



CITY OF OAK HILL

AGENDA

Structural Inspection Board - January 2020
January 07, 2020 - 6:00 PM

Call to Order

Roll Call

Reading and Approval of Minutes

[October](#) 3, 2019 Minutes

New Business

1. 101 Boley St.
2. Lot 99 Blk Minden SD Map 58M Parcel 122
3. Review of WV Community Development Block Grant Disaster Recovery (CDBG-DR) Demolition Program
4. Consideration to amend OHMC 11.04 Unsafe Structures

Adjournment

Item Attachment Documents:

October 3, 2019 Minutes



MINUTES

**Structural Inspection Board Meeting
October 03, 2019 - 6:00 PM**

The Structural Inspection Board held its regular quarterly meeting on Thursday, October 3, 2019 at 6:00 p.m. in the Council Chambers of Oak Hill City Hall.

Call to Order

The City Manager called the meeting to Order at approximately 6 p.m.

Present

- City Manager William C. Hannabass
- Fire Chief Ex-Officio member Tim Richardson
- City Engineer John Tuggle
- Member-At-Large Joshua Jones
- Mayor Daniel Wright

Reading and Approval of Minutes

Motion: Dispense with the reading of and approve the minutes of July 15, 2019.

Motion made by City Engineer Tuggle, Seconded by Fire Chief Ex-Officio member Richardson. Voting Yea: City Manager Hannabass, Fire Chief Ex-Officio member Richardson, City Engineer Tuggle, Member-At-Large Jones, Mayor Wright

Unfinished Business

1. ***Demo Reports for Hardy, Blackburn, Reid, Coffman, & Woodson***
The members reviewed the City Manager’s demolition reports for the above property owners. City Council is scheduled to review the reports at their next regular meeting on October 14, 2019 at approximately 6:30 p.m.
2. ***Y. Oliver and L. Johnson scheduled for demolition on 9/26.***
The City Manager explained Demolition began on September 26, 2019 for the structures owned by Y. Oliver and L. Johnson.
3. ***Pre-Bid Conference on Oct. 2019 for A. Sherer, C. Stockhouse, & Y. Warwick***
The Mandatory Pre-Bid Conference was held on October 1, 2019 at 9 a.m. with three bidders in attendance. All sealed proposals will be accepted until 3 p.m. on October 14, 2019; they will be opened at the regular meeting for City Council on October 14, 2019 at approximately 6:30 p.m.

- 4. **S. Blevins and Lawson/McDowell was tabled by Council in August and September**
 The City Manager informed the members of Council's decision to table the property owned by S. Blevins and Lawson/McDowell in August. The two structures were tabled again in September due to their attorney's request to table the items.

New Business

- 5. **Hs. #199 Minden Rd. / Owner: Lori Ann Byrd**

Description: Pt Lot 199 4 Minden, Map 58M, Parcel 62

The property is in violations of Oak Hill Municipal Code (OHMC) 11.04.010 A, 4. Those which have been damaged by fire or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City.

Motion: Recommend to City Council an order be issued to demolish the structure located at Hs # 199 Minden Rd., owned by Lori Am Byrd.

Motion made by City Engineer Tuggle, Seconded by Fire Chief Ex-Officio member Richardson.

Voting Yea: City Manager Hannabass, Fire Chief Ex-Officio member Richardson, City Engineer Tuggle, Member-At-Large Jones, Mayor Wright

The members expressed a need for clean-up of three properties located in Minden. The City Manager will contact the owners and request the parcels be cleaned up. He will update the members on their progress.

- 6. **205 Terry Ave., / Owner: Edwin Warfield.**

Description: 07 AC Surf Pt. Lot, Map 18, Parcel 387.01

Date of Loss: 3/28/2019. Notice of Lien recorded 4/30/2019 \$17,475.00

Contact: Jack Michael Johnson at Westfield Ins. 1 800 243-0210

The property is in violations of Oak Hill Municipal Code (OHMC) 11.04.010 A, 4. Those which have been damaged by fire or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City.

Motion: Recommend to City Council an order be issued to demolish the structure located at 205 Terry Ave., owned by Edwin Warfield.

Motion made by City Engineer Tuggle, Seconded by Fire Chief Ex-Officio member Richardson.

Voting Yea: City Manager Hannabass, Fire Chief Ex-Officio member Richardson, City Engineer Tuggle, Member-At-Large Jones, Mayor Wright

- 7. **215 Mayfair Ave. / Owner: Betty Adkins & Raymond Jones**

Description: Lot 41 Ogden Add. R/S, 09 Map 32, Parcel 162

The property is in violations of Oak Hill Municipal Code (OHMC) 11.04.010 A, 5. Those which have become or are dilapidated, decayed, unsafe, unsanitary or which so utterly fail

to provide the essentials to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein, or of the people of the City.

Motion: Recommend to City Council an order be issued to demolish the structure located at 215 Mayfair Ave., Owned by Betty Adkins and Raymond Jones.

Motion made by City Engineer Tuggle, Seconded by Member-At-Large Jones.
Voting Yea: City Manager Hannabass, Fire Chief Ex-Officio member Richardson, City Engineer Tuggle, Member-At-Large Jones, Mayor Wright

Adjournment

No further business, the meeting adjourned.

