

STATE FIRE CODE

STATEMENT OF CIRCUMSTANCES

The State Fire Code provide the latest technology in fire safety designs and equipment installations. These proposed rules adopt the 1994 National Fire Codes which are referenced by federal and state governments for reducing the loss of life and property from the hazards of fire and explosion.

The circumstances for updating the State Fire Code is to provide the design professionals with different options to achieve a level of fire safety within different occupancies. The proposed code also provides for the storage of Class C Explosives that is not covered by the National Codes, and closes the loop-hole for maintaining safe storage. Also, requirements for Rural Health Care and Birthing Centers is established. The State Fire Commission is authorized by Chapter 29, Article 3, Section 5 of the West Virginia Code to establish safe practices in widely recognized standards of good practice for fire safety.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: State Fire Code

Type of Rule: XX Legislative Interpretive Procedural

Agency State Fire Commission

Address 2100 Washington Street, East
Charleston, WV 25305
Telephone: 558-2191

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERNATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of above estimates:

Non-applicable

3. Objectives of these rules:

The objective of these rules provide up-to-date fire safety technology to reduce the loss of life and property from fires or explosions. These rules adopt the National Fire Codes used by the Federal government, as well as international recognition, and provides the best viable fire safety technology which provides for a reasonable level of safety for the public.

Rule Title:

State Fire Code

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government. These proposed rules provide the Fire Commission with updated technology on fire safety procedures and requirements to reduce fire loss. The initial cost for filing the National Fire Codes has been waived by the National Fire Prot. Assoc., therefore, there is no cost to the State for filing these codes.

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

The utilization of the 1994 National Fire Codes will make available to the public the use of latest Fire Safety Technology. The use of this technology provide necessary fire safety features for the reduction of fire loss, Requests for updating the code have been requested by organization.


C. Economic Impact on Citizens/Public at Large.

The current State Fire Code adopts the 1990 National Fire Codes. These rules adopt the 1994 National Fire Codes which provide a more viable program for enhancing fire safety through inspection and public information programs.

Date:

August 8, 1994

Signature of Agency Head or Authorized Representative



DATE: August 8, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: State Fire Commission

LEGISLATIVE RULE TITLE: State Fire Code

1. Authorizing statute(s) citation 29-3-5

2. a. Date filed in State Register with Notice of Hearing

May 13, 1994

b. What other notice, including advertising, did you give of the hearing?

Statewide Press Release to all news media resources

(copy attached)

c. Date of Hearing(s) June 23, 1994

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached Yes No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

May 13, 1994

f. Name and phone number(s) of agency person(s) to contact for additional information:

Walter Smittle III, State Fire Marshal 558-2191

L. D. Cross, Chief Deputy Fire Marshal 558-2191

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

Non-applicable

b. Date of hearing: Non-applicable

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

Non-applicable

d. Attach findings and determinations and reasons:

Attached Non-applicable

BRIEF SUMMARY

The West Virginia State Fire Commission promulgates the State Fire Code in accordance with West Virginia Code, Chapter 29, Article 3, Section 5. The purpose of this code is to establish the minimum requirements for the safeguarding of life and property from the hazards of fire and explosion. Amendments to the State Fire Code include the adoption of the 1994 National Fire Codes as promulgated and miscellaneous requirements for fire safety.

WEST VIRGINIA
STATE FIRE CODE

Rules
of the West Virginia
State Fire Commission

Approved by Secretary, Department of Military Affairs and Public
Safety.



Major General Joseph J. Skaff

August 5, 1994
Date



Bill L. Spencer, Chairman

July 28, 1994
Date

STATE FIRE COMMISSION
State Capitol
Charleston, West Virginia

WEST VIRGINIA STATE FIRE CODE
Rules of the
West Virginia State Fire Commission

SERIES I

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SECTION 1. General

1.01 Scope - These rules establish the safeguarding of life and property from the hazards of fire and explosion.

1.02 Authority - These legislative rules are issued under authority of W. V. Code, Chapter 29, Article 3 (1931, as amended), and pursuant to the provisions of W.Va. Code 29A.

1.03 Effective Date -

1.04 Filing Date -

1.05 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 or penal occupancy shall not be exempt from the requirements of this State Fire Code.

1.07 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 these Rules. For ascertaining these additional standards and requirements it is necessary to make reference to these other documents.

SECTION 2 Reporting of Fire Incidences by Fire Departments
Brigades, and Companies

Any organized public fire brigade, department or company shall report every fire and non-fire incident(s) 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. EXCEPTION: Any fire or explosion involving human fatality, property damage in excess of \$250,000, or arson or suspected arson, shall be reported immediately.

SECTION 3 Unvented Heaters

All unvented fuel fire heaters are prohibited for all occupancies except one (1) and two (2) family dwellings.

SECTION 4 National Standards and Codes

4.01 Incorporated of National Standards and Codes -
The standards and requirements as set out and established by the 1990 1994 edition of "The National Fire Codes" published by the National Fire Protection Association but not including standards and requirements directed to the operation of local fire departments, NFPA 101M and Chapter ~~21~~ 22 and 23 of NFPA 101 and the State Building Code and shall have the same force and effect as if set out verbatim in these rules 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 said publications in all matters coming under his jurisdiction. A copy of the said, "The National Fire Codes" has been filed with the Secretary of State and a copy of the Table of Contents of said publication is included herewith. Information regarding the purchase of the aforesaid "The National Fire Codes" (or separate volumes thereof) may be obtained by writing to the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

4.02 National Standards and Codes - Modification of Fireworks Display Regulations. The "Regulations of the State Fire Marshal For The Display of Fireworks" as contained in N.F.P.A. 1123 and 1126 of the ~~1990~~ 1994 edition of "The National Fire Codes" above referred to shall have the same force and effect and shall control the same as if set out verbatim in these regulations and are hereby adopted and promulgated by the State Fire Commission as a part of the State Fire Code, but with numbered paragraphs A and B thereof changed to read as follows:

A. Upon receipt of such 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 these regulations are complied with in the case of the particular display. He 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. Being satisfied that 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 these regulations. Failure to approve the application by either the Fire Chief or Police Chief (or County Sheriff, as the case might be) shall be sufficient cause for the State Fire Marshal to deny a permit.

B. The application, following endorsement by the Chiefs of the Fire and Police Departments (or County Sheriff, as the case might be), 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.

These changes to said N.F.P.A. 1123 and 1126 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 West Virginia Code 29-3-24 in those situations where the proposed site of a fireworks display is outside the limits of a municipality.

4.03 National Standards and Codes, Table of Contents

(1) National Fire Codes - Published by National Fire Protection Association, pages 5-8:

51A	Acetylene Cylinder Charging Plants—1989	Vol 2	496	Electrical Equipment, Purged and Pressurized Enclosures for—1993	Vol 7
1904	Aerial Ladder and Elevating Platform Fire Apparatus—1991	Vol 8		Electrical Fires, Investigation of—1988	Vol 12
30B	Aerosol Products, Manufacture and Storage—1990	Vol 2	907M	Electrical Installations, Classification of Class I Hazardous Locations—1992	Vol 11
81D	Agricultural Commodities, Milling of—1989	Vol 3	497A	Electrical Installations in Chemical Process Areas, Classification of Class II Hazardous (Classified) Locations—1991	Vol 11
90A	Air Conditioning and Ventilating Systems—1993	Vol 4	497B	Electrical Maintenance, Residential—1994	Vol 4
423	Aircraft Engine Test Facilities—1989	Vol 6	73	Electrical Safety Requirements for Employee Workplaces—1988	Vol 3
422M	Aircraft Fire Investigator's Manual—1989	Vol 11	79	Electrical Standard for Industrial Machinery—1991	Vol 4
415	Aircraft Fueling Ramp Drainage—1982	Vol 6	91	Exhaust Systems for Air Conveying of Materials—1982	Vol 4
407	Aircraft Fuel Servicing—1990	Vol 6	69	Explosion Prevention Systems—1992	Vol 3
408	Aircraft Hand Fire Extinguishers—1989	Vol 6	485	Explosive Materials Code—1992	Vol 7
409	Aircraft Hangars—1990	Vol 6	488	Explosives Motor Vehicle Terminals—1992	Vol 7
417	Aircraft Loading Walkways—1990	Vol 6	80A	Exposure Fires, Protection from—1993	Vol 10
410	Aircraft Maintenance—1989	Vol 6	61C	Feed Mills, Fire and Dust Explosions in—1969	Vol 3
403	Aircraft Rescue, Fire Fighting at Airports—1993	Vol 6	705	Field Flame Test for Textiles and Films—1993	Vol 11
412	Aircraft Rescue, Evaluating Fire Fighting Foam Equipment—1993	Vol 6	921	Fire and Explosion Investigations Guide—1992	Vol 12
			282	Fire and Smoke Characteristics of Electrical Wire and Cables, Method of Test for—1990	Vol 6
402M	Aircraft Rescue and Fire Fighting Operations—1991	Vol 11	72	Fire Alarm Code, National—1993	Vol 4
414	Aircraft Rescue and Fire Fighting Vehicles—1990	Vol 6	1901	Fire Apparatus, Pumper—1991	Vol 8
424M	Airport/Community Emergency Planning—1991	Vol 11	1410	Fire Attack, Initial—1988	Vol 8
1003	Airport Fire Fighter Qualifications—1987	Vol 7	1914	Fire Department Aerial Devices, Testing—1991	Vol 9
416	Airport Terminal Buildings—1993	Vol 6	1931	Fire Department Ground Ladders—1989	Vol 9
419	Airport Water Supply Systems—1992	Vol 11	1932	Fire Department Ground Ladders, Use, Maintenance, and Service Testing—1989	Vol 9
101*M	Alternative Approaches to Life Safety—1992	Vol 10	1561	Fire Department Incident Management System—1990	Vol 8
851	Aluminum Powder—1993	Vol 7	1581	Fire Department Infection Control Program—1992	Vol 8
65	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 Protected Properties—1969	Vol 10
232AM	Archives and Records Centers—1991	Vol 11	1521	Fire Department Safety Officer—1992	Vol 8
8504	Atmospheric Fluidized-Bed Boiler Operation—1993	Vol 9	1404	Fire Department Self-Contained Breathing Apparatus Program—1989	Vol 8
30A	Automotive and Marine Service Station Code—1993	Vol 2	1002	Fire Department Vehicle Driver/Operator Qualifications—1993	Vol 7
231E	Baled Cotton Storage—1989	Vol 10	80	Fire Doors and Windows—1992	Vol 4
8501	Boiler Operation, Single Burner—1992	Vol 9	10	Fire Extinguishers, Portable—1990	Vol 1
251	Building Construction and Materials, Fire Tests of—1990	Vol 6	10L	Fire Extinguishers, Port. Enabling Act—1990	Vol 10
220	Building Construction, Standard Types of—1992	Vol 5	10R	Fire Extinguishers, Portable, in Family Dwellings—1992	Vol 10
1402	Building Fire Service Training Centers—1982	Vol 12	2001	Fire Extinguishing Systems, Clean Agent—1994	Vol 9
703	Building Materials, Fire Retardant Coatings—1992	Vol 7	1001	Fire Fighting Professional Qualifications—1992	Vol 7
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255	Building Materials, Test of Surface Burning Characteristics of—1990	Vol 6	1961	Fire Hose—1992	Vol 9
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40	Cellulose Nitrate Motion Picture Film—1988	Vol 2	1963	Fire Hose Connections—1993	Vol 9
654	Chemical, Dye, Pharmaceutical, and Plastic Industries, Prevention of Fire and Dust Explosions in—1988	Vol 7	906	Fire Incident Field Notes—1993	Vol 12
491M	Chemical Reactions, Hazardous—1991	Vol 11	1031	Fire Inspector, Professional Qualifications—1993	Vol 7
49	Chemicals Data, Hazardous—1991	Vol 10	1033	Fire Investigator Professional Qualifications—1993	Vol 7
97	Chimneys, Vents, Heat Producing Appliances, Terms Relating to—1992	Vol 10	1021	Fire Officer Professional Qualifications—1992	Vol 7
211	Chimneys, Vents, Fireplaces, and Solid Fuel Burning Appliances—1992	Vol 5	1	Fire Prevention Code—1992	Vol 1
260	Cigarette Ignition Resistance, Components of Furniture—1994	Vol 6	20	Fire Pumps, Centrifugal—1993	Vol 1
261	Cigarette Ignition Resistance, Upholstered Furniture Material Assemblies—1994	Vol 6	902M	Fire Reporting Field Incident Manual—1990	Vol 12
318	Cleanrooms, Protection of—1992	Vol 6	550	Fire Safety Concepts Tree—1986	Vol 11
16A	Closed-Head Foam-Water Sprinkler Systems—1994	Vol 1	170	Fire Safety Symbols—1994	Vol 5
1999	Clothing, Protective for Medical Emergency Operations—1992	Vol 9	1041	Fire Service Instructor Qualifications—1992	Vol 7
1976	Clothing, Protective for Proximity Fire Fighting—1992	Vol 9	1983	Fire Service Life Safety Rope—1990	Vol 9
1971	Clothing, Protective for Structural Fire Fighting—1991	Vol 9	1201	Fire Services for the Public—1989	Vol 12
120	Coal Preparation Plants—1994	Vol 5	1124	Fireworks, Manufacture, Transportation, and Storage of—1988	Vol 8
901	Coding, Uniform for Fire Protection—1990	Vol 12	1123	Fireworks Outdoor Display of—1990	Vol 8
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1221	Communication Systems, Public Fire Service—1991	Vol 8	30	Flammable and Combustible Liquids Code—1993	Vol 2
473	Competencies for EMS Personnel—1992	Vol 7	395	Flammable and Combustible Liquids, Farm Storage of—1993	Vol 6
55	Compressed and Liquefied Gases in Portable Cylinders—1993	Vol 2	386	Flammable and Combustible Liquids, Portable Shipping Tanks—1990	Vol 6
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75	Computer/Data Processing Equipment—1992	Vol 4	329	Flammable and Combustible Liquids, Underground Releases of—1992	Vol 11
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96	Cooking Operations, Ventilation Control—1994	Vol 4	328	Flammable Liquids and Gases in Manholes, Sewers—1992	Vol 11
214	Cooling Towers, Water—1992	Vol 5	325M	Flammable Liquids, Gases, Volatile Solids, Fire Hazard Properties of—1991	Vol 11
51B	Cutting and Welding Processes—1994	Vol 2	253	Floor Covering Systems, Critical Radiant Flux Test for—1990	Vol 6
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34	Dipping and Coating Processes Using Flammable or Combustible Liquids—1989	Vol 2	298	Foam Chemicals for Wildland Fire Control—1989	Vol 6
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SECTION 5 Sprinkler Protection & Area Limitations

Approved automatic sprinkler systems in accordance with NFPA 13, will be installed in all new buildings, used for any occupancies, exceeding the areas in the following table.

EXCEPTION: As to occupancies noted in Section 6 of these rules and regulations, sprinkler protection shall be provided as required by said Section 6.

