


WEST VIRGINIA
STATE FIRE CODE
TITLE 87, SERIES I

Rules
Of the West Virginia
State Fire Commission

Approved by Secretary, Department of Military Affairs and Public Safety



Joe Martin

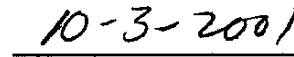


Date

Approved by State Fire Commission



A. Corley



Date

STATE FIRE COMMISSION
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WEST VIRGINIA STATE FIRE CODE

Rules of the West Virginia State Fire Commission

SERIES I

INDEX

Section 1	General	
	1.1	Scope 1
	1.2	Authority 1
	1.3	<u>Filing Effective Date</u> 1
	1.4	<u>Effective Filing Dates</u> 1
	1.5	Exemption 1
	1.6	Incorporation of Other Documents 1
Section 2	Reporting of Fire Incidences by Fire Departments, Brigades, and Companies	1
	<u>2.1</u>	<u>Fire Departments, Brigades, and Companies</u> <u>1</u>
	<u>2.2</u>	<u>Educational Property</u> <u>1</u>
Section 3	Unvented Heaters	2
Section 4	National Standards and Codes	
	4.1	Incorporation of National Standards and Codes 2
	4.2	National Standards and Codes - Modification of Fireworks Display Rule 2
	4.3	Local Police Authority 3
	4.4	National Standards and Codes - Table of Contents 3
Section 5	Sprinkler Protection & Area Limitation	3
Section 6	Sprinkler Protection (Certain Occupancies)	3

Section 7	Carpet Used as Floor Covering	3
Section 8	Maintenance of Fire Hazard; Order for Correcting Condition, Removal of Material, Repair, Demolition, etc.; Order to Contain Notice to Comply and Right to Appeal	4
Section 9	Interference with Fire Protection Equipment	5
Section 10	High Rise Buildings – Fire Safety Standards & Requirements	5
	10.1 General	5
	10.2 Addition of Floors to Existing Buildings	5
	10.3 Automatic Fire Extinguishing Systems & Standpipe Systems	<u>5</u> 6
	10.4 Fire Alarm System	<u>5</u> 6
	10.5 Fire Department Voice Communication System	<u>5</u> 6
	10.6 High Rise Central Control System	6
	10.7 Emergency Power	6
	10.8 Smoke Management	<u>6</u> 7
	10.9 Floor Design	<u>6</u> 7
Section 11	Fire Alarm Systems	
	11.1 General	<u>6</u> 7
	11.2 Requirements for Educational/Day Care Occupancy	<u>9</u> 10
	11.3 Requirements for Assembly Occupancy	10
	11.4 Requirements for Health Care Occupancy	<u>10</u> 11
	11.5 Requirements for Detention and Correctional Occupancies	<u>10</u> 11
	11.6 Requirements for Residential Occupancy	<u>11</u> 12

	11.7	Requirements for Mercantile Occupancy	<u>12</u>	13
	11.8	Requirements for Business Occupancy	<u>12</u>	13
	11.9	Requirements for Industrial Occupancy	<u>12</u>	13
	11.10	Requirements for Storage Occupancy	<u>12</u>	13
Section 12		Exit Inspections and Public Life Safety Announcements		
	12.1	Inspection of Exits	<u>12</u>	13
	12.2	Announcements	<u>12</u>	14
	12.3	Records	<u>13</u>	14
	12.4	Alternatives	<u>13</u>	14
Section 13		Orders and Decisions of the State Fire Marshal; and Appeals and Procedure for Appeals from such Orders Or Decisions	<u>13</u>	14
	13.1	Order of State Fire Marshal	<u>13</u>	14
	13.2	State Fire Marshal's Order and Decisions are Final and Conclusive	<u>13</u>	14
	13.3	West Virginia Code 29-3-12(g) and (I) Inquiry and Investigation	<u>13</u>	15
	13.4	Appeal Petition	<u>13</u>	15
	13.5	Time Requirement and Manner of Filing Appeal Petition	<u>14</u>	15
	13.6	Copy of Appeal Petition to State Fire Commission	<u>14</u>	15
	13.7	Scheduling Appeal Petition for and Notice of Hearing	<u>14</u>	16
	13.8	Authorized Representative	<u>14</u>	16
	13.9	Continuances	<u>15</u>	16

13.10	Absence of Petitioner or Counsel at the Scheduled Hearing	<u>15</u>	16
13.11	Hearing Examiner	<u>15</u>	16
13.12	Subpoenas and Subpoenas Duces Tecum	<u>15</u>	16
13.13	Evidence	<u>16</u>	17
13.14	Record of Proceedings	<u>16</u>	18
13.15	Informal Disposition	<u>16</u>	18
13.16	Decision by the State Fire Commission	<u>17</u>	18
13.17	Judicial Review	<u>17</u>	18
Section 14	Miscellaneous Provisions		
14.1	Forest Fire Season	<u>17</u>	19
14.2	Executive Order by the Governor on Open Burning	<u>18</u>	19
14.3	Outdoor Storage of Used Tires	<u>18</u>	20
14.4	Fireworks Defined; Labels Required	<u>19</u>	20
14.5	Unlawful Sale, Possession or Use of Fireworks; Permit for Public Display	<u>19</u>	21
14.6	Necessity of License for Electrical Work	<u>20</u>	22
14.7	Necessity of NICET Certification for Fire Protection and Fire Alarm Systems	<u>20</u>	22
14.8	Residential Board and Care Occupancies	<u>20</u>	22
14.9	Storage of DOT Classified Fireworks Wholesale Distributors	<u>20</u>	24
14.10	Stopping, Standing or Parking Prohibited in Specified Areas	<u>23</u>	26

14.11 Crossing Fire Hose	<u>23</u>	26
14.12 Emergency Vehicle Permits	<u>24</u>	26
14.13 Correctional/Detention Facilities	<u>24</u>	26
14.14 Explosives Amendment to NFPA 495, Explosive Materials Code	<u>24</u>	27
APPENDIX A – <u>2000</u> 1997 National Fire Code Contents	<u>25</u>	28
APPENDIX B – Sprinkler Protection & Area Limitation	<u>27</u>	30

TITLE 87
LEGISLATIVE RULE
FIRE COMMISSION

SERIES 1
FIRE CODE

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

§87-1-1. General.

1.1. Scope. -- This rule establishes the State Fire Code for the safeguarding of life and property from the hazards of fire and explosion.

1.2. Authority. -- This legislative rule is issued under authority of W. Va. Code §29-3-5.

1.3. Filing Date. -- ~~April 6, 1998~~

1.4. Effective Date. -- ~~May 1, 1998~~

1.5. Exemption. -- This State Fire Code has no application to personal care homes caring for three or less patients or buildings used wholly as dwelling houses for no more than two families and has no application to farm structures. Provided; however, that farm structures (1) used for group sleeping accommodations for farm workers or (2) used for educational, health care, assembly or detention/correctional occupancy are not exempt from the requirements of this State Fire Code.

1.6. Incorporation of Other Documents. -- This State Fire Code does not include a reprinting of all the requirements imposed by statute or by the incorporation of various National Standards and Codes cited in Section 4 of this rule. For ascertaining these additional standards and requirements it is necessary to make reference to these other documents.

~~1.7. Repeal and Replace State Fire Commission, Fire Code Rule 87 CSR 1 effective July 24, 1997, May 1, 1998.~~

§87-1-2. Reporting of Fire Incidences by Fire Departments, Brigades, and Companies.

2.1 Fire Departments, Brigades, and Companies.

The Fire Chief of any organized public fire brigade, department or company shall report every fire and non-fire incident to the State Fire Marshal on the forms provided by the State Fire Marshal. Every fire and non-fire incident response shall be reported within thirty (30) days after the date of the incident. Provided, that any fire or explosion involving human fatality, arson or suspected arson shall be reported immediately.

2.2 Educational Property.

The individual responsible for the respective organization or facility shall report all unwanted fires, on any public or private educational property, including higher education to the State Fire Marshal within 24 hours of occurrence.

§87-1-3. Unvented Heaters.

All unvented fuel fired heaters are prohibited for all occupancies except one (1) and two (2) family dwellings. Provided, that a single unvented fuel fired heater is permitted for demonstration purposes in authorized mercantile applications when installed in accordance with manufacturers recommendations. The single heater ~~must~~ shall be connected to a permanent source of fuel and shall not be used as a permanent or alternate source of heating. The unvented heater shall be shut off at the end of each business day.

§87-1-4. National Standards and Codes.

4.1. Incorporating of National Standards and Codes - The standards and requirements as set out and established by the ~~1997~~ 2000 edition of "The National Fire Codes" and the 2000 National Fire Codes Supplement published by the National Fire Protection Association, ~~and the State Building Code~~, (but not including standards and requirements directed to the operation of local fire departments), and NFPA 101A and have the same force and effect as if set out verbatim in this rule and are hereby adopted and promulgated by the State Fire Commission as a part of the State Fire Code. The State Fire Marshal shall make use of the standards and requirements within the incorporated publications in all matters coming under his or her jurisdiction. A copy of The National Fire Codes has been filed with the Secretary of State and a copy of the Table of Contents of that publication is included in Appendix A of this rule. Information regarding the purchase of The National Fire Codes or separate volumes of the Codes may be obtained by writing to the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

4.2. National Standards and Codes - Modification of Fireworks Display Rule. The "Rule of the State Fire Marshal For The Display of Fireworks" as contained in N.F.P.A. 1123 and 1126 of the ~~1997~~ 2000 edition of The National Fire Codes has the same force and effect and ~~shall~~ controls the display of fireworks as if set out verbatim in this rule and is hereby adopted and promulgated by the State Fire Commission as a part of the State Fire Code, but with ~~paragraphs~~ subdivisions 4.2.1 and 4.2.2 changed to read as follows:

4.2.1. Upon receipt of the application at least 15 days in advance of the date set for this display, the Chief of the Fire Department shall make, or cause to be made an investigation of the site of the proposed display for the purpose of determining whether the provisions of this rule are complied with in the case of the particular display. He or she shall confer with the Chief of the Police Department, or the County Sheriff if the site for the proposed display is to be outside the limits of a municipality, about the application and whether issuance of a permit would be consistent with public safety. If a display is properly lawful, the Chief of Police or the County Sheriff, if the site of the proposed display is outside the limits of a municipality and the Chief of Fire Department shall together endorse the application, stating that they approve the display as being in conformance with all parts of the law and with this rule. Failure to approve the application by either the Fire Chief or Police Chief or County Sheriff is sufficient cause for the State Fire Marshal to deny a permit.