William C. Hannabass, City Manager

Date

Item Attachment Documents:

- 4. Review of WV Community Development Block Grant Disaster Recovery (CDBG-DR) Demolition Program**

RISE WEST VIRGINIA SLUM AND BLIGHT REMOVAL PROGRAM

PROGRAM OBJECTIVE AND DESCRIPTION: The purpose of the RISE West Virginia Slum and Blight Removal Program is to remove structures damaged by, or designated as slum and blight because of the June 2016 floods which, in turn, will promote the well-being of the community facilitating long-term recovery. Many homes and commercial properties have been abandoned by their owners in favor of relocating to higher ground. Immediately following the flood and into this year, the West Virginia National Guard utilized FEMA funding to tear down homes and remove personal property at no cost to the homeowner through the Private Property Debris Removal Program. While their efforts have been monumental, the National Guard, along with local emergency managers and code enforcement officials, have expressed that some areas within the affected counties are still left with remaining abandoned properties and have provided data to the State that corroborates this reality. Many of the local jurisdictions have already identified code enforcement cases but lack the funds to demolish the blighted structure. Areas that still have the most work left to do include the towns of Richwood and Clendenin in Kanawha County, where over 100 properties remain abandoned. The RISE West Virginia Slum and Blight Removal Program intends to continue the prior efforts of the Guard by working with local jurisdictions through their code enforcement offices to remove all standing structural components and any remaining debris. The purpose is to address slum and blight on a spot basis, and assist in the removal of vacant, deteriorated or abandoned buildings through code enforcement activities. The program will address voluntary and involuntary participation for any dwelling, building, structure, or property that is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes and constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

ADMINISTERING ENTITY: The RISE WV Slum and Blight Removal Program will be directly administered by the State through the West Virginia Department of Commerce.

GEOGRAPHIC AREA TO BE SERVED: Disaster declared counties: Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Monroe, Nicholas, Pocahontas, Roane, Summers, and Webster Counties. Eighty percent of the CDBG-DR funds will be awarded to those properties located in the most impacted counties of Clay, Greenbrier, Kanawha, and Nicholas.

PARTICIPATION: Applicants may submit an application requesting demolition of an applicant owned structure. Voluntary participation will be limited to persons who are deemed low- to moderate-income. The program will allow involuntary participation through local code enforcement officials across the 12 declared counties. The code enforcement officials will submit cases for consideration to the program by providing evidence of the violation of the local public nuisance ordinance.

ELIGIBILITY CRITERIA: All voluntary applicants must have had ownership interest in the property on June 26, 2016 and must currently own the property. The property must have been damaged by the flood, located in one of the 12 disaster declared counties, and currently be vacant. Eligible properties include both residential and commercial. For involuntary participation, a local jurisdiction may refer open code enforcement cases to the program for consideration of demolition activities.

PROGRAM PRIORITIES: Substantially damaged structures located in the floodway will be prioritized for demolition activities. Further, the State will prioritize outreach to owners of properties located in the floodway by utilizing FEMA flood zone data.

ELIGIBLE ACTIVITIES: Eligible under HCDA Sections 105(a)(3) and 105(a)(4).

NATIONAL OBJECTIVE: Elimination of Slum and Blight and/or Urgent Need [24 CFR 70.483(d)]
CDBG-DR Allocation: \$5,875,000

PROJECTED ACCOMPLISHMENTS: The State estimates it will be able to demolish up to 200 dilapidated properties.

START DATE: The State anticipates launching the Revitalize WV Demolition Program in the second quarter of 2018.

END DATE: The Revitalize WV Demolition Program will end upon the expenditure of all funds allocated for this program or within six years after the execution of the grant agreement with HUD.

BRIDGE HOME PROGRAM

PROGRAM OBJECTIVE AND DESCRIPTION: Given the state's rugged and rural landscape, many properties have only one access point via private roads with bridges, a substantial amount of which were damaged or destroyed during the flood. Due to the large amount of private, non-county maintained bridges that were damaged affected residents have limited or no access to their homes and some do not have access to evacuation routes. Homeowners and renters in West Virginia need this specific assistance. FEMA Public Assistance may not be available to repair these roads due to their lack of public maintenance, even though they provide critical emergency access to families and homeowners. Without the reconstruction of the private roads and bridges, residents will be at high risk when the next disaster occurs.

The State will coordinate with WVVOAD to administer the Bridge Home Program. Specifically, applicants will apply to the WV VOAD for assistance and WV VOAD will submit the applications of those residences located in Kanawha, Greenbrier, Nicholas and Clay Counties to WVDOC for review. WVDOC will review the applications for all eligibility criteria and process for assistance. Once an applicant is deemed eligible for assistance, WVDOC will fund the costs of repair. WV VOAD will provide the voluntary labor necessary to complete the repairs consistent with all program requirements. All bridges will be constructed in compliance with HUD environmental and all other applicable requirements. Additionally, bridges will be constructed to mitigate against future damage.

ADMINISTERING ENTITY: The Bridge Home Program will be directly administered by the State through the West Virginia Department of Commerce in partnership with the West Virginia VOAD.

GEOGRAPHIC AREA TO BE SERVED: Disaster declared counties: Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Monroe, Nicholas, Pocahontas, Roane, Summers, Webster.

ELIGIBILITY CRITERIA:

- Applicants must prove that the private bridge access was directly damaged or destroyed by the flood (DR 4273) and provides primary access to the target homes.
- Applicants should demonstrate that lack of access is a health and safety issue and provides emergency vehicle access.
- The private bridge should serve at least two residential properties, one of which must be a primary residence.

West Virginia CDBG-DR Demolition Intake Form

Today's Date: ___/___/___

Case Number: _____

Applicant (Property Owner) Information

First Name: _____ Middle Name: _____ Last Name: _____

Current Address: _____

City: _____ Zip: _____ County: _____

Address of damaged property:

City: _____ Zip: _____ County: _____

Phone Number: _____ (Cell Phone: Yes / No) Alt. Phone: _____ (Cell: Yes / No)

Email Address: _____

Best way to contact you: Phone Email Mail

Alias Name (if applicable): _____

Date of Birth (mm/dd/yyyy): ___/___/___ Social Security #: ___-___-___

Gender Male Female ****Attach Copy of Photo ID**

Residence Type / Tax Information / Ownership

What type of residence is this property? Single Family Home Mobile Home Commercial

Are all state, local and other taxes related to this property paid and up to date? Yes No

Name on tax records: _____

If there are special circumstances regarding ownership (i.e., death of owner, property trust, etc.) or are there other legal considerations, please describe:

