

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

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AUG 9 1 00 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #7

Effective Date

Sept. 16, 1994

NOTICE OF AN EMERGENCY RULE

AGENCY: STATE FIRE COMMISSION TITLE NUMBER: 87

CITE AUTHORITY: 29-3-5b

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES XX NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: IV

TITLE OF RULE BEING AMENDED State Building Code

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY:

TITLE OF RULE BEING FILED AS AN EMERGENCY:

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

(See attachment)

Public Hearing was held on June 23, 1994

Use Additional Sheets If Necessary.


Signature

560

STATE FIRE COMMISSION

FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY

Chapter 29, Article 3, Section 5b of the West Virginia Code authorizes the State Fire Commission to promulgate the State Building Code.

The State Building Code and the State Fire Code work in harmony to achieve a safe environment in buildings and structures. These two codes provide the latest technology for building safety. If only one of the two documents submitted is approved as an emergency rule, then consistency will not be achieved in building designs.

In the interest of public safety the approval of this code is imperative to provide the latest technology for building safety.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: State Building Code

Type of Rule: X Legislative Interpretive Procedural

Agency State Fire Commission

Address 2100 Washington Street, East
Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	HEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERNATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of above estimates:

Non-applicable

3. Objectives of these rules:

The objective of these rules provides for up-to-date technology in building construction. These rules provide minimum standards to ensure the public safety, health and welfare insofar as they are affected by building construction. And to secure safety to life and property from hazards incident to the occupancy of buildings, structures or premises.

Rule Title: State Building Code

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

These proposed rules provides the Fire Commission with updated technology in building construction. There is no cost to the State for filing these codes.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

Utilization of the 1993 BOCA Building Codes will provide the latest technology in building construction to all concerned citizens.

C. Economic Impact on Citizens/Public at Large.

With the adoption of the 1993 BOCA Building Codes, a more viable program for enhancing minimum standards to ensure public safety, health and welfare through the latest building construction technology will be provided to West Virginians.

Date: August 8, 1994

Signature of Agency Head or Authorized Representative



DATE: August 8, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: State Fire Commission

EMERGENCY RULE TITLE: State Building Code

1. Date of Filing August 8, 1994

2. Statutory authority for promulgating emergency rule:

29-3-5b

3. Date of filing of proposed legislative rule: August 8, 1994

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?

Amends current legislative rule

5. Has the same or similar emergency rule previously been filed and expired?

Yes

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.

Public safety, health and welfare of the public, is provided through

proper building design and renovations. To ensure public safety, the

utilization of the latest technology in model building codes is imperative.

West Virginia's Building Code is used throughout the State, the Society

of Engineers and Architects, as well as city governments have requested the adoption of this up-to-date technology for construction and maintaining safe buildings.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

ADA requirements included with the revised building code.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

Adoption of the building code as proposed will provide viable options to architects, engineers and enforcement agencies in complying with this up-to-date technology for building safety. The building code has been revised by the model code organization to include ADA requirements for compliance to the federal law.

WEST VIRGINIA
STATE BUILDING CODE

Rules
of the West Virginia
State Fire Commission

Approved by Secretary, Department of Military Affairs and Public
Safety.


Major General Joseph J. Skaff

August 5, 1994
Date


Bill L. Spencer, Chairman

July 28, 1994
Date

STATE FIRE COMMISSION
State Capitol
Charleston, West Virginia

TITLE 87
LEGISLATIVE RULES
STATE FIRE COMMISSION
SERIES 4
STATE BUILDING CODE

87-4-1 GENERAL

1.1 Scope: These rules and regulations establish the rules and regulations considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure the quality of construction of all structures erected or renovated throughout this state.

1.2 Authority: West Virginia State Code 29-3-5b.

1.3 Filing Date: July 1, 1993

1.4 Effective Date: July 1, 1993

1.5 Incorporation of other Documents: This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Section 4.1 of these rules and regulations. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

87-4-2 DEFINITIONS

2.1 Building code, includes all aspects of safe building construction and mechanical operations and all safety aspects related thereto.

2.2 Fire marshal, means the West Virginia State Fire Marshal and/or his designated representatives.

2.3 Fire Commission, means the ~~eleven (11)~~ thirteen (13) appointed members of the West Virginia State Fire Commission.

2.4 Local jurisdiction, means municipal or county level government.

2.5 State Building Code, means the entire contents of this rule and the referenced national codes.

2.6 BOCA refers to the "Building Officials & Code Administrators International", 4051 Flossmor Road, Country Club Hills, Illinois, 60477-5795.

