

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

1990 JUL 26 11:30

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: West Virginia State Fire Commission TITLE NUMBER: 87

RULE TYPE: Legislative; CITE AUTHORITY: §29-3-5

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: I

TITLE OF RULE BEING AMENDED: State Fire Code

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

DATE OF PUBLIC HEARING: Friday 27 July 1990 TIME: 1:00 PM

LOCATION OF PUBLIC HEARING: Conference Room "B"

Conference Center (Building 7)

State Capitol Complex

Charleston, West Virginia 25305

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: State Fire Commission  
State Capitol Building

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

EB-64

Charleston, WV 25305

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

  
Arnett B. Corley, Jr.  
STATE FIRE ADMINISTRATOR

FILED

JUN 20 11 11 20

STATE FIRE CODE -

SUMMARY OF AMMENDMENTS

- - - Adoption by reference of the 1990 Edition of the National Fire Codes as published by the National Fire Protection Association.

- "Clean up-language" to various areas of the Rules.

WEST VIRGINIA  
STATE FIRE CODE

*Title 87*  
*Series I*

Rules and Regulations  
of the West Virginia  
State Fire Commission

State Capitol  
Charleston, West Virginia

STATE FIRE COMMISSION

Chairman

Approved by State Fire Commission:

Vice Chairman

Effective Date:

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

SERIES I

INDEX

Section 1	General	
	1.01 Scope	1
	1.02 Authority	1
	1.03 Effective Date	1
	1.04 Filing Dates	1
	<del>1.05 Certification</del> -----	<del>1</del>
	1.065 Exemption	1
	1.076 Incorporation of Other Documents	2
Section 2	Reporting of Fire Incidences by Fire Departments, Brigades, and Companies	2
Section 3	Unvented Heaters	2
Section 4	National Standards and Codes	
	4.01 Incorporation of National Standards and Codes	3
	4.02 National Standards and Codes - Modification of Fireworks Display Regulations	4
	4.03 National Standards and Codes - Table of Contents	
	(1) National Fire Codes - Published by National Fire Protection Association	6-7
Section 5	Sprinkler Protection & Area Limitation	8
Section 6	Sprinkler Protection (Certain Occupancies)	9
Section 7	Carpet Used as Floor Covering	10
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	11
Section 9	Interference with Fire Protection Equipment	13
Section 10	High Rise Buildings - Fire Safety Standards and Requirements	13
	10.01 General	13
	10.02 Addition of Floors of Existing Buildings	13
	10.03 Automatic Fire Extinguishing Systems and Standpipe Systems	14
	10.04 Fire Alarm System	14
	10.05 Fire Department Voice Communication System	14
	10.06 High Rise Central Control Station	15
	10.07 Emergency Power	15
	10.08 Smoke Control	16
	10.09 Floor Designation	16
Section 11	Fire Alarm Systems	
	11.01 General	16-20
	11.02 Requirements for Educational Occupancy	20
	11.03 Requirements for Assembly Occupancy	21
	11.04 Requirements for Health Care Occupancy	22-23
	11.05 Requirements for Detention and Correction Occupancies	24
	11.06 Requirements for Residential Occupancy	25-26
	11.07 Requirements for Mercantile Occupancy	26-27
	11.08 Requirements for Business Occupancy	27

11.09	Requirements for Industrial Occupancy	28
11.10	Requirements for Storage Occupancy	28
Section 12	Exit Inspections and Public Life Safety Announcements	
12.01	Inspection of Exits	28
12.02	Announcements	29
12.03	Records	29
12.04	Alternatives	29
Section 13	Order of Decision of the State Fire Marshal; and Appeals and Procedure for Appeals from such Orders or Decisions	
13.01	State Fire Marshal's Order and Decisions are Final and Conclusive	30
13.02	West Virginia Code 29-3-12(g) and (i) Inquiry and Investigation	31
13.03	Appeal Petition	31-32
13.04	Time Requirement and Manner of Filing Appeal Petition	32
13.05	Copy of Appeal Petition to State Fire Commission	33
13.06	Scheduling Appeal Petition for and Notice of Hearing	33-34
13.07	Authorized Representative	34
13.08	Continuances	34
13.09	Absence of Petitioner or Counsel at the Scheduled Hearing	35
13.10	Hearing Examiner	35
13.11	Subpoenas and Subpoenas Duces Tecum	36
13.12	Evidence	38
13.13	Recording of Proceedings	39
13.14	Informal Disposition	39