Additional Property Information

Do you have deed on the property? Yes No Name on deed: _____

Do you have title to mobile home? Yes No Name on title: _____

Do you currently have a mortgage and/or equity line of credit on the damaged property? Yes No

Are you currently in a rent to own agreement? Yes No

Mortgage/Rent to Own holder Name: _____ Contact #: _____

Is there a Septic Tank on the property? Yes No (if unsure leave blank)

Is there a Well on the property? Yes No (if unsure leave blank)

Does the property have a Basement? Yes No

Insurance Information

Did you have Homeowner insurance? Yes No Amount Received _____

Did you have National Flood Insurance? Yes No (Attach Copy)

Amount Received _____ Is your policy active? Yes No

FEMA / SBA / Private Insurance / Assistance Received

Did you receive FEMA grant money? Yes No Amount Received _____

Residence in flood plain? Yes No Unknown

Event-related assistance from SBA? Yes No Status: _____ (paying, denied, did not use)

Other assistance received (i.e., insurance settlement, volunteer work, or other agency)

Did you receive any other types of assistance for repairs to your home or property (examples include but not limited to: Red Cross, Salvation Army, Community Foundation, Jewish Family Services etc.):

Assistance Type	Amount

Repairs Completed

Have you made any repairs to the house/property since the June 2016 flood? Yes No

If yes, please list what repairs have been completed and the financial source of the repair:

Repair Activity	Cost	Financial Source

Narrative

I, _____ State that this property is unoccupied, and was unoccupied at the time of applying. Hereby request that the structure(s) identified at the address above be voluntarily enrolled in the Clearance and Demolition Program, for the purpose of Demolishing the structure(s) and removing the debris from the property above. I understand that I will not have a new home built on my property by this program and that I do not wish to have a new home built on my property by the RISE WV Program.

Applicant Name: _____ Date: _____

Applicant Signature: _____ Date: _____

Witness Name: _____ Date: _____

Witness Signature: _____ Date: _____

Case number: _____

Name: _____

Damaged Address: _____

The homeowner is responsible for notifying all the utility providers that the home will be demolished. Please indicate the name of service provider, account number (if Known) and indicate if the service has been disconnected. If the service(s) have not been cancelled, disconnected, or removed from the property, please indicate. All utilities must be disconnected before demolition can occur.

Water Has Been disconnected.

Provider Name: _____

N/A if you have a private well. Do you request the it to be capped Yes or No

Electricity Has been disconnected

Provider Name: _____

Sewer Has been disconnected. N/A if you have a septic tank

Provider Name: _____

Gas Has been disconnected. Check here if no gas service at property

Provider Name: _____

Is there a propane tank located on the property? Yes or No

Provider Name: _____

Telephone Has been disconnected.

Provider Name: _____

Structures to be demolished and removed from the property.

Structure 1 Description: _____

Structure 2 Description: _____

Structure 3 Description: _____

Structure 4 Description: _____

Notes: _____

What should not be removed from property? Detail description

Structure 1 Description: _____

Structure 2 Description: _____

Notes: _____

Homeowner Signature: _____ Date: _____

If information was obtained via phone check here:

Manager Signature: _____ Date: _____

DIRECT BENEFIT DATA		
APPLICANT'S NAME:		
	YES/NO	
PRIMARY RESIDENCE ADDRESS:		COUNTY:
LOW INCOME 0-50%		
MOD INCOME 51-80%		
FEMALE HEADED HOUSEHOLD		
OWNER		
RENTER		
HISPANIC/LATINO		
RACE: American Indian or Alaska Native, Asian Black or African American, Native Hawaiian or Other Pacific Islander, or White		
Case Manager:		

For further information, please contact CDBG-DR Program Manager, Michelle Tharp Penaloza, at Michelle.D.Tharp@wv.gov or (304) 558-2234.

LETTER OF AGREEMENT FOR THE USE OF PII

Date: _____ (Month, Date, and Year)

Case ID: _____

County: _____

Applicant Name: _____

I agree to allow the State of West Virginia, WVARNG, HUD, FEMA, County representatives and other organizations as deems necessary to use my personal information requested by the said parties and willingly given by me to be used in the Slum & Blight Program.

Signature: _____

Witness: Name: _____

Signature: _____

RIGHT OF ENTRY AND HOLD HARMLESS AGREEMENT-WV RISE CLEARANCE AND DEMOLITION

Ownership Interest and Grant of Right and Blight of Entry for Slum and Blight.

The undersigned hereby certifies they/he/she area/is the owner(s) with authority to grant access to the property or authorized agent of such person, at (address) _____ ("Property") and do(es) hereby authorize the County of _____, the State of West Virginia, and the United States of America, WV ARNG, their agents, successors and assigns, contractors and subcontractors (collectively, the "Slum and Blight Entities") to have the right of access and to enter the property for purposes of performing demolition of structures determined unsafe.

- The undersigned certifies that no mortgage exists on said property.
- The undersigned certifies that no other liens or encumbrances exist on said property.

Government Not Obligated; No Expense Except For Insurance Proceeds

It is fully understood that this Right-Of-Entry does not create an obligation of the Slum and Blight Entities to perform debris removal and/or demolition. If determined necessary in accordance with Federal, State, and local regulations, debris removal/demolition of unsafe structures will be conducted at no expense to the property owner(s) on the above described property by personnel authorized by the State of West Virginia, although insurance reimbursement, compensation, or other proceeds paid to the property owner(s) for these activities resulting from the disaster-caused must be handled as set out below.

Government Indemnified and Held Harmless

The property owner(s) hereby agree to indemnify and hold harmless Entities for any damage of any type whatsoever to the above described property or to personal property and fixtures situated thereon, or bodily injury or death to persons on the property, and hereby releases, discharges and waives any and all actions, either legal or equitable, which the undersigned property owner(s) has (have), or ever might or may have, by reason of any action of aforesaid Slum and Blight Entities taken to accomplish the aforementioned debris removal/demolition.

