

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In this Box

FILED
1998 SEP 19 PM 2:19
OFFICE OF THE SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: CULTURE AND HISTORY TITLE NUMBER: 82

CITE AUTHORITY WV Code 29-1-5, 4; 29-3-5

AMENDMENT TO AN EXISTING RULE: YES ___ NO XXX

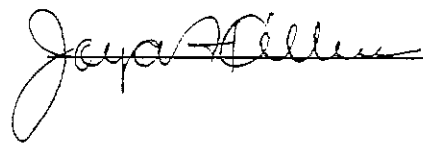
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: SERIES 2

TITLE OF RULE BEING PROPOSED: STANDARDS AND PROCEDURES FOR
ADMINISTERING STATE HISTORIC PRESERVATION PROGRAMS

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

 _____

82 CSR 2

TITLE 82
LEGISLATIVE RULES
DEPARTMENT OF CULTURE AND HISTORY

FILED

SERIES 2

1983 SEP 19 PM 2 20

STANDARDS AND PROCEDURES FOR ADMINISTERING
STATE HISTORIC PRESERVATION PROGRAMS

SECRETARY OF STATE

S82-2-1. General.

1.1. Scope. -- This legislative rule establishes a state register of historic places and criteria and procedures for listing, adopts standards for rehabilitation of historic structures on state assisted undertakings, establishes procedures for the Department of Culture and History to review the effect state projects may have on resources eligible for the state register, establishes procedures for the Department of Culture and History to assist the State Fire Marshall in providing compliance alternatives when enforcing fire and building codes for structures eligible for the state register, and establishes criteria and procedures for spending funds provided for threatened and endangered historic properties by the voluntary check-off program.

1.2. Authority. -- West Virginia Code S29-1-5; 29-1-4; 29-3-5.

1.3. Filing Date. --

1.4. Effective Date. --

S82-2-2. Definitions.

historic district: a group of buildings, structures, or sites that make up a coherent whole.

integrity: location, design, setting, materials, workmanship, feeling and association that makes a site eligible for the State Register.

S82-2-2. Definitions (cont'd)

undertaking: any project, activity, or program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects. The project, activity, or program must be under the direct or indirect jurisdiction of a State agency or licensed, permitted, or assisted by a State agency. Undertakings include new and continuing projects, activities, or programs.

effect: the results of an undertaking that may alter characteristics of a site, for better or worse.

no adverse effect: an effect that would not be harmful to the characteristics that qualify a site for the State Register.

adverse effect: an effect that could diminish the integrity of characteristics that qualify a site for the State Register.

mitigate: take action, to reduce or compensate for damage an undertaking does to sites.

S82-2-3. West Virginia Register of Historic Places.

3.1. The following criteria will be used when evaluating the eligibility of sites for West Virginia Register of Historic Places:

3.1.a. the site must possess significance in West Virginia, American, or local history, architecture, archaeology, or culture;

3.1.b. site must possess integrity of location, design, setting, materials, workmanship, ambiance, or association; or

3.1.c. the site must meet at least one of the following criteria:

3.1.c.A. be associated with events that have made a significant contribution to the broad patterns of our history; or

3.1.c.B. be associated with the lives of persons significant in our past;

or

3.1.c.C. embody the distinctive characteristics of type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

3.1.c.D. have yielded, or may be likely to yield, information important in prehistory or history.

3.1.d. ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the State Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

3.1.d.A. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or

3.1.d.B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

3.1.d.C. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or

3.1.d.D. a cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

3.1.d.E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

3.1.d.F. a property primarily commemorative in intent if design, age tradition, or symbolic value has invested it with its own historical significance; or

3.1.d.G. a property achieving significance within the past 50 years if it is of exceptional importance.

3.1.e. the following types of sites shall be considered eligible for the State Register:

3.1.e.A. historic districts;

3.1.e.B. sites;

3.1.e.C. buildings;

3.1.e.D. structures;

3.1.e.E. objects;

3.1.e.F. vistas;

3.1.e.G. landscapes; and

3.1.e.H. natural sites.

3.1.f. sites listed on the National Register of Historic Places shall be listed on the State Register and not be required to follow the process described in 3.2.

3.2. The Department of Culture and History shall prepare an application form for State Register listing and determine documentation requirements for nomination packages.

3.2.a. any person may make application for nomination of a property to the State Register of Historic Places by completing and submitting a registration form to the Department of Culture and History. The Department of Culture and History may also initiate registration of properties to the State Register.

3.2.b. upon receipt of a nomination package, the Department of Culture and History shall notify property owners and local elected officials that the property is being considered for listing on the State Register.

3.2.b.A. property owners must be given no less than thirty days to object in writing to the listing. If a property owner objects, the nomination shall be tabled.

3.2.b.B. in the event of a historic district, at least 50% of the property owners must object in writing to table a nomination.

3.2.c. the Archives and History Commission shall evaluate all state nomination applications and determine their eligibility for the State Register.

3.2.d. if the commission determines a site eligible, it shall be listed on the State Register.

3.2.e. the Governor signs the nomination form, officially designating the property a West Virginia registered site.

3.3. Once a site is listed on the State Register, either individually or as a contributing property within a historic district, it becomes eligible for several benefits.

3.3.a. State Register properties will receive a certificate.

3.3.b. sites on the State Register are eligible to receive historic preservation grants.

3.3.c. sites listed on the State Register will be eligible for compliance alternatives to fire and building codes.

3.3.d. sites listed on the State Register will receive protection from state and federal undertakings.

3.3.e. sites listed on the State Register are eligible for assistance through the voluntary check-off program.

S82-2-4. Rehabilitation Standards.

4.1. The Department of Culture and History will adopt and apply the Secretary of the Interior's Standards for Rehabilitation as the accepted State Rehabilitation Standards.

4.2. The Secretary of the Interior's Standards for Rehabilitation will be applied in the following instances:

4.2.a. the administration of state historic preservation grants;

4.2.b. the review of compliance alternatives for fire and building codes;

4.2.c. the administration of funds expended from the voluntary check-off program;

4.2.d. the review of state assisted undertakings;

4.2.e. any other state assisted programs involving the rehabilitation of structures eligible for the state register.

S82-2-5. State Review Process -- The procedure in this subpart guides agency officials and the Department of Culture and History in the conduct of the state review process. A step by step process will encourage cooperation on appropriate measures to avoid or reduce effects on historic properties that meet both the needs of the undertaking and preservation concerns.