2.7 CABO refers to the "Council of American Building Officials", 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041.

87-4-3 CONFLICTS

3.1 Whenever there arises a conflict between the "state fire code" and the "state building code", the ~~"state fire code"~~ more stringent code shall take precedence.

3.2 Whenever there arises a conflict between the BOCA National Plumbing Code section of the "state building code" and the rules of the West Virginia State Board of Health, the rules of the Board of Health shall take precedence.

3.3 Whenever there arises a conflict between the "state building code" and statutory laws of the State of West Virginia, the West Virginia State Code shall take precedence.

87-4-4 NATIONAL STANDARDS AND CODES

4.1 The standards and requirements as set out and as published by the Building Officials & code Administrators International and the Council of American Building Officials, as listed below, shall have the same force and effect as if set out verbatim in this rule:

The BOCA National Building Code,
~~Eleventh~~ Twelfth Edition, ~~1990~~ 1993

The BOCA National Plumbing Code,
~~Eighth~~ Ninth Edition, ~~1990~~ 1993

The BOCA National Mechanical Code,
~~Seventh~~ Eighth Edition, ~~1990~~ 1993

The BOCA National Property Maintenance Code,
~~Third-Fourth~~ Edition, ~~1990~~ 1993
However, Section PM-104.4 "Right of Entry" may be adopted or rejected at the option of the local jurisdiction.

The BOCA National Energy Conservation Code
~~Sixth~~ Seventh Edition, ~~1990~~ 1993

The CABO One - and Two-Family Dwelling Code
~~1989~~ 1992 Edition

4.1.1 The following structures shall not be subject to inspection by local jurisdictions:

4.1.1.a Group U utility structures and storage sheds comprising an area not more than 150 sq. ft. which have no plumbing or electrical connections and are utilized only for residential storage purposes. (Examples include storage sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections or are used for the storage of explosives or other hazardous or explosive materials.

4.2 A copy of the codes listed in Section 4.1 of this rule have been filed with the Secretary of State. These code books, collectively or separately, may be obtained by contacting the Building Officials & Code Administrators International, 4051 West Flossmoor Road, Country Club Hills, Illinois 60477-5795, telephone 708/799-2300; or BOCA International Regional Offices, 3592 Corporate Drive, Suite 107, Columbus, Ohio 43231, telephone 614/890-1061.

87-4-5 ADOPTION BY LOCAL JURISDICTION

5.1 Each local jurisdiction adopting the State Building Code shall notify the State Fire Commission in writing. A copy of the ordinance or order shall be sent to the State Fire ~~Administrator~~ Marshal, West Virginia State Fire Commission, State Capitol ~~Building, Room EB-64 Complex~~, Charleston, West Virginia 25305, within thirty (30) days of adoption.

5.2 Each local jurisdiction which adopts the State Building Code shall have responsibility for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

5.3 Throughout the national codes, as adopted in Section 4.1 of this rule, there are discretionary provisions which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. It is therefore the intent of these rules to further authorize each local jurisdiction to further complete, by order or ordinance, those respective areas which are indicated to be completed by the adopting "jurisdiction".

5.4 Within the penalty sections of each of the national codes, as adopted in Section 14.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of these rules is to be considered optional with each adopting local jurisdiction.

5.5 Each of the national codes, as adopted in Section 4.1 of this rule, provides for a separate appeals board, however; the intent and requirements for an appeal board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

87-4-6 EXISTING BUILDING CODES

6.1 All building codes which have been adopted by local jurisdictions prior to the passage of West Virginia Code 29-3-5b, shall be null and void one year following the effective date of the State Building Code of April 28, 1989.

87-4-7 SEVERABILITY

7.1 The sections and subsections of these rules and regulations are severable. Should any section or sub section be ruled unconstitutional by judicial opinion or in any manner contrary to the laws of the State of West Virginia, then such opinion or enactment shall invalidate only that particular section or subsection of these rules and regulations and all other sections shall remain in full force and effect: Provided, that such remaining portions are not determined to be inseparable, and to this end these rules and regulations are declared severable.