13.15 Decision by the State Fire Commission	39
13.16 Judicial Review	40
Section 14 Miscellaneous Provisions	
14.01 Forest Fire Season	41
14.02 Executive Orders by the Governor on Open Burning	42
14.03 Outdoor Storage of Used Tires	42
14.04 Fireworks Defined; Labels Required	44
14.05 Unlawful Sale, Possession or Use of Fireworks; Permit for Public Display	45
14.06 Necessity of License for Electrical Work	49
Section 15 Severability	48

SECTION 1. General

1.01 Scope - These regulations ~~rules~~ establish the ~~rules-and-regulations-deemed-necessary-by-the-State-Fire~~ Commission for the safeguarding of life and property from the hazards of fire and explosion.

1.02 Authority - These legislative rules and regulations are issued under authority of West Virginia 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 Dates -

~~1.05 Certification - These rules and regulations are certified authentic by the State Fire Commission.~~

1.065 Exemption - This State Fire Code has no application to personal care homes caring for ~~five~~ 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 and Regulations. For ascertaining these additional standards and requirements it is necessary to make reference to ~~said~~ 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 1988 1990 edition of "The National Fire Codes" published by the National Fire Protection Association including Supplements A and B but not including standards and requirements directed to the operation of local fire departments, NFPA 101M and Chapter 21 of NFPA 101. However, Board and Care Homes shall be sprinklered and meet the requirements of Chapter 20, Lodging and Rooming Houses of NFPA 101, and shall have the same force and effect as if set out verbatim in these rules regulations 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 of the ~~1988~~ 1990 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 3 and 4 thereof changed to read as follows:

3. 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.

4. 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 are made to make certain that 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:

