

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #7

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MAY 24 11 35 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Effective Date

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: 4

TITLE OF RULE BEING AMENDED _____

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:

Chapter 29, Article 3, Section 5b of the WV Code authorizes the State Fire Commission to promulgate the State Building Code. The State Building Code incorporates the latest changes in building code requirements approved by the Building Officials and Code Administrators to achieve a safe environment in buildings and structures. Building designers use the latest edition of the Building Codes to achieve a reasonable environment from hazards affecting human occupancy.

In the interest of public safety and utilization of the latest changes in code requirements to enhance building design and uses the approval of this Rule is imperative to enhance building safety.

Use Additional Sheets if Necessary.


Signature

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: STATE BUILDING CODE

Type of Rule: XX 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	THEREAFTER
<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 this Rule is to provide for technological changes in building construction and renovations. This Rule provides minimum standards to ensure the public safety, health and welfare insofar as building construction, and to life and property from hazards incident to the occupancy of buildings, structures and premises.

Rule Title: STATE BUILDING CODE

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

This proposed Rule provides updated technology in building construction. There is no cost to the State of West Virginia for filing this Rule.

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

Use of the latest edition of the building code and supplements provide the latest technology in building design and construction to all citizens throughout the State.

C. Economic Impact on Citizens/Public at Large.

The adoption of this Rule provides minimum standards to ensure public safety, health and welfare through building design and construction for all citizens.

Date: May 23, 1996

Signature of Agency Head or Authorized Representative

[Handwritten Signature], *SM.*

SUMMARY

The West Virginia State Fire Commission promulgates the State Building Code in accordance with West Virginia Code, Chapter 29, Article 3, Section 5b. The purpose of this code is to establish the rules necessary for the safeguarding of property through the quality of construction of all structures erected or renovated throughout this state.

The State Building Code adopts the Thirteenth Edition of the BOCA National Building Code, 1996; BOCA International Plumbing Code, First Edition, 1996; BOCA International Mechanical Code, First Edition, 1996; BOCA national Property Maintenance Code, Fifth Edition, 1996; BOCA National Energy Conservation Code, Seventh Edition, 1993; and the CABO One and Two Family Dwelling code, 1995 Edition.


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

5/23/96
Date


Bill L. Spencer, Chairman

5/16/96
Date

STATE FIRE COMMISSION
State Capitol
Charleston, West Virginia

FILED

MAY 24 11 38 AM '86

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

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

87-4-1 GENERAL

1.1 Scope: This rule establishes the standards 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 Code 29-3-5b.

1.3 Filing Date:

1.4 Effective Date:

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 this rule. 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 or her designated representatives.

2.3 "Fire Commission" - means the 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".

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 is a conflict between the "state fire code" and the "state building code", the state fire code takes precedence.

3.2 Whenever there is 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 takes precedence.

3.3 Whenever there is a conflict between the "state building code" and statutory laws of the State of West Virginia, the West Virginia Code takes 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,
Thirteenth Twelfth Edition, 1993- 1996

The BOCA ~~National~~ International Plumbing Code,
First Ninth Edition, 1993- 1996

The BOCA ~~National~~ International Mechanical Code,
First Eighth Edition, 1993 1996

The BOCA National Property Maintenance Code,
Fifth Fourth Edition, 1993- 1996
This Maintenance Code may be
rejected at the option of the local
jurisdiction.

The BOCA National Energy Conservation Code
Seventh Edition, 1993

The CABO One - and Two-Family Dwelling Code
1995 1993 Edition

4.1.1 The following structures are not 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. The local jurisdiction shall send a copy of the ordinance or order to the State Fire Marshal, West Virginia State Fire Commission, State Capitol Complex, Charleston, West Virginia 25305, within thirty (30) days of adoption.

5.2 Each local jurisdiction which adopts the State Building Code has 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 this rule 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 this rule 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 this rule 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 the opinion or enactment invalidates only that particular section or subsection of this rule and all other sections remain in full force and effect: Provided, the remaining portions are not determined to be inseparable, and to this end this rule is declared severable.