4.2.2. The application, following endorsement by the Chiefs of the Fire and Police Departments or County Sheriff shall be sent to the State Fire Marshal who shall then, upon receipt of evidence of financial responsibility as required by law in such cases, issue a nontransferable permit authorizing the display.

4.3 These changes to the N.F.P.A. 1123 and 1126 and contained in Subsection 4.2 of this section are made to make certain it is understood that the County Sheriff rather than City Police Chief is the local police authority referred to in W. Va. Code §29-3-24 in those situations where the proposed site of a fireworks display is outside the limits of a municipality.

4.4. National Standards and Codes, Table of Contents

The National Fire Codes as published by National Fire Protection Association are adopted by this rule and are set forth in Appendix A of this Rule.

§87-1-5. Sprinkler Protection and Area Limitations.

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, exceeding the area limitations noted in Appendix B at the end of this rule. Sprinkler protection for occupancies covered by Section 6 of this rule are required to provide sprinkler protection regardless of area limitations.

§87-1-6. Sprinkler Protection (Certain Occupancies).

6.1 All nursing, convalescent, old age, custodial care, and long term or extended care homes or institutions, existing and new, regardless of the type of construction, shall have a complete automatic sprinkler protection in accordance with Standard 13 contained within the National Fire Codes and incorporated by reference in Subsection 4.1 of this rule.

6.2 Homes or institutions caring for not more than three patients shall meet the requirements of this section.

§87-1-7. Carpet Used as Floor Covering.

7.1. Flammability Requirements for Carpet Used As Floor Covering

7.1.1 In institutional, health care, educational and penal occupancies, carpet shall meet a minimum value of 0.45 watts per square centimeter in all corridors and exits. Carpet in all other areas shall meet a minimum value of 0.22 watts per square centimeter.

7.1.2 Flammability requirements for carpet used as floor covering in all other occupancies shall meet a minimum value of 0.22 watts per square centimeter in all corridors and exits.

7.1.3 Any pad used under the carpet shall meet the minimum class of the carpet installed.

7.1.4 The values shall be determined by NFPA 253, Critical Radiant Flux of Floor Covering Systems.

7.2. Smoke Generation Properties of Carpet Used as Floor Covering.

7.2.1 In all occupancies smoke generation shall not exceed a maximum value of $D_m=450$ (flaming mode).

7.2.2 The value shall be determined by ASTM E-662, Specific Optical Density of Smoke Generation by Solid Materials.

7.2.3 All test data for determining the flammability and smoke properties of carpets shall be conducted by a nationally recognized laboratory as certified by the National Voluntary Laboratory Accreditation Program.

7.2.4 Where an approved, automatic sprinkler system is installed and all floors are non-combustible, class II carpet is permitted in any location where Class I carpet is required. Where an approved automatic sprinkler system is installed and all floors are noncombustible and Class II carpet is permitted, no rating is required.

§87-1-8. Maintenance of Fire Hazard; Order for Correcting Condition, Removal of Material, Repair, Demolition, etc.; Order to Contain Notice to Comply and Right to Appeal.

Whenever the State Fire Marshal, by and through persons working under his or her direction, determines based upon the State Fire Code and/or on the experience and knowledge applied in the operation of his or her office (1) that any building or structure has been constructed, altered, or repaired in a manner violating the State Fire Code as promulgated prior to the commencement of the construction, alterations, or repairs, or (2) that any building or structure is being maintained or used in such a way as to endanger life or property from the hazards of fire or explosion, or (3) that any building or other structure or property of any kind, which, for want of repairs, or by reason of its age, dilapidated, or abandoned condition or for any other reason constitutes a fire hazards and is located or constructed so as to constitute a danger to other buildings, property, persons, life, or limb, or (4) that in any building or upon any premises there is located any combustible, flammable, or explosive substance or material or other condition dangerous to the safety of persons occupying the building or premises and adjacent premises and property, the State Fire Marshal shall order the condition or thing to be corrected, or combustible, flammable or explosive, items to be removed, or the building or buildings to be repaired, closed to occupants, or removed, as required by the circumstances. The order shall be promptly complied with by the owner, agent, occupant, and lessee of the premises, place, property, or thing. Any order may be expressed in the alternative, e.g. allowing repair but on the failure to repair requiring demolition. Any order by the State Fire Marshal which concludes that a fire hazard exists, shall state stating what repairs and/or demolition must be accomplished, and that compliance must be completed within thirty (30) days of issuance. In the

event of noncompliance, the State Fire Marshal is authorized by statute to enter into and upon the premises affected by the order and cause the building, structure, premises, or thing to be repaired, or torn down, materials removed, and all dangerous conditions ~~to be~~ remedied (as the case may be) at the expense of the owner, and shall advise that the order can be contested by entering an appeal to the State Fire Commission as outlined in Section 13 of this Rule.

§87-1-9. Interference with Fire Protection Equipment.

No person shall render any portable or fixed fire extinguishing system or device or any fire warning system inoperative or inaccessible except as may be necessary during emergencies, maintenance, drills or prescribed testing.

§87-1-10. High Rise Buildings - Fire Safety Standards and Requirements.

10.1 General - Any new building or structure more than forty (40) feet in height, measured from the lowest level of fire department vehicle access to the floor of the highest normally occupied space used for human occupancy of the structure, is subject to this rule section for high rise buildings. This rule shall not nullify or interfere with existing city high rise ordinances or local laws previously adopted prior to September 8, 1975 relative to high rise buildings. Industrial occupancies not occupied as business offices are exempted from the provisions of this section.

10.2 Addition of Floors to Existing Buildings - Whenever floors are added to an existing building, which previously was not a high rise, causing the building to become a high rise, the building shall comply with this rule.

10.3 Automatic Fire Extinguishing Systems & Standpipe Systems - Any building or structure as defined in Subsections 10.1 or 10.2 of this Rule and used for human occupancy shall have an approved automatic fire extinguishing system throughout the entire building and standpipe systems installed in accordance with The National Fire Codes, adopted under Section 4 of this Rule. Class I Manual Standpipe Systems may be used up to 75 feet as adopted by NFPA 14, Standard for Standpipe Systems.

10.4 Fire Alarm System - The fire alarm system of a high rise building shall conform to the Standards imposed by Section 4 and Section 11 of this Rule.

10.5 Fire Department Voice Communication System - Any high rise building or structure used for human occupancy that is seventy-five (75) feet in height or greater as measured in accordance with Subsection 10.1 of this Rule Section shall have an approved electrically supervised fire department voice communication system. The Fire Department Voice Communication System shall be located at each floor level of stair enclosures, elevator lobbies, the penthouse and in any elevator designated for fire department use. This system shall be a telephone jack system unless specifically approved otherwise by the designated fire authority having jurisdiction.

**Fire Commission
Legislative Rules
Series I**

Section 10.6

10.6 High Rise Central Control Station - In every high rise building as defined in Subsections 10.1 and 10.2 of this Rule Section, a central control station for Fire Department operations shall be provided in a location approved by the State Fire Marshal or the designated local fire authority. The Central Control Station shall contain: (1) the fire department voice communication system panel when required, (2) fire detection and alarm system panels, (3) status indicators for the Heating, Ventilation and Air Conditioning (HVAC), Smoke Control System, fire pumps and emergency generator and a (4) telephone approved by designated fire authority having jurisdiction. Emergency lighting shall be provided at the Central Control Station.

10.7 Emergency Power - A permanently installed emergency power generation system conforming to The National Fire Codes adopted by Section 4 of this Rule shall be provided in every high rise building 75 feet in height or greater, as measured in accordance with subsection 10.1 of this Rule Section. All power, lighting, signal, and communication facilities, required by this rule or otherwise, shall be transferable automatically to the emergency power system. The emergency power system shall be of sufficient capacity to provide service for, but not limited to, the following:

- (a) the Fire Alarm System;
- (b) exit & Other Emergency Lighting;
- (c) fire Protection Equipment;
- (d) the Smoke Management System;
- (e) the Fire Department Elevator;
- (f) the Fire Department Voice Communication System; and
- (g) the Fire Pumps.

10.8 Smoke Management - In all high rise buildings as defined in Subsections 10.1 and 10.2 of this Rule Section, a smoke management system designed in accordance with NFPA 92A, Smoke-Control Systems, and 92B, Smoke Management Systems in Malls, Atria and Large Areas, shall be provided and acceptable to the State Fire Marshal.

10.9 Floor Designation - All stairway doors, both on the stairway and entrance side, shall indicate the floors by number. The floor number shall be in at least 6" block letters in a contrasting color.

§87-1-11. Fire Alarm System.

11.1 General Requirements for All Occupancies

11.1.1 The following requirements apply in addition to NFPA 101, Life Safety Code, Chapter 7-9, Section 6 9.6 as adopted by this Rule.

**Fire Commission
Legislative Rules
Series I**

Section 11.1.2

11.1.2 All fire alarm systems, including all components, shall be electrically supervised. Components include pull stations, automatic detection, sounding audio visual devices, flow switches, tamper switches and the main panel.

