

INTRODUCED BY:

Frank A. Mullens, Jr., Mayor

ORDINANCE NO:

2353

REFERRED TO:

APPROVED ON:

05-16-24

AN ORDINANCE TO AMEND SECTIONS 1511.01 AND 1511.02 OF ARTICLE 1511 OF THE CITY CODE OF THE CITY OF SOUTH CHARLESTON CONCERNING THE FIRE PREVENTION CODE

WHEREAS, the City of South Charleston has previously adopted fire prevention standards, including the fire code adopted by West Virginia's Fire Commission, in order to safeguard life and property in the City; and

WHEREAS, the Fire Commission recently amended the existing Legislative Rule on the Fire Code, 87 C.S.R. 1, and City Code should be updated to be consistent with the amended State Fire Code; and

WHEREAS, South Charleston City Code Section 1511.01, currently titled "National Fire Protection Association Code Adopted; Applicability," and Section 1511.02, titled "Definitions," should be updated, clarified, and reenacted;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOUTH CHARLESTON, WEST VIRGINIA, THAT ARTICLE 1511, SECTIONS 1511.01 AND 1511.02, BE AMENDED TO READ AS FOLLOWS:

1511.01 ADOPTION OF STATE FIRE CODE; CONFLICTS; CITATIONS.

(a) There is hereby adopted by the City, by reference as if set forth herein, for the purpose of safeguarding life and property, the State Fire Code as filed by the State Fire Commission pursuant to West Virginia Code 15A-11-3 as a Legislative Rule, Title 87, Series 1, with an effective date of May 1, 2024 (87 CSR 1), authorized by the West Virginia Legislature, as it may be amended from time to time, including but not limited to the following codes with modifications as noted in 87 CSR 1:

- (1) NFPA 1 (Fire Code), 2021 edition; and
- (2) NFPA 101 (Life Safety Code), 2021 edition.

The relevant NFPA codes may be viewed, at no cost, on the National Fire Protection Association website at the time of adoption of this ordinance.

(b) Conflicts.

- (1) Whenever there is a conflict between NFPA 1 and NFPA 101, the requirements of NFPA 101 shall take precedence.
- (2) Whenever there is a conflict between the State Building Code and the State Fire Code, the State Fire Code shall take precedence.
- (3) Whenever there is a conflict between the State Fire Code and the NFPA codes, the State Fire Code shall take precedence.

(c) The Fire Chief is authorized to issue citations for violations of the State Fire Code or for other violations of this article, including, but not limited to:

- (1) Failing to correct NFPA code items as directed by the Fire Chief.
- (2) Failing to provide inspection reports, records, or other documents as required by the Fire Chief.
- (3) Tampering with, or rendering inoperable, firefighting equipment, fire detection equipment, or fire alarm systems.
- (4) Illegally parking in a fire lane.

Each and every day during which any violation continues after notice has been given in writing shall be deemed a separate offense.

1511.02 DEFINITIONS.

As used in the Fire Prevention Code, the following terms are defined as follows:

"Bureau of Fire Prevention" means the bureau as set forth in Section 1505.01.

"City" means the City of South Charleston, West Virginia.

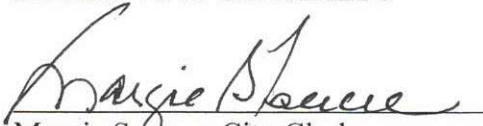
"Fire Chief" means the Chief of the Bureau of Fire Prevention, Chief of Fire Department of the City, or designee.

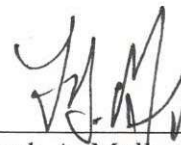
"NFPA" means the National Fire Protection Association.

"State Fire Code" means the entire contents of the State Fire Code, 87 CSR 1, and the referenced standards and codes.

This ordinance shall take effect immediately upon passage.

ATTEST AND CERTIFIED:


Margie Spence, City Clerk


Frank A. Mullens, Jr., Mayor

This ordinance was prepared by Moore & Biser PLLC, City Attorney.