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	<u>30,000</u> 20,000	15,000	5,000	Sec.10-High Rise	Sec.10-High Rise
000 Unprotected Limited	<u>10,000</u>	<u>5,000</u>	All Areas		
Unprotected Non-Com.	7,000	4,000	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					
2EH Heavy Timber	9,000	6,000	<u>All areas</u> 3,000	NOT PERMITTED	NOT PERMITTED
Type V					
111 Protected Wood Frame	7,000	4,000	<u>Require Sprinklers</u> All Areas	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 barriers, or a combination of exterior or foundation walls. A fire barrier is a continuous vertical membrane designed and constructed with a fire resistance rating of two (2) hours to limit the spread of fire and smoke. Fire barriers shall have protected openings. Buildings shall only be separated by one two hour fire barrier and areas shall be divided as equal 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 these Rules and Regulations.
- (4) Types of building construction indicated in chart are located in NFPA 220, Standard on Types of Building Construction.
- (5) Protection of Structural members in Type I and Type II construction: Columns, girders, trusses, beams, lintels, or other structural members that are required to have a fire resistance rating and that support more than two floors or one floor and roof, or support a bearing wall or a nonbearing wall more than two stories high, shall be individually protected on all sides for their length or height with materials having the required fire resistance rating. All other structural members required to have a fire resistance rating may be protected by individual encasement, by a membrane or ceiling protection which is part of an approved assembly which meets the required fire resistance rating, or by a combination of both.

SECTION 6 Sprinkler Protection (certain occupancies)

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 be provided with complete automatic sprinkler protection in accordance with Standard 13 contained within the aforesaid National Fire Codes.

EXCEPTION: Homes caring for not more than three patients.

SECTION 7 Carpet Used As Floor Covering

7.01 Flammability Requirements for Carpet Used As Floor Covering

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 of the above shall meet a minimum value of 0.22 watts per square centimeter.

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.

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

7.02 Smoke Generation Properties of Carpet Used as Floor Covering.

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

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

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

EXCEPTION: Where an approved, automatic sprinkler system is installed and the floor is non-combustible. Class II carpet shall be permitted in any location where Class I is required and where Class II is permitted, no rating is required.

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.

Whenever the State Fire Marshal, by and through persons working under his direction, shall determine (based upon the State Fire Code and/or on the experience and knowledge applied in the operation of his 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 such 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 con-

stitutes a fire hazard 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, then the State Fire Marshal shall order such condition or thing to be corrected, or combustible, flammable or explosive, items to be removed, or such building or buildings to be repaired, closed to occupants, or removed, as required by the circumstances, and such order shall be promptly complied with by the owner, agent, occupant, and lessee of such premises, place, property, or thing. Any such order may be expressed in the alternative, e.g. allowing repair but on the failure to repair requiring demolition. Any such order by the State Fire Marshal which concludes that a fire hazard exists, shall advise what repairs, and/or demolition, must be accomplished, shall advise that compliance therewith shall be completed within thirty (30) days of issuance, shall advise that in the event of noncompliance, the State Fire Marshal is authorized by statute to enter into and upon the premises affected by such order and cause the building, structure, premises, or thing to be repaired, torn down, mater-

ials removed, and all dangerous conditions to be remedied (as the case may be) at the expense of the owner, and shall advise that the subject order can be contested by entering an appeal to the State Fire Commission as outlined in Section 13 of these Rules and Regulations.

SECTION 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.

SECTION 10 High Rise Buildings - Fire Safety Standards and Requirements

10.01 General - All new buildings or structures more than forty (40) feet in height, measured from the lowest grade level to the floor of the highest normally occupied space used for human occupancy of the structure, shall be subject to the rules set forth herein for high rise buildings. These high rise rules shall not nullify or interfere with existing city ordinances or local laws previously adopted prior to September 8, 1975 relative to this subject. EXCEPTION: Industrial occupancies not occupied as business offices.

10.02 Addition of Floors to Existing Buildings

Whenever floors are added to existing building, which previously was not a high rise, causing building to now become a high rise, such building shall comply with High Rise Standard.

10.03 Automatic Fire Extinguishing Systems & Standpipe Systems - Any building or structure as defined in 10.01 or 10.02 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, imposed by Section 4 of these Rules and Regulations.

10.04 Fire Alarm System - The fire alarm system shall conform to the rules imposed by Section 4 and Section 11 of these Rules.

10.05 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 from the lowest grade level to the floor of the highest normally occupied space used for human occupancy shall have an approved electrically supervised fire department voice communication system. Fire Department Voice Communication System shall be located at each floor level of stair enclosures, elevator lobbies, pent-

house (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.

10.06 High Rise Central Control Station - In every High Rise as defined in 10.01 and 10.02, 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 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.

10.07 Emergency Power - A permanently installed emergency power generation system conforming to The National Fire Codes imposed by Section 4 of these Rules and Regulations shall be provided in every high rise building 75 feet in height or greater, as measured from the lowest grade level to the floor of the floor of the highest normally occupied space used for human occupancy.

All power, lighting, signal, and communication facilities, required by these rules and regulations or otherwise, shall be transferable automatically to the emergency power system.

The emergency system shall be of sufficient capacity to provide service for, but not limited to, the following:

- (a) Fire Alarm System
- (b) Exit & Other Emergency Lighting
- (c) Fire Protection Equipment
- (d) ~~Smoke Control~~ Management System
- (e) Fire Department Elevator
- (f) Fire Department Voice Communication System
- (g) Fire Pumps

10.08 ~~Smoke Control~~ Management - In all high rise buildings as defined in 10.01 and 10.02 ~~an engineered~~ a smoke ~~control~~ management system designed in accordance with NFPA 92A and 92B shall be provided ~~as~~ and acceptable to the authority having jurisdiction.

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

SECTION 11 Fire Alarm System

11.01 General Requirements for All Occupancies

(1) All fire alarm systems including all components shall be electrically supervised. Components shall include pull stations, automatic detection, sounding devices, flow switches, tamper switches and main panel.

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

(3) All fire alarm systems ~~wiring~~ shall be in accordance with The National Fire Codes, imposed by Section 4 of these rules. (NOTE: NFPA 70 and NFPA 72)

(4) Sprinkler System(s) installed - The OS & Y ~~and~~ P.I.V. and other Control Valves shall be electrically supervised and tied into the trouble side of the panel.

(5) Sprinkler System(s) shall be tied in so flow will activate the general fire alarm sounding device(s).

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

(7) All Health Care and Detention and Correctional occupancies shall be tied into a fire department or a communication center responsible for receiving emergency calls with 24-hour supervision.

- (8) Heating, Ventilation, Air Conditioning Systems (HVAC)
- (a) All heating, ventilation, 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 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 duct to automatically shut down, close main fan dampers and to sound general fire alarm when activated.
 - (c) Health Care, Detention/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) 100% utilization of outside air will not require duct detector(s).
 - (e) Exception to 11.01(8): HVAC Systems used as part of the engineered smoke control systems are exempt from 11.01(8).

(9) Audible alarm indicating devices shall be of such character and so distributed 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.

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

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.

(10) 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. (See specific occupancy provisions for additional requirements)

(11) Thermal detectors are required in the following areas in all occupancies requiring a fire alarm system and as listed or identified in The Life Safety Code (NFPA 101):

(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

EXCEPTION: Thermal detectors are not required in areas provided with sprinkler protection or dwelling units of apartments.

(12) 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

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 centers and in rooms open to the corridors. Variance with these requirements must have submission of technical data to justify exceeding these distance requirements.

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

(14) Hood suppression systems shall be connected to the Fire Alarm System.

11.02 Requirements for Educational Occupancy

(1) A fire alarm system is required in every educational occupancy, and such a system must meet the requirements and standards as provided herein. Educational occupancies are as defined in the Life Safety Code. EXCEPTION: One or two classroom buildings of less than 2500 sq. ft. gross floor area with direct exiting to the outside from each classroom.

(2) The general requirements shall be complied with in all educational occupancies as if herein restated verbatim.

(3) Open Plan Classroom Concepts will require a complete smoke detection system throughout the facility.

(4) Day Care Centers located in buildings other than educational facilities shall have smoke detectors installed on 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 recreation areas in the center.~~

(5) An annunciator panel or fire alarm panel is to be readily accessible to local fire department personnel. ~~if more than one zone is provided.~~

(6) Rate of rise thermal detectors are required in all Rest Rooms having three (3) or more fixtures.

(7) Smoke detectors shall be installed in all corridors, except in a single story building with direct exiting to the exterior from every normally student occupied room via a door.

11.03 Requirements for Assembly Occupancy

(1) A fire alarm system is required in every place of assembly where:

- (a) Occupancy is subject to 300 or more occupants, or
- (b) Occupancy is subject to 100 or more occupants above or below level of exit discharge, or
- (c) 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.

~~Such system must meet requirements and standards as provided herein.~~

Assembly occupancies are as defined in the Life Safety Code.

(2) The General Requirements shall be complied with in all places of assembly as if herein restated verbatim.

(3) Annunciator panel and/or fire alarm panel shall be readily accessible to fire department personnel. ~~if more than one zone is provided.~~

(4) Theater(s) and auditoriums are required to provide sounding audible device(s). House lights shall be activated by the fire alarm system.

11.04 Requirements for Health Care Occupancy

(1) A fire alarm system is required in every Health Care occupancy, and such a system must meet the requirements and standards as provided herein. Health Care occupancies are as defined in The Life Safety Code.

(2) The general requirements shall be complied with in all health care occupancies as if herein restated verbatim.

~~(3) Health Care occupancies are hereinafter placed in Groups A and B and these designations then used to indicate which group or groups must comply with the stated requirement(s), as follows:~~

~~_____~~ GROUPS

- ~~_____~~ A. Hospitals and Nursing Homes
~~_____~~ B. Residential - Custodial Care, Supervisory Care, Ambulatory Health Care

~~_____~~ REQUIREMENTS

- ~~_____~~ A and B (a) ~~Annunciator Panel or Fire Alarm Panel is to be readily accessible to Fire Department personnel if more than one zone is provided.~~

~~A and B~~ ~~(b)~~ (3) An approved automatic smoke detection system shall be installed in all corridors.

~~A and B~~ ~~(c)~~ (4) Manual pull stations shall be installed every 50 feet throughout the facility in patient room areas starting at the end of corridors. All other manual pull stations shall be placed in accordance with general requirements.

~~(d)~~ (5) Fire alarm systems shall have annunciators located at all nurse's stations, the telephone switchboard, and at main location of fire department entry.

11.05 Requirements for Detention and Correction Occupancies

(1) A fire alarm system is required in every Detention and Correctional occupancy and such a system must meet the requirements and standards as provided herein. Detention and Correction occupancies are defined in the Life Safety Code.

(2) The general requirements shall be complied with in all Detention and Correctional occupancies as if herein restated verbatim.

(3) Annunciator panel or fire alarm panel is to be readily accessible to fire department personnel. ~~if more than one (1) zone is provided,~~ and shall also be provided in jail control center.

(4) Manual pull stations shall be provided as set forth in general requirements. EXCEPTION: Manual pull station may be of security type in detention sections.

(5) Smoke detectors shall be installed in corridors. If no corridor exists, installation shall be at the highest point of the cell area(s).

(6) Dormitory style facilities shall comply with Residential requirements.

11.06 Requirements for Residential Occupancy

(1) A fire alarm system is required for each of the herein enumerated groups of residential buildings, and such system must meet the requirements and standards provided herein. A residential building is as defined in the Life Safety Code.

(2) The general requirements shall be complied with in all residential occupancies as if herein restated verbatim.

(3) Residential occupancies are hereinafter placed in Groups A and B and these designations then used to indicate which group or groups must comply with the stated requirement, as follows:

GROUPS

- A. Hotel/Motels, Dormitories, Lodging and Rooming Houses
- B. Apartments

REQUIREMENTS

A. (Hotels/Motels/Lodging or Rooming and/or Boarding Houses, Dormitories)

- (1) Smoke detectors shall be placed a maximum of 15 feet from ends of corridors or walls and located 30 feet on centers throughout all inside corridors. Smoke detectors shall be placed maximum of 15 feet from ends of walls and 30 feet on centers in open bay sleeping areas.
- (2) Annunciator panel or fire alarm panel shall be readily accessible to fire department personnel ~~if more than one (1) zone is provided,~~ and also shall be located at the registration desk.
- (3) All sleeping rooms shall have an approved self-contained smoke detector(s) hardwired in accordance with NFPA 74, Household Fire Warning Equipment.
- (4) Motel(s)/Hotel(s) having direct exterior exiting shall have manual pull station every 75 feet located on exterior walls. (Minimum requirement shall be one).

B. Apartments

- (1) Apartment buildings having 12 or more units or 4 or more stories in height shall have fire alarm systems. Smoke detectors shall be placed a maximum of 15 feet from the ends of corridors and walls and 30 feet on centers.
- (2) All existing apartments shall have approved self-contained smoke detector(s) located at entrance to bedrooms.

- (3) All new apartments shall have an approved self-contained smoke detector(s) hard wired in accordance with NFPA 74, Household Fire Warning Equipment.

11.07 Requirements for Mercantile Occupancy

(1) A fire alarm system is required in every mercantile occupancy over 3,000 square feet, and such system must meet the requirements and standards as provided herein. Mercantile occupancies are as defined in the Life Safety Code.

(2) The general requirements will be complied with in all mercantile occupancies as if herein restated verbatim.

(3) If the existing Class B mercantile occupancy has a complete and approved sprinkler protection system, a fire alarm system will not be required.

11.08 Requirements for Business Occupancy

(1) A fire alarm system is required in every business occupancy where:

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

~~Such system must meet requirements and standards
as provided herein.~~

Business occupancy are as defined in the Life
Safety Code.

(2) The general requirements shall be com-
plied with in all business occupancies as if herein restated ver-
batim.

11.09 Requirements for Industrial Occupancy

A fire alarm system is required in all Indus-
trial Occupancies as required in The National Fire Codes (Life
Safety Code) referred to in Section 4 of these rules.

11.10 Requirements for Storage Occupancy

A fire alarm system is required in all Stor-
age Occupancies as required in The National Fire Codes (Life
Safety Code) referred to in Section 4 of these rules.

SECTION 12 Exit Inspections and Public Life Safety Announcements

12.01 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 persons will gather at a Class A or B place of
assembly (as defined in ~~the 1981 edition of~~ the Life Safety Code
- NFPA No. 101) the owner (or his designee pursuant to written

authority, instructions, or procedures) shall inspect every required exit, way of approach thereto, and way of departure therefrom. If such 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.

12.02 Announcements. Immediately prior to the start of the program, the owner or his authorized agent shall orally notify all attendees concerning the location of the exit(s) to be used in case of fire or other emergency.

12.03 Records. Accurate record of all inspections, corrections, and notifications made pursuant to this chapter 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 date, time, and location;
- (b) the name and signature of the person who performed each requirement of this chapter; and
- (c) the date and time when each requirement was performed.

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

SECTION 13. Order of Decision of the State Fire Marshal;
and Appeals and Procedure for Appeals from
such Orders or Decisions.

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 based upon or made pursuant to these rules, and desiring to contest such order or written decision may file an appeal from such 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. V. Code 29-3-1, et. seq. and W. V. Code, Chapter 29A.

13.01 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. or based upon or made pursuant to these rules is final, unless vacated or modified upon review pursuant to the appeal rights and procedures provided by the official Code of W.V. and this rule.

13.02 W. V. 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.V. Code 29-3-12(g) and (i) shall be obtained without compliance with the provisions in these rules governing "Procedure in Contested Cases." Where appropriate, a subsequent order by the State Fire Marshal relating to the testimony so obtained shall, the same as any other order by the State Fire Marshal, be subject to the appeal rights provided in W. V. Code 29-3-1, et. seq.

