

STATE OF WEST VIRGINIA



RONALD A. KYLE  
Chairman

WILLIAM D. SITES  
Vice-Chairman

BILL SPENCER  
Secretary

JOHN D. ROCKEFELLER IV  
Governor

STATE FIRE COMMISSION

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

ARNETT B. CORLEY, JR.  
State Fire Administrator

April 3, 1984

The Honorable A. James Manchin  
Secretary of State  
Building One  
Room W157  
State Capitol  
Charleston, WV 25395

Dear Mr. Manchin:

In accordance with SB 425, I am submitting two (2) copies of the West Virginia State Fire Code as formally passed during the 1984 Legislative Session.

This Fire Code was filed in your office on September 29, 1983, and again on January 3, 1984. The Legislative Rule Making Review Committee made two (2) amendments which are reflected in this filing.

The effective date of the West Virginia State Fire Code will be March 30, 1984, the date that SB 425 was signed by the Governor.

In addition to filing these rules and regulations with your office, a copy of the State Fire Code and the eighteen (18) volume set of the National Fire Codes, 1983 edition, will be filed and available to the public in the County Clerk's Office of each County in compliance with State Code § 29-3-5(d).

Very Truly Yours,

A handwritten signature in cursive script that reads "Arnett B. Corley, Jr.".

Arnett B. Corley, Jr.  
State Fire Administrator

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE April 3, 1984  
Administrative Law Division

ABC/gh

WEST VIRGINIA  
STATE FIRE CODE

Rules and Regulations  
of the West Virginia  
State Fire Commission

State Capitol  
Charleston, West Virginia

Approved by State Fire Commission:  
December 16, 1983

Effective Date: March 30, 1984

STATE FIRE COMMISSION

Ronald A. Kyle  
Chairman

William D. Sites  
Vice Chairman

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 4-3-84  
Administrative Law Division

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

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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 by the State Fire Commission on December 16, 1983, passed as SB 425 by the Legislature on March 10, 1984 and signed by the Governor on March 30, 1984. The effective date of these rules and regulations is March 30, 1984.

1.04 Filing Dates - These rules and regulations were initially filed in the Secretary of State's Office on September 29, 1983, again on January 3, 1984, and final filing on April 3, 1984.

~~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 personal care homes caring for five 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 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 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.

*Ed. Note: Section 4 incorporates by reference the 16 Volume National Fire Codes (1983) published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269; 1-800-344-3555. You may purchase the set on parts from the NFPA or view and copy the sets at the Secretary of State's office or your County Clerk's office.*

4.03 National Standards and Codes, Table of Contents

(1) National Fire Codes - Published by National Fire Protection Association:

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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.

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:

- ive ?
- (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.

2. Sp.

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

consturction, 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 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(s) 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 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 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.

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.
- 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 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 & 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 Occupancies 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 non-continuous activity, event, performance, show, meeting, function, or other occasion for which persons will gather at a Class A or B place of assembly (as defined in the 1981 edition of the Life Safety Code - NFPA No. 101) the owner (or his designee pursuant to written authority, instructions, or procedures) shall inspect every required exit, way of approach thereto, and way of departure therefrom. If such inspection reveals that any required means of egress is obstructed, inaccessible, locked, fastened, or otherwise unsuited for immediate use, the scheduled program shall not begin, nor shall admittance to the place of assembly be permitted, until necessary corrective action has been completed.

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

12.03 Records. Accurate records 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 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.

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 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.

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 type-written, 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 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.

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 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.

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 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.

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 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.

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

13.08 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.

13.09 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.

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 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 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 acknowledgment 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 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 - (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.

13.13 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.

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 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.

13.16 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 14. 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.



STATE OF WEST VIRGINIA



RONALD A. KYLE  
Chairman

WILLIAM D. SITES  
Vice-Chairman

BILL SPENCER  
Secretary

JOHN D. ROCKEFELLER IV  
Governor

STATE FIRE COMMISSION

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

ARNETT B. CORLEY, JR.  
State Fire Administrator

STATE REGISTER FILING

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

Two (2) copies, on 8 1/2" x 11" paper, of the West Virginia State Fire Code as revised and approved by the State Fire Commission on December 16, 1983, following a Public Hearing on this document held on November 3, 1983.