5.1. Should an undertaking involve federal funds, the state review process will be waived in lieu of the Section 106 review process as outlined in 36 CFR 800, "The Protection of Historic Properties".

5.1.a. when a state agency begins planning for or becomes involved in an undertaking, the agency shall make a reasonable and good faith effort to identify and evaluate sites listed on or eligible for listing on the State Register. The Department of Culture and History will provide an annual listing of sites on the Register to all state agencies and encourage them to initiate an ongoing survey and evaluation of all of their owned or controlled properties.

5.1.b. should such sites be found, the agency shall assess the effects of the undertaking on the characteristics that qualify the property for the State Register.

5.1.c. consultation with the Department of Culture and History regarding the implementation of this phase of the review is encouraged.

5.1.d. members of the public with interest in an undertaking should have reasonable opportunity to participate in the review process.

5.2. The agency shall submit an appropriate level of documentation to the Department of Culture and History. Upon receipt of adequate information, the Department of Culture and History shall have thirty days to review and respond. The Department shall concur with the agency's findings or shall not concur and suggest appropriate changes, as outlined in 5.3.

5.3. Criteria of Effect and Adverse Effect.

5.3.a. if it is agreed by the agency and the Department of Culture and History that the undertaking will have no effect, the agency may proceed with the undertaking as proposed.

5.3.b. if it is agreed by the agency and the Department of Culture and History that the undertaking will have no adverse effect, the agency may proceed with the undertaking as proposed.

5.3.c. if it is agreed by the agency and the Department of Culture and History that an undertaking will have an adverse effect, the agency will provide a description and evaluation of any proposed mitigative measures or alternatives that were considered to deal with the undertaking's effect. The Department of Culture and History will provide to the agency recommendations which would maintain the integrity of the property.

5.3.d.A. the agency shall consult with the Department of Culture and History to indicate acceptance of the recommendations or how they will otherwise mitigate the adverse effect.

5.3.d.B. if the agency decides to continue with the project, thereby causing an adverse effect, they must first provide the Department of Culture and History an adequate opportunity to document the site before the undertaking begins.

5.4. The agency may fulfill these review requirements for a particular program, a large or complex project, or a class of undertakings that would normally require numerous reviews, through a programmatic agreement with the Department of Culture and History. Programmatic agreements are appropriate for programs or projects when:

5.4.a. effects on historic properties are similar and repetitive;

5.4.b. effects on historic properties cannot be fully determined prior to action;

5.4.c. non-state parties are delegated major decision making responsibilities;

5.4.d. projects involve development of regional or land-management plans;

5.4.e. projects involve routine management activities.

5.5. Emergency Undertakings.

5.5.a. When an agency official proposes an emergency undertaking as an essential and immediate response to a disaster declared by the Governor, the agency official may fulfill the state review process by notifying the Department of Culture and History of the emergency undertaking and allowing it an opportunity to comment within ten days if the agency official considers that circumstances permit.

5.5.b. this section does not apply to undertakings that will not be implemented within thirty days after the disaster or emergency.

5.6. Should additional historic or archaeological sites be discovered in the course of an undertaking, the agency will allow for the opportunity of the Department of Culture and History to respond and suggest appropriate measures.

S82-2-6. Fire and Building Code Alternatives.

6.1. The Department of Culture and History shall provide to the State Fire Marshall, a listing of sites on the State and National Registers.

6.1.a. the Department of Culture and History shall provide an annual update of this listing to the State Fire Marshall.

6.1.b. the Department of Culture and History shall advise the State Fire Marshall on the eligibility of any sites not currently listed on the State or National Registers.

6.2. When enforcing fire or building code requirements on sites listed or eligible for listing on the State or National Registers, the State Fire Marshall shall provide compliance alternatives if the normal requirements would damage the integrity of the structure.

6.2.a. the State Fire Marshall shall consult with the Department of Culture and History when enforcing fire and building code requirements on sites listed or eligible for listing on the State or National Registers.

6.2.b. the Department of Culture and History will provide a determination as to whether the requirements recommended will maintain the integrity of the structure.

6.2.c. if the recommended requirements will damage the integrity of the structure, the State Fire Marshall and the Department of Culture and History will agree to alternatives that will meet fire and building codes and protect the integrity of the structures. The alternatives shall be at least equal to the alternatives contained in the proposed model code appended to these rules and the Building Officials and Code Administrators Code (B.O.C.A.), Section 32.

6.2.d. the State Fire Marshall and the Department of Culture and History will examine the issues of transoms and battery smoke alarms vs. hard wire alarm systems and will devise alternative standards for use in historic structures.

S82-2-7. Voluntary Check-Off Program.

7.1. Funds from the voluntary check-off program will be designated the West Virginia Endangered Historic Properties Fund and must be used on sites which are:

7.1.a. listed on the West Virginia Register of Historic Places; or

7.1.b. determined eligible for listing on the West Virginia Register of Historic Places; or

7.1.c. listed on the National Register of Historic Places; or

7.1.d. determined eligible for listing on the National Register of Historic Places.

7.2. Funds from the West Virginia Endangered Historic Properties Fund may be used:

7.2.a. if sites, as defined in 7.1., face probable threat of destruction or irreversible damage; and

7.2.b. if the property owner requests assistance or consents to the request; and

7.2.c. if the funds are likely to provide a solution to the situation;
and

7.2.d. if the project is of one of the following:

7.2.d.A. a grant to an organization, property owner, or public agency; or

7.2.d.B. a low or no interest loan to an organization, property owner,
or public agency; or

7.2.d.C. direct assistance, contracted and paid for by the Department of
Culture and History.

7.3. The Department of Culture and History will administer the West
Virginia Endangered Historic Properties Fund.

7.3.a. the Archives and History Commission shall recommend to the
Department of Culture and History actions to be funded.

7.3.a.A. the Commission may establish categories of actions to be funded
at the approval of the Department; or

7.3.a.B. the Commission may form a Committee to recommend funding actions;
or

7.3.a.C. the Commission may require that funding requests come before the
full Commission; or

7.3.a.D. the Commission may use any combination of these methods to make
funding recommendations.

7.3.b. if the Department of Culture and History becomes aware of a
project meeting the criteria of 7.1. and 7.2., it may choose to contract
directly to carry out the action in accordance with 7.3.a.

7.3.c. if an organization, agency, or property owner requests assistance
for a project meeting the criteria of 7.1. and 7.3., the Department of Culture
and History may fulfill the request by awarding a grant or providing a loan in
accordance with 7.3.a.