13.03 Appeal Petition - The appeal petition is to be typewritten, styled "Appeal Petition", and submitted with 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:

(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 said order or decision with each assignment of error being shown in separately numbered paragraphs;

(C) a clear and concise statement of fact upon which the petitioner relies as sustaining his assignment of errors;

(D) the address petitioner desires to have all notices, documents, and the final order of the State Fire Commission mailed to;

(E) the telephone number or numbers where 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.

13.04 Time Requirement and Manner of Filing Appeal
Petition - An appeal petition must be personally delivered or mailed to the State Fire ~~Administrator~~ Commission within thirty (30) days following service upon the petitioner, or within thirty (30) days following actual receipt if service be not required or for some reason not made of the order or decision being contested. Any appeal petition shall be sent by certified mail, return receipt requested, and are 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.

13.05 Copy of Appeal Petition to State Fire Commission

- Upon receipt of an appeal petition, the State Fire ~~Administra-~~
~~tor~~ Commission shall forthwith 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 shall be delivered a copy of the response to the
State Fire Commission and a copy to the petitioner.

13.06 Scheduling Appeal Petition for and Notice of

Hearing - The State Fire Commission through the State Fire ~~Admin-~~
~~istrator~~ 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 con-
sidered at the hearing, shall contain 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 ~~Administrator~~
Commission 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. Any hearing shall be con-

ducted at a designated location at the State Capitol 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.

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

13.08 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 set forth in a motion 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.

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

13.10 Hearing Examiner - Any member of the State Fire Commission may conduct a hearing on an appeal petition, issue subpoenas and subpoenas duces tecum, and shall have full authority to conduct the proceedings on an appeal petition, and when acting in such 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. V. Code 29A-5-1(d).

13.11 Subpoenas and Subpoenas Duces Tecum - At any hearing held hereunder, the testimony of witnesses and the production of documentary evidence may be required through the use of subpoenas and subpoenas duces tecum. Such subpoenas or subpoenas duces tecum may be issued at the request of the petitioner, the State Fire Marshal, or of the State Fire Commission, and shall be issued by and in the name of the State Fire Commission.

Every such subpoena and/or subpoena duces tecum is required to prove service at least five (5) days before the return date thereof, either by personal service made by any person eighteen (18) years of age, or older, or by registered or certified mail, but a return acknowledgement signed by the person to whom the subpoena or subpoena duces tecum is directed shall be required to prove service by registered or certified mail.

Any party requesting a subpoena or subpoena duces tecum must 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 such Commission.

Any public official who serves any such subpoena or subpoena duces tecum shall be 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 shall be 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 such 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 such subpoena or subpoena duces tecum.

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.

Any person receiving a subpoena or subpoena duces tecum issued hereunder shall honor the same as though it were issued by a circuit court of the state, and shall appear as a witness and/or produce such books, records, or papers in response to such 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 such circuit court or a refusal to testify therein.

13.12 Evidence -

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

(B) 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, may be offered and made a part of the record in the case.

(C) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Except as otherwise herein stated, 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 thereunder may be admitted, except where precluded by the official code of W.V. or privilege, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

13.13 Record of Proceedings - All of the testimony, evidence and rulings on admissibility of evidence at any such hearing shall be recorded by a certified court reporter. An official record of the hearing will be prepared by the State Fire Commission, but 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.

13.14 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.

13.15 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.

13.16 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.

Section 14 Miscellaneous Provisions

14.01 FOREST FIRE SEASON:

The periods of each year between March first and May thirty-first, inclusive, and October first and December thirty-first, inclusive, are hereby designated as forest fire seasons. No person shall during any such 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. Such 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 such fire unattended for any period of time.

Provided that the State Fire Marshal may issue permits authorizing fires prohibited by the preceding paragraph in accordance with West Virginia State Code, Chapter 20, Article 3, Section 5 of the West Virginia Code.

14.02 EXECUTIVE ORDER BY THE GOVERNOR ON OPEN BURNING

On such occasions when the Governor of the State issues an Executive Order or Proclamation to ban open burning due to weather conditions, the fire marshal may assist in the enforcement of the provisions of the Proclamation or Executive Order.

14.03 OUTDOOR STORAGE OF USED TIRES

The storage of used tires shall comply with the following:

(1) All outdoor storage of used tires shall be free from all trash and debris within the site.

(2) The owners/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.

(3) All outdoor storage of used tires shall have a perimeter security chain link fence of a minimum height of six feet.

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

(5) In the absence of an available water supply of at least 500 GPM 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.

(6) Fire lanes shall be established and maintained having a minimum of forty-five foot lanes capable of supporting fire apparatus, and shall exist between all tire piles.

(7) A minimum of a fifty foot wide zone around the site perimeter inside the fence line shall be maintained.

(8) All storage piles shall have a minimum of a thirty inch high earthen dike around each tire pile as the piles are established.

(9) A maximum of eighteen tire piles may be established on a single site.

(10) No site may exceed the storage of more than three hundred thousand tires without the approval of the state fire marshal.

14.04 FIREWORKS DEFINED; LABELS REQUIRED (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, and 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 the same, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, sparklers 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, except that the term "fireworks" shall not include 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.

14.05 UNLAWFUL SALE, POSSESSION OR USE OF FIREWORKS; PERMIT FOR PUBLIC DISPLAY (29-3-24)

Except as hereinafter provided, 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 Codes as adopted in Section 4 of this State Fire Code. The state fire marshal shall have the authority to charge a fee of ten dollars to each applicant requesting a license to be a pyrotechnic operator as set forth in this article. 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 (as provided in Rules and Regulations, Fees for Services Rendered, Series 5) required to be paid by the provisions of this section shall be paid to the state fire marshal and thereafter deposited by him into a special account for the operation of the state fire commission. Such permits may be granted upon application to said state fire marshal and after approval of the local police and fire authorities of the community wherein the display is proposed to be held as provided herein and the filing of a bond by the applicant as provided hereinafter. Every such display shall be handled by a competent operator licensed or certified as to

competency (as provided by National Codes as adopted in Section 4 of this State Fire Code) by the state fire marshal and shall be of such composition, character, and so located, discharged or fired as 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 such privilege shall have been granted, sales, possessions, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

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 article and the rules of the state fire commission, provided no municipality shall be required to file such bond.

Before any permit for a pyrotechnic display shall be issued, the person, firm or corporation making application therefor shall furnish proof of financial responsibility (as provided by National Codes as adopted in Section 4 of this State Fire Code) to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such

amount, character and form as the state fire marshal determines to be necessary for the protection of the public.

14.06 Necessity of License for Electrical Work

No electrical work may be performed, offered or engaged in for compensation or hire within the state of West Virginia by any person, unless such person possesses a valid license issued by the state fire marshal in accordance with Chapter 29, Article 3B of the West Virginia Code. (29-3B-2)

14.07 Residential Board and Care Occupancies

Application: All facilities classified as residential board and care occupancies shall conform to the following requirements.

Definitions:

Residential Board and Care Occupancy. A building or part of a building used to provide lodging, boarding, and personal care services for four (4) up to and including ~~eight (8)~~ ten (10) residents unrelated by blood or marriage to its owners or operators.

Personal Care. "Personal Care" means protective care of a resident who does not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident when in the building. Protective care may include a daily awareness by the management of the resident's functioning and his or her whereabouts, the arrangement of appointments and reminders of appointments for a resident, the ability and readiness to intervene if a crisis arises for a resident, supervision in areas of nutrition and medication, and actual provision of transient medical care.

Self-preservation. A person is capable of removing his or her physical self from situations involving imminent danger, such as fire.

Other definitions applicable to these requirements can be found in NFPA 101 Chapter 3, ~~1988 edition~~.

Requirements:

- (1) All residents shall be capable of self-preservation.
- (2) Minimum Construction Required: No Requirements.
- (3) Height Requirements: Patient sleeping rooms to be located on first and second floors only.
- (4) Means of Egress: At least two (2) remote approved from each floor; at least one (1) of which shall be a door directly to the outside without traversing any corridor or space exposed to an unprotected vertical opening.
- (5) Vertical Openings: Shall be properly enclosed on at least one (1) level unless used as the primary means of egress, then shall be enclosed at ~~both~~ all levels with 1 hour fire rated construction.
- (6) Doors: Shall be side-hinged swinging at least 32 inches wide when located in means of egress. Bathroom doors may be 24 inches wide.
- (7) Stairs: Shall be at least Class B.
- (8) Hazardous Areas: Shall be provided with one hour fire-rated separation or provided with automatic sprinkler protection and smoke tight.
- (9) Interior Finish: Walls and ceilings shall be at least Class C throughout.
- (10) Fire Alarm: (a) Shall be approved electrically supervised and meet State Fire Code requirements for Residential: Rooming/Lodging.

(b) Individual sleeping rooms shall be provided with a single station smoke detectors hardwired in accordance with NFPA 74, Household Fire Warning Equipment.

Exception: Less than four (4) residents.

- (11). Sprinkler: Automatic sprinkler system is required and shall meet NFPA 13D.

Exception: Less than four (4) residents.

- (12) Corridor Walls: Shall be at least twenty (20) minute fire-rated and smoketight.
- (13) Corridor Doors: Shall be provided with self-closing devices or automatic closers. Shall be provided with latches suitable for keeping the door closed.
- (14) Electrical System: Shall meet National Electric Code.
- (15) Each sleeping room shall be provided with at least one (1) outside window for rescue/ventilation.
- (16) Any carpet located in the facility shall meet State Fire Code for Residential Occupancies.
- (17) No door in any means of egress shall be locked against egress when the building is occupied.
- (18) Every bathroom door lock shall be designed to permit opening of the locked door from the outside in an emergency.
- (19) Every closet door latch shall be such that it can be readily opened from the inside in case of emergency.
- (20) Heating, ventilating, and air conditioning equipment shall comply with the provisions of NFPA 101 Sections 7-2.1 and 7-2.2 ~~1988 Edition~~.
- (21) No stove or combustion heater shall be so located as to block escape in case of fire arising from malfunction of the stove or heater.
- (22) All facilities shall comply with the Life Safety Code, Chapter 31, Section 7, Operating Features.

14.08 Storage of Fireworks Wholesale Distributors

Definitions: Facility shall mean any building, igloo, barn, trailer, semitrailer or other mobile property.

Storage of Fireworks: All new and existing storage facilities for interstate wholesale fireworks distribution in accordance with West Virginia Code 29-3-25 shall meet the following requirements:

(1) Each Storage facility shall be fire resistive construction.

(2) Each Storage facility containing 1000 pounds or more shall have a complete automatic sprinkler system installed in accordance with NFPA 13, Installation/Sprinkler Systems.

(3) Each Storage facility shall not be located within a residential area.

(4) Each Storage facility shall not be located within 2000 feet of any assembly, educational, health care or correctional occupancies.

(5) Storage/Sale Permits shall be issued by the State Fire Marshal's Office. Permits will be issued only upon verified compliance of these rules and payment of required fee.

(6) Owner(s) or Operator(s) shall immediately notify State Fire Marshal's Office of any lost, stolen or unaccounted fireworks within 24 hours.

(7) No Smoking shall be permitted in the facility or within 50' of a facility. Conspicuous signs indicating "Warning - No Smoking" shall be posted at frequent intervals throughout the facility.

(8) No fireworks shall be sold to any West Virginia resident.

(9) A fire alarm system with complete smoke detection shall be installed throughout the facility in accordance with the State Fire Code.

(10) Each facility shall meet the requirements of the State Fire Code.

(11) Display area shall contain only inert fireworks and be secured to prevent unauthorized access to the display area.

(12) 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.

(13) Daily inventory of fireworks shall be maintained for each facility.

(14) All fireworks transported by vehicle from a distribution facility shall be placarded in accordance with U. S. DOT requirements. Less than 1000 pounds shall be placarded Class C Explosives. More than 1000 pounds shall be placarded Class B Explosives. Each vehicle used to transport fireworks shall meet Chapter 5 of NFPA 1124, Code for the Manufacture, Transportation and Storage of Fireworks.

(15) Each Fire Department providing emergency services to any facility shall be notified in writing of the existence of the storage facility including information as to the type of explosives and explosive hazards. Pre-fire planning shall be completed by the fire department prior to operating the facility.

(16) The land surrounding each facility shall be kept clear of combustibles for a distance of at least 25 feet on all sides.

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

(18) All electrical wiring and fixtures shall be in accordance with the National Electrical Code, Class II, Group E, Division I locations (Article 502 of the National Electrical Code).

(19) All Heating, Ventilation and Air Conditioning shall be in accordance with the State Fire Code. No open flaming devices on heating units shall be permitted.

(20) Each 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. (See items 3 and 4 of these rules for prohibited locations).

14.09 Stopping, Standing or Parking Prohibited in Specified Areas.

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

- (4) Within fifteen feet of a fire hydrant;
- (10) 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 said entrance (when properly sign-posted) (17C-13-3)

14.10 Passengers on Running Boards

No person shall ride nor shall the operator permit any person to ride on the running boards of any fire apparatus while such vehicle is being operated on the streets or highways of this State.

Exception: Parades

14.11 Crossing Fire Hose

No streetcar or vehicle shall be driven over any unprotected hose of a fire department when 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

(a) 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 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. (17C-9-5 and 17C-15-26)

(b) Upon receipt of written notification from the Fire Chief 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/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.

14.14 Rural Health Care and Birthing Center Facilities

Definitions:

Primary Care: Medical care and services at the point when a person first seeks assistance from the health care system for the simpler and more common illnesses, and which takes ongoing responsibility for the recipient's health maintenance and illness.

Rural Health Initiative/Kellogg Clinical Facility: A health care facility which provides primary or secondary patient care and, as such, must meet the requirements for the safety of all occupants while in the building.

Birthing Center: A health care facility which provides patient care for three or less patients. A facility which provides patient care for three or more patients requires compliance with Life Safety Code, Ambulatory Health Care.

Secondary Care: Medical care and services provided by medical specialists, as by cardiologists or neurosurgeons, usually upon referral or consultation.

Self-Preservation: Patients and other occupants of the facility must be capable of removing themselves from the facility with limited assistance, either physical or verbal, in an emergency, such as fire.

Requirements:

1. Construction Requirements: No unprotected wood frame construction (Type V 000). NOTE: Wood frame construction is acceptable provided the interior is covered with 1/2 inch gypsum board.

2. Sprinkler System: All facilities shall be provided with a complete automatic sprinkler system meeting the following criteria:

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- a. Single-story facilities, new or existing, up to 3000 gross square feet shall have a NFPA 13-D system with an activation or flow alarm within the building when sleeping accommodations are provided.
- b. Facilities, new or existing, having more than 3000 gross square feet, or more than one story but not more than two (2) stories, shall have a NFPA 13-R system.
- c. Existing facilities of more than two stories will require approval by the State Fire Marshal.

3. Maximum number of examination/treatment rooms shall not exceed twelve (12) per facility.

4. Separation Requirements: When a rural health facility is located within a building having one or more other occupancies, the rural health facility shall be separated from all other occupancies with a two (2) hour fire barrier, or the building shall be completely protected with an automatic sprinkler sytem in accordance with NFPA 13, Standard for the Installation of Sprinkler System.