11.1.3 All fire alarm systems shall be tied in ahead of the main power disconnect, unless a secondary power source is provided.

11.1.5 4 All sprinkler systems OS & Y, P.I.V. and other Control Valves shall be electrically supervised and tied into the trouble/supervisory side of the fire alarm control panel.

11.1.6 5 All sprinkler systems shall be tied in so water flow will activate the general fire alarm sounding audio visual device.

11.1.7 6 Flow and/or pressure switches shall be annunciated separately on the main fire alarm control panel.

11.1.8 7 All Health Care, and Detention and Correctional Occupancies shall be tied into a fire department or a communication center with 24-hour supervision which is responsible for receiving emergency calls.

11.1.9 8 Heating, Ventilation, Air Conditioning Systems (HVAC)

(a) All heating, ventilation, and air conditioning systems greater than 2000 CFM and less than 15,000 CFM shall have a duct type smoke detector in the return air duct or plenum for automatic shut down, to close main fan dampers and to sound a general fire alarm when activated.

(b) All heating, ventilation, air conditioning systems greater than 15,000 CFM shall have duct type smoke detectors installed in both supply and return air ducts to automatically shut down, close main fan dampers and to sound a general fire alarm when activated.

(c) Health Care, Detention and Correctional occupancies and high rise buildings duct detectors shall be zoned to indicate the specific air handling unit at the main fire alarm panel.

(d) An HVAC unit which utilizes 100% ~~utilization~~ of outside air does not require duct detectors.

(e) HVAC Systems used as part of the smoke management systems are exempt from the requirements of this subsection.

11.1.40 9 Audible alarm indicating devices shall be of such character and distributed so as to be effectively heard above the ambient noise level obtained under normal conditions of occupancy. Audible alarm indicating devices shall produce signals that are distinctive from audible signals used for other purposes in the same building.

**Fire Commission
Legislative Rules
Series I**

Section 11.1.10

11.1.44 10 Visual signal devices shall be provided in all new fire alarm systems.

11.1.42 11 Pre-recorded or live voice evacuation instructions to occupants are permitted. Pre-recorded instructions shall be preceded by not less than 5 seconds or more than 10 seconds of a continuous alerting signal. Upon completion or failure of pre-recorded instructions, the fire alarm evacuation signal shall sound. Pre-recorded instructions shall be repeated two or more times. Live voice instructions shall be permitted to interrupt the pre-recorded message or the fire alarm evacuation signal. Audible and visual fire alarm devices shall be used only for fire alarm system.

11.1.43 12 Manual pull stations shall be located no greater than 200 feet from each other and at all exits. Manual pull stations shall be of the same general operational type.

11.1.44 13 Thermal detectors are required in the following areas in all occupancies requiring a fire alarm system and as listed or identified in NFPA 101, The Life Safety Code. Thermal detectors are not required in areas provided with sprinkler protection or dwelling units of apartments.

AREAS	TYPE OF DETECTORS
(a) Elevator Shafts	Fixed Temperature
(b) Attic & Cockloft Spaces	Fixed Temperature
(c) Storage Rooms	Rate of Rise
(d) Furnace or boiler rooms	Fixed Temperature
(e) Janitor Closets	Rate of Rise
(f) Kitchens	Fixed Temperature
(g) Laboratories, Home Economics, Woodworking Shops, Auto Shops, Utility Rooms, & Locker Rooms	Rate of Rise

11.1.45 14 Smoke detectors are required in the following areas in all occupancies requiring fire alarm systems:

(A) Rooms and/or areas dedicated for the location of electrical distribution panels or transformers;

(B) Stages or Platforms; and

(C) On each side of required smoke partition doors.

11.1.46 15 Smoke detectors, ~~where required by the occupancy~~, shall be placed a maximum of 15 feet from ends of corridors or walls and 30 feet on center and in rooms open to the corridors, where required by the occupancy. Exceeding the spacing requirements will require submission of technical data for approval by the Fire Marshal.

**Fire Commission
Legislative Rules
Series I**

Section 11.1.16

11.1.47 16 A building or structure being used for more than one occupancy ~~must~~ shall comply with the fire alarm system requirements of the most stringent occupancy for that building or structure.

11.1.48 17 Hood suppression systems shall be connected to the Fire Alarm System and separately zoned.

11.1.49 18 A pre-signal fire alarm system is not permitted.

11.2 Requirements for Educational and Day Care Occupancies

11.2.1 A fire alarm system is required in every educational and day care occupancy, and shall meet the requirements and standards as provided in this section. However, classroom buildings of less than 2500 sq. ft. gross floor area with direct exiting to the outside from each classroom is are not required to have a fire alarm system.

11.2.2 Open Plan Classroom Concepts require a complete smoke detection system throughout the facility.

11.2.3 Day Care Centers located in buildings other than educational facilities shall have smoke detectors installed on the ceilings of each story in front of the doors to the stairways and at no greater than 30 feet spacing in the corridors of all floors occupied by the center. Detectors shall also be installed in lounges and sleeping rooms in the center.

11.2.4 Group Day Care Centers require hardwired smoke detectors in sleeping rooms and corridors. Audio visual warning devices are required if hearing impaired individuals are in the facility. In mixed occupancies when exiting requires the use of a common corridor, an electrically supervised fire alarm system shall be installed.

11.2.5 An annunciator panel or fire alarm control panel ~~is to~~ shall be readily accessible to local fire department personnel.

11.2.6 Rate of rise thermal detectors are required in all Rest Rooms in new buildings except in fully sprinklered buildings.

11.2.7 Smoke detectors shall be installed in all corridors, except in a single story building with direct exiting to the exterior by the means of a door from every normally student occupied room.

11.3. Requirements for Assembly Occupancy

11.3.1 A fire alarm system is required in every place of assembly where:

- (a) Occupancy is subject to 300 or more occupants;
- (b) Occupancy is subject to 100 or more occupants above or below the level of exit discharge;
- (c) The building is two (2) or more stories in height above the level of exit discharge, or two (2) or more stories below the level of exit discharge; or
- (d) Theaters with more than one audience-viewing room.

11.3.2 Annunciator panels and/or fire alarm control panels shall be readily accessible to fire department personnel.

11.3.3 Theaters and auditoriums shall provide ~~sounding-audible~~ audio visual devices. House lights in auditoriums and theaters shall be activated by the fire alarm system.

11.4 Requirements for Health Care Occupancies

11.4.1 A fire alarm system is required in every Health Care occupancy, and the system shall meet the requirements and standards of this rule.

11.4.2 An approved automatic smoke detection system shall be installed in all corridors.

11.4.3 Manual pull stations shall be installed every 50 feet throughout the facility in patient sleeping room areas starting at the end of all corridors. All other manual pull stations shall be placed in accordance with the general requirements of this rule.

11.4.4 Fire alarm systems shall have annunciators located at all 24 hour nurse's stations, the telephone switchboard, and at the main location of the fire department's entry.

11.5. Requirements for Detention and Correctional Occupancies

11.5.1 A fire alarm system is required in every Detention and Correctional occupancy and the system shall meet the requirements and standards as provided in this rule subsection.

11.5.2 The annunciator panel or fire alarm control panel shall be readily accessible to fire department personnel and shall also be provided in the Detention or Correctional facility control center.

11.5.3 Manual pull stations shall be provided as set forth in general requirements of this rule. Manual pull stations may be of the security type in detention or correctional occupancies.

11.5.4 Smoke detectors shall be installed in all corridors. If no corridor exists, they shall be installed at the highest point of the cell areas.

11.5.5 Dormitory style correctional facilities shall comply with the Residential requirements of subsection 11.6 of this section.

11.6 Requirements for Residential Occupancies

11.6.1 A fire alarm system is required for each of the groups of residential buildings, and the system shall meet the requirements and standards of this Rule.

11.6.2 Lodging and Rooming Houses protected throughout with a sprinkler system shall be provided with interconnected hardwired smoke detectors as required by NFPA 72, The National Fire Alarm Code, Chapter 2.

11.6.3 Residential occupancies are designated in two groups. These designated groups must shall comply with the requirements of this Rule. One group of occupancies include hotels, motels, dormitories, lodging and rooming houses. The other group includes apartments only.

11.6.4. The following requirements apply to the occupancies of hotels, motels, dormitories, lodging and rooming houses.

11.6.4.1 Smoke detectors shall be placed a maximum of 15 feet from ends of corridors or walls and located 30 feet on center throughout all inside corridors. Smoke detectors shall be placed a maximum of 15 feet from ends of walls and 30 feet on center in open bay sleeping areas.

11.6.4.2 The annunciator panel or fire alarm control panel shall be readily accessible to fire department personnel and also shall be located at the registration desk.

11.6.4.3 All sleeping rooms and living areas in suites shall have an approved self-contained smoke detector hard wired in accordance with NFPA 72, National Fire Alarm Code.

11.6.4.4 Motels and hotels having direct exterior exiting shall have a manual pull station every 75 feet located on exterior walls with the minimum requirement of one manual pull station. However, a one story motel with 16 or less sleeping rooms having direct exiting to the exterior is not required to be provided with a fire alarm system.

11.6.5. The following requirements apply to apartments.

11.6.5.1 Apartment buildings having 12 or more units or 4 or more stories in height shall have a fire alarm system. Smoke detectors shall be placed a maximum of 15 feet from the ends of corridors and walls and 30 feet on centers.

11.6.5.2 All existing apartments shall have approved self-contained smoke detectors located at the entrances to bedrooms.

11.6.5.3 All new apartments shall have an approved self-contained smoke detector hard wired in accordance with NFPA 72, National Fire Alarm Code.