7.3.d. if an organization, agency or property owner accepts assistance from the West Virginia Endangered Historic Properties Fund, the Department of Culture and History will require that the recipient and owner sign a Letter of Agreement specifying conditions under which the funds may be spent and protecting the site in the future.

7.3.e. the recipient of funds shall provide to the Department of Culture and History, within 60 days after completion of the project, a report describing the results of the assistance.

7.3.f. funds repaid to the West Virginia Endangered Historic Properties Fund will return to the fund to be used for future Endangered Historic Properties.

BUILDING AND FIRE CODES
MODEL ORDINANCE
FOR THE APPLICATION OF CODES TO
EXISTING, HISTORIC AND LANDMARK MUSEUM BUILDINGS

BE IT ENACTED BY THE (CITY OR COUNTY GOVERNING BODY):

Section 1. Intent and Purposes

(1) The intent of this chapter is to provide guidelines for the uniform application of fire and building related codes to existing buildings and structures throughout (city or county); to define certain terms; to provide acceptable alternative safeguards to requirements of various fire and building code provisions where strict compliance is not practical; to specify various hazardous conditions in existing buildings and structures which should not be permitted to exist; to relieve building and fire code enforcement authorities from certain liabilities when applying the provisions of this chapter; to provide for rules and regulations; to provide construction and fire safety standards for landmark museum buildings and historic buildings; to exempt landmark museum buildings and historic buildings from certain laws and regulations; to provide for other matters relative thereto; to provide an effective date; to repeal conflicting laws; and for other purposes.

(2) It is a purpose of this chapter to encourage the sensitive rehabilitation, restoration, stabilization, or preservation of existing buildings throughout (city or county) and to encourage the preservation of buildings and structures deemed to be historic in total or in part; provided, however, such rehabilitation and preservation efforts should provide for the upgrading of the safety features of the building or structure to provide a practical level of safety to the public and surrounding property. It is the further purpose of this chapter to provide guidance regarding acceptable alternative solutions and to stimulate enforcement authorities to utilize alternative compliance concepts wherever practical to permit the continued use of existing buildings and structures without overly restrictive financial burdens on owners or occupants.

(3) The provisions of this chapter shall not be applicable to new construction, except as specifically provided herein.

Section 2. Definitions

As used in this chapter, the term:

(1) "Enforcement authority" means (add the official title of the local building inspector and fire marshal).

(2) "Existing building or structure" means any completed building or structure which has been placed in service for a minimum of five years.

(3) "Building system" means any utility, mechanical, electrical, structural, egress, or fire protection/safety system.

(4) "Historic building" means any building so designated by the State Historic Preservation Officer as individually significant or as contributing to the historic character of a historic district, pursuant to the rules and regulations adopted by the Board of Natural Resources or as so designated pursuant to the provisions of Article 2 of Chapter 10 of Title 44 of the O.C.G.A., the "Georgia Historic Preservation Act."

(5) "Landmark museum building" means a historic building or structure used as an exhibit of the building or structure itself, and which exhibits a high degree of architectural integrity, and which is open to the public not less than 12 days per year; however, additional uses, original or ancillary, to the use as a museum shall be permitted within the same building subject to the provisions of paragraph (3) of subsection (b) of Code Section 25-2-13 of the O.C.G.A. Landmark museum buildings shall be so designated by the State Historic Preservation Officer pursuant to rules and regulations adopted by the Board of Natural Resources.

Section 3. Jurisdiction

Where an existing building or structure falls within the jurisdiction of both state and local enforcement authorities, the final review of any part of the project which is under the jurisdiction of both such enforcement authorities shall occur with the state authority; provided, however, the local fire and building authorities shall agree in writing with any compliance alternatives before such can be approved by the state authority.

Section 4. Conditions for Application

The provisions of this chapter authorize the enforcement authority to permit the repair, alteration, addition, or change of use or occupancy of existing buildings without total compliance with any rule, regulation, code, or standard for new construction requirements under the following general conditions:

(1) All noted conditions hazardous to life, based on the provisions of applicable state and local standards or codes for existing buildings, and outlined in Section 5, shall be corrected to a reasonable and realistic degree as set forth in this chapter;

(2) The existing building becomes the minimum performance standard; and

(3) The degree of compliance of the building after changes must not be below that existing before the changes. Nothing in this chapter will require nor prohibit compliance with requirements more stringent than those provided in this chapter.

Section 5. Hazardous Conditions

With reference to existing buildings, authorized enforcement authorities should assure that any of the conditions or defects described in this section are identified and corrected as deemed appropriate by the enforcement authority having jurisdiction and through the utilization of appropriate compliance alternatives:

(1) Structural. Any building or structure or portion thereof which is in imminent danger of collapse because of but not limited to the following factors:

(4) Dilapidation, deterioration, or decay;

(3) Faulty structural design or construction;

(C) The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; or

(D) The deterioration, decay, or inadequacy of the foundation;

(2) Number of exits. Less than two approved independent, remote, and properly protected exit ways serving every story of a building, except where a single exit way is permitted by the applicable state or local fire or building code or life safety code;

(3) Capacity of exits. Any required door, aisle, passageway, stairway, or other required means of egress which is not of sufficient capacity to provide for the population of the portions of the building served and which is not so arranged as to provide safe and adequate means of egress to a place of safety; and

(4) Mechanical systems. Utilities and mechanical systems not in conformance with the codes in effect at the time of construction of a building which create a serious threat of fire or threaten the safety of the occupants of the building.

Section 6. Additions to Existing Building

Additions to an existing building shall comply with the applicable requirements of state and local laws, rules, regulations, codes, and standards for new construction. Such additions shall not impose loads either vertical or horizontal which would cause the existing building to be subjected to stresses exceeding those permitted under new construction. If the existing building does not comply with the standards provided in this chapter and the authorized enforcement authority finds that the addition adversely affects the performance of the total building, the authorized enforcement authority may require:

(1) The new addition to be separated from the existing structure by at least a two-hour fire wall with openings therein properly protected; or

(2) The installation of an approved automatic fire suppression system; or

(3) Other remedies which may be deemed appropriate by the enforcement authority.

Section 7. Minor Alterations and New Mechanical Systems

Minor alterations or repairs to an existing building which do not adversely affect the performance or safety of the building may be made with the same or like materials. Existing buildings which, in part or as a whole, exceed the requirements of any applicable construction or fire safety code, may, in the course of compliance with this chapter, have reduced or removed, in part or total, features not required by such code for new

construction; provided, however, that such features were not a condition of prior approval. Existing buildings and structures which, in part or as a whole, do not meet the requirements of the applicable code for new construction may be altered or repaired without further compliance to any such code by utilizing the provisions of this chapter, provided their present degree of compliance to any applicable construction or fire safety code is not reduced. Any new mechanical systems installed in an existing building shall conform to applicable codes for new construction to the fullest extent practical as approved by the authorized enforcement authorities.