5. Height Requirments:

- a. No examination/treatment rooms shall be located above or below a level of exit discharge.
- b. Sleeping rooms for health care providers and patients in Birthing Centers will not be located more than one (1) story above the level of exit discharge.
- c. Each sleeping room shall have at least one (1) operable outside window for rescue/ventilation. Window shall provide a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of these window openings shall be no more than 44 inches above the floor.
- d. All doors to sleeping rooms shall be provided with self-closing devices and latches suitable for keeping the door closed.

6. Occupant load calculation shall be one person per 100 square feet of gross floor area.

7. Means of Egress:

- a. All new facilities shall have at least two (2) remote approved means of egress from each floor.
- b. Existing one (1) floor facilities shall have at least two (2) remote exits.

- c. Existing two (2) story facilities shall have two remote exits, one of which shall lead directly to the outside without traversing any corridor or space exposed to an unprotected vertical opening.
- d. No door in any means of egress shall be locked against egress.
- e. All exit doors in the means of egress shall have panic hardware installed.
- f. All doors shall be side-hinged swinging at least 36 inches in clear width.

8. Vertical Openings:

- a. All vertical openings shall be properly enclosed on at least one (1) level unless used as a means of egress. If used as a means of egress, both levels, or all levels, shall be enclosed with at least one-hour fire resistive construction.
- b. All other vertical openings shall be properly enclosed with one-hour fire resistive construction.

9. Exit Doors and Exit Enclosure Doors: All exit doors and exit enclosure doors shall swing in the direction of egress.

10. Corridor Walls: All corridor walls shall be at least thirty (30) minute fire-rated and smoke-tight.

11. Corridor Width:

- a. 44" for non-sleeping areas
- b. 72" for patient sleeping areas in Birthing Centers and treatment areas in Rural Health Care Facilities.

12. Corridor Doors:

- a. Every bathroom door lock shall be designed to permit opening of the locked door from the outside in an emergency.
- b. Every closet door latch or lock shall be such that it can be readily opened from the inside in case of emergency.
- c. All corridor doors shall be provided with positive latching devices suitable for keeping the door closed.

d. All corridor doors shall be solid bond wood core construction.

e. No corridor door shall be less than 32 inches wide.

13. Stairs: All stairs shall be at least Class B, which requires the stair width to be a minimum of 36 inches if serving 50 or fewer persons. If serving more than 50 persons, the stairs shall be Class A.

14. Hazardous Areas: All hazardous areas shall be provided with one-hour fire-rated construction or provided with automatic sprinkler protection. Hazardous areas classified as severe in accordance with the Life Safety Code shall be properly separated and protected with automatic sprinkler protection.

15. Interior Finish: Walls and ceilings shall be at least Class A throughout. Exception: When facility is protected with an automatic sprinkler protection throughout, Class C finish is acceptable.

16. Fire Alarm Requirements:

a: Facilities having 3000 or less gross square feet shall have hardwired, self-contained smoke detectors installed in the means of egress.

b. Facilities having more than 3000 gross square feet shall have an electrically supervised fire alarm system with smoke detectors in corridors and heat detectors in hazardous areas and manual pull stations at exits throughout the facility.

c. Individual sleeping rooms for health care providers and patients, when applicable, shall be provided with a single-station smoke detector hardwired in accordance with NFPA 74, Household Fire Warning Equipment.

17. Electrical System: All electrical wiring shall meet the National Electric Code and Ground Fault Circuit Interruption will be provided if the receptacle is located within 32" from any sink or wet area.

18. All carpet located in the facility shall meet a minimum value of 0.22 watts per square centimeter in all corridors and exits, and shall not exceed a maximum value of Dm-450 smoke (flaming mode).

19. Heating, Ventilating, and Air Conditioning Equipment shall comply with NFPA 90A, Standard for the Installation of Air Conditioning and Ventilation Systems; NFPA 90B, Standard for the Installation of Warm Air Heating and Air Conditioning Systems; NFPA 91, Standard for Exhaust Systems for Air Conveying Materials; NFPA 31, Standard for the Installation of Oil Burning Equipment; NFPA 54, National Fuel Gas Code, or NFPA 70, National Electrical Code.

20. No stove or combustion heater shall be located so as to block the means of egress in case of fire arising from malfunction of the stove or heater.

21. No portable fuel heaters shall be permitted.

22. Emergency lighting shall be provided throughout the means of egress.

23. Exit signs shall be required and shall be illuminated.

14.15 Explosives Amendment to NFPA 495, Explosive Materials Code

a. 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.

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

SECTION 15. Severability

The sections this rule are severable. Should any section be declared by judicial opinion unconstitutional or in any manner contrary to the laws of the State of West Virginia, that particular section shall be invalid and all other sections shall remain in full force and effect.



The Department of Military Affairs and Public Safety

BILL L. SPENCER
Chairman

JOSEPH J. BOSTAR, III
Vice-Chairman

WILLIAM D. SITES
Secretary

GASTON CAPERTON, GOVERNOR
MAJOR GENERAL JOSEPH J. SKAFF
Secretary

State Fire Commission
State Capitol Complex
Charleston, West Virginia 25305

WALTER SMITTLE III
State Fire Marshal
Phone (304) 558-2191
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NEWS RELEASE

The West Virginia State Fire Commission will conduct a public hearing on the proposed adoption of the 1994 National Fire Codes as part of the State Fire Code and the proposed adoption of the 1993 BOCA Codes as part of the State Building Code.

The public hearing will take place at the State Capitol, East Wing, Room E-215, at 10:00 AM, June 23, 1994. All interested individuals or organizations are encouraged to attend the public hearing or submit written comments to: State Fire Commission, c/o Mr. Bill L. Spencer, Chairman, 2100 Washington Street, East, Charleston, WV 25305. For additional information, please contact the State Fire Commission at (304) 558-2191 during regular business hours.

MAILING LIST

NAME	ADDRESS	CITY	STATE	ZIP CODE	REMARKS
BARBOUR DEMOCRAT	PO BOX 459	PHILIPPI	WV	26416	WEEKLY-WEDNESDAY
BECKLEY REGISTER/HERALD	801 NORTE KANAWHA ST.	BECKLEY	WV	25801	DAILY-SUNDAY
BLUEFIELD DAILY TELEGRAPH	P. O. BOX 1599	BLUEFIELD	WV	24701	DAILY-SUNDAY
BRAXTON CITIZEN'S NEWS	501 MAIN	SUTTON	WV	26601	WEEKLY-MONDAY
BRAXTON DEMOCRAT/CENTRAL	P. O. BOX 427	SUTTON	WV	26601	WEEKLY-FRIDAY
BUCKHANNON RECORD-DELTA	7 NORTH LOCUST ST.	BUCKHANNON	WV	26201	WEEKLY-MON & WED.
CABELL RECORD	1035 THIRD AVE.SUITE 201	HUNTINGTON	WV	25701	WEEKLY-WEDNESDAY
CHARLESTON DAILY MAIL	1001 VIRGINIA ST. E.	CHARLESTON	WV	25301	DAILY-SUNDAY
CHARLESTON GAZETTE	1001 VIRGINIA ST. E.	CHARLESTON	WV	25301	DAILY-SUNDAY
CLARKSBURG EXPONENT/TELEGRAM	324-326 HEWES AVE.	CLARKSBURG	WV	26301	DAILY-SUNDAY
CLAY COUNTY FREE PRESS	BOX 180, CHURCH ST.	CLAY	WV	25043	WEEKLY-TUESDAY
COAL VALLEY NEWS	P. O. BOX 508	MADISON	WV	25130	WEEKLY-WEDNESDAY
DOMINION POST	GREER BLDG. RT. 7	MORGANTOWN	WV	26505	DAILY, SUNDAY
PAYETTE TRIBUNE	417 MAIN STREET	CAK HILL	WV	25901	WEEKLY-MONDAY & THURSDAY
GRANT COUNTY PRESS	47 SOUTH MAIN ST.	PETERSBURG	WV	26847	WEEKLY-WEDNESDAY
GRANTSVILLE NEWS	P. O. BOX 400	GRANTSVILLE	WV	26147	WEEKLY-THURSDAY
GUYANDOTTE VOICE	P. O. BOX 4508	CHAPMANVILLE	WV	25508	WEEKLY-WEDNESDAY
HAMPSHIRE REVIEW	P.O. DRAWER 1036	ROMNEY	WV	26757	WEEKLY-WEDNESDAY
HANCOCK COUNTY COURIER	BOX 547	NEW CUMBERLAND	WV	26047	WEEKLY-THURSDAY
HERALD RECORD	202 EAST MAIN	WEST UNION	WV	26456	WEEKLY-TUESDAY
HINTON DAILY NEWS	BOX 1000, 210 SECOND AVE	HINTON	WV	25951	WEEKLY-TUESDAY
HOMETOWN NEWS	P.O. BOX 597	MADISON	WV	25130	WEEKLY
HURRICANE BREEZE	P. O. BOX 336	HURRICANE	WV	25526	WEEKLY-WEDNESDAY
INDEPENDENT HERALD	P. O. BOX 100, RT. 10E	PINEVILLE	WV	24874	WEEKLY-WEDNESDAY
INDUSTRIAL NEWS	P. O. BOX 180	IAEGER	WV	24844	WEEKLY-WEDNESDAY
MEADOW RIVER POST	BOX 747	RAINELLE	WV	25962	WEEKLY-THURSDAY
MINERAL DAILY NEWS-TRIBUNE	24 ARMSTRONG ST.	KEYSER	WV	26726	DAILY
MOUNDSVILLE DAILY ECHO	P. O. BOX 369	MOUNDSVILLE	WV	26041	DAILY
MOUNTAIN ECHO	24 ARMSTRONG ST.	KEYSER	WV	26726	WEEKLY-SATURDAY
MOUNTAIN STATESMAN	914 WEST MAIN ST.	GRAFTON	WV	26354	WEEKLY-TUES.THURS. & SAT.
PARKERSBURG NEWS	519 JULIANA STREET	PARKERSBURG	WV	26101	DAILY-SUNDAY
PARKERSBURG SENTINEL	519 JULIANA STREET	PARKERSBURG	WV	26101	DAILY
PARSONS ADVOCATE	212 MAIN ST.	PARSONS	WV	26287	WEEKLY-WEDNESDAY
PENNSBORO NEWS	407 MAIN STREET	PENNSBORO	WV	26415	WEEKLY-WEDNESDAY
PLEASANTS COUNTY LEADER	P. O. BOX 27	ST. MARYS	WV	26170	WEEKLY-SATURDAY
POINT PLEASANT REGISTER	200 MAIN STREET	POINT PLEASANT	WV	25550	DAILY
PRESTON COUNTY JOURNAL	P. O. BOX 587	KINGWOOD	WV	26537	WEEKLY-MONDAY & THURSDAY
PRESTON COUNTY NEWS	BOX 225, 226 WASHINGTON AVE	TERRA ALTA	WV	26764	WEEKLY-THURSDAY
PRINCETON TIMES	P.O. BOX 1199	PRINCETON	WV	24740	WEEKLY-THURSDAY
REGISTER HERALD/POST REPORT	107 NORTH LAFAYETTE STREET	LEWISBURG	WV	24901	WEEKLY-WEDNESDAY
RICHWOOD NEWS-LEADER	P. O. BOX 591	RICHWOOD	WV	26261	WEEKLY-WEDNESDAY
ROANE COUNTY REPORTER	P. O. BOX 647	SPENCER	WV	25276	WEEKLY-THURSDAY
SPIRIT OF JEFFERSON ADVOCATE	P. O. BOX 966	CHARLES TOWN	WV	25414	WEEKLY-THURSDAY
ST. MARYS ORACLE	P. O. BOX 27	ST. MARYS	WV	26170	WEEKLY-WEDNESDAY
THE BROOKE NEWS	P. O. BOX 591	WELLSBURG	WV	26070	WEEKLY-THURSDAY

MAILING LIST

NAME	ADDRESS	CITY	STATE	ZIP	REMARKS
THE CALHOUN CHRONICLE	P. O. BOX 400	GRANTSVILLE	WV	26147	WEEKLY-THURSDAY
THE CARSIDER	BOX 8361	SOUTH CHARLESTON	WV	25303	
THE CATHOLIC SPIRIT	P. O. BOX 951	WHEELING	WV	26003	WEEKLY-FRIDAY
THE CLAY HERALD	RT. 4, BOX 5	CLAY	WV	25043	WEEKLY-MONDAY
THE FOLLANSBEE REVIEW	P. O. BOX 591	WELLSBURG	WV	26070	WEEKLY-THURSDAY
THE GLENVILLE DEMOCRAT	P. O. BOX 430	GLENVILLE	WV	26351	WEEKLY-THURSDAY
THE GLENVILLE PATHFINDER	206 EAST MAIN STREET	GLENVILLE	WV	26351	WEEKLY-THURSDAY
THE HERALD DISPATCH	946 5TH AVENUE	HUNTINGTON	WV	25720	DAILY, SUNDAY
THE INTELLIGENCER	15TH/MAIN STREETS	WHEELING	WV	26003	DAILY
THE INTER-MOUNTAIN	P. O. BOX 1339	ELKINS	WV	26241	DAILY
THE JACKSON HERALD	P.O. BOX 31/117 COURT ST.	RIPLEY	WV	25271	WEEKLY-WEDNESDAY
THE JACKSON STAR NEWS	P. O. BOX 10	RAVENSWOOD	WV	26241	WEEKLY-WED & SAT
THE JACKSON STAR NEWS	BOX 10, RACE STREET	RAVENSWOOD	WV	26164	WEEKLY-WED. & SATURDAY
THE LINCOLN JOURNAL	BOX 308, 337 WALNUT ST.	HAMLIN	WV	25523	WEEKLY-WEDNESDAY
THE LOGAN BANNER	BOX 720, 435 STRATTON ST.	LOGAN	WV	25601	DAILY, SUNDAY
THE MONROE WATCHMAN	P. O. BOX 179	UNION	WV	24983	WEEKLY-THURSDAY
THE MONTGOMERY HERALD	406 LEE STREET	MONTGOMERY	WV	25136	WEEKLY-WEDNESDAY
THE MOOREFIELD EXAMINER	132 SOUTH MAIN ST.	MOOREFIELD	WV	26836	WEEKLY-WEDNESDAY
THE MORGAN MESSENGER	P. O. BOX 567	BERKELEY SPRINGS	WV	25411	W-WED.
THE MORNING/SUNDAY JOURNAL	207 WEST KING STREET	MARTINSBURG	WV	25401	DAILY
THE MULLEN ADVOCATE	BOX 907	MULLENS	WV	25882	WEEKLY-THURSDAY
THE NEWS LEADER	BOX 591	RICHWOOD	WV	26261	WEEKLY-WEDNESDAY
THE NICHOLAS CHRONICLE	BOX 503, WEBSTER ROAD	SUMMERSVILLE	WV	26651	WEEKLY-THURSDAY
THE PENDLETON TIMES	P. O. BOX 906	FRANKLIN	WV	26807	WEEKLY-THURSDAY
THE PIEDMONT HERALD	33 EAST FAIRVIEW ST.	PIEDMONT	WV	26750	WEEKLY-TUESDAY
THE POCAHONTAS TIMES	P. O. BOX 117, 810 SECOND AVE	MARLINTON	WV	24954	WEEKLY-THURSDAY
THE PUTNAM DEMOCRAT	P. O. BOX 179	WINFIELD	WV	25213	WEEKLY-THURSDAY
THE RITCHIE GAZETTE	BOX 215, 112-116 E. MAIN ST.	HARRISVILLE	WV	26362	WEEKLY-THURSDAY
THE SHINNSTON NEWS	P. O. BOX 7	SHINNSTON	WV	26431	WEEKLY-WEDNESDAY
THE WEBSTER ECHO	P. O. BOX 749	WEBSTER SPRINGS	WV	26288	WEEKLY-WEDNESDAY
THE WEBSTER REPUBLICAN	BACK FORK STREET	WEBSTER SPRINGS	WV	26288	WEEKLY-WEDNESDAY
THE WEEKLY NEWS SENTINEL	BOX 308, 337 WALNUT ST.	HAMLIN	WV	25523	WEEKLY-WEDNESDAY
TIMES-RECORD	P. O. BOX 674	SPENCER	WV	25276	WEEKLY-THURSDAY
TIMES-WEST VIRGINIAN	P. O. BOX 2530	FAIRMONT	WV	26554	DAILY-SUNDAY
TYLER STAR NEWS/CTY JOURNAL	BOX 191, DIAMOND STREET	SISTERSVILLE	WV	26175	WEEKLY-WEDNESDAY
WADC-AM/WMGF-FM	703 MARKET STREET	PARKERSBURG	WV	26101	
WAYZ-AM/FM	BOX 5588	PRINCETON	WV	24740	
WAYZ-FM	P. O. BOX 2324	HUNTINGTON	WV	25725	
WAJR-AM/WVAZ-FM	GREER BLDG. RT. 7	MORGANTOWN	WV	26505	
WAMX-FM	P. O. BOX 1150	HUNTINGTON	WV	25713	
WAYNE COUNTY NEWS	310 CENTRAL AVENUE	WAYNE	WV	25570	WEEKLY-THURSDAY
WBOY-TV	912 W. PIKE ST.	CLARKSBURG	WV	26302	
WBTE-AM/WXCC-FM	5 1/2 E. SECOND AVE.	WILLIAMSON	WV	25661	
WBUC-AM/WBTQ-FM	P. O. DRAWER C	BUCKHANNON	WV	26201	
WCAW-AM/V100-FM	P.O. BOX 4318	CHARLESTON	WV	25364	