ALPHABETICAL LISTING — 1990 NFC CONTENTS

1461	Accreditation of Fire Protection Education Programs — 1986	Vol 8	600	Fire Brigades, Private — 1985	Vol 11
51A	Acetylene Cylinder Charging Plans — 1989	Vol 2	1914	Fire Department Aerial Devices, Testing — 1988	Vol 8
51D	Agricultural Commodities, Milling of — 1989	Vol 2	1931	Fire Department Ground Ladders — 1989	Vol 8
90A	Air Conditioning and Ventilating Systems — 1989	Vol 4	1932	Fire Department Ground Ladders, Use, Maintenance, and Service Testing — 1989	Vol 8
298	Air Operations for Forest, Brush and Grass Fires — 1986	Vol 10	1500	Fire Department Occupational Safety and Health Program — 1987	Vol 8
423	Aircraft Engine Test Facilities — 1989	Vol 10	13E	Fire Department Operations in Protected Properties — 1989	Vol 9
423M	Aircraft Fire Investigator's Manual — 1989	Vol 7	1911	Fire Department Pumping Apparatus, Acceptance and Service Tests — 1987	Vol 8
418	Aircraft Fueling Ramp Drainage — 1987	Vol 7	1501	Fire Department Safety Officer — 1987	Vol 8
407	Aircraft Fuel Servicing — 1985	Vol 7	1404	Fire Department Self-Contained Breathing Apparatus Program — 1989	Vol 8
408	Aircraft Hand Fire Extinguishers — 1989	Vol 7	72E	Fire Detectors, Automatic — 1987	Vol 3
409	Aircraft Hangars — 1985	Vol 7	80	Fire Doors and Windows — 1990	Vol 4
417	Aircraft Loading Walkways — 1985	Vol 7	10L	Fire Extinguishers, Portable — 1988	Vol 1
410	Aircraft Maintenance — 1989	Vol 7	1004	Fire Extinguishers, Port. Ensnaring Act — 1990	Vol 9
403	Aircraft Rescue, Fire Fighting at Airports — 1988	Vol 7	1001	Fire Fighter Medical Technicians Qualifications — 1985	Vol 8
412	Aircraft Rescue, Evaluating Foam Fire Fighting Equipment — 1987	Vol 7	198	Fire Fighter Professional Qualifications — 1987	Vol 8
402M	Aircraft Rescue and Fire Fighting Operational Procedures — 1989	Vol 10	704	Fire Fighting Operations, Symbols for — 1986	Vol 9
414	Aircraft Rescue and Fire Fighting Vehicles — 1984	Vol 7	191	Fire Hazards of Materials, Identification — 1990	Vol 7
424M	Airport Community Emergency Planning — 1986	Vol 10	1962	Fire Hose — 1987	Vol 8
100	Airport Fire Fighter Qualifications — 1987	Vol 10	1963	Fire Hose, Care, Use, and Service Testing — 1988	Vol 8
418	Airport Terminal Buildings — 1987	Vol 7	1963	Fire Hose Connections — 1985	Vol 8
419	Airport Water Supply Systems — 1987	Vol 7	905M	Fire Incident Field Notes — 1988	Vol 11
101M	Alternative Approaches to Life Safety — 1988	Vol 9	1001	Fire Inspector, Professional Qualifications — 1987	Vol 8
85	Aluminum of Magnesium Powder — 1987	Vol 2	1003	Fire Investigator Professional Qualifications — 1987	Vol 8
490	Aluminum Processing, Finishing — 1987	Vol 2	1001	Fire Officer Professional Qualifications — 1987	Vol 8
232AM	Ammonium Nitrate, Storage of — 1986	Vol 7	1021	Fire Prevention Code — 1987	Vol 1
30A	Archives and Records Centers — 1986	Vol 10	20	Fire Pumps, Centrifugal — 1990	Vol 1
231E	Automotive and Marine Service Station Code — 1987	Vol 1	902M	Fire Reporting Field Incident Manual — 1990	Vol 11
91	Baled Cotton Storage — 1989	Vol 9	904M	Fire Reporting Investigative Manual — 1986	Vol 11
85G	Blower and Exhaust Systems — 1990	Vol 4	104	Fire Service Instructor Qualifications — 1987	Vol 8
35B	Boiler-Furnaces, Furnace Implosions in Multiple Burner — 1987	Vol 4	1983	Fire Service Life Safety Rope — 1985	Vol 8
35C	Boiler-Furnaces, Natural Gas-Fired Multiple Burner — 1989	Vol 4	1201	Fire Services for the Public — 1989	Vol 11
