

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES XX, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 01

TITLE OF RULE BEING AMENDED: State Fire Code

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4200

SECTION 64-6-1(b), PASSED ON March 12, 1998

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: May 1, 1998

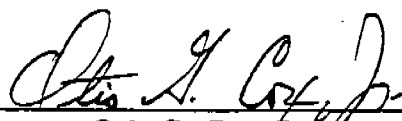

State Fire Marshal for
The State Fire Commission

\$8.00

**WEST VIRGINIA
STATE FIRE CODE**

**Rules
of the West Virginia
State Fire Commission**

Approved by Secretary, Department of Military Affairs and Public Safety

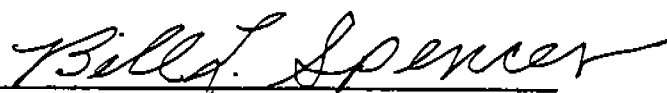


Otis G. Cox, Jr.

June 10, 1997

Date

Approved by State Fire Commission



Bill L. Spencer, Chairman

June 10, 1997

Date

**STATE FIRE COMMISSION
1207 Quarrier Street, 2nd Floor
Charleston, West Virginia 25301**

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 Effective Date	1
	1.4 Filing Dates	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
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	Inteference 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	6
	10.4 Fire Alarm System	6
	10.5 Fire Department Voice Communication System	6
	10.6 High Rise Central Control Station	6
	10.7 Emergency Power	6
	10.8 Smoke Management	7
	10.9 Floor Designation	7
Section 11	Fire Alarm Systems	
	11.1 General	7
	11.2 Requirements for Educational/Day Care Occupancy	10
	11.3 Requirements for Assembly Occupancy	10
	11.4 Requirements for Health Care Occupancy	11
	11.5 Requirements for Detention and Correctional Occupancies	11
	11.6 Requirements for Residential Occupancy	12

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

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

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

TITLE 87
LEGISLATIVE RULE
FIRE COMMISSION

APR 6 12 58 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
FIRE CODE

§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.

§87-1-2. Reporting of Fire Incidences by 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.

§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 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. Incorporated of National Standards and Codes - The standards and requirements as set out and established by the 1997 edition of "The National Fire Codes" 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 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 edition of The National Fire Codes has the same force and effect and shall control 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 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.

**Fire Commission
Legislative Rules
Series I**

Section 4.2.1

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.

**Fire Commission
Legislative Rules
Series I**

Section 7.1.2

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 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

**Fire Commission
Legislative Rules
Series I**

Section 8.1

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, 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, 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 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.

**Fire Commission
Legislative Rules
Series I**

Section 10.4

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 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.

10.6 High Rise Central Control Station - In every high rise building as defined in Subsections 10.1 and 10.2 of this Rule, 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. 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, 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.

**Fire Commission
Legislative Rules
Series I**

Section 10.9

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 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, Section 6 as adopted by this Rule.

11.1.2 All fire alarm systems, including all components, shall be electrically supervised. Components include pull stations, automatic detection, sounding 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 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 All sprinkler systems shall be tied in so water flow will activate the general fire alarm sounding device.

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

11.1.8 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 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.

**Fire Commission
Legislative Rules
Series I**

Section 11.1.9

(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.

11.1.10 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.

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

11.1.12 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.

11.1.13 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.

11.1.14 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

**Fire Commission
Legislative Rules
Series I**

Section 11.1.15

11.1.15 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.

11.1.16 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. Exceeding the spacing requirements will require submission of technical data for approval by the Fire Marshal.

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

11.1.18 Hood suppression systems shall be connected to the Fire Alarm System.

11.1.19 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 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.

**Fire Commission
Legislative Rules
Series I**

Section 11.2.4

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 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.

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 level of exit discharge;
- (c) The building is two (2) or more stories in height above level of exit discharge, or two (2) or more stories below 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 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.

**Fire Commission
Legislative Rules
Series I**

Section 11.4.3

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

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.

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 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.

**Fire Commission
Legislative Rules
Series I**

Section 11.6.4

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 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.

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.

**Fire Commission
Legislative Rules
Series I**

Section 11.7.2

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 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, 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.