As a part of this State Fire Code, two (2) complete copies, 1983 edition of the National Fire Code, volumes 1-16; and two (2) copies, 1983 edition of the National Fire Code, Supplement Volumes A and B, were filed with the Secretary of State on September 29, 1983.

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 1-14, pages 1-32.

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

January 3, 1984  
Date Submitted

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

THIS DATE 1/3/84  
Administrative Law Division

Signature of Person Authorizing  
this Filing

WEST VIRGINIA  
STATE FIRE CODE

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 1/3/84  
Administrative Law Division

Rules and Regulations  
of the West Virginia  
State Fire Commission

State Capitol  
Charleston, West Virginia

Dated: September 29, 1983

Effective Date: January 1, 1984

Approved by State Fire Commission:  
December 16, 1983

Revised Effective Date:  
February 1, 1984

STATE FIRE COMMISSION

Ronald A. Kyle  
Chairman

William D. Sites  
Vice Chairman

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

FILED IN THE OFFICE OF  
A. JAMES ARCHIN  
SECRETARY OF STATE  
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Administrative Law Division

SERIES I

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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 16th day of December, 1983, and are dated as of December 16, 1983, and have a proposed effective date of February 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, 1983, and again on the 3rd day of January, 1984.

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 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 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

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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

consturction, 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 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(s) 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 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 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.

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.
- 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 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 & 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 of 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 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 non-continuous 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 department therefrom. If such inspection reveals that any required means of egress is obstructed, inaccessible, locked, fastened, or otherwise unsitted 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 records 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 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.

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 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.

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 type-written, 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 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.

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 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.

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 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.

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 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.

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

13.08 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.

13.09 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.

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 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 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 acknowledgment 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 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 - (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.

13.13 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.

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 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.

13.16 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 14. 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.

BEFORE THE WEST VIRGINIA STATE FIRE COMMISSION

In the matter of:

REVISIONS IN THE STATE FIRE CODE

TRANSCRIPT OF PROCEEDINGS had in a public hearing in the above-entitled matter before the West Virginia State Fire Commission in the North Briefing Room of the Cultural Center, Charleston, West Virginia, at 1:00 p.m., on the 3rd day of November, 1983.

APPEARANCES: RONALD A. KYLE, Chairman of Commission

WILLIAM D. SITES, Vice Chairman of Commission

BILL SPENCER, Secretary of Commission

PAUL ED BLACKWELL, Member of Commission

JAMES W. FIFE, Member of Commission

JOHN LANDFRIED, Member of Commission

WALTER STRICKER, Member of Commission

GAIL C. ASH, Member of Commission

W.Va. State Fire Commission

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I N D E X

<u>Speakers</u>	<u>Beginning on Page:</u>
Tom Barry	4
Ann Stottlemeyer	5
Walter Smittle	11
B. W. Ellis	13
Ron Nestor	14
Barry Torrence	16
Irwin Benjamin	18
Ann Warnick	24
Bruce Carter	25
Charli Fulton	27

CHAIRMAN KYLE: The meeting of the West Virginia State Fire Commission, public hearing, will come to order.

The purpose of this meeting is to receive comments from the public to the proposed revisions of the West Virginia State Fire Code.

Has every person present who would like to speak signed this sheet and indicated you would like to speak?

Let me clarify one thing. We are here today to receive public comments. We will not engage in any debate nor rebuttal statements. There will be a fifteen-minute time limit placed on each speaker. Once you have spoken, said your piece, that's it. There will be one presentation. I have no preference on order.

One other thing, anybody who wishes to speak, would you please stand up, go to the podium, introduce yourself and speak plainly and clearly so our stenographer can get everything down. There has to be a public record.

Let's go in the order that the names

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and what you came out with, you made one other change that I noticed in the placement of smoke detectors. We feel that they still belong at the top of the stairways. You have taken that out for some reason.