83A	Boiler-Furnaces, Oil- and Gas-Fired Single Burner — 1987	Vol 4	550	Firearm Concepts, Tree — 1986	Vol 11
85D	Boiler-Furnaces, Oil-Fired Multiple Burner — 1989	Vol 4	74	Fire Warning Equipment, Household — 1989	Vol 3
85E	Boiler-Furnaces, Pulverized Coal-Fired Multiple Burner — 1985	Vol 4	1124	Fireworks, Manufacture, Transportation, and Storage of — 1988	Vol 8
251	Building Construction and Materials, Fire Tests of — 1985	Vol 6	1123	Fireworks, Outdoor Display of — 1990	Vol 8
220	Building Construction, Standard Types of — 1985	Vol 6	321	Flammable and Combustible Liquids, Classification — 1987	Vol 6
140Z	Building Fire Service Training Centers — 1985	Vol 11	30	Flammable and Combustible Liquids Code — 1987	Vol 1
703	Building Materials, Fire Retardant Coatings — 1985	Vol 7	395	Flammable and Combustible Liquids, Farm Storage of — 1988	Vol 7
259	Building Materials, Test Method for Potential Heat — 1987	Vol 6	386	Flammable and Combustible Liquids, Portable Shipping Tanks — 1990	Vol 7
255	Building Materials, Test of Surface Burning Characteristics of — 1984	Vol 6	385	Flammable and Combustible Liquids, Tank Vehicles for — 1990	Vol 6
12	Carbon Dioxide Extinguishing Systems — 1989	Vol 1	329	Flammable and Combustible Liquids, Underground Leakage of — 1987	Vol 10
40	Cellulose Nitrate Motion Picture Film — 1988	Vol 2	122	Flammable and Combustible Liquids, Underground Metal and Nonmetal Mines (Other than Coal) — 1988	Vol 8
65A	Chemical, Dye, Pharmaceutical, and Plastic Industries, Prevention of Fire and Dust Explosions in — 1985	Vol 7	328	Flammable Liquids and Gases in Manholes, Sewers — 1987	Vol 10
491M	Chemical Reactions, Hazardous — 1986	Vol 10	325M	Flammable Liquids, Gases, Volatile Solids, Fire Hazard Properties of — 1984	Vol 10
49	Chemicals Data, Hazardous — 1975	Vol 9	325	Floor Covering Systems, Critical Radiant Flux Test for — 1987	Vol 8
37M	Chemicals, Heat Producing Appliances, Terms Relating to — 1988	Vol 9	11C	Foam Agents, Mobile — 1986	Vol 1
211	Chemicals, Vents, Explosives, and Solid Fuel Burning Appliances — 1988	Vol 5	298	Foam Chemicals for Wildland Fire Control — 1989	Vol 6
260	Cigarette Ignition Resistance, Components of Furniture — 1989	Vol 6	11	Foam Extinguishing Systems, Low Expansion and Combined Agent — 1988	Vol 1
261	Cigarette Ignition Resistance, Upholstered Furniture Material Assemblies — 1989	Vol 6	11A	Foam Systems, Medium- and High-Expansion — 1988	Vol 1
15A	Closed-Head Foam-Water Sprinkler Systems — 1988	Vol 9	51	Footwear, Protective for Structural Fire Fighting — 1987	Vol 8
197	Clothing, Protective for Structural Fire Fighting — 1986	Vol 8	1974	Forest Products, Storage of — 1990	Vol 11
120	Coal Preparation Plants — 1988	Vol 6	48	Fossil Fueled Steam and Combustion Turbine Electric Generating Plants — 1980	Vol 9
901	Cooling, Uniform for Fire Protection — 1990	Vol 11	850	Fuel Gas Code, National — 1988	Vol 2
97	Combustion Engines and Gas Turbines — 1990	Vol 2	54	Fur Storage, Fumigation and Cleaning — 1986	Vol 4
85H	Combustion Hazards in Atmospheric Fluidized Bed Combustion System Boilers — 1989	Vol 4	86C	Furnaces, Industrial, Special Atmosphere — 1987	Vol 4
72F	Communications, Emergency Vocabulary — 1985	Vol 3	86D	Furnaces, Industrial, Vacuum Atmosphere — 1985	Vol 4
1221	Communications, Public Fire Service — 1988	Vol 8	88B	Garages, Repair — 1985	Vol 4