Avoidance of Duplication of Benefits: Reporting Money Received

The undersigned understands and acknowledges that receipt of compensation or reimbursement for performance of aforementioned activities from any source, including FEMA, the U.S. Small Business Administration, insurance (flood, homeowner's, commercial, private, NFIP, or otherwise), an individual and family grant program or any other public assistance program that could constitute a duplication of benefits prohibited by federal law. In the event the undersigned receives any compensation from any source for the performance of the aforementioned activities on this property, or becomes aware that any other party has received such compensation, the undersigned will report it to the local County Office of Emergency Services (OES) and a Slum and blight case manager at 304-561-6201. This avoidance of duplication of benefits includes using reasonable efforts to pursue a claim for insurance or benefits available from another source, if available, and to report any such compensation or reimbursement when received.

Insurance Information – Flood, Homeowner’s, or Other

- The undersigned certifies there was not insurance coverage on the property during the June 2016 flooding event.
- The undersigned certifies there is/was insurance coverage on the property and my signature on this Right of Entry authorizes the following insurer(s) or agent(s) to release information relation to my coverage and payments for debris removal/demolition activities to the City/County identified herein and/or to the State of West Virginia and/or agencies of the government of the United States of America, including FEMA. Please fill out all applicable insurance information.

Homeowner’s Insurance:	Flood Insurance:	Other Insurance:
Company: _____	_____	_____
Policy: _____	_____	_____
Claim: _____	_____	_____
NFIP Insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Signature(s) and Witnesses

Property Owner(s) Authorized Agent

Privacy Act Statement: The Property Owner(s) Authorized Agent acknowledge(s) that information submitted will be shared with other government agencies, federal and nonfederal, WV ARNG, and contractors, their subcontractors and employees for purposes of disaster relief management and for the objectives of this Right of Entry. This form is signed in order to allow access to perform debris removal/ and/or demolition operations at part of the Slum and Blight program, on the above-mentioned property and authorize the release of insurance policy and claim information and to clear any 3rd party interests in the subject structures.

For considerations and purposes set forth herein, I/we hereby agree to the conditions above on _____ day of _____, 20_____.

Property Owner/Owner’s Authorized Agent:

_____	_____
(Print Name)	(Signature)

Current Address: _____

Current Telephone: _____ Alternate Telephone: _____

Please Provide a Copy of the following

Photo ID

Title

DEED

Property Tax Doc

Damage Verification

County: _____

Date : _____

Address: _____

Owner: _____

Case Number: _____

Subject: To provide verification that the structure listed above received damage, or was made worse by the storm in late June 2016.

1. I hereby verify that the structure listed above, was directly impacted, or was in an area that can be confirmed to have sustained damage by flooding, wind, runoff, mud/land slides or rain as a result of the late June 2016 Storm.
2. This damage has significantly impacted, or made worse, the above-mentioned property and now poses a threat to the health and safety of those around it.
3. For questions, please contact the undersigned.

Name: _____

Phone: _____

Signature: _____

Item Attachment Documents:

5. Consideration to amend OHMC 11.04 Unsafe Structures

11.04 Unsafe Structures

[11.04.010 Definitions](#)

[11.04.020 Structural Inspection Board; Procedure](#)

[11.04.030 Council Procedure; Right Of Appeal.](#)

[11.04.040 Service Of Notice And Orders](#)

[11.04.050 Enforcement](#)

[11.04.060 Penalty](#)

Cross References - Authority to regulate - see W. Va. Code 8-12-16.

11.04.010 Definitions

The following terms when used in this chapter, shall have the meanings respectively ascribed to them:

1. All buildings or structures which have any or all of the following defects shall be deemed "dangerous structures":
 1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
 2. Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
 3. Those which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
 4. Those which have been damaged by fire or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City.
 5. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the essentials to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein, or of the people of the City.
 6. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
 7. Those which have inadequate facilities for departure therefrom in case of fire or panic, or those having insufficient stairways, elevators or fire escapes.
 8. Those which have parts thereof which are in such condition or are so attached that they may fall and injure persons or property.
 9. Those which because of their conditions are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this City.

10. Those buildings existing in violation of any provisions of the Building Code or any other ordinance of this City.
2. "Property owner" includes persons who are the record owners of the property in question according to the records in the office of the Clerk of the County Court of Fayette County, West Virginia.
3. "Occupant" includes the person or persons known to be occupying a particular premises, whether in the day or at night time and whether for business or residential purposes.
4. "Board" means the Structural Inspection Board.

(Ord. 8-4-64)

11.04.020 Structural Inspection Board; Procedure

1. Structural Inspection Board Established. There is hereby created an enforcement agency for this chapter to be known as the Structural Inspection Board, which Board shall consist of the Mayor, City Manager, City Engineer and one member at large, the latter to be selected by and to serve at the will and pleasure of Council. The ranking Health Officer, if there is one, and the Fire Chief shall serve as ex-officio members of the Board.
2. Regular Meetings of Board. Regular meetings of the Board shall be held four times annually, one such meeting to be held at 7:30 p.m. in the Council Chambers, on the first Monday each of July, October, January and April; provided, that should any such meeting fall on a legal holiday it shall be held on the following Monday at the same time and place aforesaid.
3. Special Meetings of the Board. Special meetings of the Board shall be held at the direction of Council or the Mayor, or upon the receipt by any member of the Board of written and signed complaint from any person advising of the existence of a dangerous structure, or on the joint request of any two members of the Board. Such meetings shall be held at the direction of Council or Mayor and shall be held on the date directed by Council or the Mayor. Other such special meetings shall be held not later than the second Monday following the receipt of the written complaint or the joint request by the two Board members.
4. Action on Written Complaints. Upon the receipt of the written and signed complaint of any person complaining of the condition of any structure located within the corporate limits, the Board or any member thereof shall cause an investigation of the structure to be made by the City Manager, City Engineer, Fire Chief or Health Officer, whichever is appropriate to the nature of the complaint, and when considered necessary or desirable the Board shall request of the inspecting official a written report describing the conditions and facts which his investigation revealed.
5. Action on Oral Complaints. Upon the receipt of an oral complaint from any member of Council, the Police Chief or the Fayette County Health Sanitarian, or on its own motion, the Board or any members thereof shall cause an investigation and report to be made as provided in Part D hereof.
6. Consideration of Complaint; Inspection Report. At the next meeting following the receipt of any written or oral complaint as described in Parts D and E hereof, the

Board shall hear and examine the report of the inspecting official and any other pertinent evidence concerning the structure. The Board shall then make written finding of fact and determine whether any of the defects described in OHMC 11.04.010 Part A exist, in, on or about the structure in question, which written findings shall be forwarded to Council.