The Department of Military Affairs and Public Safety

BILL L. SPENCER
Chairman

JOSEPH J. BOSTAR, III
Vice-Chairman

WILLIAM D. SITES
Secretary

GASTON CAPERTON, GOVERNOR
MAJOR GENERAL JOSEPH J. SKAFF
Secretary

State Fire Commission
State Capitol Complex
Charleston, West Virginia 25305

WALTER SMITTLE III
State Fire Marshal
Phone (304) 558-2191
FAX (304) 558-2537

N E W S R E L E A S E

The West Virginia State Fire Commission will conduct a public hearing on the proposed adoption of the 1994 National Fire Codes as part of the State Fire Code and the proposed adoption of the 1993 BOCA Codes as part of the State Building Code.

The public hearing will take place at the State Capitol, East Wing, Room E-215, at 10:00 AM, June 23, 1994. All interested individuals or organizations are encouraged to attend the public hearing or submit written comments to: State Fire Commission, c/o Mr. Bill L. Spencer, Chairman, 2100 Washington Street, East, Charleston, WV 25305. For additional information, please contact the State Fire Commission at (304) 558-2191 during regular business hours.

MAILING LIST

NAME	ADDRESS	CITY	STATE	ZIP	REMARKS
BARBOUR DEMOCRAT	PO BOX 459	PHILIPPI	WV	26416	WEEKLY-WEDNESDAY
BECKLEY REGISTER/HERALD	801 NORTH KANAWHA ST.	BECKLEY	WV	25801	DAILY-SUNDAY
BLUEFIELD DAILY TELEGRAPH	P. O. BOX 1599	BLUEFIELD	WV	24701	DAILY-SUNDAY
BRAXTON CITIZEN'S NEWS	501 MAIN	SUTTON	WV	26601	WEEKLY-MONDAY
BRAXTON DEMOCRAT/CENTRAL	P. O. BOX 427	SUTTON	WV	26601	WEEKLY-FRIDAY
BUCKHANNON RECORD-DELTA	7 NORTH LOCUST ST.	BUCKHANNON	WV	26201	WEEKLY-MON & WED.
CABELL RECORD	1035 THIRD AVE.SUITE 201	HUNTINGTON	WV	25701	WEEKLY-WEDNESDAY
CHARLESTON DAILY MAIL	1001 VIRGINIA ST. E.	CHARLESTON	WV	25301	DAILY-SUNDAY
CHARLESTON GAZETTE	1001 VIRGINIA ST. E.	CHARLESTON	WV	25301	DAILY-SUNDAY
CLARKSBURG EXPONENT/TELEGRAM	324-326 HEWES AVE.	CLARKSBURG	WV	26301	DAILY-SUNDAY
CLAY COUNTY FREE PRESS	BOX 180, CHURCH ST.	CLAY	WV	25043	WEEKLY-TUESDAY
COAL VALLEY NEWS	P. O. BOX 508	MADISON	WV	25130	WEEKLY-WEDNESDAY
DOMINION POST	GREER BLDG. RT. 7	MORGANTOWN	WV	26505	DAILY, SUNDAY
PAYETTE TRIBUNE	417 MAIN STREET	OAK HILL	WV	25901	WEEKLY-MONDAY & THURSDAY
