

STATE OF WEST VIRGINIA



RONALD A. KYLE  
Chairman

WILLIAM D. SITES  
Vice-Chairman

BILL SPENCER  
Secretary

JOHN D. ROCKEFELLER IV  
Governor

ARNETT B. CORLEY, JR.  
State Fire Administrator

STATE FIRE COMMISSION

Capitol Complex  
Charleston, West Virginia 25305  
Telephone (304) 348-2191


NOTICE OF PUBLIC HEARING

The West Virginia State Fire Commission will hold a Public Hearing on Thursday, November 3, 1983, at 1:00 PM in the North Briefing Room of the Cultural Center, Charleston, West Virginia.

This hearing is to receive comments from the public with regard to revisions in the State Fire Code. The State Fire Commission will present a Revised State Fire Code to the Legislative Rule Making Committee later this year.

Written and verbal comments will be received until the close of the hearing on November 3, 1983.

Anyone desiring to make comments or desiring further information, should contact the State Fire Administrator, West Virginia State Fire Commission, Capitol Complex, Charleston, West Virginia, 25305, (304) 348-2098.

  
Arnett B. Corley, Jr.  
State Fire Administrator

Date of Notice:  
September 29, 1983

ABC/gb

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 9/29/83  
Administrative Law Division

STATE OF WEST VIRGINIA



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STATE REGISTER FILING

I, Arnett B. Corley, Jr., State Fire Administrator, for the West Virginia State Fire Commission, hereby submit the following to record in the State Register:

Two (2) copies, on 8½ x 11" paper, of the West Virginia State Fire Code,

Two (2) copies, 1983 edition, of the National Fire Codes, volumes 1-16,

Two (2) copies, 1983 edition, of the National Fire Codes, Supplement volumes "A" and "B",

Two (2) copies, on 8½ x 11" paper, Notice of Public Hearing.

This proposed State Fire Code will supersede the State Fire Code, Effective Date of December 14, 1979, when adopted by the Legislative Rule Making Committee.

Filing pertains to Chapter 29, Article 3, Series I, Sections 1-13, pages 1-32.

This proposed State Fire Code is required to go to the Legislative Rule Making Committee.

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE Sept. 29, 1983  
Administrative Law Division

September 29, 1983  
Date Submitted

Arnett B. Corley Jr.  
Signature of person STA  
authorizing this filing

STATE OF WEST VIRGINIA



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Governor

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BILL SPENCER  
Secretary

MEMORANDUM

TO: Whom It May Concern

FROM: Arnett B. Corley, Jr. *ABC*  
State Fire Administrator

SUBJECT: Fiscal Note - State Fire Code

DATE: September 29, 1983

PURPOSE:

To make revisions to current State Fire Code by adoption of the 1983 Edition of the National Fire Code.

COST:

The principal cost is for purchase of the copies of the National Fire Code to be placed in each of the counties. This amount is approximately \$14,000. Funds were appropriated by the Legislature in the 1984 budget and these copies are currently in hand. We anticipate no further appropriation request for implementation of the State Fire Code.

BENEFITS:

- 1) Bring State Fire Code up-to-date to current nationally recognized standards.
- 2) Provide a fire safety evaluation system for health care and penal occupancies.
- 3) Changes college classification from education to business, industry and place of assembly. (Education occupancy will not apply for colleges).

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 9/29/83  
Administrative Law Division

WEST VIRGINIA  
STATE FIRE CODE

Proposed  
Rules and Regulations  
of the West Virginia  
State Fire Commission

State Capitol  
Charleston, West Virginia

Dated: September 29, 1983

Proposed Effective Date:  
January 1, 1984

STATE FIRE COMMISSION

Ronald A. Kyle, Chairman  
State Fire Commission

William D. Sites, Vice-Chairman

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE 9/29/83

Administrative Law Division

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

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THIS DATE 9/29/83  
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SECTION 1. General

1.01 Scope - These regulations 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 rules and regulations are issued under authority of West Virginia Code, Chapter 29, Article 3.

1.03 Effective Date - These rules and regulations were adopted on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and are dated as of September 29, 1983 and have a proposed effective date of January 1, 1984.

1.04 Filing Date - These rules and regulations were initially filed in the Secretary of State's office on the 29th day of September 29, 1983 and again on the \_\_\_\_ day of \_\_\_\_\_,

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

1.06 Exemption - This State Fire Code has no application to 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 other documents.

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

Any organized 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 fired heaters are prohibited for all occupancies except one (1) and two (2) family dwellings.