**Fire Commission
Legislative Rules
Series I**

Section 12.3

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 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.

13.2 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.

13.3 W. Va. Code §29-3-12(g) and (I) 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 (I) 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 State Fire Commission shall supply a copy of the petition to the State Fire Commission 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 through 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 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.

**Fire Commission
Legislative Rules
Series I**

Section 13.8

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

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.

**Fire Commission
Legislative Rules
Series I**

Section 13.12.4

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.

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

**Fire Commission
Legislative Rules
Series I**

Section 13.14

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 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,

**Fire Commission
Legislative Rules
Series I**

Section 14.1.1

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.

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;

**Fire Commission
Legislative Rules
Series I**

Section 14.3.5

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.

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 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: At least two (2) 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: 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 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 State Fire Marshal's Office within 24 hours of any lost, stolen or unaccounted 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.

**Fire Commission
Legislative Rules
Series I**

Section 14.9.2

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.

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 placarded of Class C Explosives is required. If more than 1000 pounds is being transported, a placarded 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 permitted.

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 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.

APPENDIX A - 1997 NATIONAL FIRE CODE CONTENTS

51A	Acetylene Cylinder Charging Plants—1996	Vol 2	79	Electrical Standard for Industrial Machinery—1994	Vol 4
308	Aerosol Products, Manufacture and Storage—1994	Vol 2	560	Ethylene Oxide—1995	Vol 7
61	Agricultural and Food Products Facilities—1995	Vol 3	91	Exhaust Systems for Air Conveying of Materials—1995	Vol 4
90A	Air Conditioning and Ventilating Systems—1996	Vol 4	69	Explosion Prevention Systems—1997	Vol 3
423	Aircraft Engine Test Facilities—1989	Vol 6	495	Explosive Materials Code—1996	Vol 7
422	Aircraft Accident Response—1994	Vol 11	498	Explosives, Safe Havens for Vehicles Transporting—1996	Vol 7
415	Airport Terminal Buildings, Fueling Ramp Drainage, Loading Walkways—1997	Vol 6	80A	Exposure Fires, Protection from—1996	Vol 10
407	Aircraft Fuel Servicing—1996	Vol 6	268	Exterior Wall Assemblies, Test for Ignitability—1996	Vol 6
408	Aircraft Hand Portable Fire Extinguishers—1994	Vol 6	705	Field Flame Test for Textiles and Films—1993	Vol 11
409	Aircraft Hangars—1995	Vol 6	921	Fire and Explosion Investigations—1995	Vol 12