Section 8. Continued Use

The legal use and occupancy of any building or structure may be continued without change, except as may be provided otherwise by this chapter or as may be legally provided for by any applicable state or local law, ordinance, rule, regulation, code, or standard.

Section 9. Change in Use

(1) A total change in the use or occupancy of an existing building which would cause a greater hazard to the public shall not be made unless such building is made to comply with the requirements of the applicable state and local rules, regulations, codes, and standards for the new use or occupancy; provided, however, the compliance alternative provisions of this chapter may be utilized by authorized enforcement authorities where total or strict compliance with applicable state or local rules, regulations, codes, or standards is not practical.

(2) When the proposed use is of equal or lesser hazard as determined by an authorized enforcement authority, further compliance with any code for new construction is not required unless otherwise provided in this chapter. Alterations or repairs to an existing building or structure which do not adversely affect the performance of the building may be made with like materials. Any proposed change to the existing building or change in type of contents of the existing building shall not increase the fire hazard to adjacent buildings or structures. If the fire hazard to adjacent buildings or structures is increased, then requirements of applicable construction or fire safety codes for exterior walls shall apply.

Section 10. Change in Use of a Portion of a Building

(1) If a portion of a building is changed to a new use or occupancy and that portion is separated from the remainder of the building with vertical or horizontal fire separations complying with applicable state or local rules, regulations, codes, or standards or with compliance alternatives, then the portion changed shall be made to comply to the applicable requirements for the new use or occupancy to the extent noted in Section 9.

(2) If a portion of the building is changed to a new use or occupancy and that portion is not separated from the remainder of the building as noted in subsection (1) of this section, then the provisions of the applicable state and local rules, regulations, codes, and standards applying to each use or occupancy of the building shall apply to the entire building to the extent noted in Section 9; provided,

however, if there are conflicting provisions in requirements for the various uses or occupancies, the authorized enforcement authority shall apply the strictest requirements.

Section 11. Floor Loading

Any proposed change in the use or occupancy of an existing building or portion thereof which could increase the floor loading should be investigated by a Georgia registered professional engineer to determine the adequacy of the existing floor system to support the increased loads. If the existing floor system is found to be inadequate, it should be modified to support the increased loads or the proposed allowable floor loading shall be reduced by and posted by the appropriate enforcement authority.

Section 12. Documentation

Whenever action is taken on any existing building to repair, make alterations, or change the use or occupancy of an existing structure and, when said action proposes the use of compliance alternatives, the authorized enforcement authority shall ensure that at least one copy of the accepted compliance alternatives approved, including applicable plans, test data, or other data submitted for evaluation, be maintained on file in the office of the local enforcement authority. If said structure also falls under the jurisdiction of a state level enforcement authority, at least one copy of same material shall be maintained on file with that authority.

Section 13. Compliance Alternatives

Paragraphs (1) through (5) contain generally acceptable compliance alternatives illustrating principles which shall be applied to the rehabilitation of existing buildings by enforcement authorities in (City/County). It is recognized for purposes of this chapter that all building systems interact with each other; therefore, any consideration of compliance alternatives should take into account all existing and proposed conditions to determine their acceptability. The compliance alternatives are not all-inclusive and do not preclude consideration and approval of other alternatives by any enforcement authority.

(1) Compliance alternatives for an inadequate number of exits include, but are not limited to, the following:

(A) Provide connecting fire-exit balconies acceptable to the enforcement authority between buildings;

(B) Provide alternate exit or egress facilities leading to safety outside the building or to a place of safe refuge in the building or an adjoining building as acceptable to the enforcement authority;

(C) Provide an exterior fire escape or escapes as acceptable to the enforcement authority where the providing of enclosed interior or enclosed exterior stairs is not practical; or

(D) Install early fire warning and fire suppression systems.

(2) Compliance alternatives for excessive travel distances to an approved exit include, but are not limited to, the following:

(A) Install an approved smoke detection system throughout the building;

(B) Install an approved complete automatic fire suppression system;

(C) Subdivide the exit travel route with smoke-stop doors acceptable to the enforcement authority;

(D) Increase the fire resistance rating of corridor walls and doors; or

(E) Provide additional approved means of escape.

(3) Compliance alternatives for unenclosed or improperly enclosed exit stairways or vertical shafts include, but are not limited to, the following:

(A) Improve enclosure of exit stairway;

(B) Add a partial fire suppression system;

(C) Add a sprinkler draft curtain; or

(D) Add a smoke detection system.

(4) Compliance alternatives for inadequate or a total lack of fire partitions or fire separation walls shall be as set forth in paragraph (3).

(5) Compliance alternatives for a lack of required protection of openings in exterior walls where a fire exposure is a risk include, but are not limited to, the following:

(A) Improve fire resistance of existing openings and protect them with fire-rated windows or doors as appropriate;

(B) Seal the openings with fire-rated construction as approved by the enforcement authority; or

(C) Install an approved fire suppression system.

Section 14. Appeals

Should a party not agree with a decision of the enforcement authority or should an enforcement authority desire a ruling, an appeal may be made to the (Board of Adjustments and Appeals) as provided for in the (City/County) code.

Section 15. Liability Provisions

Nothing in this chapter shall be construed to constitute a waiver of the sovereign immunity of the (City/County) or any officer or employee thereof in carrying out the provisions of this chapter. Further, no action shall be maintained against (City/County), or any duly authorized elected or appointive officer or duly authorized employee thereof, for damages sustained as a result of any fire or hazard covered by this chapter by reason of inspection or other action taken or not

taken pursuant to this chapter. Nothing in this chapter shall be construed to relieve any property owner or lessee or person in charge thereof from any legal duty, obligation, or liability incident to the ownership, maintenance, or use of such property.

Section 16. Landmark Museum Buildings

(1) The provisions of this paragraph relating to landmark museum buildings shall apply only to those portions of such buildings which meet all the requirements of a landmark museum building, except as otherwise provided in paragraphs (2) and (3) of this section. Paragraphs (2) and (3) of this section shall, unless otherwise provided in such paragraphs, preempt all laws, regulations, or rules governing reconstruction, alteration, repair, or maintenance of landmark museum buildings.