05/13/94

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WCBS-AM/WBBS-FM	1111 VIRGINIA ST. E.	CHARLESTON	WV	25301		
WCBS-TV	1301 PIEDMONT	CHARLESTON	WV	25301		
WCLG-AM/PM	BOX 885	MORGANTOWN	WV	26505		
WCST-AM/PM	P. O. BOX 10	BERKELEY SPRINGS	WV	25411		
WCWV-FM	713 MAIN ST.	SUMMERSVILLE	WV	26651		
WDNE-AM/WVET-FM	WASHINGTON & DAVIS STS.	ELKINS	WV	26241		
WDTV	PO BOX 480 FIVE TV DRIVE	BRIDGEPORT	WV	26330		
WEIR-AM	3578 PENNSYLVANIA AVENUE	WEIRTON	WV	26062		
WEIRTON DAILY TIMES	114 LEE AVENUE	WEIRTON	WV	26062		DAILY
WELC-AM	BOX 949	WELCH	WV	24801		
WELCH DAILY NEWS	125 WYOMING ST.	WELCH	WV	24801		DAILY
WELD-AM/PM	KESSEL ROAD	FISHER	WV	26818		
WELK-FM	228 RANDOLPH AVENUE	ELKINS	WV	26241		
WEMM-FM	703 THIRD AVENUE	HUNTINGTON	WV	25701		
WEPM-AM/WKMZ-FM	P.O. BOX 767	MARTINSBURG	WV	25401		
WEST VIRGINIA BEACON DIGEST	P. O. BOX 901	SOUTH CHARLESTON	WV	25324		WEEKLY-FRIDAY
WEST VIRGINIA DAILY NEWS	P. O. BOX 471, 200 S. COURT ST	LEWISBURG	WV	24901		DAILY
WEST VIRGINIA HILLBILLY	P. O. BOX 591	RICHWOOD	WV	26261		WEEKLY-THURSDAY
WESTON DEMOCRAT	P.O. BOX 968	WESTON	WV	26452		WEEKLY-WEDNESDAY
WETZ-AM	P. O. BOX 249	NEW MARTINSVILLE	WV	26155		
WETZEL CHRONICLE	P.O. BOX 289, 1100 3RD ST.	NEW MARTINSVILLE	WV	26155		WEEKLY-WEDNESDAY
WEYS-FM	#1 BRUCE STREET	INSTITUTE	WV	25112		
WFGH-FM	BROADCAST BLDG. COURT ST.	FORT GAY	WV	25514		
WFGM-FM	1101 FAIRMONT AVENUE	FAIRMONT	WV	26554		
WFSP-AM	P. O. BOX 567	KINGWOOD	WV	26537		
WGNT-AM	P. O. BOX 1150	HUNTINGTON	WV	25713		
WEAR-AM/WVEF-FM	350 W. MAIN STREET	CLARKSBURG	WV	26301		
WEAW-AM/WSSN-FM	P. O. BOX 980	WESTON	WV	26452		
WHEELING NEWS-REGISTER	15TH/MAIN STREETS	WHEELING	WV	26003		DAILY, SUNDAY
WHIS-AM/WHAJ-FM	RADIO CTR/900 BLUEFIELD	BLUEFIELD	WV	24701		
WHJC-AM	BOX 68	MATEWAN	WV	25678		
WELX-FM	P.O. BOX 6462	WHEELING	WV	26003		
WILLIAMSON DAILY NEWS	100 EAST 3RD AVENUE	WILLIAMSON	WV	25661		DAILY
WIRT COUNTY JOURNAL	BOX 309	ELIZABETH	WV	26143		WEEKLY-WEDNESDAY
WJLS-AM/WBKW-FM	P. O. BOX 1452	BECKLEY	WV	25802		
WKAZ-AM/WKLC-FM	100 KANAWHA TERRACE	ST. ALBANS	WV	25177		
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WKGI-FM	P. O. BOX 267	NEW MARTINSVILLE	WV	26155		
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WKLP-AM/WQZK-FM	DRAWER F	KEYSER	WV	26726		
WKMM-FM	P. O. BOX 967	KINGWOOD	WV	26537		
WKOY-AM	623 COMMERCE	BLUEFIELD	WV	24701		
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WLOG-AM	BOX 1800	LOGAN	WV	25601		
WLTP-AM/WNUS-FM	BOX 428	BELPRE	OH	45714		
WLYJ-TV	PO BOX 2544/775 W. PIKE	CLARKSBURG	WV	26302		
WMMN-AM	P. O. BOX 1746	CHARLESTON,	WV	25326		
WMON-AM	BOX 750	MONTGOMERY	WV	25136		
WMOV-AM	GIBBS STREET	RAVENSWOOD	WV	26164		
WMTD-AM/FM	P.O. BOX 850	HINTON	WV	25951		
WMUL-FM	COMM. BLDG.MARSHALL UNIV.	HUNTINGTON	WV	25701		
WNST-AM	P. O. BOX 266	MILTON	WV	25541		
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WPMW-FM	14 MORAN AVENUE	MULLENS	WV	25882		
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WSAZ-TV	645 FIFTH AVENUE	HUNTINGTON	WV	25701		
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WSGB-AM/WCKA-FM	189A MAIN ST.	SUTTON	WV	26601		
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WSWP-TV	P. O. BOX AH	BECKLEY	WV	25801		
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WEBZ-AM/FM	P. O. BOX 2	GRAPTON	WV	26354		
WTCR-AM	RADIO PARK ROAD	CATLETTSBURG	KY	41129		
WTCR-FM	P. O. BOX 2186	HUNTINGTON	WV	25722		
WTCS-AM STEREO	RADIO PARK, LEONARD AVE.	FAIRMONT	WV	26554		
WTIP-AM/WVSR-FM	817 SUNCREST PLACE	SO. CHARLESTON	WV	25303		
WTNJ-FM	609 MAIN STREET	MOUNT HOPE	WV	25880		
WTRP-TV	96 16TH STREET	WHEELING	WV	26003		
WVAH-TV	23 BROADCAST PLAZA	HURRICANE	WV	25526		
WVAR-AM	BOX 349	RICEWOOD	WV	26261		
WVBC-FM	BETHANY COLLEGE	BETHANY	WV	26032		
WVKV-AM	BOX 1080	HURRICANE	WV	25526		
WVMR-AM		DUNMORE	WV	24934		
WVOM-AM/FM	SEARS BLDG.	LOGAN	WV	25601		
WVPB-FM	1900 WASHINGTON ST. E.	CHARLESTON	WV	25305		
WVPN-FM	1900 WASH.ST.E.	CHARLESTON	WV	25305		
WVRC-AM	106 RADIO ST.	SPENCER	WV	25276		
WVVA-TV	PO.BOX 1930/RT.460 BYPASS	BLUEFIELD	WV	24701		
WVNC-FM	WEST VIRGINIA WESLEYAN	BUCKEANNON	WV	26201		

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WWVA-AM/WOVK-FM	CAPITOL MUSIC HALL	WHEELING	WV	26003		
WVUU-FM	MOUNTAINLAIR, WVU	MORGANTOWN	WV	26505		
WKEE-AM	P. O. BOX 1340	WELCH	WV	24801		
WXIL-FM	P.O. BOX 1228	PARKERSBURG	WV	26102		
WXIT-AM	136 HIGH STREET	CHARLESTON	WV	25311		
WXVA-AM/FM	P. O. BOX 700	CHARLES TOWN	WV	25414		
WYKM-AM	BOX 627, RT. 60	RUPERT	WV	25984		
WZMM-AM/FM	98 16TH STREET	WHEELING	WV	26003		

Jack Harden, President
WV Professional Firefighters Association
Beckley Fire Dept.
P. O. Drawer AJ
Beckley, WV 25801

WV Society of Architects
405 Capitol Street
Charleston, WV 25301

WV Society of Professional Engineers
179 Summers Street
Charleston, WV 25301

Dale L. Clayton, President
WV State Fire Chiefs Association
Rt. 3, Box 431
Fairmont, WV 26554

John Beaty, President
WV Firemen's Association
120 E. Robinson Street
Paden City, WV 26159

Paul Bragg, President
WV Professional Fire Chief's Assoc.
105 Julianna Street
Beckley, WV 25801

Charles R. Sargent, President
WV Code Officials Association
454 Blake Road
Nitro, WV 25143

AMENDMENTS TO STATE FIRE CODE
AFTER PUBLIC HEARING

Section 14.14 Rural Health Care and Birthing Center Clinics was added as a result of comments submitted by West Virginia University Robert C. Byrd Health Sciences Center by Dr. Robert D'Alessandri. Due to the unusual classification of the use of these facilities dealing with the number of patients receiving health care and less than 3 patients with overnight care the national codes do not address these facilities. The new rural health care initiatives utilizing the proposed requirements will provide for a reasonable level of safety. These proposed rules will be submitted to the national model codes for inclusion in the next updated edition. Preliminary review with national representatives of the American Hospital Association have been excellent.

Section 14.15 Explosive Amendment to NFPA 495, Explosive Materials Code, addresses questions regarding loaded blast holes (shots) not being fired when loaded. Recent injuries to personnel in Southern West Virginia could have been prevented had this rule been in place.

The National Code is silent on this issue. Proposed amendment to the National Code will be submitted for inclusion in the next cycle for revision.

WEST VIRGINIA STATE FIRE COMMISSION

IN RE: Public Hearing on Proposed Revision Of The
West Virginia State Building Code

TRANSCRIPT OF PROCEEDINGS had and/or
testimony adduced in the hearing held before the West
Virginia State Fire Commission in Room 215, East Wing of
the West Virginia State Capitol, Washington Street, East,
Charleston, Kanawha County, West Virginia, on the 23rd day
of June, 1994, commencing at 10:15 a.m.

BEFORE: BILL SPENCER, Chairman
JIM FIFE, Commissioner
FRANCIS GUFFEY, Commissioner
JOHN BEATY, Commissioner
WALTER SMITTLE, State Fire Marshal
DARL CROSS, Chief Deputy Fire Marshal

DONNA KAY MILLER
Certified Court Reporter
7724 Sissonville Drive
Sissonville, West Virginia 25320
(304) 988-9581

I N D E X

<u>Exhibits</u>	<u>Marked</u>	<u>Received</u>
Spellman No. 1, Memo Dated 6-23-94	14	14
Thomasson No. 2, Comments Dated 6-23-94	16	16

P R O C E E D I N G S

(9:15 A.M.)

MR. SPENCER: Good morning and welcome. My name is Bill Spencer. I am chairman of the West Virginia State Fire Commission.

I will preside over the public hearing regarding the revisions of the State Fire Code and the State Building Code.

At any time if you can't hear, just put your hand up back there. This hearing is pursuant to the West Virginia Administrative Procedure Act. The public hearing is being conducted for the purpose of receiving public comments.

Your comments will be considered by the State Fire Commission and acted upon appropriately pertaining to the Fire Code and the State Building Code.

The public hearing is being recorded by Donna Kay Miller. She is a Certified Court Reporter. Her proceedings will be presented to the Commission.

At this time I would like to introduce other members of the State Fire Commission, Mr. John Beaty seated here, Jim Fife, and Mr. Francis Guffey.

We also have from the Fire Marshal's

staff Walter Smittle, State Fire Marshal, Darl Cross, Chief Deputy Fire Marshal.

Prior to this hearing you were asked to sign the register. Has everyone signed and everyone checked that wants to speak?

All right, these proceedings are here for the adoption of the latest edition of the BOCA, Building Officials and Code Administrators.

The 1994 edition of the code is part of the State Building Code and these codes consist of the BOCA National Building Code, Twelfth Edition, 1993, the BOCA National Plumbers Code, Ninth Edition, 1993, BOCA National Mechanical Code, Eighth Edition, 1993, BOCA National Property Maintenance Code, Fourth Edition, 1993, the BOCA Energy Conservation Code, Seventh Edition, 1993, CABO One- and Two-Family Dwelling Code, 1993.

All right, at this time we will go down-- we didn't check whether you want to speak on the Building Code or the Fire Code or both. So we will go down the procedure as we have them here. If you only want to speak on one, we are going to do the Building Code first.

The first name we have is Francis Guffey. Do you wish to speak on the Building Code or the Fire Code

or both of them?

MR. GUFFEY: The Building Code primarily and the CABO Code specifically.

MR. SPENCER: Okay, sir, if you would go to the podium -- if you will come around, please to the podium, give your name and identify yourself.

MR. GUFFEY: If anybody needs to reference any of the Codes, they are here (indicating).

Mr. Spencer, do I speak this way or that way?

MR. SPENCER: This way. Speak in so she can pick it up.

MR. GUFFEY: I am sorry to have my back to you-all. I am going to speak specifically to the --

MR. SPENCER: Sir, will you give your --

MR. GUFFEY: I am Francis Guffey, FAIA, Registered Architect.

MR. SPENCER: Representing, please?

MR. GUFFEY: American Institute of Architects, West Virginia Code Officials, State Fire Commission. Is that legal?

MR. SPENCER: No. I would take exception that you are not speaking for the State Fire Commission at

this time.

