THE REGULATION OF ALL MATTERS AFFECTING OR RELATING TO THE REPAIR AND MAINTENANCE OF STRUCTURES AND PREMISES WITHIN THE UNINCORPORATED AREAS OF HARRISON COUNTY.

WHEREAS the Legislative Rule of the State Fire Commission, Title 87, Series 4 (87CSR4) of the West Virginia Code of State Regulations, permits adoption of the International Property Maintenance Code without requiring adoption of the other national codes and standards included under the West Virginia State Building Code; and

WHEREAS, it is deemed necessary to properly regulate all matters relating to the repair and maintenance of all buildings, structures and premises within the unincorporated areas of Harrison County; and

WHEREAS, it is the intent of the Harrison County Commission to establish minimum property maintenance standards by adopting and putting into force and effect the International Property Maintenance Code pursuant to West Virginia Code §7-1-3n and Title 87, Series 4 (87CSR4).

NOW, THEREFORE, THE HARRISON COUNTY COMMISSION ORDAINS THAT

Section 1. ADOPT: The International Property Maintenance Code, as amended or revised by the WV State Fire Commission prior to or subsequent to adoption of this Ordinance, is hereby adopted, and all model codes and standards adopted thereunder are hereby adopted by reference as if fully set forth verbatim herein.

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Section 2. APPLICABILITY: The provisions of this Ordinance and the International

Property Maintenance Code adopted hereunder shall not apply to structures and premises occupied or used for agricultural purposes. For the purpose of this Ordinance, the term "agriculture" shall be deemed to mean the cultivation of plant crops or the raising of livestock. Agriculture is the organized use of land for the production of plant or animal food, fiber or landscape products. Beef and dairy farms, grain farms, orchards, plant nurseries, and tree farms are forms of agriculture.

Section 3. SAVINGS: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or rights acquitted or liability incurred, or any cause or causes under any act or ordinance repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. CONFLICTING ORDINANCES: Any existing ordinance that is more stringent or imposes a higher standard than is required by the International Property Maintenance Code shall govern, provided such ordinance is not inconsistent with the laws of the State of West Virginia and is not contrary to recognized standards and good engineering practices. Any existing ordinance that is less stringent or imposes a lesser standard than is required by the above-referenced code is hereby amended to comply therewith.

Section 5. DUTIES AND POWERS OF THE CODE OFFICIAL: The Code Official shall enforce the provisions of the International Property Maintenance Code. Priority shall be given to conditions that pose a public health and/or safety hazard, or that affect the general public. The code official shall issue all necessary notices and orders to ensure compliance. Upon failure of any person to comply with a notice of violation within the

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stipulated time, the code official shall issue a citation requiring that person to appear in Magistrate Court.

Section 6. INDEMNIFICATION OF CODE OFFICIAL: The code official, officer or employee charged with the enforcement of the International Property Maintenance Code, and the members of the Board of Appeals, while acting on behalf of the Harrison County Commission, shall not thereby be rendered liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties, and under the provisions of the International Property Maintenance Code shall be defended by the legal representative of the Harrison County Commission until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of the International Property Maintenance Code; and any officer acting in good faith and without malice shall be free from liability for acts performed under any of its provisions, or by reason of any act or omission in the performance of official duties in connection therewith.

Section 7. DUTIES OF LAW ENFORCEMENT PERSONNEL: It shall be the duty of the Harrison County Sheriff's Department to assist in the enforcement of the International Property Maintenance Code.

Section 8. VIOLATION PENALTIES: The Violation Penalties section of the International Property Maintenance Code is hereby amended and completed as follows:

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Any person who shall violate a provision of the International Property Maintenance Code, or fail to comply therewith, or with any of the requirements thereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. Failure to comply with a demolition order shall be deemed a violation subject to the penalties prescribed herein.

Section 9, SEVERABILITY: If any section, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reasons whatsoever, such decisions shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 10, JURISDICTION: Jurisdiction over the enforcement of this Ordinance shall be in the Magistrate Court of Harrison County.

Section 11, EFFECTIVE DATE: This Ordinance shall be deemed effective on the
1 Day of JAN, 2010, 2009.

INTRODUCED and PASSED at a regular meeting by the Harrison County Commission on first reading this 13 day of AUG, 2009.
INTRODUCED and PASSED at a regular meeting by the Harrison County Commission on second reading this 3 day of SEPT, 2009.


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PASSED and ADOPTED at a regular meeting by the Harrison County Commission on
third and final reading this 1 day of OCT, 2009.


President, Harrison County Commission

ATTEST:


Susan Thomas, County Clerk