(2) A landmark museum building shall be subject to the following provisions:

(A) Repairs, maintenance, and restoration shall be allowed without conformity to any building or fire safety related code, standard, rule, or regulation, provided the building is brought into and remains in full compliance with this section;

(B) In the case of fire or other casualty to a landmark museum building, it may be rebuilt, in total or in part, using such techniques and materials as are necessary to restore it to the condition prior to the fire or casualty and use as a totally preserved building; or

(C) If a historic building or structure, as a result of proposed work or changes in use, would become eligible and would be so certified as a landmark museum building, and the State Historic Preservation Officer so certifies and such is submitted to the local fire and building code official with the construction or building permit application, then the work may proceed under the provisions of this section.

(3) All landmark museum buildings shall comply with the following requirements:

(A) Every landmark museum building shall have portable fire extinguishers as deemed appropriate by the local fire authority having jurisdiction based on the applicable state or local fire safety codes or regulations;

(B) All landmark museum buildings which contain residential units shall have electrically powered smoke or products of combustion detectors installed within each living unit between living and sleeping areas. Such detectors shall be continuously powered by the building's electrical system. When activated, the detector shall initiate an alarm which is audible in sleeping rooms of that living unit. These unit detectors shall be required in addition to any other protective system that may be installed in the building;

(C) For all landmark museum buildings, except those protected by a total automatic fire suppression system and one and two family dwellings, approved automatic fire warning protection shall be provided as follows: install at least one listed smoke or products

of combustion detector for every 1,200 square feet of floor area per floor or story. In addition, all lobbies, common corridors, hallways, and ways of exit access shall be provided with listed smoke or products of combustion detectors not more than 30 feet apart. Detectors shall be so connected as to sound an alarm audible throughout the structure or building, with respect to buildings which are totally protected by an automatic fire suppression system, activation of the sprinkler system shall sound an alarm throughout the structure or building;

(J) Smoke or products of combustion detectors shall be listed by a nationally recognized testing laboratory;

(E) All multistory landmark museum buildings, except one and two family dwellings, with occupancy above or below the street or grade level shall have manual fire alarm pull stations in the natural path of egress. The activation of a manual pull station shall cause the building fire warning system to sound;

(F) Approved exit signs shall be located where designated by the authority having jurisdiction in accordance with the applicable code, standard, rule, or regulation;

(G) Except for one and two family dwellings, every landmark museum building occupied after daylight, or which has occupied areas subject to being totally darkened during daylight hours due to a power failure or failure of the electrical system, shall be equipped with approved emergency lighting meeting the provisions of the applicable code, standard, rule, or regulation;

(H) Occupant loading of landmark museum buildings or structures shall be limited by either the actual structural floor load capacity or by the limitations of means of egress or by a combination of factors. Actual floor load capacity shall be determined by a Georgia registered professional engineer. Said floor load shall be posted at a conspicuous location. The building owner shall submit evidence of this certification and related computations to the enforcement authority having jurisdiction upon request. Where one or more floors of a landmark museum building have only one means of egress, the occupant load shall be computed and occupancy limited as determined by the fire marshal; and

(I) The electrical, heating, and mechanical systems of landmark museum buildings shall be inspected and any conditions that create a threat of fire or a threat to life shall be corrected in accordance with applicable standards to the extent deemed necessary by the authority having jurisdiction.

Section 17. Historic Buildings

(1) Historic buildings not classified as landmark museum buildings shall meet the requirements of applicable building and fire safety laws, ordinances, codes, standards, rules, or regulations as they pertain to existing buildings. If a historic building or structure is damaged from fire or other casualty, it may be restored to the condition prior to the fire or casualty using techniques and methods consistent with its original construction, or it shall meet the

requirements for new construction of the applicable codes, standards, rules, or regulations, provided these requirements do not significantly compromise the features for which the building was considered historically significant.

(2) As to any buildings or structures in (city/county) which have been designated as historic buildings or structures by the State Historic Preservation Officer, the appropriate enforcement authority, in granting or denying a variance shall consider the intent of this chapter, with special attention to Section 16 of this chapter, Article 3 of Chapter 2 of Title 3 of the O.C.G.A., "The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings," Article 2 of Chapter 10 of Title 44 of the O.C.G.A., the "Georgia Historic Preservation Act," and the Secretary of Interior's Standards for Preservation Projects.

Section 13. This ordinance shall become effective

(Date)

Section 19. All laws and parts of laws in conflict with this ordinance are repealed.

STANDARDS AND PROCEDURES FOR ADMINISTERING
STATE HISTORIC PRESERVATION PROGRAMS

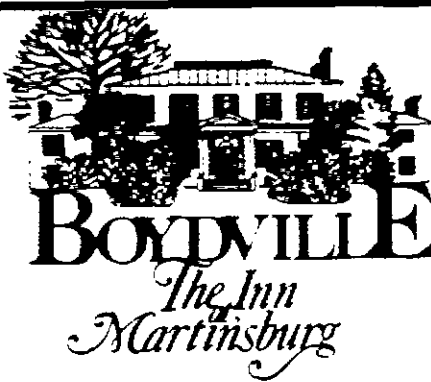
82 CSR 2
REPORT ON COMMENT

Notice of a comment period was filed on August 9, 1988 at 11:44 a.m. in the office of West Virginia Secretary of State. The comment period ended at 4:30 p.m. on September 9, 1988.

Comments were received from 2 organizations and 2 individuals. Copies of their comments and our responses are attached.

A copy of the revised pages of the regulations are attached showing changes that were made as a result of the comments received.

Additions are underlined. There were no deletions.



William Farrar
Department of Culture and History
The Culture Center
Capital Complex
Charleston, WV 25305

Dear Bill:

This is written comment on the proposed regulations to carry out the fire code modifications introduced in the new historic preservation law.

The regulations as proposed are inadequate. They should be specific in the compliance alternatives offered, and they must cover four essential points: 1) Recognize that a historic building has, by its longevity, proven safe if its use is not significantly changed, and therefore does not have to meet current code; 2) Free code officials of personal liability for not enforcing current code in historic structures; 3) Allow overcompliance in one area to compensate for undercompliance in another; and 4) Provide an appeals procedure.

The Georgia model code developed by the National Trust and the Georgia Trust with the full cooperation of that state's fire marshal will satisfy these points. Without some such protection, the bed and breakfast industry in the state will be in deep trouble.

By the way, we were both mistaken: The law is now in effect and does cover Boydville. And, as I understand it, the regulations are supposed to be presented to the rule-making committee September 19.