410	Aircraft Maintenance—1994	Vol 6	262	Fire and Smoke Characteristics of Wire and Cables, Method of Test for—1994	Vol 6
403	Aircraft Rescue, Fire Fighting at Airports—1993	Vol 6	72	Fire Alarm Code, National—1996	Vol 4
412	Aircraft Rescue, Evaluating Fire Fighting Foam Equipment—1993	Vol 6	1410	Fire Attack, Initial—1995	Vol 8
402	Aircraft Rescue and Fire Fighting Operations—1996	Vol 11	1914	Fire Department Aerial Devices, Testing—1991	Vol 8
414	Aircraft Rescue and Fire Fighting Vehicles—1995	Vol 6	1931	Fire Department Ground Ladders—1994	Vol 9
424	Airport/Community Emergency Planning—1996	Vol 11	1932	Fire Department Ground Ladders, Use, Maintenance, and Service Testing—1994	Vol 9
1003	Airport Fire Fighter Qualifications—1994	Vol 7	1561	Fire Department Incident Management System—1995	Vol 8
651	Aluminum Powder—1993	Vol 7	1581	Fire Department Infection Control Program—1995	Vol 8
85	Aluminum Processing, Finishing—1993	Vol 3	1500	Fire Department Occupational Safety and Health Program—1992	Vol 8
490	Ammonium Nitrate, Storage of—1993	Vol 7	13E	Fire Department Operations in Properties Protected by Sprinklers—1995	Vol 10
232AM	Archives and Records Centers—1995	Vol 11	1521	Fire Department Safety Officer—1992	Vol 8
8504	Atmospheric Fluidized-Bed Boiler Operation—1996	Vol 9	1404	Fire Department Self-Contained Breathing Apparatus Program—1996	Vol 8
30A	Automotive and Marine Service Station Code—1996	Vol 2	1002	Fire Department Vehicle Driver/Operator Qualifications—1993	Vol 7
1901	Automotive Fire Apparatus—1996	Vol 8	80	Fire Doors and Fire Windows—1995	Vol 4
231E	Baled Cotton Storage—1996	Vol 10	10	Fire Extinguishers, Portable—1994	Vol 1
8501	Boiler Operation, Single Bumer—1992	Vol 9	10R	Fire Extinguishers, Portable, in Family Dwellings—1992	Vol 10
251	Building Construction and Materials, Fire Tests of—1995	Vol 6	2001	Fire Extinguishing Systems, Clean Agent—1996	Vol 9
220	Building Construction, Standard Types of—1995	Vol 5	1001	Fire Fighting Professional Qualifications—1992	Vol 7
1402	Building Fire Service Training Centers—1997	Vol 12	1961	Fire Hose—1997	Vol 9
703	Building Materials, Fire Retardant Coatings—1995	Vol 7	1962	Fire Hose, Care, Use and Service Testing—1993	Vol 9
259	Building Materials, Test Method for Potential Heat—1993	Vol 6	1963	Fire Hose Connections—1993	Vol 9
255	Building Materials, Test of Surface Burning Characteristics of—1996	Vol 6	906	Fire Incident Field Notes—1993	Vol 12
12	Carbon Dioxide Extinguishing Systems—1993	Vol 1	1031	Fire Inspector, Professional Qualifications—1993	Vol 7
40	Cellulose Nitrate Motion Picture Film—1994	Vol 2	1033	Fire Investigator Professional Qualifications—1993	Vol 7
654	Chemical, Dye, Pharmaceutical, and Plastic Industries, Prevention of Fire and Dust Explosions in—1994	Vol 7	1021	Fire Officer Professional Qualifications—1992	Vol 7
491M	Chemical Reactions, Hazardous—1991	Vol 11	1201	Fire Protection Services for the Public—1994	Vol 8
49	Chemicals Data, Hazardous—1994	Vol 10	1	Fire Prevention Code—1997	Vol 1
97	Chimneys, Vents, Heat Producing Appliances, Terms Relating to—1996	Vol 10	20	Fire Pumps, Centrifugal—1996	Vol 1
211	Chimneys, Vents, Fireplaces, and Solid Fuel Burning Appliances—1996	Vol 5	902	Fire Reporting Field Incident Guide—1997	Vol 12
260	Cigarette Ignition Resistance, Components of Furniture—1994	Vol 6	550	Fire Safety Concepts Tree—1995	Vol 11
261	Cigarette Ignition Resistance, Upholstered Furniture Material Assemblies—1994	Vol 6	170	Fire Safety Symbols—1996	Vol 5