GRANT COUNTY PRESS	47 SOUTH MAIN ST.	PETERSBURG	WV	26847	WEEKLY-WEDNESDAY
GRANTSVILLE NEWS	P. O. BOX 400	GRANTSVILLE	WV	26147	WEEKLY-THURSDAY
GUYANDOTTE VOICE	P. O. BOX 4508	CHAPMANVILLE	WV	25508	WEEKLY-WEDNESDAY
HAMPSHIRE REVIEW	P.O. DRAWER 1036	ROMNEY	WV	26757	WEEKLY-WEDNESDAY
HANCOCK COUNTY COURIER	BOX 547	NEW CUMBERLAND	WV	26047	WEEKLY-THURSDAY
HERALD RECORD	202 EAST MAIN	WEST UNION	WV	26456	WEEKLY-TUESDAY
HINTON DAILY NEWS	BOX 1000, 210 SECOND AVE	HINTON	WV	25951	WEEKLY-TUESDAY
HOMETOWN NEWS	P.O. BOX 597	MADISON	WV	25130	WEEKLY
HURRICANE BREEZE	P. O. BOX 336	HURRICANE	WV	25526	WEEKLY-WEDNESDAY
INDEPENDENT HERALD	P. O. BOX 100, RT. 10E	PINEVILLE	WV	24974	WEEKLY-WEDNESDAY
INDUSTRIAL NEWS	P. O. BOX 180	LAAGER	WV	24844	WEEKLY-WEDNESDAY
MEADOW RIVER POST	BOX 747	RAINEILLE	WV	25962	WEEKLY-THURSDAY
MINERAL DAILY NEWS-TRIBUNE	24 ARMSTRONG ST.	KEYSER	WV	26726	DAILY
MOUNDSVILLE DAILY ECHO	P. O. BOX 369	MOUNDSVILLE	WV	26041	DAILY
MOUNTAIN ECHO	24 ARMSTRONG ST.	KEYSER	WV	26726	WEEKLY-SATURDAY
MOUNTAIN STATESMAN	914 WEST MAIN ST.	GRAPTON	WV	26354	WEEKLY-TUES.THURS. & SAT.
PARKERSBURG NEWS	519 JULIANA STREET	PARKERSBURG	WV	26101	DAILY-SUNDAY
PARKERSBURG SENTINEL	519 JULIANA STREET	PARKERSBURG	WV	26101	DAILY
PARSONS ADVOCATE	212 MAIN ST.	PARSONS	WV	26287	WEEKLY-WEDNESDAY
PENNSBORO NEWS	407 MAIN STREET	PENNSBORO	WV	26415	WEEKLY-WEDNESDAY
PLEASANTS COUNTY LEADER	P. O. BOX 27	ST. MARYS	WV	26170	WEEKLY-SATURDAY
POINT PLEASANT REGISTER	200 MAIN STREET	POINT PLEASANT	WV	25550	DAILY
PRESTON COUNTY JOURNAL	P. O. BOX 587	KINGWOOD	WV	26537	WEEKLY-MONDAY & THURSDAY
PRESTON COUNTY NEWS	BOX 225, 226 WASHINGTON AVE	TERRA ALTA	WV	26764	WEEKLY-THURSDAY
PRINCETON TIMES	P.O. BOX 1199	PRINCETON	WV	24740	WEEKLY-THURSDAY
REGISTER HERALD/POST REPORT	107 NORTH LAFAYETTE STREET	LEWISBURG	WV	24901	WEEKLY-WEDNESDAY
RICHWOOD NEWS-LEADER	P. O. BOX 591	RICHWOOD	WV	26261	WEEKLY-WEDNESDAY
ROANE COUNTY REPORTER	P. O. BOX 647	SPENCER	WV	25276	WEEKLY-THURSDAY
SPIRIT OF JEFFERSON ADVOCATE	P. O. BOX 966	CHARLES TOWN	WV	25414	WEEKLY-THURSDAY
ST. MARYS ORACLE	P. O. BOX 27	ST. MARYS	WV	26170	WEEKLY-WEDNESDAY
THE BROOKE NEWS	P. O. BOX 591	WELLSBURG	WV	26070	WEEKLY-THURSDAY