That's what I was hoping you would do, explain your reasons, and then we'd get to speak to each item. Like I say, you caught me by surprise and that's what I have to say at this time.

CHAIRMAN KYLE: Thank you, Mr. Barry.

The next person on the list is Ann Stottlemeyer of the Department of Health.

MS. ANN STOTTLEMYER: I'm Ann Stottlemeyer, Deputy Director of the Department of Health, and I'd like to make some comments for Doctor Hansbarger, the Director, who could not be here today.

First of all, we would like to go on record in support of the adoption of the 1983 National Fire Codes, published by the National Fire Protection Association, as part of the West Virginia State Fire Code.

However, we do have some changes that we would like to recommend. The definition of a

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hospital, nursing home, residential-custodial care facility, or personal care, is different in Chapter 16, which is the Health Department's portion of the West Virginia Code, and we would like to recommend -- the definition is the same but the number of beds is different in the Code, and we would like to recommend that the number of beds in that definition be changed to be consistent with Chapter 16.

The National Fire Protection Association Life Safety Code 101, Chapter 12, New Health Care Occupancies, and Chapter 13, Existing Health Care Facilities, definitions are identical. Therefore, we will address the number for each category in the Life Safety Code and the number in accordance with the West Virginia Law in Chapter 16.

Life Safety Code for hospitals is four or more beds; West Virginia Law Chapter 16-5B-1 is five or more beds.

Life Safety Code for nursing homes is four or more beds; West Virginia Law Chapter 16-5C-2 is more stringent and has three or more beds.

Life Safety Code for residential

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custodial care, or personal care, is four or more beds, and West Virginia Law Chapter 16-5C-2 is six or more beds, and this creates problems for those individuals running the facilities in the inconsistency between the two.

We also would like to refer to page 8 of the West Virginia Fire Code, Section 6, Sprinkler Protection. We recommend this section also be changed to be consistent with West Virginia law in definition. In the Fire Code, nursing homes would be required to be sprinklered with three or more beds; personal care in Chapter 16 would be required to be sprinklered with six or more beds in our section of the Code.

So we would like to request that you change that to six beds to be consistent with our licensing.

The 1983 codes include 1981 Life Safety Code, which incorporates the Fire Safety Evaluation System, FSES, for health care facilities. This system provides the methodology to assist in developing equivalencies for health care facilities, both hospitals and nursing homes, in order to meet the Life

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Safety Code.

The Department believes that that system will allow hospitals and nursing homes to meet safety standards mandated in the Life Safety Code in an effective and safe manner, and also without unnecessary cost or waste.

The FSES is not a new concept. It's been in existence since adopted June 28th, 1979 by the National Bureau of Standards to be used by the Department of, then, Health, Education and Welfare, now HHS, for those facilities that were participating in the Medicare and Medicaid Programs.

All the studies made prior to the adoption of the FSES by the National Bureau of Standards indicated it would do two things: First, it would save a lot of money, and, second, it would provide alternative methods to meet or, in some cases, to exceed the levels of safety prescribed by the Life Safety Code.

This system has been in use now for over a four-year period and it's proven it provides a level of safety equivalent to the required Life

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Safety Code and at a much lower price.

This is of special interest to the Department of Health right now because we are trying very hard to bring our twelve facilities up to life safety and certification standards. We've been mandated by the Legislature and by the courts through the Supreme Court to meet certification standards and bring in reimbursement as much as possible and also to meet Life Safety standards.

We feel that the FSES would be a real help to us in meeting those standards.

The National Bureau of Standards in March, 1983 finalized a report on a Fire Safety Evaluation System for Board and Care Homes. This system is to be used with the proposed Chapter 21, Residential Board and Care Occupancies, of the Life Safety Code to provide alternative methods to meet or exceed the levels of safety prescribed by the Code. However, Chapter 21 will not be part of the Life Safety Code until 1985.

