



Felton Ernest, Brandolyn <brandolyn.feltonernest@wv.gov>

Re: Public Comment and Update to 87 CSR 01 with 2.2.a.1 and Section 16 Agricultural Exemption

1 message

Tyree, Kenneth E <kenneth.e.tyree@wv.gov>
To: "Felton Ernest, Brandolyn" <brandolyn.feltonernest@wv.gov>

Fri, May 9, 2025 at 8:19 AM

I had to add some language so that all construction types are not included in this exemption (see bold print in 2.2.a.1.):

2.2.a. Sprinkler Protection and Area Limitations.

2.2.a.1. Approved automatic sprinkler systems in accordance with the applicable NFPA Standard for Sprinkler Systems will be installed in all new buildings used for any occupancy except for Industrial occupancies without special or high hazard use or structures with the exception of Industrial occupancies except those classified as a high hazard occupancy except those classified as a high hazard occupancy. Storage occupancies shall also be included in the exemption with the exception of buildings containing high-piled storage, bulk storage of tires, and mini-storage buildings as identified in NFPA 1, Section 13.3.2.26. This exemption shall include an exemption from the height and area requirements for Types of Construction identified as Types I and II only found in Section 2.2.a. of this rule as previously described; others exceeding the area limitations noted in the chart at the end of this subsection, or as required by occupancy chapters of the applicable NFPA codes and other NFPA codes, where no conflicts in the language exist. Sprinkler protection for occupancies covered by section 2 of this rule are required to provide sprinkler protection regardless of area limitations. *See* Table 2.2.a. below.

Please note: I've added exemptions to Storage Occupancies with the exception of high-piled storage, bulk storage of tires, and mini-storage buildings which are a unique potential high hazard. Please place the entirety of this email as a part of the public comment.

Also, I believe this will clear up a misunderstanding concerning Agricultural exemption and particularly the process for obtaining the exemption. We made need to reach our to Agriculture's General Counsel, Lora Walker to make her aware of my following suggestion (adding Section 16.3):

§87-1-16. Exemption for agricultural purposes.

16.1. If a property owner or other responsible party claims exemption from the State Fire Code based on the agricultural purposes exemption identified in subsection 1.6. of this rule, it would be based upon W. Va. Code §15A-11-3, that "buildings or structures utilized primarily for agricultural purposes shall be exempt from the provisions of the State Building Code, the State Fire Code, and any county or municipal building code or ordinance that is or may be adopted".

16.2. The term "agricultural purposes" means the raising, cultivation, drying, harvesting, marketing, production, or storage of agricultural products, including both crops and livestock, for sale or use in agriculture or agricultural production, or the storage of machinery or equipment used in support of agricultural production.

16.3. To obtain approval consideration for this exemption; a formal request will be made directly to the WV Department of Agriculture. If approved, the exemption shall be provided to this agency from the submitter or the Department of Agriculture.

Kenneth E. Tyree Jr., CFPS
State Fire Marshal
State DHS Liaison with Faith Community
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Challenges build character; anyone can hold the helm when the sea is calm.

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On Tue, Apr 15, 2025 at 10:43 AM Tyree, Kenneth E <kenneth.e.tyree@wv.gov> wrote:

The following language I would like to submit as an addendum to what I previously had submitted during the earlier public comment period:

2.2.a. Sprinkler Protection and Area Limitations.

2.2.a.1. Approved automatic sprinkler systems in accordance with the applicable NFPA Standard for Sprinkler Systems will be installed in all new buildings used for any occupancy except for Industrial occupancies without special or high hazard use or structures with the exception of Industrial occupancies except those classified as a high hazard occupancy ~~except those classified as a high hazard occupancy~~. Storage occupancies shall also be included in the exemption with the exception of buildings containing high-piled storage, bulk storage of tires, and mini-storage buildings as identified in NFPA 1, Section 13.3.2.26. This exemption shall include an exemption from the height and area requirements found in Section 2.2.a. of this rule as previously described; others exceeding the area limitations noted in the chart at the end of this subsection, or as required by occupancy chapters of the applicable NFPA codes and other NFPA codes, where no conflicts in the language exist. Sprinkler protection for occupancies covered by section 2 of this rule are required to provide sprinkler protection regardless of area limitations. See Table 2.2.a. below.

Please note: I've added exemptions to Storage Occupancies with the exception of high-piled storage, bulk storage of tires, and mini-storage buildings which are a unique potential high hazard. Please place the entirety of this email as a part of the public comment.

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16.2. The term "agricultural purposes" means the raising, cultivation, drying, harvesting, marketing, production, or storage of agricultural products, including both crops and livestock, for sale or use in agriculture or agricultural production, or the storage of machinery or equipment used in support of agricultural production.

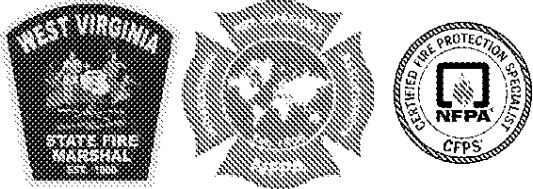
16.3. To obtain approval consideration for this exemption; a formal request will be made directly to the WV Department of Agriculture. If approved, the exemption shall be provided to this agency from the submitter or the

Department of Agriculture.

Respectfully,

Kenneth E. Tyree Jr., CFPS
State Fire Marshal
State DHS Liaison with Faith Community

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On Mon, Mar 17, 2025 at 1:44 PM Tyree, Kenneth E <kenneth.e.tyree@wv.gov> wrote:

If you look at yours you repeated the line twice; I've corrected it in what's attached and added language to clarify where no conflicting language exist within NFPA codes that may co-exist (i.e. NFPA 1 and NFPA 101) may have some conflicting language.

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On Mon, Mar 17, 2025 at 1:17 PM Felton Ernest, Brandolyn <brandolyn.feltonernest@wv.gov> wrote:

Sir,

I have saved your email and memorandum as a "public comment" on the Fire Code, during the public comment period.

I have reworked section 2.2.a.1. consistent with the language in the memorandum.

Please review what I have highlighted in yellow and let me know what you think.

Thanks.

--

Brandolyn N. Felton-Ernest, Esq.

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