52	Compressed Natural Gas (CNG) Vehicular Fuel Systems — 1988	Vol 2	51	Gas Systems, Oxygen-Fuel, Welding, Cutting — 1987	Vol 8
75	Computer/Data Processing Equipment — 1989	Vol 3	1973	Gloves for Structural Fire Fighting — 1988	Vol 8
241	Construction, Alteration and Demolition Operations — 1989	Vol 6	618	Grain Elevators and Bulk Handling — 1986	Vol 2
96	Cooking Equipment, Vapor Removal — 1987	Vol 4	602	Guard Operations in Fire Loss Prevention — 1986	Vol 7
24	Cooling Towers, Water — 1988	Vol 6	801	Guard Service in Fire Loss Prevention — 1986	Vol 7
51B	Cooling and Welding Processes — 1989	Vol 2	12B	Halon 1211 Fire Extinguishing Systems — 1985	Vol 1
724	Diesel Fuel and Diesel Equipment in Underground Mines — 1988	Vol 6	12A	Halon 1201 Fire Extinguishing Systems — 1989	Vol 1
34	Dipping and Coating Processes Using Flammable or Combustible Liquids — 1989	Vol 2	472	Hazardous Materials Incident Responders, Professional Competence — 1989	Vol 7
252	Door Assemblies, Fire Tests of — 1984	Vol 6	99	Health Care Facilities — 1990	Vol 5
17	Dry Chemical Extinguishing Systems — 1990	Vol 1	263	Heat and Visible Smoke Release Rates, Test for — 1986	Vol 6
32	Dyeing and Finishing — 1990	Vol 2	418	Helicopters, Construction and Protection — 1975	Vol 8
145Z	Dwelling Fire Safety — 1988	Vol 11	1972	Highways, Structural Fire Fighting — 1987	Vol 8
70	Electrical Code*, National — 1990	Vol 3	502	Highways, Tunnels, Bridges — 1987	Vol 11
497M	Electrical Equipment in Haz. (Class.) Locations, Gases, Vapors, Dusts — 1986	Vol 11	910	Historic Structures and Sites — 1987	Vol 11
70B	Electrical Equipment Maintenance — 1987	Vol 9	224	Homes and Camps in Forest Areas — 1985	Vol 8
498	Electrical Equipment, Purged and Pressurized Enclosures for — 1989	Vol 7	851	Hydrants, Testing and Marking — 1988	Vol 10
907M	Electrical Fires, Investigation of — 1988	Vol 11	50A	Hydroelectric Generating Plants — 1987	Vol 11
497A	Electrical Installations, Classification of Class I Hazardous Locations — 1988	Vol 11	99B	Hydrogen Systems, Gaseous, at Consumer Sites — 1989	Vol 2
70E	Electrical Safety Requirements for Employee Workplaces — 1988	Vol 3	82	Incinerators, Waste and Linen Handling Systems and Equipment — 1990	Vol 4
79	Electrical Standard for Industrial Machinery — 1987	Vol 3	505	Industrial Trucks, Powered — 1987	Vol 7
89	Explosion Prevention Systems — 1986	Vol 2	45	Laboratories Using Chemicals — 1986	Vol 11
495	Explosive Materials, Code for — 1985	Vol 7	1405	Land Based Fire Fighters Who Respond to Marine Vessel Fires — 1990	Vol 2
498	Explosives Motor Vehicle Terminals — 1986	Vol 7	910	Libraries and Library Collections — 1985	Vol 11
80A	Exposure Fires, Protection from — 1987	Vol 9	101*	Life Safety Code* — 1988	Vol 3
61C	Feed Mills, Fire and Dust Explosions in — 1989	Vol 2	62B	Lightning Protection Code — 1989	Vol 2
262	Fire and Smoke Characteristics of Electrical Wire and Cables, Method of Test for — 1985	Vol 6	58A	Liquid and Hydrogen Systems at Consumer Sites — 1989	Vol 2
1901	Fire Apparatus, Automotive — 1985	Vol 8	59	Liquid Natural Gas Storage and Handling — 1990	Vol 2
100Z	Fire Apparatus Driver/Operator Qualifications — 1988	Vol 8	58	Liquid Petroleum Gases at Utility Gas Plants — 1989	Vol 2
1410	Fire Attack, Initial — 1989	Vol 8	99Z	Liquid Petroleum Gases, Storage and Handling — 1989	Vol 2
				Liquid Splash Protective Suits for Hazardous Chemical Emergencies — 1990	Vol 8

