

AN ORDINANCE AMENDING AND REENACTING ARTICLE 1509 OF THE CODE OF THE TOWN OF STAR CITY, AS AUTHORIZED BY WEST VIRGINIA CODE SECTION 15-11-3 *ET SEQ.* REGARDING THE AUTHORITY TO REGULATE THE SAFEGUARDING OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSION.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF STAR CITY, THAT ARTICLE 1509 IS AMENDED AND REENACTED AS FOLLOWS (additions underlined, deletions strike-through):

PART FIFTEEN - FIRE PREVENTION CODE

~~Art. 1509. West Virginia State Fire Code.~~

ARTICLE 1509

West Virginia State Fire Code

1509.01 Adoption of Code.

~~1509.02 Modifications.~~

~~1509.03 Appeals from actions of Chief of Fire Department.~~

~~1509.04 New materials, processes or occupancies which may require permits.~~

~~1509.99 Penalty.~~

1509.01 ADOPTION OF CODE.

There is hereby adopted and incorporated by reference as if set out at length herein, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosions, that certain code known as the West Virginia State Fire Code, which became effective March 30, 1984.

~~The Fire Marshal and other sworn officers of the Fire Department, as appointed by the Fire Chief, are hereby empowered to enforce the Fire Code and to issue summonses to violators of its provisions.~~

As authorized by West Virginia Code chapter fifteen, article eleven, section three (W.Va. Code 15-11-3), the West Virginia Fire Code and associated regulations as may be promulgated by the West Virginia Fire Commission are hereby adopted and incorporated by reference as if set out at length herein, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosions.

~~1509.02 MODIFICATIONS.~~

~~The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code adopted by this article upon application in writing by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of such Code; provided, that the spirit of such Code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the Fire Department, and a signed copy shall be furnished the applicant.~~

~~1509.03 APPEALS FROM ACTIONS OF CHIEF OF FIRE DEPARTMENT.~~

~~Whenever the Chief of the Fire Department disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code adopted by this article do not apply or that the true intent and meaning of the Fire Prevention Code have been misconstrued or~~

wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to Council within thirty days from the date of the decision appealed.

~~1509.04 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY~~

~~REQUIRE PERMITS.~~

~~—The Mayor, the Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the Fire Prevention Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.~~

~~1509.99 PENALTY.~~

~~—Whoever violates any provision of this Part Fifteen – Fire Prevention Code, for which no other penalty is provided or fails to comply therewith; or violates or fails to comply with any order made thereunder; or builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken; or fails to comply with such an order as affirmed or modified by Council or by a court of competent jurisdiction within the time fixed herein, shall severally for each such violation and noncompliance respectively, be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty pursuant to this section shall not be held to prevent the enforced removal of prohibited conditions.~~

~~(Passed: May 21, 2024)~~

First Reading: May 7, 2024

Public Hearing/Second Reading: May 21, 2024



Mayor



Recorder