**Fire Commission
Legislative Rules
Series I**

Section 11.6.5.4

11.6.5.4 All new apartment buildings having 12 or more units or 4 or more stories in height with direct exiting to the exterior shall have manual pull stations every 75 feet on the exterior wall with a minimum requirement of one pull station per building.

11.7. Requirements for Mercantile Occupancies

11.7.1 A fire alarm system is required in every mercantile occupancy over 3,000 square feet, and the system shall meet the requirements and standards as provided in this subsection.

11.7.2 If an existing Class B mercantile occupancy has a complete and approved sprinkler protection system, a fire alarm system is not required.

11.8. Requirements for Business Occupancies

11.8.1 A fire alarm system is required in every business occupancy where:

- (a) The occupancy is subject to 300 or more total occupants;
- (b) The occupancy is subject to 100 or more occupants above or below the level of exit discharge; or
- (c) The building is two (2) or more stories in height above the level of exit discharge or two (2) or more stories below the level of exit discharge.

11.9. Requirements for Industrial Occupancies

11.9.1 A fire alarm system is required in all Industrial Occupancies as required in The National Fire Codes NFPA 101, Life Safety Code, referred to in Section 4 of this rule.

11.10. Requirements for Storage Occupancies

11.10.1 A fire alarm system is required in all Storage Occupancies as required in The National Fire Codes NFPA 101, Life Safety Code, referred to in Section 4 of this rule.

§87-1-12. Exit Inspections and Public Life Safety Announcements.

12.1. Inspection of Exits. Not more than ninety (90) minutes prior to the scheduled commencement of any noncontinuous activity, event, performance, show, meeting, function, or other occasion for which ~~300 or more~~ people will gather in a place of assembly, the owner or his or her designee pursuant to written authority, instructions, or procedures shall inspect every required exit, way of approach to an exit, and way of departure from an exit. If the inspection reveals that any required means of egress is obstructed, inaccessible, locked, fastened, or otherwise unsuited for immediate use, the scheduled program shall not begin, nor shall admittance to the place of assembly be permitted, until necessary corrective action has been completed.

12.2. Announcements. Immediately prior to the start of a program for which 300 or more people will gather in a place of assembly, the owner or his or her authorized agent shall orally notify all attendees concerning the location of the exits to be used in case of fire or other emergency.

12.3. Records. An accurate record of all inspections, corrections, and notifications shall be kept and retained for at least two (2) years in the offices of the respective building owners. The records shall contain:

- (a) a brief description of each activity, event, performance, etc., including its date, time, and location;
- (b) the name and signature of the person who performed each requirement of this subsection; and
- (c) the date and time when each requirement was performed.

12.4. Alternatives. In case of practical difficulty or undue hardship, or in which compliance would not significantly increase life safety, the State Fire Marshal may approve or accept alternative means of accomplishing the objectives of this section.

§87-1-13. Orders and Decisions of the State Fire Marshal; and Appeals and Procedure for Appeals from such Orders or Decisions.

13.1 State Fire Marshal's Order and Decisions are Final and Conclusive - Any order or final written decision of the State Fire Marshal based upon or made in the course of the administration or enforcement of the provisions of W.V. Code 29-3-1 et seq based upon or made pursuant to this rule is final, unless vacated or modified upon review pursuant to the appeal rights and procedures provided by Chapter 29A of the W.V. Code and this rule.

13.2 State Fire Marshal's Order And Decisions Appealed - Any person aggrieved by an order or final written decision of the State Fire Marshal based upon or made in the course of the administration or enforcement of the provisions of W.Va. Code 29-3-1 et seq. or made pursuant to this rule, and desiring to contest the order or written decision may file an appeal from the order or written decision with the State Fire Commission. Preservation of the right to an appeal and the procedure for the contested case is governed by this section and by W. Va. Code §29-3-1 et seq.

13.3 W. Va. Code §29-3-12(g) and (l) Inquiry and Investigation - The testimony which may be obtained by the State Fire Marshal pursuant to the authority in W. Va. Code §29-3-12(g) and (l) shall be obtained without compliance with the provisions in this rule governing "Procedure in Contested Cases." Where appropriate, a subsequent order by the State Fire Marshal relating to the testimony obtained is the same as any other order by the State Fire Marshal subject to the appeal rights provided in W. Va. Code §29-3-1 et seq.

13.4 Appeal Petition - The appeal petition shall be typewritten, styled "Appeal Petition", and the appellant shall submit an original and one (1) copy. It shall be complete in itself so as to fully state the matters contested. No telegram, telephone call, or similar communication will be regarded as an appeal petition. The petition shall contain and include the following:

**Fire Commission
Legislative Rules
Series I**

Section 13.4

- (A) a copy of the order or decision of the State Fire Marshal being contested;
- (B) a clear and concise assignment of each error which the petitioner alleges to have been committed by the State Fire Marshal in issuing the order or decision with each assignment of error being shown in separately numbered paragraphs;
- (C) a clear and concise statement of the facts upon which the petitioner relies as sustaining his or her assignment of errors;
- (D) the address to which the petitioner desires to have all notices, documents, and the final order of the State Fire Commission mailed;
- (E) the telephone number or numbers where the petitioner can be contacted;
- (F) the names and addresses of all persons having any ownership interest in the property which is the subject of the State Fire Marshal's order being contested;
- (G) a prayer setting forth the relief sought; and
- (H) the signature of the petitioner or its duly authorized officer.

13.5 Time Requirement and Manner of Filing Appeal Petition - The petitioner shall submit an appeal petition by personal delivery or mailed to the State Fire Commission within thirty (30) days following service upon the petitioner, or within thirty (30) days following actual receipt if service is not required or for some reason is not made of the order or decision being contested. Any appeal petition shall be sent by certified mail, return receipt requested, and is timely if postmarked within the thirty (30) day period. Any appeal petition not delivered or mailed within the thirty (30) day period is not timely filed and the order or decision of the State Fire Marshal being contested is final.

13.6 Copy of Appeal Petition to State Fire Commission - Upon receipt of an appeal petition, the Chairman of the State Fire Commission, through office staff, shall supply a copy of the petition to the State Fire Commission members together with an opinion by the State Fire Marshal regarding the urgency of the matter being contested. If The State Fire Marshal elects to file a response to the appeal petition, he or she shall deliver a copy of the response to the State Fire Commission and a copy to the petitioner.

13.7 Scheduling Appeal Petition for and Notice of Hearing - The State Fire Commission Chairman through office staff ~~the State Fire Marshal~~ shall schedule a hearing on the appeal petition giving the petitioner and the State Fire Marshal at least ten (10) days written notice of the date, time, and place of the hearing. The notice to the petitioner shall be by personal delivery or by certified mail, return receipt requested, shall contain a short and plain statement of the matters to be considered at the hearing, and a copy of the State Fire Marshal's response, if any, to the appeal petition, and shall be mailed or personally delivered by the State Fire Marshal no later than thirty (30) days after receipt of the appeal petition. A copy of the notice to the petitioner shall be supplied to the State Fire Marshal. The hearing shall be conducted at a designated location in Charleston, West Virginia, or in the discretion of the State Fire Commission at a location within the county where the premises in question are located.

13.8 Authorized Representative - The petitioner may appear individually, or by counsel.

**Fire Commission
Legislative Rules
Series I**

Section 13.9

13.9 Continuances - A motion for continuance shall not be granted unless made in writing three days before the hearing or during the hearing, in either case for good and sufficient cause. Upon consideration of a motion for continuance, the urgency of the situation shall be determined and taken into consideration. Conflicting engagements of counsel or the employment of new counsel are not good grounds for a continuance unless a motion is filed promptly after the notice of hearing has been mailed or unless extenuating circumstances are shown, which the State Fire Commission or hearing examiner considers adequate.

13.10 Absence of Petitioner or Counsel at the Scheduled Hearing - A hearing by the Fire Commission shall not be delayed or continued due to the absence of the petitioner or his or her legal counsel at a hearing, after service of notice of the time, date, and place of the hearing. The hearing shall proceed and the case shall be submitted for decision on the part of the absent petitioner or petitioners.

13.11 Hearing Examiner - Any member of the State Fire Commission may conduct a hearing on an appeal petition and has full authority to conduct the proceedings on an appeal petition, and when acting in that capacity shall be referred to as the hearing examiner. Alternatively, the State Fire Commission may authorize and empower an impartial attorney as a hearing examiner with the specific powers listed in W. Va. Code §29A-5-1(d).

13.12 Subpoenas and Subpoenas Duces Tecum

13.12.1 At any hearing held under this section, the testimony of witnesses and the production of documentary evidence may be required through the use of subpoenas and subpoenas duces tecum. The State Fire Marshal may issue subpoenas and subpoenas duces tecum at the request of the petitioner, the hearing examiner or the State Fire Commission.

13.12.2 Every subpoena or subpoena duces tecum is required to prove service at least five (5) days before the return date of that subpoena, either by personal service made by any person eighteen (18) years of age, or older, or by registered or certified mail. A return acknowledgment signed by the person to whom the subpoena or subpoena duces tecum is directed is required to prove service by registered or certified mail.

13.12.3 Any party requesting a subpoena or subpoena duces tecum shall see that it is properly served. Service of a subpoena or subpoena duces tecum issued at the insistence of the State Fire Commission is the responsibility of the State Fire Commission.

13.12.4 Any public official who serves any subpoena or subpoena duces tecum is entitled to the same fee as a Sheriff who serves a witness subpoena for a circuit court of this state; and fees for the attendance and travel of witnesses are the same as for witnesses before the circuit courts of this state. All fees shall be paid by the State Fire Commission if the subpoena or subpoena duces tecum is issued at the instance of the Commission. All fees related to any subpoena or subpoena duces tecum issued at the instance of the petitioner or the State Fire Marshal shall be paid by the party requesting the subpoena or subpoena duces tecum.