MR. GUFFEY: All right, I will take that hat off.

MR. SPENCER: You may proceed.

MR. GUFFEY: Back in 1991 Hurricane Andrew paid a visit to Dade County, Florida. Shortly thereafter I visited Homestead, Florida where the worst of the hurricane hit with a group of architects to investigate the devastation, and there was massive devastation. We are still reading about it.

It was discovered that the difference between a house that stayed on its foundations and was repairable and one that blew into the Gulf of Mexico was \$300 in building materials.

Working with the Miami School of Architecture and the Miami Chapter of the American Institute of Architects very quickly the technical information manual was put together to assist the homeowners in their rebuilding efforts in the building of their replacement homes.

Dade County learned their lesson. Codes were rewritten from their present lax conditions. Code officials are under indictment for compliant construction

inspection, and architects and engineers are now required for all structural reconstruction in these constructions.

It is the Building Codes that saved a lot of these houses. Thank you.

MR. SPENCER: Thank you. James C. Moon, you had a question.

MR. MOON: I pass. I would like to reserve the right if I want to speak. I pass at this time.

MR. SPENCER: Simon.

MR. SIMON: My name is Sean G. Simon. I am representing Jerry Goff Architecture. I would like to speak on behalf of both that you want to adopt.

I believe you should adopt the current codes. I have worked ten years as a volunteer fire fighter, and so I have seen both sides of inadequate codes, not only in the design but in the aftermath, and a lot of times we design by a newer code and then we have problems with definitions that are not covered in the older code, and I just would like to see you adopt the new ones.

MR. SPENCER: You are speaking in reference to the building code?

MR. SIMON: And the life safety.

MR. SPENCER: And the fire code?

MR. SIMON: Right.

MR. SPENCER: Greg Williamson.

MR. WILLIAMSON: Good morning. My name is Greg Williamson. I am architect with Gandee and Partners and representing as President, the West Virginia Society of Architects, and I am speaking primarily with regard to the statewide enactment of BOCA as the statewide building code.

In the United States we view -- the citizens view the primary function of government as promoting the health and the safety and welfare for the citizens in all facets of life.

Many citizens, however, in many states, including West Virginia, live, work, shop, and engage in other activities in building which do not necessarily reflect the definition of safety that has been described in any building code or life safety code.

The West Virginia Society of Architects strongly supports the enactment of a statewide minimum standard for building construction. In fact, many, if not all, or at least most of the architects in the State of

West Virginia are voluntarily complying with the most current BOCA standards in addition to the NFPA standards that are currently enforced.

The West Virginia Society of Architects feels that this offers the owners of these buildings the assurance that the most current safety technology available has been incorporated towards the goal of protecting the occupants of these buildings to the greatest degree possible.

To the fire departments, to those who would service these buildings in the event of a fire, this offers consistency and predictability in the event of a fire or other catastrophe that would affect these buildings.

To the State Fire Commission and the higher levels of state government, this provides a confirmation of the level of concern that you as an agency have for the safety of the citizens of West Virginia.

Again, the West Virginia Society of Architects strongly supports the adoption of BOCA as the statewide building code. Thank you.

MR. SPENCER: Thank you. Bowling.

MR. BOWLING: Pass.

MR. SPENCER: Stricker.

MR. STRICKER: Pass.

MR. SPENCER: Ralph Williams.

MR. WILLIAMS: My name is Ralph D.

Williams. I am a professional lobbyist, and I am authorized to represent the West Virginia Society of Professional Engineers and the West Virginia Association of Consulting Engineers and the West Virginia Society of Architects.

We recommend -- those three organizations recommend the adoption of the current '93 edition of the BOCA Code for West Virginia.

I am also a professional insurance agent, and as Francis has indicated, had Florida had adequate codes and enforced them, the insurance industry would have been a hell of a lot better off today and the citizens in Florida would be too.

Therefore, it is incumbent on West Virginia to bring their codes in line. We may have a natural disaster of our own someday and regret very much not having the codes.

State Farm Insurance Company also represents efforts to pass the National Disaster Relief

Act, and we would certainly solicit West Virginians involvement in trying to have Congress enact that. Thank you.

MR. SPENCER: Thank you. Ted Zachwieja. Is that even close? I am sorry.

MR. ZACHWIEJA: That is close enough. I am Ted Zachwieja with the HEC, Incorporation, consulting engineers in the private sector.

We strongly recommend the adoption of the Code, but what I do have a question is -- it might be an inappropriate question at this time, is that how can the private sector of the architects and engineers and organizations have the legislature to pass a law to adopt current codes that are automatically renewed?

West Virginia adopts a code and then they keep them for five or ten years and it becomes outdated and it becomes a big problem in the design process.

For instance, the hospitals, the hospital engineers of the state, they have to go by the JCAH and the JCAH adopts all current codes, which is in conflict of the West Virginia Code, and I feel that there should be some adoption of those codes as they come out.

MR. SPENCER: Thank you. Mr. Smittle

will respond to that.

MR. SMITTLE: Walter Smittle, State Fire Marshal. Sir, your question is not new to the State Fire Commission. In fact, it has been researched by the Attorney General's Office that what would be required would be to go back into the Administrative Procedures Act, Chapter 29 (a) of the West Virginia Code, and have that Code amended, which would authorize the adoption of the most recent edition.

So legislation would have to be passed by the Legislature amending that section of the Code authorizing the State Fire Commission to adopt the most latest edition of the Code when they are made available by the organizations.

So that question is not new. It has been researched, but until that particular law is changed, the Fire Commission must adhere to the Administrative Procedures Act and adopt them and go through the legislative process with the rule-making review committee.
Okay?

MR. ZACHWIEJA: Okay.

MR. SPENCER: Thank you, sir. Randy Spellman.

MR. SPELLMAN: Good morning. My name is Randy Spellman. I am representing both the City of Bridgeport and also serving as Vice President of the West Virginia Code Officials Association, and we are in full support of the adoption of the 1993 Building Codes, and I would like to make one correction.

I think the CABO, the actual adopting year would be 1992 of the CABO edition and not the '93. Just for a matter of record, I think that should be clarified.

One item I would like to discuss briefly -- and I do have some handouts for the Commissioners -- there is some field concerns at times as the Code officials across the State of West Virginia and the Fire Marshal's Office attempt to work in partnership toward the safety of the citizens and residents of West Virginia and also the safety of the structures being built.

There comes times in the field where there is conflict over who has the total authority. I do have some handouts I would like to enter into the record. I would like the Commission to review the Title 87 Legislative Rules that states that the State Fire Code

takes precedence whenever there is a conflict and also references you over to Section 29-3-5b of the State Code that references whenever any state law, county or municipal ordinance or regulation is more stringent, then that should prevail.

This is something that just needs to be worked out in partnership so that we can go toward a common goal of total, unified safety throughout the State of West Virginia.

I would like to enter these in -- offer a set of these to be entered into the official record, and I also have copies for the Commissioners.

MR. SPENCER: Okay, thank you.

(WHEREUPON, the document referred to was marked for identification as Spellman Exhibit No. 1 and was received in evidence.)

MR. SPENCER: For the record, we acknowledge that we did receive the document from Mr. Spellman and marked it Exhibit 1. Beth Thomasson.

MS. THOMASSON: To keep me on track, I will just read what I drafted for this. My name is Beth

Thomasson and I represent -- I appreciate the opportunity that I have this morning to speak on behalf of the West Virginia Home Builders Association.

We support the concept of the adoption of the latest published edition of the BOCA Building Codes and the CABO Code for one and two single family dwellings as outlined in the proposed rule that was filed with the Secretary of State on May 13th.

Our Board of Directors has discussed this issue for a number of months, and even during the last legislative session attempted to gain support of our desire to amend the statute -- Mr. Smittle has already spoken of this -- to reflect that the state building code would always be the latest adopted version.

Each door that we opened, we were told that it couldn't be done in this manner, but no one could show us a specific code reference indicating this. Finally, at our request the Fire Marshal requested an opinion of this concept from the Office of the Attorney General and his office verified that what we had been hearing was indeed true.

Based on this anticipated conclusion, our Board of Directors voted to support any filing of the

rules by the State Fire Commission to adopt the latest published versions of our state adopted codes. We do so for the following reasons:

State inspectors use the newest version when they inspect the homes that West Virginia builders construct. It is a definite handicap for a builder to be working under the '89/'90 edition when the inspector is using the '92/'93 edition.

Also, in most cases, any changes in building codes from one edition to the next is an improvement and promotes better building practices and safety for the West Virginia citizens.

Members of our Association pledge their support to lobby the legislature for the passage of these proposed rules and to be whatever help that we can, and I will give this to you.

MR. SPENCER: Thank you. Note in the record that those have been presented by her as Exhibit 2, please.

(WHEREUPON, the document referred to was marked for identification as Thomasson Exhibit No. 2 and was received in evidence.)

MR. SPENCER: Is there anyone else that wishes to speak?

MR. WESTFALL: Thank you, Mr. Chairman. My name is Michael M. Westfall, representing BOCA International from their Mideast Regional Office in Columbus, Ohio.

I have been on the staff of BOCA now for three months. It has been a pleasure for me and a privilege, I believe to be making my sixth trip to West Virginia within the three months.

I am very pleased to say that in my opinion West Virginia is taking a leadership role in this section of the country regarding the use and adoption of up-to-date current model codes.

I mainly would like to say me too to all the previous speakers, as well as add a postscript to the excellent point made by Mr. Guffey.

As the result of Hurricane Andrew, the floods in the midwest over the last couple of years and earthquakes in the west, the insurance industry of the United States is currently undertaking a study of building code departments.

In essence, the same as they look at

communities regarding their effectiveness in fire fighting, fire prevention, regulation of flood plains regulations, they are now looking at building departments because of exactly what Mr. Guffey said, their findings after Hurricane Andrew being primarily the reason.

They believe that through the use and adoption of up-to-date model building codes that are administered and enforced fairly and thoroughly, they will realize over time a savings in insurance losses.

It is a preliminary study. As I mentioned, their initial news releases indicated that they will be grading every community in the United States before the year 2000, with the major communities and the major natural disaster prone areas being graded by the end of 1995.

For this reason, we feel it is very important that the latest edition of the model codes, any model code, hopefully will be put into ordinance by local communities and that the building departments will be well staffed, well trained to enforce them.

Again, we commend your work. We are here to support you any time we can.

MR. SPENDER: Thank you very much. All

right, is there anyone else that would desire to speak before we close the hearing on the Building Code?

MR. MILLER: My name is Lloyd Miller. I am with N Visions Architects in South Charleston, West Virginia, and I am speaking today for adopting both codes in their current form and edition.

Speaking as an individual architect, I run across situations practically every day where we are entitled to interpret codes and apply them to specific projects.

By our registration laws we are required to look after the welfare and the safety of the public, in particular the owners we are dealing with. A lot of times there are conflicts that arise in the current editions along with the editions that are currently in effect as far as the state law goes.

It makes it difficult on our part to really address the owners needs and the welfare of the public in an intelligent fashion when those conflicts come up.

We normally take the most aggressive interpretation of that; however, the owner sometimes disputes that as far as the cost goes.

But in general, if we are looking at the general welfare of the public and providing the welfare and the safety in our designs that we are entitled to do, it makes our job a lot easier and also makes our project a lot safer if we have some consistency in the codes that affect the state.

MR. SPENCER: Thank you. Is there anyone else desiring to speak on the building codes? If not, we will close the public hearing on the Building Code at this time.

(WHEREUPON, at 10:40 a.m., the public hearing was adjourned.)

REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit:

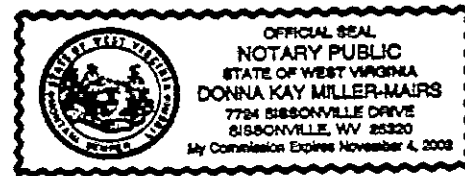
I, Donna Kay Miller-Mairs, do hereby
certify that the foregoing is, to the best of my skill and
ability, a true and accurate transcript of all the testimony
adduced or proceedings had as set forth in the caption
hereof.

Given under my hand this 29th day of
June, 1994.



Donna Kay Miller-Mairs
Certified Court Reporter

My Commission expires November 4, 2002.



WEST VIRGINIA STATE FIRE COMMISSION

IN RE: Public Hearing on Proposed Revision Of The
West Virginia State Fire Code

TRANSCRIPT OF PROCEEDINGS had and/or
testimony adduced in the hearing held before the West
Virginia State Fire Commission in Room 215, East Wing of
the West Virginia State Capitol, Washington Street, East,
Charleston, Kanawha County, West Virginia, on the 23rd day
of June, 1994, commencing at 10:40 a.m.

BEFORE: BILL SPENCER, Chairman
JIM FIFE, Commissioner
FRANCIS GUFFEY, Commissioner
JOHN BEATY, Commissioner
WALTER SMITTLE, State Fire Marshal
DARL CROSS, Chief Deputy Fire Marshal

DONNA KAY MILLER
Certified Court Reporter
7724 Sissonville Drive
Sissonville, West Virginia 25320
(304) 988-9581

P R O C E E D I N G S

(10:40 a.m.)

MR. SPENCER: All right, at this time the Fire Commission will hold a public hearing on the adoption of the Fire Codes. These are the codes to amend -- the State Fire Commission proposes to amend the State Fire Code by the adoption of the 1994 Fire Code and amend the other section as filed with the Secretary of State's Office.

We propose to adopt the 1994 Edition of the National NFPA Codes.

Is anyone desiring to speak? Mr. Guffey. Again, this is a public hearing for the adoption of the 1994 NFPA Codes.

MR. GUFFEY: Francis Guffey, West Virginia Society of Architects. Something that happened a couple of years ago that impacted architects and owners pretty severely was the Americans With Disabilities Act. I know it certainly impacted our firm. We got an awful lot of business out of it and I daresay a number of architects in this state did too and across the country.

One of the problems we found was that the Americans With Disabilities Act was a civil rights law

that was acting like a building code, and the building codes or life safety codes were not in agreement in some very strong provisions of the life safety code, and I do know several confrontations or several confrontational discussions that took place down in the State Fire Marshal's Office when these conflicts were tried to be resolved, and resolved they were with the cooperation of the Plan of Review Department under Mr. Smittle.

But it still was a conflict and until the codes were changed from the NFPA standpoint or ADA was rewritten, there was not going to be an agreement.

Well, the 1994 version of the NFPA 101 Life Safety Codes took great lengths to adopt and compromise with the ADA legislation, and I think it is very important we adopt the 1994 Code. Thank you.

MR. SPENCER: Thank you. Does anyone else desire to speak on the proposed adoption of the 1994 NFPA Fire Code?

Is there anyone else desiring to speak in the public hearing on the adoption of the proposed State Fire Code?

All right, at this time I would like to recognize Jay Nesbitt, who is a Delegate from the 32nd

District. Thank you for taking the time to attend the public hearing.

I want to thank the fire chiefs and some officials here. I want to thank everyone that attended.

Before this hearing is concluded, I want to remind those present that the State Fire Commission will accept comments, written comments, until June 30, 1994, at 4:00 p.m.

Again, we will accept written comments until June 30, 1994, at 4:00 p.m. Those comments must be addressed to the State Fire Commission, Attention Code Adoption, 2100 Washington Street, East, Charleston, West Virginia, 25305.