7. Findings and Recommendations. If the findings are that any of the defects described in OHMC 11.04.010 Part A exist in, on or about the structure in question, the Board shall include in its report to Council a recommendation in accordance with the following standards:
 1. If the dangerous structure can be reasonably repaired so that it will no longer exist in violation of the terms of this chapter it shall be ordered repaired.
 2. If the dangerous structure is being occupied by human beings either during the day time or at night time, regardless of the frequency or infrequency of such occupancy and if such structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of the occupants, it shall be ordered to be vacated.
 3. If the existence of the dangerous structure cannot be reasonably and practically dealt with under the provisions of Parts A and B above, it shall be ordered demolished.
 4. If the dangerous structure must be demolished, and if it is of such nature as to require a replacement thereof to be made in order that the property on which it is located will be utilized so as to avoid encroachment on public property or public rights, then it shall be ordered demolished and replaced.
8. Notice to Property Owner and Occupant. At the same time that the written report described in Parts F and G hereof is forwarded to Council, a copy thereof together with a notice directing the property owner, and the occupant if any, to appear before Council at the next meeting thereof, shall be served on the property owner, and the occupant, if any, in the manner hereinafter provided.

The notice to the property owner shall advise him that the purpose of his appearance before Council is to show cause why he should not be ordered to repair, vacate, demolish or demolish and replace the structure.

The notice to the occupant, if any, shall advise him that the purpose of his appearance before Council is to show cause why he should not be ordered to vacate the structure.

(Ord. 8-4-64)

11.04.030 Council Procedure; Right Of Appeal.

1. Council Meeting to Which Notice Returnable. Council shall, at the meeting at which the notice served on the property owner is returnable, examine and consider the findings and recommendations made by the Board as described in this chapter.
2. Rights of Property Owner, Occupant and Other Interested Person. At the meeting described in Part A hereof, the property owner, occupant and any other interested persons shall be given the opportunity to present any evidence pertinent to the

matter under consideration. The property owner, occupant and other interested persons shall also have the right to demand the presence of any person on whose testimony the Board based its findings, and to cross-examine such persons. Upon good cause shown, Council may in its discretion postpone its consideration of the matter until the next regular meeting of Council or until a special meeting, for the purpose of allowing the property owner, occupant and other interested persons to present further evidence concerning the subject under consideration.

3. Determination Whether Structure in Violation. Upon Council's completion of consideration of the findings and recommendations submitted by the Board and of any matter presented by the property owner, occupant and other interested persons, it shall be determined by majority vote of the Council whether or not the structure in question is in violation of this chapter. If Council determines that the structure is in violation of this chapter, it shall issue an order to the property owner and the occupant, if any, in accordance with the standards stated in Part G.
4. Contents and Service of Order. The order of Council shall require the performance be begun in compliance with the order within a reasonable time, as stated in the order, which time shall be not sooner than five days and not later than twenty days following service of the order. The order shall also contain a notice to the property owner advising that at the next regular meeting of Council following the expiration of the period of time given in the order that Council will consider a resolution authorizing the City to perform the repair, demolition, or demolition and replacement of the structure in question upon the failure of the property owner to do so. This order shall be served on the property owner in the manner provided in this chapter.
5. Resolution Authorizing Improvement. Following the expiration of the period of the time given in the order to the property owner to begin performance of the repair, demolition or demolition and replacement of the structure in question, Council may pass a resolution authorizing the performance of the repair, demolition or demolition and replacement of the structure under the City's supervision and control.
6. Notice for Consideration of Assessments Resolution. Upon completion of the repair, demolition, demolition and replacement of the structure in question, where the property owner has declined to do the same, and the City has performed or caused to be performed the repair, demolition or demolition and replacement, Council shall require of and examine a report from the Engineer or other persons charged by Council with the supervision of the work, showing an itemization of the cost incurred in performing the work. Council shall then cause an order to be served on the property owner as provided in this chapter, which order shall be accompanied by a copy of the itemized list of costs, advising the property owner that unless the same is paid, an assessment lien will be laid on the property in question. This order shall further advise the property owner that at the next regular Council meeting following the expiration of twenty days from the date of service of the order, Council will consider the adoption of a resolution laying the assessment.
7. Resolution Laying Assessment. At the Council meeting of which the property owner has been given notice, Council shall pass a resolution laying the assessment, the amount of which shall be the cost of making the improvement less the value of the material salvaged, and all costs involved in the giving of notice and otherwise following the procedure under this chapter. The property owner shall be given an

opportunity at such meeting to contest the legality of the assessment and the amount thereof.

8. Recordation of Assessment. Following the adoption of any resolution laying an assessment, as provided in Part G hereof, the City Clerk shall have a copy of the same recorded in the Office of the Clerk of the County Court of Fayette County, West Virginia.
9. Property Owner, Right of Appeal. The property owner or any other interested person shall have the right at any time after proceedings under this chapter are initiated, and before the expiration of the period of time during which the property owner pursuant to order must have begun performance of repairs, vacation, demolition or demolition and replacement, to appeal to the Circuit Court of Fayette County for a temporary injunction restraining further proceedings under this chapter pending final disposition of the cause.
10. Occupant, Right of Appeal. The occupant or any other interested person shall have the right, at any time after proceedings under this chapter are initiated, and before the expiration of the period of time during which the premises must have been vacated pursuant to order, to appeal to the Circuit Court of Fayette County for temporary injunction restraining further proceedings under this chapter pending final disposition of the cause.