**Fire Commission
Legislative Rules
Series I**

Section 13.12.5

13.12.5 A request for a subpoena or subpoena duces tecum shall be in writing and shall contain a statement acknowledging that the requesting party agrees to pay the required fee.

13.12.6 Any person receiving a subpoena or subpoena duces tecum issued under this section shall honor the subpoena or subpoena duces tecum as though it were issued by a circuit court of the state, and shall appear as a witness and/or produce the books, records, or papers in response to the subpoena or subpoena duces tecum. In case of disobedience or neglect of any subpoena or subpoena duces tecum served on any person or the refusal of any witness to testify to any matter regarding which he or she may be lawfully interrogated, the circuit court of the county in which the hearing is being held, upon application by the State Fire Commission, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena or subpoena duces tecum issued from the circuit court or a refusal to testify in the circuit court.

13.13. Evidence

13.13.1 All witnesses appearing at the hearing shall testify under oath or affirmation. Every adverse party has the right of cross-examination of witnesses who testify, and has the right to submit rebuttal evidence.

13.13.2 All relevant and material evidence, including papers, records, agency staff memoranda and documents in the possession of the State Fire Commission or the State Fire Marshal of which either party desires to avail himself or herself, may be offered and made a part of the record in the case.

13.13.3 Irrelevant, immaterial, or unduly repetitious evidence shall be excluded by the Fire Commission. Except as otherwise in this section, the rules of evidence as applied in civil cases in the circuit courts of this state shall be followed in considering the admissibility of evidence. However, when necessary to ascertain facts not reasonably susceptible of proof under those rules, reasonably authenticated evidence not admissible under those Rules may be admitted, except where precluded by the W.V. Code or privilege, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs

13.14 Record of Proceedings - All of the testimony, evidence and rulings on admissibility of evidence at any hearing shall be recorded by a certified court reporter. An official record of the hearing shall be prepared by the State Fire Commission. A transcript, shall only be prepared if ~~this~~ the Commission's final decision is appealed. The cost of the transcript shall be paid by the party requesting it.

13.15 Informal Disposition - At any stage of the proceedings, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

13.16 Decision by the State Fire Commission - Upon the conclusion of the hearing, the person designated by the State Fire Commission as hearing examiner shall prepare a decision supported by findings of fact and conclusions of law affirming, modifying, or vacating the earlier order of decision of the State Fire Marshal. The State Fire Commission may either accept, modify, or reject the hearing examiner's decision. If the Commission accepts the hearing examiner's decision it shall sign the decision. If the Commission rejects or modifies the hearing examiner's decision, it shall prepare a written decision setting forth findings of facts and conclusions of law. In either event, the order signed by the State Fire Commission shall be final unless vacated or modified upon judicial review thereof. A copy of the order shall be served on all parties to the hearing and all attorneys of record, if any, in person or by certified mail, return receipt requested.

13.17 Judicial Review - The petitioner or by the State Fire Marshal may appeal the Commission's decision to the circuit court of the county where the premises are located, if the appeal is filed within thirty (30) days after the date upon which party was served with a copy of the final order or decision of the State Fire Commission. The final order signed by the State Fire Commission is final if the proceedings for judicial review are not instituted within the said thirty (30) day period.

§87-1-14. Miscellaneous Provisions.

14.1. FOREST FIRE SEASON:

14.1.1 The periods of each year between March first and May thirty-first, inclusive, and October first and December thirty-first, inclusive, are designated as forest fire seasons. No person shall during any fire season, except between the hours of four o'clock p.m. and seven o'clock a.m. prevailing time, set fire to, or procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire, located in or within 300 feet of any woodland, brushland, or field containing dry grass or other inflammable material. Any fire set during this time shall be extinguished prior to seven o'clock a.m. prevailing time. The prohibition of fires between seven o'clock a.m. and four o'clock p.m. prevailing time does not include (1) small fires set for the purpose of food preparation, or providing light or warmth around which all grass, brush, stubble, or other debris has been removed for a distance of ten feet from the fire, and (2) burning which may be conducted at any time when the ground surrounding the burning site is covered by one inch or more of snow. Any person who sets or causes to be set any fire permitted by this section shall not leave the fire unattended for any period of time.

14.1.2 Any person or his or her agent or employee who sets or causes to be set any fire at any time in the use and occupation of any kind on which the burning was being done is in violation of this section if fire escapes beyond the safety strip. Any person who, by himself or herself, or by his or her employees, agents or guides or as an employee, agent or guide of any other person, at any time builds or use any fire in any field, on any public or private road, or in any area adjacent to or on any forest land in this state, shall before leaving the fire for any period of time, totally extinguish the fire. A person shall not at any time throw or place any lighted match, cigar, cigarette, firecracker or lighted material on any forest land, private road, public highway or railroad right-of-way within this state.

**Fire Commission
Legislative Rules
Series I**

Section 14.1.3

14.1.3 The State Fire Marshal may issue permits authorizing fires prohibited by this section in accordance with West Virginia Code, §20-3-5 and 6.

14.2. Executive Order by the Governor on Open Burning

14.2.1 On those occasions when the Governor of the State issues an Executive Order or Proclamation to ban open burning due to weather conditions, the State Fire Marshal may assist in the enforcement of the provisions of the Proclamation or Executive Order.

14.3. Outdoor Storage of Used Tires

The storage of used tires shall comply with the following:

14.3.1 All outdoor storage of used tires shall be free from all trash and debris within the site;

14.3.2 The owner and operators of outdoor storage of used tires shall maintain controlled access to the property with only one entrance/exit, and shall install security lighting for use during evening and night time hours as designated by the State Fire Marshal;

14.3.3 All outdoor storage of used tires shall have a perimeter security chain link fence of a minimum height of six feet;

14.3.4 All storage of used tires, shredded or unshredded, shall be separated into individual piles on the property. No pile may exceed 50 feet wide by 50 feet deep by 15 feet in height;

14.3.5 In the absence of an available water supply of at least 500 GPM (gallons per minute) provided by fire hydrants within 1000 feet of the facility, a minimum of 10,000 thousand gallon water supply on the site for exclusive use of fire fighting personnel shall be established;

14.3.6 Fire lanes having a minimum of forty-five foot lanes capable of supporting fire apparatus shall be established and maintained between all tire piles;

14.3.7 A minimum of a fifty foot wide zone around the site perimeter inside the fence line shall be maintained;

14.3.8 All storage piles shall have a minimum of a thirty inch high earthen dike around each tire pile as the piles are established;

14.3.9 A maximum of eighteen tire piles may be established on a single site; and

14.3.10 No site may exceed the storage of more than three hundred thousand tires without the approval of the State Fire Marshal.

**Fire Commission
Legislative Rules
Series I**

Section 14.4

14.4. Fireworks Defined; Labels Required (WV Code §29-3-23)

The term "fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. Fireworks includes blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include sparklers and novelty items as specified in West Virginia Code, §29-3-23, model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable acro models and shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with the United States department of transportation regulations for packing and shipping of toy paper or plastic caps are used and toy paper or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap.

14.5. Unlawful Sale, Possession or Use of Fireworks; Permit for Public Display (WV Code §29-3-24)

14.5.1 Except as provided in this subsection, no person, firm, co-partnership or corporation shall offer for sale, possess, expose for sale, sell at retail, keep with intent to sell at retail, or use or explode any fireworks. The granting of permits for supervised displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals shall be in accordance with the National Fire Codes as adopted in Section 4 of this Rule. The State Fire Marshal may charge a fee of ten dollars to each applicant requesting a license to be a pyrotechnic operator as set forth in this rule. The State Fire Marshal shall charge a scaled fee for all applications requesting permits to establish a pyrotechnics display as provided in this section. All fees required to be paid by the provisions of this section as set forth in the rule of the Fire Commission, Fee for Services Rendered, 87CSR5 shall be paid to the State Fire Marshal and thereafter deposited by him or her into a special account for the operation of the State Fire Commission. The permits may be granted upon application to State Fire Marshal and after approval of the local police and fire authorities of the community where the display is proposed to be held and the filing of a bond by the applicant as required by law. Every display shall be handled by a competent operator licensed or certified as to competency by the State Fire Marshal and shall be of composition, and character, and located, discharged or fired in a manner that in the opinion of the chief of the fire department, after proper inspection, and of the chief of police as to not be hazardous to property or endanger any person or persons. After the privilege has been granted, sales, possessions, use and distribution of fireworks for the display are lawful for that purpose only. No permit granted under this subsection is transferable.

14.5.2 The governing body or chief executive authority of the municipality shall require a bond from the licensee in a sum not less than one thousand dollars conditioned on compliance with the provisions of this section and the rules of the State Fire Commission. No municipality is required to file a bond.

14.5.3 Before any permit is issued for a pyrotechnic display, the person, firm or corporation making application for the permit shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of that person, firm or corporation or any agent or employee thereof, in an amount, character and form the State Fire Marshal determined as necessary for the protection of the public.

14.6. Necessity of License for Electrical Work

14.6.1 No electrical work may be performed, offered or engaged in for compensation or hire within the state of West Virginia by any person, unless that person possesses a valid license issued by the State Fire Marshal in accordance with West Virginia Code §29-3B-2.

14.7. Necessity of NICET Certification for Fire Protection and Fire Alarm Systems

14.7.1 No fire protection and fire alarm system maintenance, repair or inspection work may be performed, offered or engaged in for compensation or hire within the State of West Virginia by any company unless such the company maintains at least one (1) employee possessing a valid certificate of competency issued by the National Institute of Certification in Engineering Technologies (NICET). All companies shall be registered with the State Fire Commission and shall provide annual information on NICET certificate holders employed by their company for the purpose of maintenance, repair or inspection activities.

