



OFFICE OF
CITY MANAGER

CITY OF CLARKSBURG

WEST VIRGINIA

PRESS RELEASE

Release Date: August 18, 2014

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FOR IMMEDIATE RELEASE

Court Rules Clarksburg's City Building Code Properly Enacted

CLARKSBURG, WV - By an order entered on August 13, 2014 in the case of Hall, et al v. City of Clarksburg, pending in the Circuit Court of Harrison County, Judge James Matish ruled that the City Building Codes were properly enacted. The Court also ruled that the Hall plaintiffs could not challenge the validity of the ordinances because they waited too long to contest the validity of the ordinance and the City incurred expenses, to their detriment, in enforcing the ordinances.

The two codes being contested by the plaintiffs were Ordinance No. 03-16, enacted in September, 2003 and 08-15, enacted in June, 2008. The judge also ruled that it was against public policy to challenge an ordinance on procedural grounds after such a long period of time after there has been public reliance on the validity of the City ordinances in conforming their property to the State Building Code.

One of the positions taken by Plaintiffs was that a Code Inspector, employed at that time, was not property certified. The Court ruled that whether or not the Code Inspector was certified would not make the City ordinances invalid.

The Court did not address the issue of whether the ordinances, as properly adopted, contained provisions inconsistent with the laws of West Virginia or contrary to recognized standards and good engineering practices. The Circuit Court ruled under the West Virginia Code that if the

City ordinance contained such provisions then the priority of such portions of the ordinance, if inconsistent, would be determined by the State Fire Marshall's office.

Judge Matish, denied the Plaintiffs claim for declaratory relief on whether the City gave notice of the adoption of the City Building Code by ruling that the City was not required to provide notice to the State Fire Commission.

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