(Ord. 8-4-64)

11.04.040 Service Of Notice And Orders

1. Notices Issued by Board. All notices issued by the Board shall be signed by the Mayor and/or City Manager and directed to the appropriate county sheriff of this State to be served in the manner provided by the law of this State.
2. Notices or Orders Issued by Council. All notices or orders issued by Council under this chapter shall be signed by the City Clerk and shall be directed to the appropriate county sheriff of this State to be served in the manner provided by the law of this State.
3. Service by Publication. In the event that the property owner and occupant, if any, are nonresidents of this State, such notices or orders may be served by the publication thereof once a week for three successive weeks in a newspaper published in Fayette County.
4. Posting of Notices and Orders. In addition to the service of notices or orders as provided in Parts A, B, and C hereof, copies thereof shall be posted in a conspicuous place in the premises or structure affected by the notices or orders.

(Ord. 8-4-64)

11.04.050 Enforcement

1. Dangerous Structures Declared Nuisance. All dangerous structures within the terms of OHMC 11.04.020 Part A hereof are declared to be public nuisances, and shall be

repaired, vacated, demolished or demolished and replaced as provided in this chapter.

2. Remedies. Nothing provided in this chapter shall be construed or interpreted to preclude or prevent the City or Council from following other procedures and using other remedies where the same are duly authorized by law, in the abatement of or correction of the conditions described in OHMC 11.04.020 Part A.

(Ord. 8-4-64)

11.04.060 Penalty

1. Property Owners. The owner of any property on which there exists a dangerous structure who fails to comply with any notice or order to repair, vacate, demolish or demolish and replace the structure, which notice or order has been duly issued and served as provided in this chapter, shall be fined not exceeding two hundred dollars (\$200.00) for each offense, and a further sum of one hundred dollars (\$100.00) for each and every day such failure to comply continues beyond the date fixed for compliance.
2. Occupants. The occupant of any dangerous structure who fails to comply with any notice to vacate in accordance with any notice or order duly issued and served as provided in this chapter shall be fined not exceeding one hundred dollars (\$100.00) for each offense, and the further sum of fifty dollars (\$50.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

(Ord. 8-4-64)

WEST VIRGINIA CODE: §8-12-16

§8-12-16. Ordinances regulating the repair, alteration, improvement, closing, demolition, etc., of structures, dwellings or buildings that are unsafe, unsanitary, dangerous or detrimental to the public safety or welfare; procedures.

(a) For the purposes of this section:

(1) "Code enforcement agency" means either a code enforcement department as defined by 87 CSR 7-2, as may be amended, or an enforcement agency as permitted by subsection (c) of this section.

(2) "Code enforcement agency official" means any lawful agent of a code enforcement agency.

(3) "Owner" or "landowner" means a person who individually or jointly with others:

(A) Has legal title to the property, with or without actual possession of the property;

(B) Has charge, care or control of the property as owner or agent of the owner;

(C) Is an executor, administrator, trustee or guardian of the estate of the owner;

(D) Is the agent of the owner for the purpose of managing, controlling or collecting rents; or

(E) May control or direct the management or disposition of the property.

(4) "Unsafe, unsanitary, dangerous or detrimental to the public safety or welfare" means:

(A) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings;

(B) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress;

(C) Any portion of a dwelling, building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to an extent that it is likely to partially or completely collapse, or to become detached or dislodged;

(D) Any portion of a structure or building, or any member, appurtenance or ornamentation on the exterior that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-

half the original designed value;

(E) The dwelling, building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way;

(F) The dwelling, building or structure, or any portion, is clearly unsafe for its use;

(G) The dwelling, building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals, criminal activity or enables persons to resort to the dwelling, building or structure for committing a nuisance or an unlawful act;

(H) Any dwelling, building or structure constructed, exists or maintained in violation of any specific requirement or prohibition applicable to any dwelling, building or structure provided by the approved building or fire code of the jurisdiction or of any law or ordinance that presents either a substantial risk of fire, building collapse or any other threat to life and safety;

(I) A dwelling, building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, contamination by any hazardous substance or material including, but not limited to, substance resulting from the illegal manufacture of drugs, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code enforcement agency to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;

(J) Any dwelling, building or structure, because of a lack of sufficient or proper fire resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health; or

(K) Any portion of a building that remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned.

(b) Plenary power and authority are hereby conferred upon every municipality to adopt ordinances regulating the repair, alteration or improvement, or the vacating and closing or removal or demolition, or any combination, of any structure, dwelling or building, whether used for human habitation or not, that is unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.

(c) The governing body in formally adopting any ordinance under this section shall designate the enforcement agency, which shall consist of the code enforcement agency as provided by

the state building code and authorized by section five-b, article three, chapter twenty-nine of this code and section thirteen, article twelve, chapter eight of this code; or municipal officials as may otherwise be authorized by this code; or municipal officials or agents as authorized by rules promulgated by the State Fire Commission and approved by the Legislature; or municipal officials or agents as may otherwise be authorized by the State Fire Commission. Notwithstanding any provision of this code to the contrary, for the purposes of this section any municipality that has not adopted the state building code may designate an enforcement agency consisting of the mayor, the municipal engineer or building inspector and one member at large, to be selected by and to serve at the will and pleasure of the mayor, and the ranking health officer and fire chief who shall serve as ex officio members of the enforcement agency.

(d) Any ordinance adopted under the provisions of this section must provide fair and equitable rules of procedure and any other procedures required by law or necessary and appropriate to guide the code enforcement agency, or its officials, in the investigation of any structure, dwelling or building conditions, and in any corrective action taken by the code enforcement agency.