(1) Continued

ALPHABETICAL LISTING (Continued)

1403	Live Fire Training Evolutions in Structures — 1988	Vol 8	204M	Smoke and Heat Venting — 1985	Vol 9
480	Magnesium, Storage, Handling — 1987	Vol 7	92A	Smoke Control Systems — 1988	Vol 9
501A	Manufactured Home Installations, Sites, and Communities — 1987	Vol 7	258	Smoke Generated by Solid Materials, Standard Research Test for Measuring — 1989	Vol 6
303	Mannas and Boatyards — 1988	Vol 6	36	Solvent Extraction Plants — 1988	Vol 2
307	Marine Terminals, Piers and Wharves — 1985	Vol 6	33	Spray Application Using Flammable and Combustible Materials — 1989	Vol 2
1125	Model Rocket Motors — 1988	Vol 8	1964	Spray Nozzles (Shutoff and Tip) — 1988	Vol 8
302	Motor Craft, Pleasure and Commercial — 1989	Vol 5	13A	Sprinkler Systems, Care, Maintenance — 1967	Vol 9
911	Museums and Museum Collections — 1985	Vol 11	13	Sprinkler Systems, Installation — 1989	Vol 1
72G	Notification Appliances for Protective Signaling Systems — 1989	Vol 9	13D	Sprinkler Systems, One- and Two-Family Dwellings — 1989	Vol 1
903	Nuclear Power Plants, Light Water — 1988	Vol 7	13R	Sprinkler Systems, Residential Occupancies up to Four Stories in Height — 1989	Vol 1
902	Nuclear Research Reactors — 1988	Vol 11	14	Standpipe and Hose Systems — 1990	Vol 1
31	Oil Bumping Equipment, Installation of — 1987	Vol 2	14A	Standpipe and Hose Systems, Inspection, Testing, and Maintenance — 1989	Vol 9
1981	Open-Circuit Self-Contained Breathing Apparatus — 1987	Vol 8	61A	Starch Manufacturing and Handling — 1989	Vol 2
35	Organic Coatings, Manufacture of — 1987	Vol 2	77	Static Electricity — 1988	Vol 9
43B	Organic Peroxide Formulations — 1986	Vol 2	1975	Station/Work Uniforms — 1985	Vol 8
86	Ovens and Furnaces, Design, Location, Equipment — 1990	Vol 4	851	Stoker Operation — 1989	Vol 9
43C	Oxidizing Materials, Gaseous, Storage — 1986	Vol 2	231	Storage, General — 1987	Vol 6
43A	Oxidizing Materials, Liquid and Solid Storage of — 1990	Vol 2	110A	Stored Electrical Energy Emergency and Standby Power Systems — 1989	Vol 5
50	Oxygen Systems, Bulk, at Consumer Sites — 1990	Vol 2	655	Sulfur Fires and Explosions, Prevention — 1988	Vol 7
53M	Oxygen-Enriched Atmospheres, Fire Hazards in — 1990	Vol 9	172	Symbols (Fire Protection) for Architectural and Engineering Drawings — 1986	Vol 9
88A	Parking Structures — 1985	Vol 4	174	Symbols (Fire Protection) for Risk Analysis Diagrams — 1986	Vol 9
1982	Personal Alert Safety Systems (PASS) for Fire Fighters — 1988	Vol 8	327	Tanks, Containers, Small, Cleaning — 1987	Vol 6
43D	Pesticides in Portable Containers — 1996	Vol 2	297	Telecommunications Systems for Rural and Forestry Services — 1986	Vol 10
912	Places of Worship — 1987	Vol 11	102	Tents and Membrane Structures, Assembly Seating — 1986	Vol 5
1141	Planned Building Groups — 1985	Vol 8	513	Terminals, Motor Freight — 1990	Vol 7
650	Pneumatic Conveying Systems — 1990	Vol 7	701	Textiles and Films, Flame Resistant Test for — 1969	Vol 7
110	Power Systems, Emergency and Standby — 1988	Vol 5	1401	Titanium, Handling and Storage — 1987	Vol 7
1035	Public Fire Educator Professional Qualifications — 1987	Vol 8	1401	Training Reports and Records — 1989	Vol 11
171	Public Firesafety Symbols — 1986	Vol 9	210	Tractor Protection — 1990	Vol 6
1921	Pumping Units, Portable — 1987	Vol 8	512	Truck Fire Protection — 1990	Vol 7
24	Private Fire Service Mains — 1987	Vol 1	1991	Underground Bituminous Coal Mines — 1987	Vol 6
903M	Property Survey Manual — 1988	Vol 11	68	Vapor-Protective Suits for Hazardous Chemical Emergencies — 1990	Vol 8
85F	Pulverized Fuel Systems — 1988	Vol 4	306	Venting of Deflagrations — 1988	Vol 9
40E	Pyroxylin Plastic — 1986	Vol 2	312	Vessels, Control of Gas Hazards on — 1988	Vol 6
150	Racetrack Stables — 1985	Vol 6	908	Vessels, Protection During Construction, Repair and Lay-up — 1984	Vol 6
231C	Rack Storage of Materials — 1986	Vol 6	820	Warm Air Heating and Air Conditioning Systems — 1989	Vol 5
801	Radiocative Materials, Facilities Handling — 1986	Vol 11	15	Wastewater Treatment Plants — 1990	Vol 11
232	Records, Protection of — 1966	Vol 8	1231	Water Spray Fixed Systems — 1985	Vol 1
501D	Recreational Vehicle Parks — 1990	Vol 7	25	Water Supplies, Suburban and Rural Fire Fighting — 1989	Vol 8
914	Recreational Vehicles — 1990	Vol 7	22	Water Supplies, Valves Controlling — 1988	Vol 9
471	Rehabilitation and Adaptive Reuse of Historic Structures — 1989	Vol 11	17A	Water Tanks for Private Fire Protection — 1987	Vol 1
1122	Responding to Hazardous Materials Incidents — 1989	Vol 10	285	Wet Chemical Extinguishing Systems — 1990	Vol 1
231F	Rockets, Code for Unmanned — 1987	Vol 8	257	Wetting Agents — 1988	Vol 1
203M	Roof Paper Storage — 1987	Vol 6	864	Wildfire Control, Vol. Fire Dept. — 1985	Vol 6
256	Roof Coverings — 1987	Vol 9	482	Window Assemblies, Fire Tests of — 1985	Vol 6
231D	Rubber Tires, Storage of — 1989	Vol 6		Wood Processing and Woodworking, Dust Explosion — 1987	Vol 7
121	Self-Propelled and Mobile Surface Mining Equipment — 1986	Vol 6		Zirconium, Production, Processing — 1987	Vol 7
72B	Signaling Systems, Auxiliary Protective — 1986	Vol 3			
71	Signaling Systems, Central Station Service — 1989	Vol 3			
72A	Signaling Systems, Local Protective — 1987	Vol 3			
72D	Signaling Systems, Proprietary Protective — 1986	Vol 3			
72C	Signaling Systems, Remote Station — 1986	Vol 3			
72H	Signaling Systems, Testing — 1988	Vol 9			
105	Smoke-Control Door Assemblies — 1989	Vol 9			

SECTION 5 Sprinkler Protection & Area Limitations

Approved automatic sprinkler systems 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.