MAILING LIST

NAME	ADDRESS	CITY	STATE	ZIP CODE	REMARKS
THE CALHOUN CHRONICLE	P. O. BOX 400	GRANTSVILLE	WV	26147	WEEKLY-THURSDAY
THE CARBIDER	BOX 8361	SOUTH CHARLESTON	WV	25303	
THE CATHOLIC SPIRIT	P. O. BOX 951	WHEELING	WV	26003	WEEKLY-FRIDAY
THE CLAY HERALD	RT. 4, BOX 5	CLAY	WV	25043	WEEKLY-MONDAY
THE FOLLANSBEE REVIEW	P. O. BOX 591	WELLSBURG	WV	26070	WEEKLY-THURSDAY
THE GLENVILLE DEMOCRAT	P. O. BOX 430	GLENVILLE	WV	26351	WEEKLY-THURSDAY
THE GLENVILLE PATHFINDER	206 EAST MAIN STREET	GLENVILLE	WV	26351	WEEKLY-THURSDAY
THE HERALD DISPATCH	946 5TH AVENUE	HUNTINGTON	WV	25720	DAILY, SUNDAY
THE INTELLIGENCER	15TH/MAIN STREETS	WHEELING	WV	26003	DAILY
THE INTER-MOUNTAIN	P. O. BOX 1339	ELKINS	WV	26241	DAILY
THE JACKSON HERALD	P.O. BOX 31/117 COURT ST.	RIPLEY	WV	25271	WEEKLY-WEDNESDAY
THE JACKSON STAR NEWS	P. O. BOX 10	RAVENSWOOD	WV	26241	WEEKLY-WED & SAT
THE JACKSON STAR NEWS	BOX 10, RACE STREET	RAVENSWOOD	WV	26164	WEEKLY-WED. & SATURDAY
THE LINCOLN JOURNAL	BOX 308, 337 WALNUT ST.	HAMLIN	WV	25523	WEEKLY-WEDNESDAY
THE LOGAN BANNER	BOX 720, 435 STRATTON ST.	LOGAN	WV	25601	DAILY, SUNDAY
THE MONROE WATCHMAN	P. O. BOX 179	UNION	WV	24983	WEEKLY-THURSDAY
THE MONTGOMERY HERALD	406 LEE STREET	MONTGOMERY	WV	25136	WEEKLY-WEDNESDAY
THE MOOREFIELD EXAMINER	132 SOUTH MAIN ST.	MOOREFIELD	WV	26836	WEEKLY-WEDNESDAY
THE MORGAN MESSENGER	P. O. BOX 567	BERKELEY SPRINGS	WV	25411	W-WED.
THE MORNING/SUNDAY JOURNAL	207 WEST KING STREET	MARTINSBURG	WV	25401	DAILY
THE MULLEN ADVOCATE	BOX 907	MULLENS	WV	25882	WEEKLY-THURSDAY
THE NEWS LEADER	BOX 591	RICHWOOD	WV	26261	WEEKLY-WEDNESDAY
THE NICHOLAS CHRONICLE	BOX 503, WEBSTER ROAD	SUMMERSVILLE	WV	26651	WEEKLY-THURSDAY
THE PENDLETON TIMES	P. O. BOX 906	FRANKLIN	WV	26807	WEEKLY-THURSDAY
THE PIEDMONT HERALD	33 EAST FAIRVIEW ST.	PIEDMONT	WV	26750	WEEKLY-TUESDAY
THE POCAHONTAS TIMES	P. O. BOX 117, 810 SECOND AVE	MARLINTON	WV	24954	WEEKLY-THURSDAY
THE PUTNAM DEMOCRAT	P. O. BOX 179	WINFIELD	WV	25213	WEEKLY-THURSDAY
THE RITCHIE GAZETTE	BOX 215, 112-116 E. MAIN ST.	HARRISVILLE	WV	26362	WEEKLY-THURSDAY
THE SHINNSTON NEWS	P. O. BOX 7	SHINNSTON	WV	26431	WEEKLY-WEDNESDAY
THE WEBSTER ECHO	P. O. BOX 749	WEBSTER SPRINGS	WV	26288	WEEKLY-WEDNESDAY
THE WEBSTER REPUBLICAN	BACK FORK STREET	WEBSTER SPRINGS	WV	26288	WEEKLY-WEDNESDAY
THE WEEKLY NEWS SENTINEL	BOX 308, 337 WALNUT ST.	HAMLIN	WV	25523	WEEKLY-WEDNESDAY
TIMES-RECORD	P. O. BOX 674	SPENCER	WV	25276	WEEKLY-THURSDAY
TIMES-WEST VIRGINIAN	P. O. BOX 2530	FAIRMONT	WV	26554	DAILY-SUNDAY
TYLER STAR NEWS/CTY JOURNAL	BOX 191, DIAMOND STREET	SISTERSVILLE	WV	26175	WEEKLY-WEDNESDAY
WADC-AM/WMGF-FM	703 MARKET STREET	PARKERSBURG	WV	26101	
WAEY-AM/FM	BOX 5588	PRINCETON	WV	24740	
WAEZ-FM	P. O. BOX 2324	HUNTINGTON	WV	25725	
WAJR-AM/WVAZ-FM	GREER BLDG. RT. 7	MORGANTOWN	WV	26505	
WAMX-FM	P. O. BOX 1150	HUNTINGTON	WV	25713	
WAYNE COUNTY NEWS	310 CENTRAL AVENUE	WAYNE	WV	25570	WEEKLY-THURSDAY
WBOY-TV	912 W. PIKE ST.	CLARKSBURG	WV	26302	
WBTH-AM/WXCC-FM	5 1/2 E. SECOND AVE.	WILLIAMSON	WV	25661	
WBUC-AM/WBTQ-FM	P. O. DRAWER C	BUCKHANNON	WV	26201	
WCAW-AM/V100-FM	P.O. BOX 4318	CHARLESTON	WV	25364	