14.8. Residential Board and Care Occupancies

14.8.1 Application: All facilities classified as residential board and care occupancies shall conform to the Life Safety Code, NFPA 101, requirements except as modified under this subsection. This subsection does not apply to facilities with less than four (4) residents.

14.8.2 ~~Height Requirements:~~ Resident sleeping rooms shall be located on first and second floors unless the facility is provided with a sprinkler system meeting the requirements of NFPA 13, Standard for Sprinkler Systems.

14.8.3 ~~Means of Egress:~~ Provide at least two (2) approved remote exits approved from each floor; at least one (1) exit shall be a door directly to the outside without traversing any corridor or space exposed to an unprotected vertical opening.

14.8.4 Vertical Openings shall be properly enclosed on all levels above grade with hour fire rated construction. If used as a primary means of exiting all levels shall be properly enclosed with 1 hour fire rated construction.

14.8.5 Doors shall be side-hinged swinging at least 32 inches wide when located in means of egress. Bathroom doors may be 24 inches wide.

14.8.6 Existing Stairs shall be at least Class B.

**Fire Commission
Legislative Rules
Series I**

Section 14.8.7

14.8.7 Hazardous Areas shall be provided with one hour fire-rated separation or provided with automatic sprinkler protection and smoke tight. Doors shall be self-closing.

14.8.8 Interior Finish of walls and ceilings shall be at least Class C throughout.

14.8.9 Fire Alarm:

(a) An electrically supervised fire alarm system shall be provided and meet the requirements of Subsections 11.1 & 11.6 of this Rule.

(b) Individual sleeping rooms shall be provided with a single station smoke detector hardwired in accordance with NFPA 72, National Fire Alarm Code, Chapter 2.

14.8.10 Sprinkler: An approved automatic sprinkler system is required in all residential board and care facilities.

14.8.11 Corridor Walls shall be at least twenty (20) minute fire-rated and smoketight.

14.8.12 Electrical System shall meet the National Electric Code.

14.8.13 Each sleeping room shall be provided with at least one (1) outside window for rescue and ventilation and shall meet the requirement for windows in one and two family dwellings of the Life Safety Code. A door directly to the outside from each sleeping room does not require an outside window.

14.8.14 Any carpet located in the facility shall meet the requirements of Section 7 of this Rule for Residential Occupancies.

14.8.15 No door in any means of egress shall be locked against egress when the building is occupied.

14.8.16 Every bathroom door lock shall be designed to permit opening of the locked door from the outside in an emergency.

14.8.17 Every closet door latch shall be such that it can be readily opened from the inside in case of emergency.

14.8.18 No stove or combustion heater shall be located as to block escape in case of fire arising from the malfunction of the stove or heater.

14.8.19 Impractical to evacuate residents in small facilities shall be located in rooms at grade with direct exiting to the outside. The corridor room door shall be 20 minute fire rated construction or its equivalent.

14.9. Storage of DOT Classified Fireworks Wholesale Distributors

14.9.1 For the purposes of this subsection, the term "facility" means any building, igloo, barn, trailer, semitrailer or other mobile property.

14.9.2 Storage of Fireworks: All new and existing storage facilities for wholesale fireworks distribution in accordance with W. Va. Code §29-3-25 shall meet the following requirements:

14.9.2.1 Each storage facility shall be of fire resistive construction;

14.9.2.2 Each storage facility containing 1000 pounds or more of fireworks shall have a complete automatic sprinkler system installed in accordance with NFPA 13, Installation of Sprinkler Systems;

14.9.2.3 A storage facility shall not be located within a residential area;

14.9.2.4 A storage facility shall not be located within 2000 feet of any assembly, educational, health care or detention or correctional occupancies;

14.9.2.5 Storage or sale permits shall be issued by the State Fire Marshal's Office. Permits will be issued only upon verified compliance of this rule and payment of required fee;

14.9.2.6 An owner or operator shall immediately notify the Fire Marshal's Office within 24 hours of any lost, stolen or unaccounted for fireworks;

14.9.2.7 Smoking shall not be permitted in the storage facility or within 50 feet of the storage facility. Conspicuous signs indicating "Warning - No Smoking" shall be posted at frequent intervals throughout the storage facility;

14.9.2.8 No fireworks shall be sold to any West Virginia resident;

14.9.2.9 A fire alarm system with complete smoke detection shall be installed throughout the storage facility in accordance with this Rule;

14.9.2.10 Each display area shall contain only inert fireworks and shall be secured to prevent unauthorized access to the display area;

14.9.2.11 All sales shall be recorded and shall include the name, address, city, state and zip code, business license number and tax department number of each purchase;

14.9.2.12 A daily inventory of fireworks shall be maintained for each facility;

**Fire Commission
Legislative Rules
Series I**

Section 14.9.2.13

14.9.2.13 All vehicles transporting fireworks from a distribution facility shall be placarded in accordance with U.S. DOT requirements. If less than 1000 pounds is being transported, a placard of Class C Explosives is required. If more than 1000 pounds is being transported, a placard of Class B Explosives is required. Each vehicle used to transport fireworks shall meet the requirements of Chapter 5 of NFPA 1124, Code for the Manufacture, Transportation and Storage of Fireworks;

14.9.2.14 Each Fire Department providing emergency services to any storage facility shall be notified in writing of the existence of the storage facility. The notice shall include information as to the type of explosives and explosive hazards that are stored at the storage facility. Pre-fire planning shall be completed by the fire department prior to operating the facility;

14.9.2.15 The land surrounding each storage facility shall be kept clear of combustibles for a distance of at least 25 feet on all sides;

14.9.2.16 Each storage facility shall be securely locked in accordance with NFPA 495, Explosive Material Code, Chapter 6-6.1(g);

14.9.2.17 All electrical wiring and fixtures shall meet the requirements of the National Electrical Code, Class II, Group E, Division I locations;

14.9.2.18 All Heating, Ventilation and Air Conditioning shall meet the requirements of this Rule. No open flame heating units shall be are permitted; and

14.9.2.19 Each storage facility shall be separated from inhabited buildings, passenger railways, public highways and other storage buildings according to the distance specified in Table 2-6.5 of NFPA 1124, Code for the Manufacture, Transportation and Storage of Fireworks.

14.10. Stopping, Standing or Parking Prohibited in Specified Areas.

14.10.1 No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

- (A) Within fifteen feet of a fire hydrant; or
- (B) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance when properly sign-posted.

14.11. Crossing Fire Hose

No person shall drive a streetcar or vehicle over any unprotected hose of a fire department when it is laid down on any street, private driveway, or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

14.12. Emergency Vehicle Permits

14.12.1 Authorization for all fire department vehicles and firefighters to operate Class A vehicles shall be designated by their fire chief and the State Fire Marshal's Office. Vehicles authorized by WV Code §17C-15-26 shall have red flashing warning lights and an audible signaling device, such as a siren, whistle or bell capable of emitting sound audible from a distance of not less than 500 feet.

14.12.2 Upon receipt of written notification from the Fire Chief of the local fire department to the State Fire Marshal requesting that an Emergency Vehicle Permit be revoked, the State Fire Marshal shall cause the permit to be revoked.

14.13. Correctional or Detention Facilities

All new correctional or detention facilities as defined in the Life Safety Code shall be protected throughout with a complete automatic sprinkler system in accordance with NFPA-13, Standard for Sprinkler Systems.

14.14 Explosives Amendment to NFPA 495, Explosive Materials Code

14.14.1 As soon as practical after all loaded blast holes (shot) are linked, they shall be immediately connected to a source of ignition and fired by a person legally permitted to do so.

14.14.2 Pre-loading blast holes (shots) to be fired at a later time are prohibited. In an emergency situation, this prohibition may be waived by the State Fire Marshal.