The Department of Health would like to recommend that the proposed Chapter 21 be adopted in

its present form in conjunction with the appendix published in the national Bureau of Standards March, 1983, Final Report.

The Fire Safety Evaluation System covers small dwelling units, large residential facilities and apartment buildings with board and care occupancies.

Again, this is of special interest to the Health Department because of our mandate to deinstitutionalize wherever possible and move people into the community, and in conjunction with that, we are developing ourselves and with the Community Mental Health Centers a number of small facilities in the communities that we feel this system would help us to certify and meet Code with.

The current trend in housing persons with physical, mental or emotional disabilities, who do not live with their families, is away from the institutions and in community-based housing.

Therefore, the Department of Health believes that the FSES for board and care homes will provide the level of safety prescribed by the Life

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Safety Code at a considerable savings to the citizens of the State of West Virginia. Again, with budgets as tight as they are, and ours is as tight as everyone else's, it is very important to us to be able to do it safely, effectively and as inexpensively as possible.

We, therefore, submit our comments as Exhibit A, and as Exhibit B, the proposed Chapter 21.

CHAIRMAN KYLE: Thank you.

MS. STOTTLEMYER: Thank you.

CHAIRMAN KYLE: Mr. Smittle.

MR. WALTER SMITTLE: Members of the State Fire Commission, my name is Walter Smittle, State Fire Marshal for the State of West Virginia.

I would like to take this opportunity to provide to you for your consideration a new regulation in the State Fire Code. It's titled "A New Exit Regulation in West Virginia," and what it entails is in West Virginia, when a person attends a movie, a concert or basketball game or any athletic event in the State of West Virginia, that person who attends could expect when attending that event of the following

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short announcement, which would be:

"Ladies and gentlemen, the Municipal Auditorium, in cooperation with the West Virginia State Fire Marshal's Office, would like you to take a moment to familiarize yourself with the exits to be used in case of fire or other emergency, and the exits are located at . . ." and they would do designate the locations of the exits.

Although the language is not specifically required, it has been recommended by the Fire Marshal's Office as a typical statement which would fulfill the intent of Chapter 29, Article 3 of the Rules and Regulations of the State Fire Commission.

This new regulation concerns itself with the exiting procedures relative to the places of assembly having the capacity to seat more than 300 individuals.

I hereby tender to the members of the State Fire Commission and to the stenographer the new Section 12 to be considered for your approval in the State Fire Code.

CHAIRMAN KYLE: Thank you, Mr. Smittle.

MR. SMITTLE: That concludes my presentation.

CHAIRMAN KYLE: Thank you.

Mr. Lewis? Mr. Mellot, do you wish to speak, sir?

MR. TOM MELLOTT: No, sir.

CHAIRMAN KYLE: Mr. Ellis.

MR. B. W. ELLIS: Gentlemen, on the sprinkler system -- This is B. W. Ellis, Deputy Chief of the Huntington Fire Department. On the sprinkler system, we would like for you to consider all sprinkler systems shall be tied to the Fire Department where the services are available. We realize in some areas you do not have the services available, but in larger cities, you do have, because if you don't, you could have water running for one hour to four hours before somebody hears the bell in some of these plants and warehouses in some of your cities.

The ties are available in many cities. It only costs the price of an alarm box.

So again, we would like for you to consider that all sprinkler systems shall be tied to the fire service where the ties are available. This

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way, if the city does not have a system, they would not have to tie in.

Thank you, gentlemen.

CHAIRMAN KYLE: Thank you.

Mr. Nestor.

MR. RON NESTOR: I'm Ron Nestor; I'm Director of Health Services for the Department of Human Services, recently been changed from the Department of Welfare to the Department of Human Services.

Our agency has been responsible over the years for placing thousands of people in adult family care, personal care homes and nursing homes. Our concern has been the clients we have placed in facilities where they can be cared for appropriately and maintain their maximum independence. This means, for example, you've got an ambulatory client that needs home-like care that you don't place in a nursing home.

The problem has been that currently there does not exist any level of care between what we call adult family care, which is a small, home-like atmosphere, and institutional care, which

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is nursing and personal care.