Does anyone have any questions? This concludes the public hearing on behalf of the State Fire Commission. I wish to thank all of you for participating. Have a safe trip home. Thank you.

(WHEREUPON, at 10:45 a.m., the public hearing was concluded.)

REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit:

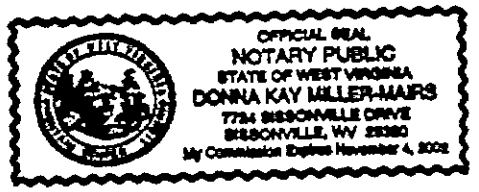
I, Donna Kay Miller-Mairs, do hereby
certify that the foregoing is, to the best of my skill and
ability, a true and accurate transcript of all the testimony
adduced or proceedings had as set forth in the caption
hereof.

Given under my hand this 29th day of
June, 1994.

Donna Kay Miller-Mairs

Donna Kay Miller-Mairs
Certified Court Reporter

My Commission expires November 4, 2002.



Comments Before The
State Fire Commission
concerning
State Building Code

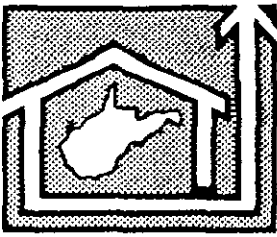
June 23, 1994
State Capitol Complex
East Wing, Room E-215
Charleston, WV

These comments submitted
behalf of

Home Builders Association of WV
700 Virginia Street, West
P.O. Box 6250
Charleston, WV 25362-0250

(304) 342-5176

Thomasson
Ex. No. 2
6-23-94 dkn



Home Builders Association of West Virginia

700 Virginia Street, W.
Charleston, WV 25302
P.O. Box 6250
Charleston, WV 25362-0250
Phone: (304) 342-5176
FAX (304) 342-5177

President
Robert L. Carvell

First Vice President
Stan Bucklew

Second Vice President
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Secretary
Debbie Hawkins

Treasurer
Gerald D. Workman

National Representative
Sandra J. Dunn

National Director
John Leslie

Associate Member Director
Wayne Pugh

General Counsel
William F. Richmond, Jr.

My name is Beth Thomasson and I appreciate the opportunity that I have this morning to speak on behalf of the West Virginia Home Builders Association.

We support the concept of adoption of the latest published edition of the BOCA Building Codes and the CABO Code for one and two single family dwellings as outlined in the proposed rule that was filed with the Secretary of State's Office on May 13th.

Our Board of Directors has discussed this issue for a number of months and, even during the last legislative session, attempted to gain support of our desire to amend the statute to reflect that the state building code would always be the "latest adopted version". Each door that we opened we were told that it couldn't be done in this manner .. but no one could show us a specific code reference indicating that it could not be done. Finally, at our request, the Fire Marshal requested an opinion of this concept from the office of the Attorney General and his office verified what we had been hearing.

Based on this anticipated conclusion, our Board of Directors voted to support any filing of rules by the State Fire Commission to adopt the latest published versions of our state adopted codes. We do so for the following reasons ..

- * state inspectors use the newest version when they inspect the homes that West Virginia builders construct. It is a definite handicap for a builder to be working under a 1989/1990 edition when the inspector is using the 1992/1993 edition
- * in most all cases, any changes in building codes (from one edition to the next) is an improvement and promotes better building practices and safety for West Virginia citizens

Members of our Association pledge their support to lobby the legislature for the passage of these proposed rules and to be whatever help that we can.



TO: Fire Commission
FROM: West Virginia Code Officials Association
DATE: June 23, 1994
SUBJ: Adoption of 1993 BOCA Codes

The West Virginia Code Officials Association wishes to express support for the adoption of the 1993 BOCA Code without amendment. In addition, we respectfully request that the Fire Commission consider the following points in the promulgation of the Administrative Rules.

- 1) Attached find copies of the WV State Code 29-3-5b and the Fire Commission's current Administrative Rules (Title 87, April 3, 1991). Note the difference in wording regarding conflicts between the Fire Code and Building Code. The wording of the Administrative Rules may, and has been, misconstrued to set aside requirements of the Building Code. Obviously, this is not the intent of 29-3-5b(c) which states in part "whenever any other state law, county or municipal ordinance or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the State Fire Code, the provisions of such state law, county or municipal ordinance or regulation of any agency thereof shall govern...". The wording of Title 87-4-3, 3.1 is clearly in conflict with WV State Code as quoted above.

Fire prevention is an important part of the Building Code. There is not and cannot be a significant conflict between the National Fire Codes and the Building Code since both are based on the same standards and studies. Not only are the Fire Protection requirements of the Building Code more stringent in some cases, the greater part of the Building Code deals with matters not covered at all in the Fire Code. The Fire Code, therefore, cannot be substituted for the Building Code in any occupancy. In occupancies where special requirements are imposed by the Fire Code, these should be in addition to, but never instead of, the requirements of the Building Code.

- 2) A situation similar to item 1) above exists with respect to the State Plumbing Code and the Rules of the WV State Board of Health which are significantly less comprehensive. (See Title 87, Section 87-4-3, 3.2).
- 3) If Section 87-4-4, 4.1.1 of the Administrative Rules was intended to exempt small residential accessory structures from the requirement for building permits, the wording should so state. The provision that such structures "shall not be subject to inspection by local jurisdictions" may affect the enforcement of Property Maintenance and Zoning Codes in a manner not anticipated.

Spellman
Ex. No. 1
6-23-94 dlm

During the course of adoption of the 1993 BOCA Codes, WVCOA urges modification of the Administrative Rules to address these issues. These changes would facilitate more effective enforcement of both the Fire and Building Codes throughout the State and promote a better working relationship between Building Officials and State Fire Marshals.

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

87-4-1 GENERAL

1.1 Scope: These rules and regulations establish the rules and regulations considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure the quality of construction of all structures erected or renovated throughout this state.

1.2 Authority: West Virginia State Code 29-3-5b.

1.3 Filing Date: April 3, 1991

1.4 Effective Date: April 3, 1991

1.5 Incorporation of other Documents: This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Section 4.1 of these rules and regulations. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

87-4-2 DEFINITIONS

2.1 Building code, includes all aspects of safe building construction and mechanical operations and all safety aspects related thereto.

2.2 Fire marshal, means the West Virginia State Fire Marshal and/or his designated representatives.

2.3 Fire Commission, means the eleven (11) appointed members of the West Virginia State Fire Commission.

2.4 Local jurisdiction, means municipal or county level government.

2.5 State Building Code, means the entire contents of this rule and the referenced national codes.

2.6 BOCA refers to the "Building Officials & Code Administrators International", 4051 Flossmoor Road, Country Club Hills, Illinois, 60477-5795.

2.7 CABO refers to the "Council of American Building Officials", 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, 22041.

87-4-3 CONFLICTS

3.1 Whenever there arises a conflict between the "state fire code" and the "state building code", the "state fire code" shall take precedence.

3.2 Whenever there arises a conflict between the BOCA National Plumbing Code section of the "state building code" and the rules of the West Virginia State Board of Health, the rules of the Board of Health shall take precedence.

3.3 Whenever there arises a conflict between the "state building code" and statutory laws of the State of West Virginia, the West Virginia State Code shall take precedence.

87-4-4 NATIONAL STANDARDS AND CODES

4.1 The standards and requirements as set out and as published by the Building Officials & Code Administrators International and the Council of American Building Officials, as listed below, shall have the same force and effect as if set out verbatim in this rule:

The BOCA National Building Code,
Eleventh Edition, 1990

The BOCA National Plumbing Code,
Eighth Edition, 1990

The BOCA National Mechanical Code,
Seventh Edition, 1990

The BOCA National Property Maintenance Code,
Third Edition, 1990
However, Section PM-104.4 "Right of Entry" may
be adopted or rejected at the option of the
local jurisdiction.

The BOCA National Energy Conservation Code
Sixth Edition, 1990

The CABO One- and Two-Family Dwelling Code
1989 Edition





~~4.1.1. The following structures shall not be subject to inspection by local jurisdictions:~~

- 4.1.1.a Group U utility structures and storage sheds comprising an area not more than 150 sq. ft. which have no plumbing or electrical connections and are utilized only for residential storage purposes. (Examples include storage sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections or are used for the storage of explosive or other hazardous or explosive materials.

4.2 A copy of the codes listed in Section 4.1 of this rule have been filed with the Secretary of State. These code books, collectively or separately, may be obtained by contacting the Building Officials & Code Administrators International, 4051 West Flossmoor Road, Country Club Hills, Illinois 60477-5795, telephone 708/799-2300; OR BOCA International Regional Offices, 3592 Corporate Drive, Suite 107, Columbus, Ohio 43231, telephone 614/890-1064.

87-4-5 ADOPTION BY LOCAL JURISDICTION

5.1 Each local jurisdiction adopting the State Building Code shall notify the State Fire Commission in writing. A copy of the ordinance or order shall be sent to the State Fire Administrator, West Virginia State Fire Commission, State Capitol Building, Room EB-64, Charleston, West Virginia 25305, within thirty (30) days of the adoption.

5.2 Each local jurisdiction which adopts the State Building Code shall have responsibility for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

5.3 Throughout the national codes, as adopted in Section 4.1 of this rule, there are discretionary provisions which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. It is therefore the intent of these rules to further authorize each local jurisdiction to further complete, by order or ordinance, those respective areas which are indicated to be completed by the adopting "jurisdiction".

5.4 Within the penalty sections of each of the national codes, as adopted in Section 4.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of these rules is to be considered optional with each adopting local jurisdiction.

5.5 Each of the national codes, as adopted in Section 4.1 of this rule, provides for a separate appeals board, however; the intent and requirements for an appeal board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

87-4-6 EXISTING BUILDING CODES

6.1 All building codes which have been adopted by local jurisdictions prior to the passage of West Virginia Code 29-3-5b, shall be null and void one year following the effective date of the State Building Code of April 28, 1989.

87-4-7 SEVERABILITY

7.1 The sections and subsections of these rules and regulations are severable. Should any section or sub section be ruled unconstitutional by judicial opinion or in any manner contrary to the laws of the State of West Virginia, then such opinion or enactment shall invalidate only that particular section or subsection of these rules and regulations and all other sections shall remain in full force and effect: Provided, that such remaining portions are not determined to be inseparable, and to this end these rules and regulations are declared severable.

STATE OF WEST VIRGINIA
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE STATE FIRE MARSHAL
CRIMINAL ENFORCEMENT DIVISION
MEMORANDUM

REFER TO: 94-054

TO: Walter Smittle III, SFM
FROM: Paul J. Gill, ~~SFM~~
DATE: 19 JUN 94
SUBJECT: Proposed Amendments to State Fire Code

This shall serve as my recommendation that the following become an amendment to the State Fire Code:

7-2.8 "As soon as practical after all loaded blast holes (shots) are linked, they shall be immediately connected to a source of ignition and fired by a person legally permitted to do so."

7-2.9 "Pre-loading blast holes (shots) to be fired at a later time shall be prohibited. In an emergency situation, this requirement may be waived by the State Fire Marshal."

Questions reference this subject have recently arisen and are not currently addressed by NFPA Chapter 495. In the interest of safety, I believe that this addition to the SFC is warranted.

REGISTRATION OF PUBLIC

PUBLIC HEARING - STATE FIRE CODE AND STATE BUILDING CODE

DATE: JUNE 23, 1994

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
FRANCIS GUFFER, FAIA	165 LAURENCE DRIVE CHARLESTON WV 25313	AMERICAN INST. OF ARCHITECTS WV CODE OFFICIALS STATE FIRE COMMISSION	X
Jeff Hebbelt	Building 6 Room 553 State Capitol Complex	Energy Efficiency Program	
Bob Grove Sr	2024 Baldwin Ln.	Inspection Services Inc	
STEPHEN PARSONS	MARTINSBURG WV 25401 1203 Preston Ave	West Virginia Lac Owners Assoc.	
Michael D Moore	BARBORESVILLE, WV PO Box 5097	City of Vienna ARCHITECT PLANNERS	
JAMES C MOON	VIENNA WV 26105 611 E. PARK AVE	Architect Assoc. INC.	?
SEAN G. SIMON	FAIRMONT W.VA. 26554 205 WILSON ST. RAVENSWOOD WV 26164	JERRY GOLF ARCHITECTURE ST. ALBANS, WV	X
LARRY ROSE	300 SPRUCE ST. MORNINGTOWN WV 26555	MORNINGTOWN FIRE DEPT.	
GREG WILLIAMSON	410 Washington St E Charleston WV 25301	WV Society of Architects	X
R.C. FRANKINSHIP	405 CAPITOL ST. SUITE 300 CHARLESTON WV 25301	WV SOCIETY OF ARCHITECTS	
T.R. WARDLEDALE	405 CAPITOL ST. SUITE 300 CHARLESTON WV 25301	WV SOCIETY OF ARCHITECTS	

REGISTRATION OF PUBLIC

PUBLIC HEARING - STATE FIRE CODE AND STATE BUILDING CODE

DATE: JUNE 23, 1994

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
BERTHA E. Bowling	Box 23 Nellis, W.V. 26142 PO Box 312	W.D.G. For Hosp. Engineers C. A. M.C. w/c Div.	?
RONALD STRICKER	PINCH WU 25156	CAMC	?
FRANK JETTY	1710 KANAWHA VALLEY BOG CARBON, W.V. 2601	KREPS & KREPS ARCHITECTS W. W. SOC. ANCHOR TECH W. W. SOC. PROF. ENG W. W. ASSOC. CONSULTING EGY	YES
Ralph D. Williams	209 3RD LILLY PARK Rainelle, W.V.	W.V. Home Bldgs Assoc	YES
Beth Thomasson	P.O. Box 6250 Charleston, WV 25362	HBO, INC	YES
TED T. ZACHAROWIA	405 CAPITAL - SUITE 312 CINCINNATI, OH 45201 HFC No: 343-4253	BOCA International	YES
Michael M. Westfall	3092 Corporate Dr #107 Columbus, OH 43231-4987	City of Fairmont	
RICHARD V. McELROY	315 VIEW AVENUE FAIRMONT, WV. 26554	City of Fairmont	
RANDY L. SPELLMAN	City of 156 Thompson Dr. Bridgeport, WV 26300	U. Pres. W/COA CITY OF BRIDGEPORT	YES
JAY NASHITT	PO Box 7076 CASS, WV 25036	Del 32nd Dist	
NED F. FLEEN	PC PARK-CX BECKLEY, WV 25802	SEA/PAINERS, ARCHT	



ROBERT C. BYRD
HEALTH SCIENCES CENTER
OF WEST VIRGINIA UNIVERSITY

**RURAL HEALTH CARE CLINIC
FIRE AND LIFE SAFETY REQUIREMENTS**

APPLICATION:

To provide for the participation of University of West Virginia health professions students, residents, faculty and field professors, all RHI and Kellogg clinical facilities must conform to the following requirements and all applicable requirements of the Americans with Disabilities Act.

INSPECTIONS:

All Fire and Life Safety inspections shall be conducted by the State Fire Marshal.

PLAN OF CORRECTION:

All existing facilities shall provide the State Fire Marshal with a plan of correction and time frame for compliance.