APPENDIX A
2000 NATIONAL FIRE CODE CONTENTS

51A	Acetylene Cylinder Charging Plants—1996	Vol 2	79	Electrical Standard for Industrial Machinery—1997	Vol 4
30B	Aerosol Products, Manufacture and Storage—1998	Vol 2	1250	Emergency Service Organization Risk Management—2000	Vol 12
61	Agricultural and Food Products Facilities—1999	Vol 3	1561	Emergency Services Incident Management System—2000	Vol 9
90A	Air-Conditioning and Ventilating Systems—1999	Vol 4	1071	Emergency Vehicle Technicians—2000	Vol 8
422	Aircraft Accident Response—1999	Vol 11	560	Ethylene Oxide—1995	Vol 7
423	Aircraft Engine Test Facilities—1999	Vol 6	91	Exhaust Systems for Air Conveying of Gases, etc.—1999	Vol 4
407	Aircraft Fuel Servicing—1996	Vol 6	69	Explosion Prevention Systems—1997	Vol 3
408	Aircraft Hand Portable Fire Extinguishers—1999	Vol 6	495	Explosive Materials Code—1996	Vol 7
409	Aircraft Hangars—1995	Vol 5	498	Explosives, Safe Havens for Venues Transporting—1995	Vol 7
410	Aircraft Maintenance—1999	Vol 5	80A	Exposure Fires, Protection from—1996	Vol 11
403	Aircraft Rescue, Fire Fighting at Airports—1998	Vol 6	266	Exterior Wall Assemblies, Test for Ignitability—1996	Vol 6
412	Aircraft Rescue, Evaluating Fire Fighting Foam Equipment—1998	Vol 6	705	Field Flame Test for Textiles and Films—1997	Vol 12
402	Aircraft Rescue and Fire Fighting Operations—1996	Vol 11	921	Fire and Explosion Investigations—1998	Vol 12
405	Aircraft Rescue and Fire Fighting Services—1999	Vol 11	72	Fire Alarm Code, National—1999	Vol 4
414	Aircraft Rescue and Fire Fighting Venues—1995	Vol 6	1002	Fire Apparatus Driver/Operator Qualifications—1998	Vol 3
424	Aircraft/Community Emergency Planning—1996	Vol 11	1915	Fire Apparatus Preventive Maintenance—2000	Vol 9
1003	Airport Fire Fighter Qualifications—2000	Vol 8	1914	Fire Department Aerial Devices, Testing—1997	Vol 9
415	Airport Terminal Buildings, Fueling Ramp Drainage, Loading Walkways—1997	Vol 6	1931	Fire Department Ground Ladders—1999	Vol 9
651	Aluminum and Aluminum Powders—1998	Vol 7	1932	Fire Department Ground Ladders, Use, Maintenance, and Service Testing—1999	Vol 9
490	Ammonium Nitrate, Storage of—1998	Vol 7	1581	Fire Department Infection Control Program—2000	Vol 9
8504	Atmospheric Fluidized-Bed Boiler Operation—1996	Vol 10	1500	Fire Department Occupational Safety and Health Program—1997	Vol 9
1901	Automotive Fire Apparatus—1999	Vol 9	13E	Fire Department Operations in Properties Protected by Sprinklers—2000	Vol 11
8501	Boiler Operation, Single Burner—1997	Vol 10	1521	Fire Department Safety Officer—1997	Vol 9
251	Building Construction and Materials, Fire Tests of—1999	Vol 10	1404	Fire Department Self-Contained Breathing Apparatus Program—1996	Vol 3
220	Building Construction, Standard Types of—1999	Vol 5	80	Fire Doors and Fire Windows—1998	Vol 4
1402	Building Fire Service Training Centers—1997	Vol 12	10	Fire Extinguishers, Portable—1998	Vol 1
703	Building Materials, Fire Retardant Coatings—1995	Vol 7	2001	Fire Extinguishing Systems, Clean Agent—2000	Vol 10
259	Building Materials, Test Method for Potential Heat—1998	Vol 6	1001	Fire Fighter Professional Qualifications—1997	Vol 3
265	Building Materials, Test of Surface Burning Characteristics of—2000	Vol 6	1961	Fire Hose—1997	Vol 9
12	Carbon Dioxide Extinguishing Systems—2000	Vol 1	1962	Fire Hose, Care, Use and Service Testing—1998	Vol 9
40	Cellulose Nitrate Motion Picture Film—1997	Vol 2	1963	Fire Hose Connections—1998	Vol 9
554	Prevention of Fire and Dust Explosions from Manufacturing Combustible Particulate Solids—1997	Vol 7	906	Fire Incident Field Notes—1998	Vol 12
97	Chimneys, Vents, Heat Producing Appliances, Terms Relating to—2000	Vol 11	1021	Fire Inspector and Plan Examiner—1998	Vol 3
211	Chimneys, Vents, Fireplaces, and Solid Fuel Burning Appliances—2000	Vol 5	1033	Fire Investigator Professional Qualifications—1998	Vol 3
250	Cigarette Ignition Resistance, Components of Furniture—1998	Vol 6	1021	Fire Officer Professional Qualifications—1997	Vol 3
251	Cigarette Ignition Resistance, Unconstituted Furniture Material Assemblies—1998	Vol 6	1201	Fire Protection Services for the Public—2000	Vol 3
1145	Class A Foams—2000	Vol 12	7	Fire Prevention Code—2000	Vol 1
497	Classification of Flammable Liquids, Gases, or Vapors and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas—1997	Vol 11	902	Fire Reporting Field Incident Guide—1997	Vol 12
499	Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas—1997	Vol 12	703	Fire Retardant Impregnated Wood—2000	Vol 7
313	Cleanrooms, Protection of—2000	Vol 6	550	Fire Safety Concepts Tree—1995	Vol 12
1999	Clothing, Protective for Medical Emergency Operations—1997	Vol 10	170	Fire Safety Symbols—1999	Vol 5
120	Coal Preparation Plants—1999	Vol 5	1041	Fire Service Instructor Qualifications—1996	Vol 8
654	Combustible Particulate Solids—2000	Vol 7	1923	Fire Service Life Safety Rope and System Components—1995	Vol 10
37	Combustion Engines and Gas Turbines—1998	Vol 2	24	Fire Service Mains, Private—1995	Vol 2
1221	Communications, Emergency Services—1999	Vol 8	1000	Fire Service Professional Qualifications Accreditation and Certification System—2000	Vol 3
473	Competencies for EMS Personnel—1997	Vol 7	1451	Fire Service Vehicle Operations Training Program—1997	Vol 3
55	Compressed and Liquefied Gases in Portable Cylinders—1998	Vol 2	221	Fire Walls and Fire Barrier Walls—2000	Vol 3
52	Compressed Natural Gas (CNG) Vehicular Fuel Systems—1998	Vol 2	1124	Fireworks and Pyrotechnic Articles—1998	Vol 3
75	Computer/Data Processing Equipment—1999	Vol 4	1123	Fireworks Display—2000	Vol 8
241	Construction, Alteration, and Demolition Operations—2000	Vol 5	160	Flame Effects Before an Audience—1998	Vol 5
96	Cooking Operations, Ventilation Control—1998	Vol 4	252	Flame Travel and Smoke of Wire and Cables, Method of Test for—1999	Vol 6
214	Cooling Towers, Water—2000	Vol 5	235	Flammability of Exterior Wall Assemblies—1998	Vol 6
909	Cultural Resources Protection—1997	Vol 8	30	Flammable and Combustible Liquids Code—2000	Vol 2
1600	Disaster/Emergency Management—2000	Vol 9	395	Flammable and Combustible Liquids, Farm Storage of—1993	Vol 6
252	Door Assemblies, Fire Tests of—1999	Vol 6	385	Flammable and Combustible Liquids, Tank Vehicles for—2000	Vol 6
17	Dry Chemical Extinguishing Systems—1998	Vol 1	329	Flammable and Combustible Liquids and Gases, Releases of—1999	Vol 11
32	Drycleaning Plants—2000	Vol 1	122	Flammable and Combustible Liquids, Underground Metal and Nonmetal Mines (Other than Coal)—1990	Vol 5
1452	Dwelling Fire Safety Surveys—2000	Vol 12	34	Flammable or Combustible Liquids, Dipping and Coating Processes—2000	Vol 2
850	Electric Generating Plants—2000	Vol 12	253	Floor Covering Systems, Critical Radiant Flux Test for—2000	Vol 6
804	Electric Generating Plants, Advanced Light Water Reactor—1995	Vol 7	1130	Foam Chemicals for Class A Fuels—1999	Vol 6
70	Electrical Code, National—1999	Vol 3	11	Foam Extinguishing Systems, Low Expansion—1998	Vol 1
70B	Electrical Equipment Maintenance—1998	Vol 11	11A	Foam Systems, Medium- and High-Expansion—1999	Vol 1
496	Electrical Equipment, Purged and Pressurized Enclosures for—1998	Vol 7	16	Foam-Water Sprinkler and Spray Systems—1999	Vol 1
73	Electrical Inspection - Existing Dwellings—2000	Vol 4	54	Fuel Gas Code, National—1999	Vol 2
70E	Electrical Safety Requirements for Employee Workplaces—2000	Vol 3	8502	Furnace Explosions/Implosions in Multiple Burner Boilers—1999	Vol 10
		25	860	Furnaces, Industrial, Special Atmosphere—1999	Vol 4
			860	Furnaces, Industrial, Vacuum Atmosphere—1999	Vol 4
			888	Garages, Repair—1997	Vol 4
			51	Gas Systems Oxygen-Fuel Welding, Cutting—1997	Vol 2
			102	Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures—1995	Vol 5