If someone would want to open a small group home that has from four to ten individuals, ambulatory clients, they must meet such costly fire safety standards, such as sprinkler systems, that in reality makes it impossible for them to open this type of facility.

This means, in effect, that we are forcing people to go to nursing homes and to other institutional care when this type of care is not needed. This takes away from the clients some independence; it also costs the State of West Virginia a considerable amount of money because the cost of care is much more expensive at the institutional level.

Now, don't get me wrong in regard to fire safety. What I'm saying is that fire safety standards must be there to ensure the safety of people, but the degree of fire control should be appropriate to the type of people cared for. In other words, don't overdo it. For example, do not apply fire safety standards which are appropriate to

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a nursing home or a large personal care home to a home that's caring for say four to ten ambulatory clients. I guess the example that occurs to me is that if you're going to kill a fly, you don't use a cannon to do it when a flyswatter would do the job.

The Health Department believes that the Fire Safety Evaluation System for Board and Care Homes, which is Chapter 21 from the National Bureau of Standards, would provide the level of care, of fire safety care, and yet provide flexibility.

In summary, what we're saying is that we think there is a need for group care for individuals between the nursing home level and the home-like atmosphere, but the current requirements, fire safety requirements, are so stringent that, in fact, we cannot meet those requirements and operate with the financial burden it would create.

Thank you.

CHAIRMAN KYLE: Thank you, sir.

Barry Torrence.

MR. BARRY TORRENCE: Thank you, Mr. Chairman. My name is Barry Torrence. I am the Technical

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Director for the Carpet and Rug Institute. With me today are Mr. Ed Baldwin, who is representing the American Textile Manufacturer's Institute, and Mr. Irwin Benjamin who is a consultant to industry.

The memberships of our two associations, the Manufacturers produce approximately 95 percent of all the carpet that's manufactured here in the United States.

First, I'd like to express our appreciation for the opportunity to offer oral comments with regards to the proposed revisions to the West Virginia State Fire Code. Also, I'd like to thank the Commission and especially the Commission's Carpet Standards Committee for all the time in meetings which have taken place and been devoted to the subject of floor finish liability requirements.

Our comments today are very brief and they are directed to Section 7, Carpet Used on Floor Covering, and that section in its entirety.

We support the State Fire Commission's proposal to adopt the floor and radiant panel test method to regulate carpets installed in corridors.

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The test method is nationally recognized, it has been adopted by the National Fire Protection Association, the Building Officials Conference on Carpets of America, the Southern Building Code Congress, and has been implemented by a large majority of the states which have chosen to regulate floor finishes.

In addition, we continue to support the use of the Consumer Products Safety Commission Standard FF-170 for carpets installed in rooms. This position also points out the nationally recognized standards.

Our position regarding these two test methods and standards, as I have mentioned, has previously been submitted both orally and written to the Commission. However, to fully substantiate this position, I would like to now call on Mr. Irwin Benjamin. At the end of Mr. Benjamin's presentation, we will be pleased to answer any questions which you may have. Thank you.

CHAIRMAN KYLE: Thank you, sir.

MR. IRWIN BENJAMIN: Thank you for the opportunity to talk to you gentlemen again. I'd like

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to limit myself to addressing just two questions today. First, a little bit of what is the radiant panel test and why it's the best test to use for carpet, and, secondly, what the pill test is and what it means.

Before we talk about any of these two points, we should first talk about how carpet burns. In today's world, the world in which carpets are regulated by the Consumer Products Safety Commission, there is no carpet on the market which can burn on the floor by itself. For any carpet to burn, it must be pre-heated. This pre-heating is generally accomplished by what we call radiation.

You have experienced radiation; it's the heat from the sun that gives you a sunburn or it's the heat from a fireplace that gets you warm when you stand in front of it. It's the heat that comes from radiation of a fire or hot gas.

In the case of carpeting in a room, the radiation to make it burn basically comes from a hot layer of smoke that's up near the ceiling and is radiating, looking down on the carpet.