Sincerely,

Ripley Hotch

601 South Queen Street
Martinsburg, WV 25401
(304) 263-1448

DEPARTMENT OF CULTURE AND HISTORY

STATE OF WEST VIRGINIA
ARCH A. MOORE, JR., GOVERNOR

NORMAN L. FAGAN, COMMISSIONER

September 16, 1988

Mr. Ripley Hotch
Boydville
601 South Queen Street
Martinsburg, West Virginia 25401

Dear Mr. Hotch:

Thank you for your letter of late August regarding the Legislative Rules which our agency is drafting to implement the provisions of S.B. 267. The Archives and History Commission, at its regular meeting on September 8-9 discussed the rules and the public comments received on them.

Changes in the draft which I presented in Martinsburg were made which I think you will find, answer your concerns regarding the section dealing with fire codes. We have specifically included references to the Georgia Code discussed in Martinsburg and the B.O.C.A. Code, Section 32. Enclosed you will find a copy with the changes.

I would like to address the points which you raise in your letter.

(1.) Your contention that simply because a building should be exempted from current code standards simply because it has survived this long, is not an assumption that anyone on the staff or commission is willing to make. We will address alternatives as we have been given the power to do but, to exempt it completely, is beyond the scope of our operational authority.

(2.) We cannot, through the rule making process, free code enforcement officials from personal liability for decisions made or not made during the course of their work. That action requires legislation.

(3.) The subject of overcompliance in one code area compensating for undercompliance in another, will be the subject of our negotiations with the State Fire Marshall and will be contained within the bounds of the Georgia Code and B.O.C.A. Code, Section 32.

Mr. Ripley Hotch
September 16, 1988
Page -2-

(4.) Finally, as to providing an appeals procedure, the current code provides for appeals to the State Fire Marshall or to the courts. Unless legislation specifically vests another agency as an appeals body, we cannot do so through the rule making process.

If you have any further questions regarding the rules, please feel free to call me.

Sincerely,

A handwritten signature in cursive script that reads "William G. Farrar". The signature is written in dark ink and is positioned above the typed name.

William G. Farrar, Deputy State
Historic Preservation Officer

WGF:kfs

Enclosure

PRESERVATION ALLIANCE OF WEST VIRGINIA
PO BOX 1135
CLARKSBURG, WV 26302

Sept. 4, 1988

Norman L. Fagan
State Historic Preservation Officer
Department of Culture and History
Capitol Complex
Charleston, WV 25305

Re: Proposed regulations and Annual Work Program

Dear Commissioner Fagan:

Thank you for the opportunity to comment on the proposed regulations for implementing SB 267 and your annual work program. Various members of our board, as well as others in the state, have reviewed the documents. We are glad that your staff was able to prepare these in time for review during this year's legislative session. This continues the work that was begun last year.

Our comments are based on experience that members have had in Historic Preservation activities in all of West Virginia and comments and concerns we've heard from members.

We feel that portions of the proposed rules follow the spirit of the Task, though other sections require additional work to strengthen the protection of WV historic resources. Our comments follow:

3.2.b.A Property owners should be required to comment in writing.

3.2.b.B Same as above.

3.2.c and 3.2.d A time limit for review and consideration would be welcome by owners and professionals.

3.3.a Does this include properties within Historic Districts? That may create a large number of certificates and cause clerical problems.

4.2.b The Secretary of the Interior Standards do not specifically address fire codes. This section may require clarification to indicate that they will be used in conjunction with existing codes and/or alternatives.

4.2.e It is unclear whether this includes all private undertakings on historic sites.

section. The sections of the Georgia Code most important to the spirit of compliance alternatives are: Sec. 1.(1);(2); Sec. 4 in whole; Sec. 7; Sec. 9; Sec. 13 (this is the most important); Sec. 15; and Sec. 17.

Inclusion of these portions or the whole will provide the Department with a positive point of discussion with the Fire Marshall when the alternatives are brought into play. Without this level of detail, the Fire Official is not provided with any guidance as to acceptable alternatives, and therefore will be less lenient to compensate for a possible lack of information.

Section 7. This whole section is difficult to understand and unclear. It should be rewritten to make it easier for the public to use. Some specific comments and suggestions are presented below. These are not in order or keyed to the document.

The Archives and History Commission should approve requests for funding.

All grants should require a covenant or letter of agreement to protect the site in the future.

Archeological projects should be included in the allowable list.

Repaid money from loan projects should become fund money to protect it from going into the State's General Revenue fund.

Comments for the Annual Work Program follow:

Certified Local Government. In the discussion on networking for the Clg's PA would like to offer assistance. Some possibilities are: jointly sponsored conferences or meetings; sessions at our meetings; and inclusion in our newsletter.

Survey and Planning. Training should be considered for the historic landmark commissions to teach them how to continue the survey process on their own. Increased computerization would be beneficial to the department and the constituents. Computerization of the inventory as well as the process and the forms would help. This would also assist in the Review and Compliance section. If not computerized, the inventory forms should be revised to make it possible to type one on a typewriter.

Tax. The largest problem we see with the tax program is ignorance. Your increased information recommendations are well made. We also suggest that you attempt to have sessions

Standards should be adopted for archeological projects.

5.1.a Culture and History should provide state agencies with a list of the State Register yearly to aid in their identification process. State agencies should also be encouraged to initiate an ongoing survey and evaluation of all of their owned or controlled property to identify eligible sites. This could alleviate time delays in the future. Perhaps agencies that have done this could enter into MOA's regarding non significant sites, thereby reducing the review burden.

State agencies should also be given guidelines or training on the evaluation criteria.

5.2 Culture and History should define what "appropriate level of documentation" is, similar to standards used by the NPS for recording projects.

5.3.c We suggest that this section is a little unclear and may allow for agencies to circumvent the regulations. The first sentence begins similarly to the Federal Review process and we recommend that the same language in 36 CFR 800.5 be inserted here. After this insertion the remainder of the section should be considered a new portion, 5.3.d.

5.3.d.A should become 5.3.e

5.3.d.B should become 5.3.f and should either include an allowed time limit for C&H to record the site or at least include the phrase "adequate".

5.6 "historic sites" should be changed to "historic and archeological sites" or "sites".

6.1.a The list should also be sent to local fire officials.

6.2 This opening statement is sufficient to indicate the purpose of this section. A following section should be devoted to the building codes and should refer to BOCA Sec. 32 as the basis for building code variances, since this is the standard code that will be adopted by the State Fire Commission.