MAILING LIST

NAME	ADDRESS	CITY	STATE	ZIP	CODE	REMARKS
WCEP-FM	BOX 793	RIPLEY	WV	25271		
WCBS-AM/WBES-FM	1111 VIRGINIA ST. E.	CHARLESTON	WV	25301		
WCBS-TV	1301 PIEDMONT	CHARLESTON	WV	25301		
WCLG-AM/FM	BOX 885	MORGANTOWN	WV	26505		
WCST-AM/FM	P. O. BOX 10	BERKELEY SPRINGS	WV	25411		
WCWV-FM	713 MAIN ST.	SUMMERSVILLE	WV	26651		
WDNE-AM/WVET-FM	WASHINGTON & DAVIS STS.	ELKINS	WV	26241		
WDTV	PO BOX 480 FIVE TV DRIVE	BRIDGEPORT	WV	26330		
WEIR-AM	3578 PENNSYLVANIA AVENUE	WEIRTON	WV	26062		
WEIRTON DAILY TIMES	114 LEE AVENUE	WEIRTON	WV	26062		DAILY
WELC-AM	BOX 949	WELCH	WV	24801		
WELCH DAILY NEWS	125 WYOMING ST.	WELCH	WV	24801		DAILY
WELD-AM/FM	KESSEL ROAD	FISHER	WV	26818		
WELK-FM	228 RANDOLPH AVENUE	ELKINS	WV	26241		
WEMM-FM	703 THIRD AVENUE	HUNTINGTON	WV	25701		
WEPH-AM/WKHZ-FM	P.O. BOX 767	MARTINSBURG	WV	25401		
WEST VIRGINIA BEACON DIGEST	P. O. BOX 901	SOUTH CHARLESTON	WV	25324		WEEKLY-FRIDAY
WEST VIRGINIA DAILY NEWS	P. O. BOX 471, 200 S. COURT ST	LEWISBURG	WV	24901		DAILY
WEST VIRGINIA HILLBILLY	P. O. BOX 591	RICHWOOD	WV	26261		WEEKLY-THURSDAY
WESTON DEMOCRAT	P.O. BOX 968	WESTON	WV	26452		WEEKLY-WEDNESDAY
WETZ-AM	P. O. BOX 249	NEW MARTINSVILLE	WV	26155		
WETZEL CHRONICLE	P.O. BOX 289, 1100 3RD ST.	NEW MARTINSVILLE	WV	26155		WEEKLY-WEDNESDAY
WEYS-FM	#1 BRUCE STREET	INSTITUTE	WV	25112		
WFGH-FM	BROADCAST BLDG. COURT ST.	FORT GAY	WV	25514		
WFGH-FM	1101 FAIRMONT AVENUE	FAIRMONT	WV	26554		
WFSP-AM	P. O. BOX 567	KINGWOOD	WV	26537		
WGNT-AM	P. O. BOX 1150	HUNTINGTON	WV	25713		
WEAR-AM/WVHF-FM	350 W. MAIN STREET	CLARKSBURG	WV	26301		
WEAW-AM/WSSN-FM	P. O. BOX 980	WESTON	WV	26452		
WHEELING NEWS-REGISTER	15TH/MAIN STREETS	WHEELING	WV	26003		DAILY, SUNDAY
WHIS-AM/WEAJ-FM	RADIO CTR/900 BLUEFIELD	BLUEFIELD	WV	24701		
WHJC-AM	BOX 68	MATEWAN	WV	25678		
WHLX-FM	P.O.BOX 6462	WHEELING	WV	26003		
WILLIAMSON DAILY NEWS	100 EAST 3RD AVENUE	WILLIAMSON	WV	25661		DAILY
WIRT COUNTY JOURNAL	BOX 309	ELIZABETH	WV	26143		WEEKLY-WEDNESDAY
WJLS-AM/WBKW-FM	P. O. BOX 1452	BECKLEY	WV	25802		
WKAZ-AM/WKLC-FM	100 KANAWHA TERRACE	ST. ALBANS	WV	25177		
WKCJ-FM	P. O. BOX 306	LEWISBURG	WV	24901		
WKEB-AM/FM	P.O. BOX 2288	HUNTINGTON	WV	25701		
WKGI-FM	P. O. BOX 267	NEW MARTINSVILLE	WV	26155		
WKKM-FM	P. O. BOX 1546	CLARKSBURG	WV	26301		
WKLP-AM/WQ2K-FM	DRAWER F	KEYSER	WV	26726		
WKMM-FM	P. O. BOX 967	KINGWOOD	WV	26537		
WKQY-AM	623 COMMERCE	BLUEFIELD	WV	24701		
WKWK-AM/WEEL-FM	P. O. BOX 2258	WHEELING	WV	26003		