BUILDING HEIGHT

Type of Construction	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	30,000	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	20,000	15,000	5,000	Sec.10-High Rise	NOT PERMITTED
000 Unprotected Limited Unprotected Non-Com	7,000	4,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
Type III					
211 Ordinary Protected	9,000	6,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
200 Ordinary Non-Protected	7,000	4,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
Type IV					
2HH Heavy Timber	9,000	6,000	3,000	NOT PERMITTED	NOT PERMITTED
Type V					
111 Protected Wood Frame	7,000	4,000	All Areas Requires Sprinklers	NOT PERMITTED	NOT PERMITTED
000 Non-Protected Wood Frame	5,000	3,000	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED

Notes to Table:

- (1) The word "area" means that area enclosed by exterior or foundation walls, fire 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 protect openings.
- (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.

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 constitutes 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, materials removed, and all dangerous conditions to be remedied (as the case may be) at the expense of the owner, and shall advise that the 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 and regulations~~ set forth herein for high rise buildings. These high rise ~~regulations~~ 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 ~~standards-and-requirements~~ rules imposed by Section 4 and Section 11 of these Rules ~~and-Regulations~~.

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, penthouse (and in any elevator designated for fire department use). This system shall be a telephone jack system unless specifically approved otherwise by the designated fire authority having jurisdiction.

10.06 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 System
- (e) Fire Department Elevator
- (f) Fire Department Voice Communication System
- (g) Fire Pumps

10.08 Smoke Control - In all high rise buildings as defined in 10.01 and 10.02 an engineered smoke control system shall be provided as 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 system wiring shall be in accordance with The National Fire Codes, imposed by Section 4 of these rules and regulations.

(4) Sprinkler System(s) installed - The OS & Y and P.I.V. 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(B): HVAC Systems used as part of the engineered smoke control systems are exempt from 11.01(B).

(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.

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 shall be placed a maximum of 15 feet from ends of corridors or walls and 30 feet on centers. 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.

#### 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 room 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 if more than one zone is provided.

(4) Theater(s) are required to provide sounding audible device(s). House lights shall be activated by 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) An approved automatic smoke detection system shall be installed in all corridors.
- A and B (c) 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) 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 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 ~~except for existing sleeping rooms owned by the State and located in dormitories or state parks~~.
- (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 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 complied with in all business occupancies as if herein restated verbatim.

11.09 Requirements for Industrial Occupancy

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

11.10 Requirements for Storage Occupancy

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

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 other-

wise 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. Article 3 of Chapter 29 of the Official Code of the State of West Virginia or based upon or made pursuant to these rules, and regulations, and desiring to contest such order or written decision may file an appeal from such order or written decision with the State Fire Commission. Preserving Preservation of the right to have such an appeal and the procedure for manner of proceeding with the resulting contested case is shall be governed by the following rules and regulations this section and by the corresponding state statutes, i.e. West Virginia Code 29-3-1, et. seq. and West Virginia 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. Article 3 of Chapter 29 of the Official Code of the State of West Virginia, or based upon or made pursuant to these rules and

regulations, shall be ~~is~~ final and-conclusive, unless vacated or modified upon review pursuant to the appeal rights and procedures provided by the official Code of W.V. and this said-statute-and these rule and-regulations.