We feel that the remainder of the section devoted to the fire code is not specific enough and leaves too much to the Fire Marshall or the authorized official having jurisdiction. This has resulted in the past in no alternatives, as officials are leery of granting variances without prior knowledge or some alleviation of liability. The State of Georgia's Building and Fire Code addresses both of these concerns. We recommend that this code be included either by reference, written in whole or portions included in this

at meetings of the various potential constituents such as the Bar association meetings, contractors association, accountants, etc.

National Register. Publication of the State booklet is a great idea! So is computerization. We would like to see the staff continue to prepare nominations if possible. This keeps them more aware of the resources in the state and more in touch with the preservation community. There is a potential problem with retreating to the "ivory towers" if more and more of the work is done out of house. There is a good opportunity to promote the program through the National Register section through contacts with the State's tourism bureau. Their recent publication of state attractions included a number of Register sites. This should continue.

Review and Compliance. This is the most underrated portion of the program, though it is one of the most important ones. A continued activism will protect our state's resources. The public should be encouraged to become more active as a watchdog to alert the state to projects and potential problems. Additional training to state officials should be provided to help them understand and implement the process. We agree that depression era sites will become more and more threatened. The concept of "prioritizing" undertakings is not clear. Does this mean that reviews of these type of projects will take precedence over other reviews? Will other type of projects not get reviewed at all?

Thank you again for the opportunity to comment. We would be happy to answer any questions or assist your staff in any way possible. We also again commend the staff on the job they have accomplished.

Sincerely,



Michael Gioulis
President

cc West Virginia Archives and History Commission

DEPARTMENT OF CULTURE AND HISTORY

STATE OF WEST VIRGINIA
ARCH A. MOORE, JR., GOVERNOR

NORMAN L. FAGAN, COMMISSIONER

September 16, 1988

Mr. Michael Gioulis, President
Preservation Alliance of West Virginia
P.O. Box 1135
Clarksburg, West Virginia 26302

Dear Mike:

Thank you for your letter of September 4, 1988 offering comments on the proposed regulations for implementing the provisions of SB 267. We have reviewed your comments and will respond to each below.

3.2.b.A. Adopted. See attached page showing revision.

3.2.b.B. Adopted. See attached page showing revision.

3.2.c. and 3.2.d. Not adopted. A time limit is not feasible for staff review since we don't know the number of nominations that will be in the office at any given time and review time could vary depending on the type and size of each nomination.

3.3.a. No changes made. Pending the availability of funds, certificates will be issued to individual property owners within a historic district, since they receive the same benefits and restrictions. Clerical work would be somewhat repetitious and not too burdensome.

4.2.b. No changes made. The Secretary of the Interior's Standards will be used to assure that compliance alterations do not damage the integrity of the building.

4.2.e. Private undertakings are not included. See the attached page showing a revision which should provide clarification.

The Secretary of the Interior's Standards are used for state assisted archaeological projects.

5.1.a. Adopted. See attached revision.

5.2. Not accepted. This will need to be done on a case by case basis, depending on the scope of the project and the significance of the property.

Mr. Michael Gioulis
September 16, 1988
Page -2-

5.3.c. Not adopted. We feel that this section is adequate to assure compliance of agencies.

5.3.d.A. Not accepted since 5.3.c. wasn't adopted.

5.3.d.B. Reference was not changed since 5.3.c. wasn't adopted. The word adequate was added. See attached revised page.

5.6. Adopted. See attached revision.

6.1.a. Not adopted. We will rely on the State Fire Marshall to distribute to local code officials.

6.2. Adopted. See attached revision.

Section 7. This section has not been rewritten because we feel that it is clear.

The Archives and History Commission will decide who may approve requests.

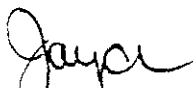
See attached revision regarding covenants.

Archaeological sites are included in the allowable projects.

See attached revision regarding repaid funds.

We appreciate you taking the time to comment on the regulations. If you have any questions, please call.

Sincerely,



Joyce F. Kilburn, Deputy State
Historic Preservation Officer

JFK:kfs

Enclosure

DEPARTMENT OF CULTURE AND HISTORY

STATE OF WEST VIRGINIA
ARCH A. MOORE, JR., GOVERNOR

NORMAN L. FAGAN, COMMISSIONER

WEST VIRGINIA INDEPENDENCE HALL
REBECCA J. PAYNE, DIRECTOR

M E M O R A N D U M

TO: Joyce Kilburn
FROM: Rebecca Payne *Rebecca Payne*
RE: Proposed Rules and Regulations of the Historic Preservation Office
DATE: September 6, 1988

There are three areas of your regs on which I have specific comments to offer. The first, and most lengthy, is on the area I drafted and was prompted by a request from Bill Farrar. The other two areas are additional points I recommend you consider.

During the hearing conducted in Wheeling, Bill asked that I make some wording changes and additions in the section concerning the voluntary check-off program. Upon thorough review of the material as proposed, I decided to offer an extensive re-writing to help clarify the information. When I wrote the draft, I was following another agency's format which did not fit with yours. When you tried to fit my material into your format, it got confusing. I hope the attached will be more beneficial.

I also have a recommendation on how to address concerns which have been expressed regarding the compliance alternatives within the fire code. So that everyone will know what the various agencies involved are using to make their determinations, I suggest that you include specific information under your proposed 6.2.c. For example, that section can be written as follows:

6.2.c. If the recommended requirements will damage the integrity of the structure, the State Fire Marshall and the Department of Culture and History will utilize the standards outlined in the Georgia building and fire code in the model ordinance [listing specific sections, if you want to use only some portions of the ordinance] to develop alternatives that will meet fire and building codes and protect the integrity of the structures.

The final point I recommend concerns implementing standards for sites which are not structures. As proposed, you refer only to rehabilitation standard for use in various instances. You may recall that you asked me to check with Jan Brashler about what standards she

882-1-74 Voluntary Check-Off Program

7.1. The voluntary endangered historic properties check-off program, to be called the West Virginia Endangered Historic Properties Fund, has been established to preserve, protect and perpetuate all historic and prehistoric sites for the use and benefit of all citizens. The intent is established in the West Virginia Code 29-1-14. Monies from the check-off program may be made available for the following sites:

- 7.1.a. those listed on the West Virginia Register of Historic Places; *or*
- 7.1.b. those determined by the Department of Culture and History to be eligible for the West Virginia Register of Historic Places; *or*
- 7.1.c. those listed on the National Register of Historic Places; *or*
- 7.1.d. those determined by the Department of Culture and History to be eligible for listing on the National Register of Historic Places.