318	Cleanrooms, Protection of—1995	Vol 6	1041	Fire Service Instructor Qualifications—1996	Vol 7
1999	Clothing, Protective for Medical Emergency Operations—1992	Vol 9	1963	Fire Service Life Safety Rope and System Components—1995	Vol 9
1976	Clothing, Protective for Proximity Fire Fighting—1992	Vol 9	24	Fire Service Mains, Private—1995	Vol 2
120	Coal Preparation Plants—1994	Vol 5	1000	Fire Service Professional Qualifications Accreditation and Certification System—1994	Vol 7
37	Combustion Engines and Gas Turbines—1994	Vol 2	1451	Fire Service Vehicle Operations Training Program—1997	Vol 8
297	Communication Systems, Principles and Practices—1995	Vol 11	221	Fire Walls and Fire Barrier Walls—1994	Vol 5
1221	Communication Systems, Public Fire Service—1994	Vol 8	1124	Fireworks, Manufacture, Transportation, and Storage of—1995	Vol 8
473	Competencies for EMS Personnel—1997	Vol 7	1123	Fireworks Display—1995	Vol 8
55	Compressed and Liquefied Gases in Portable Cylinders—1993	Vol 2	30	Flammable and Combustible Liquids Code—1996	Vol 2
52	Compressed Natural Gas (CNG) Vehicular Fuel Systems—1995	Vol 2	395	Flammable and Combustible Liquids, Farm Storage of—1993	Vol 6
75	Computer/Data Processing Equipment—1995	Vol 4	386	Flammable and Combustible Liquids, Portable Shipping Tanks—1990	Vol 6
241	Construction, Alteration, and Demolition Operations—1996	Vol 6	385	Flammable and Combustible Liquids, Tank Vehicles for—1990	Vol 5
96	Cooking Operations, Ventilation Control—1994	Vol 4	329	Flammable and Combustible Liquids, Underground Releases of—1992	Vol 11
214	Cooling Towers, Water—1996	Vol 5	122	Flammable and Combustible Liquids, Underground Metal and Nonmetal Mines (Other than Coal)—1990	Vol 5
51B	Cutting and Welding Processes—1994	Vol 2	328	Flammable Liquids and Gases in Manholes, Sewers—1992	Vol 11
1600	Disaster Management—1995	Vol 12	325	Flammable Liquids, Gases, Volatile Solids, Fire Hazard Properties of—1994	Vol 11
252	Door Assemblies, Fire Tests of—1995	Vol 6	34	Flammable or Combustible Liquids, Dipping and Coating Processes—1995	Vol 2
17	Dry Chemical Extinguishing Systems—1994	Vol 1	253	Floor Covering Systems, Critical Radiant Flux Test for—1995	Vol 6
32	Drycleaning Plants—1996	Vol 2	11C	Foam Apparatus, Mobile—1995	Vol 1
1452	Dwelling Fire Safety Surveys—1993	Vol 12	298	Foam Chemicals for Class A Fuels—1994	Vol 6
850	Electric Generating Plants—1996	Vol 11	11	Foam Extinguishing Systems, Low Expansion—1994	Vol 1
804	Electric Generating Plants, Advanced Light Water Reactor—1995	Vol 7	11A	Foam Systems, Medium- and High-Expansion—1994	Vol 1
70	Electrical Code, National—1996	Vol 3	16	Foam-Water Sprinkler and Spray Systems—1995	Vol 1
497M	Electrical Equipment in Haz. (Class.) Locations, Gases, Vapors, Dusts—1991	Vol 11	46	Forest Products, Storage of—1996	Vol 10
708	Electrical Equipment Maintenance—1994	Vol 10	54	Fuel Gas Code, National—1996	Vol 2
496	Electrical Equipment, Purged and Pressurized Enclosures for—1993	Vol 7	8502	Furnace Explosions/Implosions in Multiple Bumer Boilers—1996	Vol 9
497A	Electrical Installations, Classification of Class I Hazardous Locations—1992	Vol 11	86C	Furnaces, Industrial, Special Atmosphere—1995	Vol 4
497B	Electrical Installations in Chemical Process Areas, Classification of Class II Hazardous (Classified) Locations—1991	Vol 11	86D	Furnaces, Industrial, Vacuum Atmosphere—1995	Vol 4
73	Electrical Maintenance, Residential—1996	Vol 4			
70E	Electrical Safety Requirements for Employee Workplaces—1995	Vol 3			