SECTION 4. National Standards and Codes

4.01 Incorporation of National Standards and Codes - The standards and requirements as set out and established by the 1983 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) shall have the same force and effect 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. 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 1983 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:

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Standard for Fixed Guideway Transit System	1983 Edition	Supp. B
Standard for Gloves for Structural Firefighters	1983 Edition	Supp. B
Standard on Personal Alert Safety Systems for Firefighters	1983 Edition	Supp. B
Fire Protection Training Reports and Records	1983 Edition	Supp. B

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

Type of Construction	BUILDING HEIGHT				
	1 Story	2 Story	More than 2 Stories and up to 40 Feet	More than 40 Feet	More than 75 Feet
<u>Type I</u>					
443	40,000	30,000	10,000	Sec. 10-High Rise	Sec. 10-High Rise
332	40,000	30,000	10,000	Sec. 10-High Rise	Sec. 10-High Rise
<u>Type II</u>					
Protected Non-Com 222	30,000	20,000	8,000	Sec. 10-High Rise	Sec. 10-High Rise
Protected Limited Combustible III	20,000	15,000	5,000	Sec. 10-High Rise	NOT PERMITTED
Unprotected Limited Unprotected Non-Com 000	7,000	4,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
<u>Type III</u>					
Ordinary Protected 211	9,000	6,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
Ordinary Non-Protected 200	7,000	4,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
<u>Type IV</u>					
Heavy Timber 2HH	9,000	6,000	3,000	NOT PERMITTED	NOT PERMITTED
<u>Type V</u>					
Protected Wood Frame III	7,000	4,000	All Areas Require Sprinklers	NOT PERMITTED	NOT PERMITTED
Nonprotected Wood Frame 000	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.
- (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 health care, 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 Floor Coverings  
In All Occupancies

In all corridors and exits, the floor covering shall meet a minimum value 0.45 w/sq. cm.

In all other areas, the floor covering shall meet a minimum value 0.22 w/sq. cm.

Values shall be determined by ASTM E-648 or NFPA 253, Flooring Radiant Panel Test.

7.02 Smoke Generation Properties of Carpet Floor Coverings

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

Value shall be determined by ASTM E-662, Special 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 NALAB (National Accreditation of Laboratories).

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 12 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 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 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 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 Systems

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 building 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.

Pre-recorded or live voice evacuation instructions to occupants are permitted. Pre-recorded instructions shall be pre-

ceded 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 and 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.

(14) Audible trouble signal of the Fire Alarm System shall be readily accessible for monitoring.

(15) All facilities having sleeping accommodations shall be required to have secondary power to the fire alarm system. Batteries permitted only if they can be monitored and have automatic charging systems.

11.02 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.

#### 11.03 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.

#### 11.04 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.
- A (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 stations 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 & 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.
  - (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 Occupancies are as defined in the Life Safety Code.

(2) The general requirements shall be complied with in all business occupancies as if herein stated 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. 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 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 decision may file an appeal from such order or written decision with the State Fire Commission.

Preserving the right to have such an appeal and the manner of proceeding with the resulting contested case shall be governed by the

following rules and regulations and by the corresponding state statutes, i.e. West Virginia Code 29-3-1, et seq., and West Virginia Code, Chapter 29A.

12.01 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 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 final and conclusive, unless vacated or modified upon review pursuant to the appeal rights and procedures provided by said statute and these rules and regulations.

12.02 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.

12.03 Appeal Petition - The appeal petition is to 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 must contain and include the following: (1) A copy of the order or decision of the State Fire

Marshal being contested; (2) 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) a clear and concise statement of fact upon which the petitioner relies as sustaining his assignment of errors; (4) the address petitioner desires to have all notices, documents, and the final order mailed to; (5) the telephone number or numbers where petitioner can be contacted; (6) 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) a prayer setting forth the relief sought; and (8) the signature of the petitioner or its duly authorized officer.

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

12.05 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 to the State Fire Commission together with an opinion by the State Fire Marshal regarding the urgency of the matter being contested. The State Fire Marshal may elect to file a response to the appeal petition, and if he so does, same shall be delivered to the State Fire Commission and a copy mailed to the petitioner.

12.06 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) written notice of the date, time, and place of the hearing. Said 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 at a location within the county where the premises in question are totally or partially located.

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

12.08 Continuances - A motion for continuance will not be granted unless made 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 not be regarded as good ground 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 adequate.

12.09 Absence of Petitioner or Counsel at the Scheduled 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 be regarded as having been submitted for decision on the part of the absent petitioner or petitioners.

12.10 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 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).

12.11 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 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

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 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.

12.12 Evidence - (1) 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.

(2) All relevant and material evidence, including papers, records, agency staff memoranda and documents in the

possession of the State Fire Commission or the State Fire Marshal of which either party desires to avail himself, 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.

(3) 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 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 or privilege, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

12.13 Record of proceedings - All of the testimony, evidence, and rulings on admissibility of evidence at any such hearing shall be reported by 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 be prepared by the State Fire Commission unless it be required for an appeal.

12.14 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.

12.15 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 or 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 decision, if it shall accept such decision it shall sign the same as its own; if it shall reject or modify the same, 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 order shall be served upon each party to the hearing and his attorney of record, if any, in person or by certified mail, return receipt requested.

12.16 Judicial Review - An appeal may be taken by the petitioner or by the State Fire Marshal to the circuit court of the county where the premises are totally or partially located, if 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, 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 not been duly instituted within the said thirty (30) day period.

SECTION 13. Severability

The sections and subsections of these rules and regulations shall be deemed severable. Should any section or subsection be deemed 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 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.