DEFINITIONS:

1. Methods of controlling pain and anxiety, (American Dental Association; Council on Dental Education, July 1993.)
 - a. Analgesia - is the diminution or elimination of pain in the conscious patient.
 - b. Local Anesthesia - is the elimination of sensations, especially pain, in one part of the body by the topical application or regional injection of a drug.
 - c. Conscious Sedation - is a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal command and that is produced by a pharmacologic or non-pharmacologic method or a combination thereof.

In accord with this definition, the conscious patient is defined as "one who has intact protective reflexes, including the ability to maintain an airway, and who is capable of rational response to question or command." The drugs and techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely.

Office of the Special Assistant to the Vice President

- d. Deep Sedation - is a controlled state of depressed consciousness accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or to respond purposefully to verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof.
 - e. General Anesthesia - is a controlled state of unconsciousness accompanied by partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof.
2. **Primary Care:** Medical care and services at the point when a person first seeks assistance from the health care system for the simpler and more common illnesses, and which takes ongoing responsibility for the recipient's health maintenance and illness. (McGraw-Hill Essential Dictionary of Health Care; 1988)
 3. **Rural Health Initiative/Kellogg Clinical Facility:** A health care facility which provides primary or secondary patient care and, as such, must meet the requirements for the safety of all occupants while in the building.
 4. **Secondary Care:** Medical care and services provided by medical specialists, as by cardiologists or neurosurgeons, usually upon referral or consultation. (McGraw-Hill Essential Dictionary of Health Care; 1988)

In the United States, there is much self-referral by patients for these services rather than referral by primary care providers. This contrasts with the path followed in Great Britain, where all patients first seek care from primary care providers and are referred for secondary or tertiary care as needed.

5. **Self-Preservation:** Patients and other occupants of the facility must be capable of removing themselves from the facility with limited assistance, either physical or verbal, in an emergency, such as fire. (See Appendix A, Conditions of Self-Preservation)

REQUIREMENTS:

1. **Construction Requirements:** No unprotected wood frame construction (Type V 000).
NOTE: Wood frame construction is acceptable provided the interior is covered with 1/2 inch gypsum board.

Sprinkler System: All facilities shall be provided with a complete automatic extinguishment system meeting the following situations:

- a. Single-story facilities, new or existing, up to 3000 gross square feet shall have a 13-D system with an activation or flow alarm within the building.
 - b. Facilities, new or existing, having more than 3000 gross square feet, or more than one story but not more than two (2) stories, shall have a NFPA 13-R system.
 - c. Existing facilities of more than two stories require review and approval by the State Fire Marshal.
3. Maximum number of examination/treatment rooms shall not exceed twelve (12) per facility.
4. **Separation Requirements:** When a rural health facility is located within a building having one or more other occupancies, the rural health facility shall be separated from all other occupancies with a two-(2)-hour fire barrier, or the building shall be completely sprinklered throughout in accordance with NFPA 13, Standard for the Installation of Sprinkler System.
5. **Height Requirements:**
- a. No examination/treatment rooms shall be located above or below a level of exit discharge.
 - b. Sleeping rooms for health care providers will not be located more than one (1) story above the level of exit discharge.
NOTE: No sleeping rooms will be provided for patients.
 - c. Each sleeping room for health care provider shall have at least one (1) operable outside window for rescue/ventilation. Window shall provide a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of these window openings shall be no more than 44 inches above the floor.
 - d. All doors to sleeping rooms shall be provided with self-closing devices and latches suitable for keeping the door closed.

6. Occupant load calculation shall be one person per 100 square feet of gross floor area.
7. Means of Egress:
 - a. All new facilities shall have at least two (2) remote approved means of egress from each floor.
 - b. Existing one (1) floor facilities shall have at least two (2) remote exits.
 - c. Existing two (2) story facilities shall have two remote exits, one of which shall lead directly to the outside without traversing any corridor or space exposed to an unprotected vertical opening.
 - d. No door in any means of egress shall be locked against egress.
 - e. All exit doors in the means of egress shall have panic hardware installed.
 - f. All doors shall be side-hinged swinging at least 36 inches in clear width.
8. Vertical Openings:
 - a. All vertical openings shall be properly enclosed on at least one (1) level unless used as the primary means of egress. If used as a means of egress, both levels, or all levels, shall be enclosed with at least one-hour fire resistive construction.
 - b. All other vertical openings shall be properly enclosed with one-hour fire resistive construction.
9. Exit Doors and Exit Enclosure Doors: All exit doors and exit enclosure doors shall swing in the direction of egress.
10. Corridor Walls: All corridor walls shall be at least thirty-(30)-minute fire-rated and smoke-tight.
11. Corridor Width:
 - a. 44" for non-sleeping areas
 - b. 72" for sleeping areas

12. Corridor Doors:

- a. Every bathroom door lock shall be designed to permit opening of the locked door from the outside in an emergency.
- b. Every closet door latch or lock shall be such that it can be readily opened from the inside in case of emergency.
- c. All corridor doors shall be provided with positive latching devices suitable for keeping the door closed.
- d. All corridor doors shall be solid bond wood core construction.
- e. No corridor door shall be less than 32 inches wide.

13. Stairs: All stairs shall be at least Class B, which requires the stair width to be a minimum of 36 inches if serving 50 or fewer persons.

14. Hazardous Areas: All hazardous areas shall be provided with one-hour fire-rated construction or provided with automatic sprinkler protection. Hazardous areas classified as severe shall be properly separated and protected with automatic sprinkler protection.

15. Interior Finish: Walls and ceilings shall be at least Class A throughout.
Exception: when facility is sprinklered throughout, Class C finish is acceptable.

16. Fire Alarm Requirements:

- a. Facilities having 3000 or less gross square feet shall have hardwired, self-contained smoke detectors installed in the means of egress.
- b. Facilities having more than 3000 gross square feet shall have an electrically supervised fire alarm system with smoke and heat detectors and manual pull stations throughout the facility.
- c. Smoke detectors in corridors and heat detectors in Hazardous Areas.
- d. Individual sleeping rooms for health care providers shall be provided with a single-station smoke detector hardwired in accordance with NFPA 74, Household Fire Warning Equipment.

17. Electrical System: All electrical wiring shall meet the National Electric Code and Ground Fault Circuit Interruption will be provided if the receptacle is located within 32" from any sink or wet area.
18. All carpet located in the facility shall meet a minimum value of 0.22 watts per square centimeter in all corridors and exits, and shall not exceed a maximum value of Dm-450 smoke (flaming mode).
19. Heating, ventilating, and air conditioning equipment shall comply with NFPA 90A, Standard for the installation of air conditioning and ventilation systems; NFPA 90B, standard for the installation of warm air heating and air conditioning systems; NFPA 91, standard for exhaust systems for air conveying materials; NFPA 31, standard for the installation of oil burning equipment; NFPA 54, National fuel gas code, or NFPA 70, national electrical code.
20. No stove or combustion heater shall be located so as to block the means of egress in case of fire arising from malfunction of the stove or heater.
21. No portable fuel heaters shall be permitted.
22. Emergency lighting shall be provided throughout the means of egress.
23. Exit signs shall be required and shall be illuminated.



The Department of Military Affairs and Public Safety

BILL L. SPENCER
Chairman

JOSEPH J. BOSTAR, III
Vice-Chairman

WILLIAM D. SITES
Secretary

GASTON CAPERTON, GOVERNOR
MAJOR GENERAL JOSEPH J. SKAFF
Secretary

State Fire Commission
State Capitol Complex
Charleston, West Virginia 25305

WALTER SMITTLE III
State Fire Marshal
Phone (304) 558-2191
FAX (304) 558-2537

July 28, 1994

Mr. Darr Robinson
City of Wheeling
Code Official
Wheeling, WV 26003

Dear Mr. Robinson:

The State Fire Commission has reviewed your written comments addressed to the State Fire Marshal. The adoption of the latest model codes as part of the State Building Code and the State Fire Code as mentioned in your correspondence is in process. The State Fire Commission will file the rules with the West Virginia Legislative Rule-Making Review Committee by August 15, 1994.

Your concerns have been noted and the Fire Commission appreciates your support.

Sincerely,

A handwritten signature in cursive script that reads "Bill L. Spencer".

Bill L. Spencer
Chairman

BLS/nlo



The Department of Military Affairs and Public Safety

BILL L. SPENCER

Chairman

JOSEPH J. BOSTAR, III

Vice-Chairman

WILLIAM D. SITES

Secretary

GASTON CAPERTON, GOVERNOR

MAJOR GENERAL JOSEPH J. SKAFF

Secretary

State Fire Commission

State Capitol Complex
Charleston, West Virginia 25305

WALTER SMITTLE III

State Fire Marshal

Phone (304) 558-2191

FAX (304) 558-2537

July 28, 1994

Mr. Francis Guffey
165 Lakeshore Drive
Charleston, WV 25313

Dear Mr. Guffey:

The State Fire Commission acknowledges your comments and appreciate your participation at the public hearing regarding the adoption of the State Building Code and the State Fire Code.

The State Fire Commission endeavors to provide the latest technology in Building and Fire safety requirements to reduce unwanted losses. Thank you for your most favorable comments.

Sincerely,

A handwritten signature in cursive script that reads "Bill L. Spencer".

Bill L. Spencer
Chairman

BLS/nlo



The Department of Military Affairs and Public Safety

BILL L. SPENCER
Chairman

JOSEPH J. BOSTAR, III
Vice-Chairman

WILLIAM D. SITES
Secretary

GASTON CAPERTON, GOVERNOR
MAJOR GENERAL JOSEPH J. SKAFF
Secretary

State Fire Commission
State Capitol Complex
Charleston, West Virginia 25305

WALTER SMITTLE III
State Fire Marshal
Phone (304) 558-2191
FAX (304) 558-2537

July 28, 1994

Mr. Sean G. Simon
205 Wilson Street
Ravenswood, WV 26164

Dear Mr. Simon:

The State Fire Commission appreciates your attendance and comments at the recent public hearing regarding the adoption of the latest model codes for the State Building Code and the State Fire Code.

The Commission concurs with your statement that the latest codes should be adopted. As a design professional the use of the latest technology is vital to your profession. The Fire Commission will endeavor to make this technology available to you and other design professionals as soon as information is available.

Sincerely,

A handwritten signature in cursive script that reads "Bill L. Spencer".

Bill L. Spencer
Chairman

BLS/nlo



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July 28, 1994

Mr. Greg Williamson, President
WV Society of Architects
410 Washington Street, East
Charleston, WV 25301

Dear Mr. Williamson:

The State Fire Commission appreciates your most favorable comments during the recent public hearing regarding the adoption of the latest codes for the State Building Code and State Fire Code.

As you have most appropriately identified these codes provide the professional designer with the most current safety technology for building and fire safety features. The Fire Commission recognizes the importance of technology in building designs and by adopting the latest codes available ensures the predictability in the event of a fire or other catastrophes affecting the people of West Virginia.

Thank you for your support.

Sincerely,

A handwritten signature in cursive script that reads "Bill L. Spencer".

Bill L. Spencer
Chairman

BLS/nlo



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July 28, 1994

Mr. Ralph D. Williams
209 3rd Lilly Park
Rainelle, WV

Re: Representing: WV Society of Professional Engineers
WV Association of Consulting Engineers
WV Society of Architects

Dear Mr. Williams:

The State Fire Commission appreciates your support regarding the adoption of the latest codes for the State Building Code and the State Fire Code.

Also, the Fire Commission is aware of the National Disaster Relief Act presently before Congress. Staff has been involved with this proposed legislation and dialogue will continue with the various entities regarding passage of this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Bill L. Spencer".

Bill L. Spencer
Chairman

BLS/nlo



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July 28, 1994

Mr. Ted T. Zachwieja
405 Capitol Street
Suite 312
Charleston, WV 25301

Dear Mr. Zachwieja:

Thank you for your comments and support of the adoption of the latest model codes for the State Building Code and the State Fire Code. Your question regarding the adoption of the latest codes automatically was addressed by Mr. Smittle, State Fire Marshal. As indicated by the State Fire Marshal, a change in the state law would be required, specifically, the Administrative Procedures Act, Chapter 29A of the West Virginia Code.

Your participation and inquiry is very much appreciated.

Sincerely,

Bill L. Spencer
Chairman

BLS/nlo



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July 28, 1994

Mr. Randy L. Spellman
Vice President
WV Code Officials Association
156 Thompson Drive
Bridgeport, WV 26330

Dear Mr. Spellman:

The State Fire Commission appreciates your attendance and comments at the recent public hearing regarding the adoption of the latest edition of model codes for the State Building Code and State Fire Code.

Your question concerning a conflict between the two codes has been resolved. The State Building Code now stipulates "compliance with the most stringent standard/code" when a conflict occurs. This language is consistent with Chapter 29, Article 3, Section 5b of the West Virginia Code.

Again, thank you for your comments.

Sincerely,

Bill L. Spencer
Chairman

BLS/nlo



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July 28, 1994

Ms. Beth Thomasson
P. O. Box 6250
Charleston, WV 25362

Re: WV Homebuilders Association

Dear Ms. Thomasson:

The State Fire Commission appreciates your participation and comments regarding the adoption of the latest edition of codes for the State Building Code and State Fire Code.

The Fire Commission will be filing the adoption of the model codes with the West Virginia Legislative Rule-Making Review Committee by August 15, 1994. Again, thank you for your support.

Sincerely,

A handwritten signature in cursive script that reads "Bill L. Spencer".

Bill Spencer
Chairman

BLS/nlo



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July 28, 1994

Mr. Michael M. Westfall
3592 Corporate Drive, #107
Columbus, Ohio 43231-4987

Dear Mr. Westfall:

The State Fire Commission appreciates your comments at the public hearing regarding the adoption of the model codes for building designers. Your comments concerning Hurricane Andrew, grading every community enforcement authority by the year 2000 and review of natural disasters potential areas by 1995 is based on using the latest available codes to reduce property losses from fire and like emergencies.

The Fire Commission will be filing the adoption of the model codes with the West Virginia Legislative Rule-Making Review Committee by August 15, 1994. Again, thank you for your support.

Sincerely,

Bill Spencer
Chairman

BLS/nlo



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July 28, 1994

Mr. Lloyd Miller
332 6th Avenue
South Charleston, WV 25303

Dear Mr. Miller:

The State Fire Commission appreciates your participation and comments regarding the adoption of the latest edition of model codes for the State Building Code and the State Fire Code. Your comments are very important to us, and we will endeavor to keep up to date with the latest technology. By adopting the latest editions of these codes, we can assist you as a designer of buildings in providing a reasonable environment from fire and like emergencies. Again, thank you for your comments.

Sincerely,

A handwritten signature in cursive script that reads "Bill L. Spencer".

Bill Spencer
Chairman

BLS/nlo



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July 28, 1994

Robert M. D'Alessandri, M.D.
Dean, School of Medicine
1151 Health Sciences North
Health Sciences Center
Morgantown, WV 26506

Dear Dr. D'Alessandri:

The State Fire Code information submitted to the State Fire Commission on Rural Health Care and Birthing Center facilities has been reviewed. The State Fire Commission accepted the recommendations for fire safety regarding these facilities with slight modification for clarity.

The State Fire Commission appreciates the conscientious approach of providing minimum fire safety requirements for these facilities, which will enhance the rural health care initiatives. Your select committee has made an exemplary effort in this vital area. West Virginia has accomplished another first in health care and fire safety.

Sincerely,

Bill L. Spencer
Bill L. Spencer
Chairman

BLS/nlo