7.2 Funds from the West Virginia Endangered Historic Properties Fund may be used under the following conditions:

- 7.2.a. if the site, as defined in 7.1, faces threat of destruction or irreversible damage; and
- 7.2.b. if the expenditure of funds is likely to provide a solution to the situation; *and*
- 7.2.c. the project is seen as compelling and important by the Archives and History Commission

7.3. Requests for assistance from the fund will be acted upon from the following sources:

- 7.3.a. private owners of endangered sites; *or*
- 7.3.b. public owners of endangered sites; *or*
- 7.3.c. organizations acting with consent of 7.3.a. or 7.3.b.

7.4. Money from the West Virginia Endangered Historic Properties Fund shall be authorized for the purposes of emergency action to save threatened and endangered historic and prehistoric sites, as defined in 7.1., for the following activities or combinations thereof:

- 7.4.a. architectural services;
- 7.4.b. engineering services;
- 7.4.c. actual construction;
- 7.4.d. reconstruction;
- 7.4.e. repair;
- 7.4.f. archeological services;
- 7.4.g. similar activities.

copy

7.5 Money from the West Virginia Endangered Historic Properties Fund may be authorized in the following forms:

7.5.a. grants; or

7.5.b. low-interest loans; or

7.5.c. no-interest loans.

7.6 The West Virginia Endangered Historic Properties Fund shall be administered by the Department of Culture and History.

7.6.a. Upon the recommendation of the Archives and History Commission, the Department shall act on requests for assistance under the West Virginia Endangered Historic Properties Fund.

7.6.a.A The Archives and History Commission may establish and publish categories of action and priorities of funding.

7.6.a.B. The Commission may form a Committee of no less than three members, to act on requests for money from the Fund.

7.6.a.C. The Commission or its Committee shall determine the form in which the funds will be expended, as in 7.4.

7.6.a.D. If the money is to be provided in the form of a loan, the Commission, or its committee, shall establish the rate of interest, if any, and the repayment period.

7.6.b. The repayment of loans and any interest is to become a part of the Fund.

7.7. Those receiving assistance from the West Virginia Endangered Historic Properties shall be required by the Department of Culture and History to sign a letter of agreement specifying conditions under which funds may be spent and future actions regarding the site.

7.8. The recipient of funds from the West Virginia Endangered Historic Properties Fund shall provide to the Department of Culture and History a report describing the results of the assistance, within sixty (60) days of project completion.

DEPARTMENT OF CULTURE AND HISTORY



STATE OF WEST VIRGINIA
ARCH A. MOORE, JR., GOVERNOR

NORMAN L. FAGAN, COMMISSIONER

M E M O R A N D U M

DATE: September 16, 1988
TO: Rebecca Payne
FROM: Joyce Kilburn *joyce*
RE: Historic Preservation Proposed Regulations

Thanks for taking time to comment on our proposed regulations. I appreciate your extensive review and recommendations.

We have made some revisions to the section in the voluntary check-off program as a result of your comments. Attached is a copy of our changes. We did not rewrite the entire section since we felt it was clear as proposed.

As you can see in the attached revisions, we have amended the regulations to reference the Georgia code which you recommend.

The office currently uses the Secretary's Standards and the Advisory Council's Handbook for archaeological projects.

Call if you have any questions or want to discuss these further.

Task Force for Historic Preservation Legislation

September 6, 1988

The Archives and History Commission
The Department of Culture and History
The Cultural Center
Charleston, WV 25305

Dear Commissioners:

As you are best aware, historic preservation has been recognized, particularly during this last year, as playing an important role in the future of West Virginia, and to that end, Senate Bill 267 was passed and signed into law. The Task Force for Historic Preservation Legislation, a creation of your commission and Preservation Alliance of WV, was largely responsible for the drafting of that legislation.

During the process of developing the legislation, the Task Force held hearings around the state. One issue, fire and building codes, was raised by owners of historic properties throughout the state. The legislation provides for compliance alternatives to be developed in cooperation with the appropriate fire and building code officials and the state historic preservation officer. The Task Force recognized that the legislation was only an initial step toward the resolution of applying modern fire and building codes to existing buildings. Several states, Massachusetts, Ohio, and particularly Georgia, have dealt successfully with this problem.

The Task Force urges your commission to recommend that the State Fire Commission and the State Historic Preservation Office utilize the Georgia fire code in developing compliance alternatives. In addition, there should be a coordinated effort of legislators, historic preservationists, and state officials to adopt a new code, such as Georgia's.

If West Virginia is going to protect its heritage and promote economic development through the tourist industry, we must adopt rules and regulations that achieve life safety while maintaining the integrity of our historic structures.

Yours truly,

R. Eugene Harper

R. Eugene Harper, Co-Chair

Hydie Hopkins

Hydie Hopkins, Co-Chair

post office box 5520

charleston, WV 25361

DEPARTMENT OF CULTURE AND HISTORY



STATE OF WEST VIRGINIA
ARCH A. MOORE, JR., GOVERNOR

NORMAN L. FAGAN, COMMISSIONER

September 16, 1988

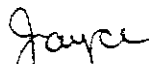
Dr. R. Eugene Harper, Co-Chairman
Task Force for Historic Preservation
P.O. Box 5520
Charleston, West Virginia 25361

Dear Gene:

Your letter of September 6, 1988 to the Archives and History Commission was referred to me. As a result of comments received at public meetings, revisions were made to the proposed regulations which should satisfy your concern about the compliance alternatives. I've attached a copy of the relevant section highlighting the changes.

Thank you for your comments. If you have any questions, please call.

Sincerely,


Joyce F. Kilburn, Deputy State
Historic Preservation Officer

JFK:kfs

Enclosure

DEPARTMENT OF CULTURE AND HISTORY

STATE OF WEST VIRGINIA
ARCH A. MOORE, JR., GOVERNOR

NORMAN L. FAGAN, COMMISSIONER

September 16, 1988

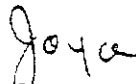
Ms. Hydie Hopkins, Co-Chairman
Task Force for Historic Preservation
P.O. Box 5520
Charleston, West Virginia 25361

Dear Hydie:

Your letter of September 6, 1988 to the Archives and History Commission was referred to me. As a result of comments received at public meetings, revisions were made to the proposed regulations which should satisfy your concern about the compliance alternatives. I've attached a copy of the relevant section highlighting the changes.

Thank you for your comments. If you have any questions, please call.

Sincerely,



Joyce F. Kilburn, Deputy State
Historic Preservation Officer

JFK:kfs

Enclosure