13.02 West Virginia 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 ~~stated~~ in West Virginia Code 29-3-12(g) and (i) shall be obtained without compliance with the provisions ~~set-forth~~ in these rules and regulations 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 West Virginia 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 ~~must~~ contain and include the following:

←+→ (A) a copy of the order or decision of the State Fire Marshal being contested;

←2→ (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;

←3→ (C) a clear and concise statement of fact upon which the petitioner relies as sustaining his assignment of errors;

←4→ (D) the address petitioner desires to have all notices, documents, and the final order of the State Fire Commission mailed to;

←5→ (E) the telephone number or numbers where petitioner can be contacted;

←6→ (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;

←7→ (G) a prayer setting forth the relief sought;  
and

←8→ (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 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 ~~that-is-mailed~~ shall be sent by certified mail, return receipt requested, and ~~shall-be-considered~~ are timely if postmarked within the ~~said~~ thirty (30) day period. Any appeal petition not delivered or mailed ~~as-aforesaid~~ within ~~said~~ the thirty (30) day period is ~~shall~~ not be timely filed and the order or decision of the State Fire Marshal being contested is ~~by-the~~ ~~untimely-appeal-petition-shall-be~~ final and ~~conclusive~~.

13.05 Copy of Appeal Petition to State Fire Commission

- Upon receipt of an appeal petition, the State Fire Administrator shall forthwith supply a copy of ~~same~~ 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 ~~may~~ elects to file a response to the appeal petition, ~~and-if he so-does,-same~~ shall be delivered a copy of the response to the State Fire Commission and a ~~copy~~ mailed a copy to the petitioner.

13.06 Scheduling Appeal Petition for and Notice of

Hearing - The State Fire Commission through the State Fire Administrator 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. ~~Said~~ ~~The~~ notice to the petitioner shall be by personal delivery or by certified mail, return receipt requested, shall contain a short and plain statement of the matters to be considered at the hearing, 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 no later than thirty (30) days after receipt of the appeal petition. A copy of the ~~said~~ notice to the petitioner shall be supplied to the State Fire Marshal. Any ~~such~~ hearing shall be conducted at a designated location at the State Capitol in Charleston, West Virginia, or in the discretion of the State Fire Administrator Commission at a location within the county where the premises in question are ~~totally-or-partially~~ located.

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

13.08 Continuances - A motion for continuance ~~will~~ ~~shall~~ not be granted unless made in writing three days before the hearing ~~in writing~~, 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 ~~will~~ are not be regarded as 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 ~~deems~~ 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, The absence of the petitioner or his legal counsel at a hearing,~~ after service of notice of time, date, and place, ~~shall not be the occasion for delay or continuance.~~ The hearing shall proceed and the case shall be regarded as having been 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 ~~so~~ 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 West Virginia 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 ~~shall be served~~ 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 such 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 ~~aforesaid~~ 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, notwithstanding admissibility objections which might be validly asserted in a court of law.

††† (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 what the admissibility of evidence shall be admitted. 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 statute 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 reported recorded by a certified court reporter, stenographic notes and characters or by mechanical means and in such a manner that an accurate transcript of the testimony may be prepared. An official record of the hearing will be prepared by the State Fire Commission, but a transcript, ~~as aforesaid, need not~~ shall only be prepared if this by the State Fire Commission's final decision is unless it be required for an 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 recommended decision supported by findings of fact and conclusions of law affirming, modifying, or vacating the earlier order of decision of the State Fire Marshal ~~with respect to which said hearing was held,~~ and The State Fire Commission may thereafter either accept,

modify, or reject ~~such-recommended~~ the hearing examiner's decision. If ~~it-shall~~ the Commission accepts ~~such~~ the hearing examiner's decision it shall sign the decision. ~~the same as its own;~~ If ~~it-shall~~ the Commission rejects or ~~modify~~ modifies the ~~same~~ 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 ~~said~~ the order shall be served ~~upon each~~ on ~~all party parties~~ to the hearing and ~~his~~ all attorney attorneys of record, if any, in person or by certified mail, return receipt requested.

13.16 Judicial Review - ~~An appeal may be taken by~~ 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 ~~totally or partially~~ located, if ~~filed~~ the appeal is filed within thirty (30) days after the date upon which ~~such~~ 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 ~~which such 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 shall be final and conclusive~~ if the proceedings for judicial review have are not been duly instituted within the said thirty (30) day period.

Section 14 Miscellaneous Provisions

14.1 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.

#### 14.2 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.

#### 14.3 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.

#### 14.4 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.

14.5 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 regulations 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.

#### 14.6 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)

SECTION 15. Severability

~~The sections and subsections of these~~ this rules and regulations ~~shall be deemed~~ are severable. Should any section or subsection be deemed declared by judicial opinion unconstitutional 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 shall be invalid or subsection ~~of these rules and regulations~~ and all other sections shall remain in full force and effect ~~(provided such remaining portions are not determined to be inseparable)~~ and to this end these rules and regulations are declared separable.