APPENDIX A - 1997 NATIONAL FIRE CODE CONTENTS

88B	Garages, Repair—1995	Vol 4	150	Racetrack Stables—1995	Vol 5
51	Gas Systems Oxygen-Fuel Welding, Cutting—1997	Vol 2	231C	Rack Storage of Materials—1995	Vol 6
102	Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures—1995	Vol 5	801	Radioactive Materials, Facilities Handling—1995	Vol 7
601	Guard Service in Fire Loss Prevention—1996	Vol 7	232	Records, Protection of—1995	Vol 6
12A	Halon 1301 Fire Extinguishing Systems—1992	Vol 1	501D	Recreational Vehicle Parks—1996	Vol 7
472	Hazardous Materials Incidents Responders, Professional Competence—1997	Vol 7	501C	Recreational Vehicles—1996	Vol 7
704	Hazards of Materials, Identification—1996	Vol 7	914	Rehabilitation and Adaptive Reuse of Historic Structures—1989	Vol 12
99	Health Care Facilities—1996	Vol 5	471	Responding to Hazardous Materials Incidents—1997	Vol 11
263	Heat and Visible Smoke Release Rates, Test for—1994	Vol 6	1122	Rocketry, Code for Model—1994	Vol 8
264	Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter—1995	Vol 6	1127	Rocketry, High Power—1995	Vol 8
418	Heliports—1995	Vol 6	231F	Roll Paper Storage—1996	Vol 6
502	Highways, Tunnels, Bridges—1996	Vol 11	203	Roof Coverings—1995	Vol 10
291	Hydrants, Testing and Marking—1995	Vol 11	256	Roof Coverings, Fire Tests of—1993	Vol 6
851	Hydroelectric Generating Plants—1996	Vol 11	555	Room Flashover, Evaluating Potential—1996	Vol 11
50A	Hydrogen Systems, Gaseous, at Consumer Sites—1994	Vol 2	231D	Rubber Tires, Storage of—1994	Vol 6
99B	Hypobaric Facilities—1996	Vol 5	1470	Search and Rescue for Structural Collapse Incidents—1994	Vol 8
904	Incident Follow-up Report Guide—1996	Vol 12	121	Self-Propelled and Mobile Surface Mining Equipment—1996	Vol 5
901	Incident Reporting and Fire Protection Data—1995	Vol 12	105	Smoke-Control Door Assemblies—1993	Vol 10
82	Incinerators, Waste and Linen Handling Systems and Equipment—1994	Vol 4	204M	Smoke and Heat Venting—1991	Vol 10
600	Industrial Fire Brigades—1996	Vol 7	92A	Smoke-Control Systems—1996	Vol 10
505	Industrial Trucks, Powered—1996	Vol 7	258	Smoke Generated by Solid Materials, Standard Research Test for Measuring—1994	Vol 6
45	Laboratories Using Chemicals—1996	Vol 2	92B	Smoke Management Systems in Malls, Atrium, Large Areas—1995	Vol 10
1405	Land-Based Fire Fighters Who Respond to Marine Vessel Fires—1996	Vol 12	36	Solvent Extraction Plants—1997	Vol 2
115	Laser Fire Protection—1995	Vol 10	33	Spray Application Using Flammable or Combustible Materials—1995	Vol 2
910	Libraries and Library Collections—1991	Vol 12	1964	Spray Nozzles (Shutoff and Tip)—1993	Vol 9
101*	Life Safety Code—1997	Vol 5	16A	Sprinkler Systems, Closed-Head Foam-Water—1994	Vol 1
101A	Life Safety, Alternative Approaches—1995	Vol 10	13	Sprinkler Systems, Installation—1996	Vol 1
780	Lightning Protection Systems—1995	Vol 7	13D	Sprinkler Systems, One- and Two-Family Dwellings—1996	Vol 1
50B	Liquefied Hydrogen Systems at Consumer Sites—1994	Vol 2	13R	Sprinkler Systems, Residential Occupancies up to and Including Four Stories in Height—1996	Vol 1
59A	Liquefied Natural Gas, Storage and Handling—1996	Vol 3	14	Standpipe and Hose Systems—1996	Vol 1
57	Liquefied Natural Gas Venicular Fuel Systems—1996	Vol 3	77	Static Electricity—1993	Vol 10
59	Liquefied Petroleum Gases at Utility Gas Plants—1995	Vol 3	1975	Station/Work Uniforms—1994	Vol 9
58	Liquefied Petroleum Gases, Storage and Handling—1995	Vol 3	8506	Steam Generator Systems, Heat Recovery—1995	Vol 9
1992	Liquid Splash-Protective Suits for Hazardous Chemical Emergencies—1994	Vol 9	8505	Stoker Operation—1992	Vol 12
485	Lithium Metal—Storage, Handling, Processing, and Use—1994	Vol 7	231	Storage, General—1995	Vol 5
1403	Live Fire Training Evolutions—1997	Vol 8	111	Stored Electrical Energy Emergency and Standby Power Systems—1996	Vol 5
480	Magnesium, Storage, Handling—1993	Vol 7	655	Sulfur Fires and Explosions, Prevention—1993	Vol 7