APPENDIX A 2000 NATIONAL FIRE CODE CONTENTS

12A	Halon 1201 Fire Extinguishing Systems—1997	Vol 1	801	Radioactive Materials, Facilities Handling—1998	Vol 7
472	Hazardous Materials Incidents Responders, Professional Competence—1997	Vol 7	232	Records, Protection of—2000	Vol 5
704	Hazards of Materials, Identification—1996	Vol 7	1194	Recreational Vehicle Parks—1999	Vol 8
99	Health Care Facilities—1999	Vol 4	1192	Recreational Vehicles—1999	Vol 8
1533	Health-Related fitness For Fire Fighters—2000	Vol 9	914	Renabilitation and Adaptive Reuse of Historic Structures—1989	Vol 12
271	Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter—1998	Vol 6	1006	Rescue Technician Professional Qualifications—2000	Vol 8
416	Heliports—1995	Vol 8	471	Responding to Hazardous Materials Incidents—1997	Vol 11
720	Household Carbon Monoxide Warning Equipment—1998	Vol 12	552	Road Tunnels, Bridges—1998	Vol 7
291	Hydrants, Testing and Marking—1995	Vol 11	1122	Rocketry, Code for Model—1997	Vol 6
851	Hydroelectric Generating Plants—2000	Vol 12	1127	Rocketry, High Power—1998	Vol 8
50A	Hydrogen Systems, Gaseous, at Consumer Sites—1989	Vol 2	203	Roof Coverings—2000	Vol 11
99B	Hypobaric Facilities—1999	Vol 4	256	Roof Coverings, Fire Tests of—1998	Vol 6
904	Incident Follow-up Report Guide—1996	Vol 12	555	Room Flashover, Evaluating Potential—2000	Vol 12
901	Incident Reporting and Fire Protection Data—1995	Vol 12	2310	Rubber Tires, Storage of—1993	Vol 5
62	Incinerators, Waste and Lihen Handling Systems and Equipment—1999	Vol 4	601	Security Services in Fire Loss Prevention—2000	Vol 7
600	Industrial Fire Brigades—2000	Vol 7	121	Self-Propelled and Mobile Surface Mining Equipment—1996	Vol 5
505	Industrial Trucks, Powered—1999	Vol 7	105	Smoke-Control Door Assemblies—1999	Vol 11
1410	Initial Emergency Scene Operations—2000	Vol 8	204	Smoke and Heat Venting—1998	Vol 11
45	Laboratories Using Chemicals—2000	Vol 2	92A	Smoke-Control Systems—2000	Vol 11
1405	Land-Based Fire Fighters Who Respond to Marine Vessel Fires—1996	Vol 12	258	Smoke Generated by Solid Materials, Standard Research Test for Measuring—1997	Vol 6
115	Laser Fire Protection—1999	Vol 11	92B	Smoke Management Systems in Malls, Atria, Large Areas—2000	Vol 11
1017	Life Safety Code—2000	Vol 5	270	Smoke Obscuration Test—1996	Vol 6
101A	Life Safety, Alternative Approaches—1998	Vol 11	36	Solvent Extraction Plants—1997	Vol 2
780	Lightning Protection Systems—1997	Vol 7	93	Spray Application Using Flammable or Combustible Materials—2000	Vol 2
50B	Liquefied Hydrogen Systems at Consumer Sites—1999	Vol 2	1964	Spray Nozzles (Shutoff and Tie)—1998	Vol 9
59A	Liquefied Natural Gas, Storage and Handling—1996	Vol 3	13	Sprinkler Systems, Installation—1999	Vol 1
57	Liquefied Natural Gas Vehicular Fuel Systems—1999	Vol 3	13D	Sprinkler Systems, One- and Two-Family Dwellings—1999	Vol 1
59	Liquefied Petroleum Gases at Utility Gas Plants—1998	Vol 3	13R	Sprinkler Systems, Residential Occupancies up to and Including Four Stories in Height—1999	Vol 1
52	Liquefied Petroleum Gas Code—1998	Vol 3	14	Standpipe, Private Hydrant, and Hose Systems—2000	Vol 1
1992	Liquid Splash-Protective Ensembles and Clothing for Hazardous Materials Emergencies—2000	Vol 10	77	Static Electricity—2000	Vol 11
435	Lithium, Metal—Storage, Handling, Processing, and Use—1999	Vol 7	1375	Station/Work Uniforms—1999	Vol 9
1403	Live Fire Training Evolutions—1997	Vol 8	653	Stationary Fuel Cell Power Plants—2000	Vol 7
430	Magnesium, Storage, Handling—1993	Vol 7	3503	Steam Generator Systems, Heat Recovery—1998	Vol 10
501	Manufactured Housing—2000	Vol 7	3505	Stoker Operation—1998	Vol 10
501A	Manufactured Home Installations, Sites, and Communities—2000	Vol 7	230	Storage, Fire Protection of—1999	Vol 5
303	Mannes and Boatyards—2000	Vol 6	111	Stored Electrical Energy Emergency and Standby Power Systems—1996	Vol 5
1925	Marine Fire-Fighting Vessels—1999	Vol 9	520	Subterranean Soaces—1999	Vol 7
307	Marine Terminals, Piers and Wharves—2000	Vol 6	655	Sulfur Fires and Explosions, Prevention—1993	Vol 7
257	Mattresses and Bedding Exposed to Flaming Ignition Source, Method of Test for Fire Characteristics of—1999	Vol 5	326	Tanks and Containers, Safeguarding—1999	Vol 6
101B	Means of Egress—1999	Vol 5	1870	Technical Rescue Incidents—1999	Vol 9
1332	Medical Requirements for Fire Fighters—2000	Vol 9	513	Terminals, Motor Freight—1998	Vol 7
301	Merchant Vessels—1995	Vol 6	265	Textile Wall Coverings, Evaluating Room Fire Growth Contribution of—1998	Vol 5
1125	Model Rocket and High Power Rocket Motors—1995	Vol 8	701	Textiles and Films, Flame Propagation Test for—1999	Vol 7
140	Motion Picture and TV Production Facilities—1999	Vol 5	481	Titanium, Handling and Storage—2000	Vol 7
302	Motor Craft, Pleasure and Commercial—1998	Vol 6	269	Toxic Potency Data, Test for Developing—2000	Vol 6
30A	Motor Fuel Dispensing Facilities—2000	Vol 2	1401	Training Reports and Records—1996	Vol 12
803	Nuclear Power Plants, Light Water—1998	Vol 7	130	Transit and Passenger Rail Systems—2000	Vol 5
31	Oil Burning Equipment, Installation of—1997	Vol 2	123	Underground Bituminous Coal Mines—1999	Vol 5
1931	Open-Circuit Self-Contained Breathing Apparatus—1997	Vol 10	122	Underground Metal and Nonmetal Mines—2000	Vol 5
35	Organic Coatings, Manufacture of—1999	Vol 2	272	Unclustered Furniture Components or Composites and Mattresses, Heat and Smoke Release Rates for—1999	Vol 5
432	Organic Peroxide Formulations—1997	Vol 7	266	Unclustered Furniture Exposed to Flaming Ignition Source, Method of Test for Fire Characteristics of—1999	Vol 5
86	Ovens and Furnaces—1999	Vol 4	1991	Vapor-Protective Ensembles for Hazardous Materials Emergencies—2000	Vol 10
430	Oxidizers, Liquid and Solid—2000	Vol 7	63	Venting of Deflagrations—1996	Vol 11
50	Oxygen Systems, Bulk, at Consumer Sites—1996	Vol 2	306	Vessels, Control of Gas Hazards on—1997	Vol 6
53	Oxygen-Enriched Atmospheres—1999	Vol 11	312	Vessels, Protection During Construction, Repair, and Lay-up—2000	Vol 6
88A	Parking Structures—1996	Vol 4	236	Wall and Ceiling Interior Finish—2000	Vol 6
1982	Personal Alert Safety Systems (PASS)—1998	Vol 10	905	Warm Air Heating and Air-Conditioning Systems—1999	Vol 5
434	Pesticides, Storage of—1998	Vol 7	820	Wastewater Treatment and Collection Facilities—1999	Vol 7
1141	Planned Building Groups—1998	Vol 8	25	Water-Based Fire Protection Systems—1998	Vol 2
110	Power Systems, Emergency and Standby—1999	Vol 5	750	Water Mist Fire Protection Systems—2000	Vol 7
1935	Powered Rescue Tool Systems—1999	Vol 9	15	Water Spray Fixed Systems—1996	Vol 1
1620	Pre-Incident Planning—1998	Vol 12	1142	Water Supplies, Suburban and Rural Fire Fighting—1999	Vol 3
903	Property Survey Guide—1996	Vol 12	22	Water Tanks for Private Fire Protection—1998	Vol 2
1977	Protective Clothing and Equipment for Wildland Fire Fighting—1993	Vol 9	515	Welding, Cutting, Other Hot Work—1999	Vol 2
1975	Protective Ensemble for Proximity Fire Fighting—2000	Vol 9	17A	Wet Chemical Extinguishing Systems—1998	Vol 1
1971	Protective Ensemble for Structural Fire Fighting—2000	Vol 9	18	Wetting Agents—1995	Vol 1
1025	Public Fire and Life Safety Educator Professional Qualifications—2000	Vol 8	295	Wildfire Control—1998	Vol 6
1081	Public Safety Telecommunicator Qualifications—1996	Vol 8	299	Wildfire, Protection of Life and Property—1997	Vol 6
8503	Pulverized Fuel Systems—1997	Vol 10	1906	Wildland Fire Apparatus—1995	Vol 9
1911	Pump Systems on Fire Apparatus, Service Tests of—1997	Vol 9	1051	Wildland Fire Fighter Professional Qualifications—1995	Vol 8
20	Pumps, Stationary—1999	Vol 2	257	Window and Glass Block Assemblies, Fire Tests of—2000	Vol 6
1125	Pyrotechnic Use Before a Proximate Audience—1996	Vol 8	664	Wood Processing and Woodworking Facilities—1998	Vol 7
42	Pyroxylin Plastic—1997	Vol 2	482	Zirconium, Production, Processing—1996	Vol 7
150	Racetrack Stables—2000	Vol 5			

APPENDIX B - SPRINKLER PROTECTION & AREA LIMITATION

Type of Construction	BUILDING HEIGHT				
	1 Story	2 Story	More than 2 Stories and Up to 40 ft.	More than 40 feet	More than 75 feet
Type I					
443					
Fire Resistive	40,000	40,000	10,000	Sec. 10-High Rise	Sec. 10-High Rise
332					
Fire Resistive	40,000	30,000	10,000	Sec. 10-High Rise	Sec. 10-High Rise
Type II					
222					
Protected Non-Com.	30,000	20,000	8,000	Sec. 10-High Rise	Sec. 10-High Rise
111					
Protected Limited Combustible	30,000	15,000	5,000	Sec. 10-High Rise	Sec. 10-High Rise
000					
Unprotected Limited Unprotected Non-Com.	10,000	6,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
Type III					
211					
Protected Ordinary	9,000	6,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
200					
Non-Protected Ordinary	7,000	4,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
Type IV					
2HH					
Heavy Timber	9,000	6,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
Type V					
111					
Protected Wood Frame	7,000	4,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
000					
Non-Protected Wood Frame	5,000	3,000	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED

Notes to Table:

(1) The word "area" means that area enclosed by exterior or foundation walls, fire walls, or a combination of exterior or foundation walls. A fire wall shall be constructed in accordance with NFPA 221, Standard for Fire Walls and Fire Barrier Walls, with a minimum of a 2 hour fire rating. Buildings shall only be separated by one (1) two hour fire wall and areas shall be divided as equally as possible.

(2) The phrase "not permitted" means that buildings of these heights are not permitted for the type of construction indicated.

(3) The phrase "Section 10-High Rise" means that the building shall also comply with Section 10 of this Rule.

(4) Types of building construction indicated in the chart are located in NFPA 220, Standard on Types of Building Construction.