MAILING LIST

NAME	ADDRESS	CITY	STATE	ZIP	CODE	REMARKS
WKYG-AM/WXXK-FM	1715/1717 ST.MARYS AVE.	PARKERSBURG	WV	26102		
WLOG-AM	BOX 1800	LOGAN	WV	25601		
WLTP-AM/WNUS-FM	BOX 428	BELPRE	OH	45714		
WLYJ-TV	PO BOX 2544/775 W. PIKE	CLARKSBURG	WV	26302		
WMGN-AM	P. O. BOX 1746	CHARLESTON,	WV	25326		
WMON-AM	BOX 750	MONTGOMERY	WV	25136		
WMOV-AM	GIBBS STREET	RAVENSWOOD	WV	26164		
WMTD-AM/FM	P.O. BOX 850	HINTON	WV	25951		
WMUL-FM	COMM. BLDG.MARSHALL UNIV.	HUNTINGTON	WV	25701		
WNST-AM	P. O. BOX 266	HILTON	WV	25541		
WOAY-AM/FM	P. O. BOX 251	OAK HILL	WV	25901		
WOAY-TV	P. O. BOX 251	OAK HILL	WV	25901		
WOWK-TV	P. O. BOX 13	HUNTINGTON	WV	25706		
WPDK-AM/FM	BOX 1920	CLARKSBURG	WV	26301		
WPHW-FM	14 MORAN AVENUE	MULLENS	WV	25982		
WPQZ-AM	130 S. 2ND STREET	CLARKSBURG	WV	26301		
WQBE-AM/FM	4250 WASHINGTON ST. W.	CHARLESTON	WV	25313		
WRNR-AM	P. O. BOX 709	MARTINSBURG	WV	25401		
WRON-AM/FM	276 SENECA TRAIL NORTH	RONCEVERTE	WV	24970		
WRRR-FM	BOX 374, GREENS RUN ROAD	ST. MARYS	WV	26170		
WSAZ-TV	645 FIFTH AVENUE	HUNTINGTON	WV	25701		
WSCW-AM/WJYP-FM	605 D ST./PO BOX 8718	SO. CHARLESTON	WV	25303		
WSGB-AM/WCKA-FM	189A MAIN ST.	SUTTON	WV	26601		
WSLW-AM	P. O. BOX 610	WHITE SULPHUR SPRINGS	WV	24986		
WSWP-TV	1900 WASHINGTON ST.E.	CHARLESTON	WV	25305		
WSWP-TV	P. O. BOX 48	BECKLEY	WV	25801		
WTAP-TV	121 W. SEVENTH	PARKERSBURG	WV	26101		
WTBZ-AM/FM	P. O. BOX 2	GRAFTON	WV	26354		
WTCR-AM	RADIO PARK ROAD	CATLETTSBURG	KY	41129		
WTCR-FM	P. O. BOX 2186	HUNTINGTON	WV	25722		
WTCS-AM STEREO	RADIO PARK, LEONARD AVE.	FAIRMONT	WV	26554		
WTIP-AM/WYSR-FM	817 SUNCREST PLACE	SO. CHARLESTON	WV	25303		
WINJ-FM	609 MAIN STREET	MOUNT HOPE	WV	25880		
WTRF-TV	96 16TH STREET	WHEELING	WV	26003		
WVAH-TV	23 BROADCAST PLAZA	HURRICANE	WV	25526		
WVAR-AM	BOX 349	RICHWOOD	WV	26261		
WVBC-FM	BETHANY COLLEGE	BETHANY	WV	26032		
WVKV-AM	BOX 1080	HURRICANE	WV	25526		
WVMR-AM		DUNMORE	WV	24934		
WVOM-AM/FM	SEARS BLDG.	LOGAN	WV	25601		
WVPB-FM	1900 WASHINGTON ST. E.	CHARLESTON	WV	25305		
WVPN-FM	1900 WASH.ST.E.	CHARLESTON	WV	25305		
WVRC-AM	106 RADIO ST.	SPENCER	WV	25276		
WVVA-TV	PO.BOX 1930/RT.460 BYPASS	BLUEFIELD	WV	24701		
WVWC-FM	WEST VIRGINIA WESLEYAN	BUCKHANNON	WV	26201		