501A	Manufactured Home Installations, Sites, and Communities—1992	Vol 7	1993	Support Function Protective Garments for Hazardous Chemical Operations—1994	Vol 9
303	Marinas and Boatyards—1995	Vol 6	327	Tanks, Containers, Small, Cleaning—1993	Vol 6
307	Marine Terminals, Piers and Wharves—1995	Vol 6	326	Tanks, Safe Entry of Underground Storage—1993	Vol 6
267	Mattresses and Bedding Exposed to Flaming Ignition Source, Method of Test for Fire Characteristics of—1994	Vol 6	513	Terminals, Motor Freight—1994	Vol 7
1582	Medical Requirements for Fire Fighters—1992	Vol 8	265	Textile Wall Coverings, Evaluating Room Fire Growth Contribution of—1994	Vol 6
1125	Model Rocket and High Power Rocket Motors—1995	Vol 8	701	Textiles and Films, Flame Resistant Test for—1996	Vol 7
302	Motor Craft, Pleasure and Commercial—1994	Vol 6	481	Titanium, Handling and Storage—1995	Vol 7
911	Museums and Museum Collections—1991	Vol 12	269	Toxic Potency Data, Test for Developing—1996	Vol 6
803	Nuclear Power Plants, Light Water—1993	Vol 7	1401	Training Reports and Records—1996	Vol 12
802	Nuclear Research and Production Reactors—1993	Vol 11	130	Transit Systems, Fixed Guideway—1995	Vol 5
31	Oil Burning Equipment, Installation of—1997	Vol 2	512	Truck Fire Protection—1994	Vol 7
1981	Open-Circuit Self-Contained Breathing Apparatus—1992	Vol 9	123	Underground Bituminous Coal Mines—1995	Vol 5
35	Organic Coatings, Manufacture of—1995	Vol 2	122	Underground Metal and Nonmetal Mines—1995	Vol 5
43B	Organic Peroxide Formulations—1993	Vol 2	264A	Upholstered Furniture Components or Composites and Mattresses, Heat Release Rates for—1994	Vol 6
86	Ovens and Furnaces—1995	Vol 4	266	Upholstered Furniture Exposed to Flaming Ignition Source, Method of Test for Fire Characteristics of—1994	Vol 6
430	Oxidizers, Liquid and Solid—1995	Vol 7	1991	Vapor-Protective Suits for Hazardous Chemical Emergencies—1994	Vol 9
50	Oxygen Systems, Bulk, at Consumer Sites—1996	Vol 2	68	Venting of Deflagrations—1994	Vol 10
53	Oxygen-Enriched Atmospheres, Fire Hazards in—1994	Vol 10	306	Vessels, Control of Gas Hazards on—1993	Vol 6
88A	Parking Structures—1995	Vol 4	312	Vessels, Protection During Construction, Repair, and Lay-up—1995	Vol 6
1982	Personal Alert Safety Systems (PASS) for Fire Fighters—1993	Vol 9	90B	Warm Air Heating and Air Conditioning Systems—1996	Vol 5
43D	Pesticides, Storage of—1994	Vol 2	820	Wastewater Treatment and Collection Facilities—1995	Vol 7
912	Places of Worship—1993	Vol 12	25	Water-Based Fire Protection Systems—1995	Vol 2
1141	Planned Building Groups—1990	Vol 8	750	Water Mist Fire Protection Systems—1996	Vol 7
650	Pneumatic Conveying Systems—1990	Vol 7	15	Water Spray Fixed Systems—1996	Vol 1
110	Power Systems, Emergency and Standby—1996	Vol 5	1231	Water Supplies, Suburban and Rural Fire Fighting—1993	Vol 8
1420	Pre-Incident Planning for Warehouse Occupancies—1993	Vol 12	22	Water Tanks for Private Fire Protection—1996	Vol 1
903	Property Survey Guide—1996	Vol 12	17A	Wet Chemical Extinguishing Systems—1994	Vol 1
1977	Protective Clothing and Equipment for Wildland Fire Fighting—1993	Vol 9	18	Wetting Agents—1995	Vol 1
1971	Protective Ensemble for Structural Fire Fighting—1997	Vol 9	295	Wildfire Control—1991	Vol 6
1035	Public Fire and Life Safety Educator Professional Qualifications—1993	Vol 7	299	Wildfire, Protection of Life and Property—1991	Vol 6
1061	Public Safety Telecommunicator Qualifications—1996	Vol 8	1906	Wildland Fire Apparatus—1995	Vol 8
8503	Pulverized Fuel Systems—1992	Vol 9	1051	Wildland Fire Fighter Professional Qualifications—1995	Vol 8
1921	Pumping Units, Portable—1993	Vol 9	257	Window Assemblies, Fire Tests of—1990	Vol 6
1922	Pumping Units, Fire Service Self-Contained—1994	Vol 9	664	Wood Processing and Woodworking Facilities—1993	Vol 7
1911	Pumps on Fire Department Apparatus, Service Tests of—1991	Vol 8	482	Zirconium, Production, Processing—1996	Vol 7
1126	Pyrotechnic Use Before a Proximate Audience—1996	Vol 8			
40E	Pyroxylin Plastic—1993	Vol 2			