(e) When a code enforcement agency official enters the premises of the property for investigating or inspecting any structure, dwelling or building, the investigation shall be performed to minimize the inconvenience to the owner or persons in possession and shall be consistent with the following:

(1) Except in exigent circumstances and as permitted by law, the enforcement agency shall provide reasonable advance notice to the owner and request permission from the owner to enter the property.

(2) If the owner cannot be located after reasonable inquiry by the code enforcement agency as required by this section, or if the owner refuses entry, the code enforcement agency may obtain an administrative search warrant from either the municipal court or the magistrate court located in the jurisdiction of the municipality or county where the structure, dwelling or building is located. Before obtaining an administrative search warrant, a code enforcement agency official is required to make a sworn statement and prima facie case showing that the code enforcement agency was unable to gain access to the structure, dwelling or building after reasonable and good faith efforts, and that there is a legitimate and substantial safety concern involving the structure, dwelling or building that supports the requested entry.

(3) If granted by the court, and if the owner can be located, the code enforcement agency shall provide the owner a copy of the administrative search warrant five days before entering the property. If applicable, the code enforcement agency shall also provide the same notice to any tenant or other person in possession of the structure, dwelling or building.

(4) Entry is for the sole purpose of inspection of the structure, dwelling or building for

unsafe or unsanitary conditions and not for the purpose of criminal prosecution or gathering evidence for use in any criminal charge or proceeding unrelated to the unsafe or unsanitary condition of the structure, dwelling or building.

(f) The governing body of every municipality has plenary power and authority to adopt an ordinance providing for the vacating, closing, removal or demolition of any dwelling, structure or building by the municipality in the absence of owner agreement or court order: Provided, That the ordinance requires the code enforcement agency to provide lawful notice to and undertake reasonable efforts to seek agreement from the owner before taking any action permitted by this section and shall comply with the requirements set forth in this subsection:

(1) Any ordinance adopted under this subsection applies only to dwellings, structures or buildings which meet the definition of unsafe, unsanitary, dangerous or detrimental to the public safety or welfare as set forth in:

(A) Paragraph (C), (E) or (H), subdivision (4), subsection (a) of this section; or

(B) Paragraph (F), (G), (I) or (K), subdivision (4), subsection (a) of this section: Provided, That the dwelling, building or structure is vacant, abandoned or has been lawfully declared unfit for human habitation; and the reasonable estimated cost of repair, rehabilitation or corrective action exceeds the fair market value of the dwelling, building or structure.

(2) Any ordinance adopted under this subsection must provide for the following:

(A) The code enforcement agency shall produce a written notice containing the date of the last inspection, the name of the inspector, a reasonable description of the unsafe, unsanitary, dangerous, or detrimental condition(s), the corrective measures required, the allotted time to correct the substandard condition(s) and the allotted time the owner has to apply to the circuit court for a temporary injunction or other similar relief restraining action by the enforcement agency.

(B) The notice shall be served upon the owner or landowner by conspicuously posting and attaching a copy of the notice to the subject property, and by serving the notice on the owner or landowner in the same manner as service of a complaint as set forth in subsection (j) of this section.

(C) If the code enforcement agency cannot effect personal service on the owner, a code enforcement agency official shall subscribe a written affidavit, to be maintained for a minimum of two years, that demonstrates the structure, dwelling or building falls within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section sets forth the basis in reasonable detail including documentation of same, and memorializes the code enforcement agency official's efforts to contact or get permission for entry and corrective action from the owner; and the code enforcement agency shall publish notice of its intent to enter the property for the purpose of demolition or correction, along

with the address of the property, the name of the owner(s) and the date of the proposed action, as a Class II legal advertisement consistent with the requirements of section two, article three, chapter fifty-nine of this code, the first of which shall run at least thirty days before the date of the proposed action by the enforcement agency, and the last being no later than twenty days before the date of the proposed action by the enforcement agency.

(D) If there is no response to the notice by the owner or landowner in the time specified in the notice, then the municipality shall have the authority to proceed in correction or demolition of the subject dwelling, building or structure.

(3) It shall be an absolute defense to any civil action by an owner, landowner or tenant for damages resulting from the closure, demolition or other corrective action taken by a municipality under this section: Provided, That the municipality acted in good faith, can demonstrate that the structure, dwelling or building falls within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section, the municipality followed the procedures set forth in this subsection and the municipality had adopted the state building code at the time of the closure, demolition or other corrective action occurred.

(4) Any ordinance adopted under this subsection must also provide for notice to the owner of the right of the owner to apply to the circuit court for a temporary injunction or other similar relief restraining correction or demolition by the enforcement agency. If the application is made by the owner, a hearing shall be had within twenty days of the application, or as soon as reasonably possible.

(A) Continuances of the hearing provided for in this subdivision may be made for cause only. If a continuance is granted upon request by the owner, the owner is required to pay into court, in the form of a bond, any reasonable and necessary costs related to the property likely to be incurred by the municipality during the continuance.

(B) At the conclusion of a hearing held under this subdivision, if the court finds that the property is unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare, the court shall make and enter an order granting the relief as requested by the municipality. The court may disburse any moneys paid into court by the owner in accordance with this section.

(g) The governing body of every municipality has plenary power and authority to adopt an ordinance requiring the owner of any dwelling or building under determination of the State Fire Marshal, as provided in section twelve, article three, chapter twenty-nine of this code, or under order of the code enforcement agency of the municipality, to pay for the costs of repairing, altering or improving, or of vacating and closing, removing or demolishing any dwelling or building and may file a lien against the real property in question for an amount that reflects all costs incurred by the municipality for repairing, altering or improving, or of vacating and closing, removing or demolishing any dwelling or building.

(h) Every municipality may also institute a civil action in circuit court against the landowner or other responsible party to get an order to take corrective action up to and including

demolition of any structure, dwelling or building that is unsafe, unsanitary, dangerous or detrimental to the public safety or welfare; and to recover all reasonable costs and expenses incurred by the municipality with respect to the property and for reasonable attorney fees and court costs incurred in the prosecution of the action:

(1) No fewer than ten days before instituting a civil action as provided in this subsection, the municipality shall send notice to the landowner by certified mail, return receipt requested, advising the landowner of the governing body's intention to institute such action.