MAILING LIST

NAME	ADDRESS	CITY	STATE	ZIP CODE	REMARKS
WWBB-AM	ONE BROADCAST PLACE	MADISON	WV	25130	
WWNR-AM	P. O. BOX AE	BECKLEY	WV	25802	
WWVA-AM/WOVK-FM	CAPITOL MUSIC HALL	WHEELING	WV	26003	
WVVU-FM	MOUNTAINLAIR, WVU	MORGANTOWN	WV	26505	
WXEE-AM	P. O. BOX 1340	WELCH	WV	24801	
WXIL-FM	P.O. BOX 1228	PARKERSBURG	WV	26102	
WXIT-AM	136 HIGH STREET	CHARLESTON	WV	25311	
WXVA-AM/FM	P. O. BOX 700	CHARLES TOWN	WV	25414	
WYKM-AM	BOX 627, RT. 60	RUPERT	WV	25984	
WZMH-AM/FM	98 16TH STREET	WHEELING	WV	26003	

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Beckley Fire Dept.
P. O. Drawer AJ
Beckley, WV 25801

WV Society of Architects
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Charleston, WV 25301

WV Society of Professional Engineers
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Charleston, WV 25301

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Fairmont, WV 26554

John Beaty, President
WV Firemen's Association
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Paden City, WV 26159

Paul Bragg, President
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(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

September 16, 1994

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: State Fire Commission

RULE: Amendments, Series 4, State Building Code

DATE FILED AS AN EMERGENCY RULE: August 9, 1994

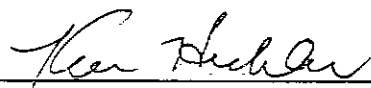
DECISION NO. 15-94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SEP 16 11 26 AM '94

FILED

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be approved. A copy of the complete decision with required findings is available from this office.


KEN HECHLER
Secretary of State

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

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DECISION

EMERGENCY RULE DECISION

(ERD 15-94)

AGENCY: State Fire Commission
RULE: Amendments, Series 4, State Building Code
FILED AS AN EMERGENCY RULE: August 9, 1994

- par. 1 The State Fire Commission (Commission) filed the above amendments to an existing as an emergency rule.
- par. 2 West Virginia Code 29A-3-15a requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule: 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 3 Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [(29A-3-15a(b))].
- par. 4 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Committee (LRMRC).
- par. 5 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the emergency rule decision is issued or the expiration of the thirty-five day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.

par. 6 The Commission filed this emergency rule with supporting documents with the Secretary of State August 9, 1994 and with the LRMRC August 10, 1994.

par. 7 It is the determination of the Secretary of State that the Commission has complied with the procedural requirements of WV Code §29A-3-15 for adoption of an emergency rule.

par. 8 (B) Statutory Authority -- WV Code 29-3-5B reads in part:

(a) The state fire commission shall promulgate and repeal rules and regulations to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state pursuant to provisions of §29A-1-1 et seq. of this code, through the adoption of a state building code. Such rules, regulations, amendments or repeals thereof shall be in accordance with the standard safe practices so embodied in widely recognized standards of good practice for building construction and all aspects related thereto and shall have force and effect in those counties and municipalities adopting the state building code.

par. 9 It is the determination of the Secretary of State that the Commission has not exceeded its statutory authority in promulgating this emergency rule.

par. 10 (C) Emergency -- WV Code 29A-3-15(g) defines "emergency" as follows:

(g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.

par. 11 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.

par. 12 The facts and circumstances as presented by the Commission are as follows:

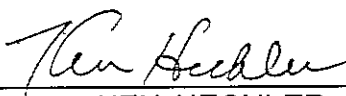
§29-3-5B of the West Virginia Code authorizes the State Fire Commission to promulgate the State Building Code.

The State Building Code and the State Fire Code work in harmony to achieve a safe environment in buildings and structures. These two codes provide the latest technology for building safety. If only one of the documents submitted is approved as an emergency rule, then consistency will not be achieved in building designs.

In the interest of public safety the approval of this code is imperative to provide the latest technology for building safety.

par. 13 It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(g). . . "public safety" and to correspond with the fire code which is mandated to be filed as an emergency rule.

par. 14 This decision shall be cited as Emergency Rule Decision 15-94 or ERD 15-94 and may be cited as precedent. This decision is available from the Secretary of State and has been filed with the State Fire Commission, the Attorney General and the Legislative Rule Making Review Commission.



KEN HECHLER
Secretary of State

Entered _____

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SEP 16 11 26 AM '94

FILED