#9/11

87-1

1 Bill-Fire, Fi

H. B. 4164

2

(By Delegates Hunt, Linch, Compton, Jenkins,
Faircloth and Riggs)

3

4

[Introduced January 30, 1998; referred to the
Committee on Government Organization then the
Judiciary.]

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8

9

10 A BILL to amend and reenact section one, article six,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the fire commission to promulgate a
14 legislative rule relating to the state fire code.

15 *Be it enacted by the Legislature of West Virginia:*

16 That section one, article six, chapter sixty-four of
17 the code of West Virginia, one thousand nine hundred
18 thirty-one, as amended, be amended and reenacted, to read
19 as follows:

20 **ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY**
21 **AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE**
22 **RULES.**

23 §64-6-1. Fire commission.

4164

1 (a) The legislative rule filed in the state register
2 on the first day of August, one thousand nine hundred
3 ninety-six, modified by the fire commission to meet the
4 objections of the legislative rule-making review committee
5 and refiled in the state register on the twenty-ninth day
6 of October, one thousand nine hundred ninety-six,
7 relating to the fire commission (state building code, 87
8 CSR 4), is authorized.

9 (b) The legislative rule filed in the state register
10 on the twenty-fourth day of July, one thousand nine hundred
11 ninety-seven, authorized under the authority of section
12 five, article three, chapter twenty-nine, of this code,
13 modified by the fire commission to meet the objections of
14 the legislative rule-making review committee and refiled in
15 the state register on the twelfth day of November, one
16 thousand nine hundred ninety-seven, relating to the fire
17 commission (state fire code, 87 CSR 1), is authorized.

18

19 NOTE: The purpose of this bill is to authorize the
20 Fire Commission to promulgate a legislative rule relating
21 to the State Fire Code.

22

23 Strike-throughs indicate language that would be
24 stricken from the present law, and underscoring indicates
25 new language that would be added.

87-1

Senate Bill No. 298

(By Senator(s) Ross, Anderson, Bowman,
Macnaughtan, Boley and Buckalew)

[Introduced January 30, 1998; referred to the
Committee on the Judiciary.]

10 A BILL to amend and reenact section one, article six,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the fire commission to promulgate a
14 legislative rule relating to the state fire code.

15 *Be it enacted by the Legislature of West Virginia:*

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22
23 Strike-throughs indicate language that would be
24 stricken from the present law, and underscoring indicates
25 new language that would be added.



FILED

Nov 17 1 42 PM '97

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State Capitol - Room MB-49
Charleston, West Virginia 25305
(304) 347-4840

Senator: Mike Ross, Co-Chairman
Delegate: Mark Hunt, Co-Chairman
Counsel: Debra A. Graham

November 5, 1997

Joseph A. Altizer, Associate Counsel
Rita Pauley, Associate Counsel
Audrey R. Ross, Admin. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Bill Spencer
State Fire Commission
1207 Quarrier Street
Room 202
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: State Fire Code (87CSR1)

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.