(2) The notice shall be sent to the most recent address of the landowner of record in the office of the assessor of the county where the subject property is located and to any other address for the landowner as may exist on record with the municipality. If, for any reason, such certified mail is returned without evidence of proper receipt, the municipality shall resend the notice(s) by first class mail, postage prepaid, and shall also post notice on the front door or other conspicuous location on the subject property.

(i) To the extent not otherwise authorized by state law, all notices of violation or correction for violations that do not fall within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section issued by the enforcement agency of a municipality that has adopted the state building code shall be served in accordance with the process set forth in the state building code. All notices of violation or correction orders for violations that do not fall within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section issued by a code enforcement agency of a municipality that has not adopted the state building code shall be served in accordance with the law of this state concerning the service of process in civil actions, except that personal service may be made by a code enforcement agency official and the method of service effectuated by mail by the clerk of a court as permitted by Rule 4(d)(1)(D) of the West Virginia Rules of Civil Procedure is effectuated by mailing by a code enforcement agency official and shall be posted in a conspicuous place on the property that is the subject of the notice of violation or correction.

(j) Any violation of an ordinance adopted under this section, may be prosecuted by the municipality consistent with state and local laws. Unless otherwise authorized by state law, prosecution of a violation shall be initiated by a complaint presented to and sworn or affirmed before a municipal judge or other municipal official with lawful authority to hear and determine violations of municipal code in the municipality where the offense is alleged to have occurred. Unless otherwise provided by statute, the presentation and oath or affirmation shall be made by a code enforcement agency official or municipal attorney showing reason to have reliable information and belief. If from the facts stated in the complaint the municipal judge or other municipal official with lawful authority to hear and determine violations of municipal code finds probable cause, the complaint becomes the charging instrument initiating a criminal proceeding. A complaint lawfully authorized by this subsection along with a summons setting forth the date, time and place of appearance before a municipal judge and or other municipal official with lawful authority to hear and determine violations of municipal code shall be served in accordance with the law of the

State of West Virginia concerning the service of process in civil actions, except that personal service of a summons and complaint may be made by a code enforcement agency official. If service is made by certified mail under Rule 4(d)(1)(D) of the West Virginia Rules of Civil Procedure and delivery of the summons and complaint is refused, the code enforcement agency official, promptly upon the receipt of the notice of the refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, a copy of the summons and complaint. If the first class mailing is not returned as undeliverable by the U. S. Postal Service, service of the summons and complaint is presumed to have been effectuated. Upon service of the summons and complaint consistent with this subsection, the violation may be prosecuted consistent with state and local law.

WV Legislature

WEST VIRGINIA CODE: §29-3-5B

§29-3-5b. Promulgation of rules and statewide building code.

(a) The State Fire Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state through the adoption of a State Building Code. The rules shall be in accordance with standard safe practices so embodied in widely recognized standards of good practice for building construction and all aspects related thereto and have force and effect in those counties and municipalities adopting the State Building Code: Provided, That each county or municipality may adopt the code to the extent that it is only prospective and not retroactive in its application.

(b) The State Fire Commission may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code, regarding building construction, renovation and all other aspects as related to the construction and mechanical operations of a structure. The rules shall be known as the State Building Code.

(c) The State Fire Commission shall propose a rule for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to include building energy codes in the State Building Code.

(d) (1) The State Fire Commission may propose rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code, establishing state standards and fee schedules for the licensing, registration, certification, regulation and continuing education of persons which will conduct inspections relating to the State Building Code, which include, but are not limited to, building code officials, inspectors, plans examiners and home inspectors.

(2) The State Fire Commission shall propose rules for legislative approval requiring applicants for home inspector licensing, registration or certification to submit to a state and national criminal history record check as set forth in this section and may deny licensing, registration or certification based upon the results of the criminal history record check.

(e) The State Fire Commission may establish advisory boards as it considers appropriate to encourage representative participation in subsequent rulemaking from groups or individuals with an interest in any aspect of the State Building Code or related construction or renovation practices.

(f) For the purpose of this section, the term "building code" is intended to include all aspects of safe building construction and mechanical operations and all safety aspects related thereto. Whenever any other state law, county or municipal ordinance or regulation of any

agency thereof is more stringent or imposes a higher standard than is required by the State Building Code, the provisions of the state law, county or municipal ordinance or regulation of any agency thereof governs if they are not inconsistent with the laws of West Virginia and are not contrary to recognized standards and good engineering practices. In any question, the decision of the State Fire Commission determines the relative priority of any such state law, county or municipal ordinance or regulation of any agency thereof and determines compliance with State Building Code by officials of the state, counties, municipalities and political subdivisions of the state.

(g) Enforcement of the provisions of the State Building Code is the responsibility of the respective local jurisdiction. Also, any county or municipality may enter into an agreement with any other county or municipality to provide inspection and enforcement services: Provided, That any county or municipality may adopt the State Building Code with or without adopting the BOCA National Property Maintenance Code.

(h) After the State Fire Commission has promulgated rules as provided in this section, each county or municipality intending to adopt the State Building Code shall notify the State Fire Commission of its intent.

(i) The State Fire Commission may conduct public meetings in each county or municipality adopting the State Building Code to explain the provisions of the rules.

(j) The provisions of the State Building Code relating to the construction, repair, alteration, restoration and movement of structures are not mandatory for existing buildings and structures identified and classified by the State Register of Historic Places under the provisions of section eight, article one of this chapter or the National Register of Historic Places, pursuant to 16 U. S. C. §470a. Prior to renovations regarding the application of the State Building Code, in relation to historical preservation of structures identified as such, the authority having jurisdiction shall consult with the Division of Culture and History, State Historic Preservation Office. The final decision is vested in the State Fire Commission. Additions constructed on a historic building are not excluded from complying with the State Building Code.