When a fire burns, it produces hot gases and smoke which form a layer on the ceiling. This hot layer radiates onto the carpet, pre-heating it, and if the carpet is ignited, it will cause a fire to travel. The more the radiation or the more the pre-heating of the carpeting, the faster it will burn.

Carpets that are more resistant to the effects of pre-heating or radiation will be more effective in resisting a fire.

At the National Bureau of Standards, we designed the critical radiant flux test to measure this resistance to pre-heating or radiation. Because it duplicates the real burning action of a carpet, it has been universally adopted as the method for evaluating carpet for regulation.

The radiant panel test does the following: One, it tests the property of a carpet which relates to flame spread; secondly, it allows one to test a carpet either with or without padding, or in other words, the way it's really going to be used; and, third, it has greater reproducibility in

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results than any of the previously used carpet tests..

The radiant panel gives a better evaluation of safety because the carpet can be tested either with or without an underlayment, or in other words, the way it will be used.

The tunnel does not give this level of safety because it is not possible to test in the tunnel with an underlayment. This means, therefore, that the tunnel will accept some carpeting that is unsafe, particularly if it is tested without an underlayment and it's going to be used with an underlayment.

The recommended values of the critical radiant flux, which have been discussed, have come from analytical studies and from full-scale tests of fires.

For example, carpeting from fires in which the carpeting was reputed to have contributed to the fire has been tested, including carpeting from such fires as the Harmar House and the Atlanta Baptist Towers. In every case, these carpets had a critical radiant flux of less than 0.1 watts per square centimeter.

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The minimum value we have recommended for corridors in residential occupancies is 0.22 watts per square centimeter, or over twice what was present in the Harmar House. We have also recommended a minimum value of 0.45 for the corridors in institutional occupancies, a safety factor of two for this more critical occupancy.

What about carpet in a room? To answer that, we must take a look at the pill test. This test which was developed at the National Bureau of Standards was developed to answer the question, "How can we eliminate from the market any carpet which will burn by itself without requiring pre-heating or radiant flux?"

The method that was adopted was the pill test, the test which ignites a little pill in the middle of a square of carpet and determines whether the fire will travel to the edge. If it does, the carpet is not acceptable.

Because of the pill test, there are no carpets for sale today that will not pass the pill test since if they did, they would be violating Federal

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law.

Since the pill test precludes any carpet from being able to burn without pre-heating, it is impossible for a fire started from a wastebasket, from a cigarette, from a burning coal, from a fireplace or other similar ignition sources to cause fire to spread on the carpet.

Therefore, the only way that a carpet can burn in a room is if the fire becomes large enough to have enough hot gas to radiate down onto it. Therefore, the carpet will burn but when the temperature in the upper part of the room is generally in excess of 600 degrees Fahrenheit, well past the point of human tolerance.

The pill test then is your guarantee that a small fire in a room will not be able to spread on the carpet.

In summary, we have recommended the radiant panel test for regulating carpet in a corridor because, one, it rates carpet according to the way it is actually performing, two, it provides a greater level of safety because it is a test carpet with an

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underlayment.

In addition, we recommend the pill test for regulating carpet in the room of any residential occupancy. It guarantees that no carpet can spread fire without pre-heating or radiation.

Now, I'd like to take about three minutes to show you a little video tape to visually make the points that I've been trying to make here in the real world.

This is a series of tests that were performed for the Carpet and Rug Institute at Southwest Research Institute. What we are showing you is only one of a series.

(WHEREUPON, the video tape

referred to was presented for viewing.)

MR. BENJAMIN: Thank you very much.

CHAIRMAN KYLE: Thank you, sir. Ms. Ann Warnick.

MS. ANN WARNICK: Thank you. I'm Ann Warnick from the West Virginia Commission on Aging, and basically, my statement is very brief.

What I would like to do is support the

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entire statement, without reiterating it, that was made by the West Virginia Department of Health, that Ann Stottlemeyer made.

I would like to say that on any kind of regulations, fire regulations in particular now, we believe that those regulations should be compatible in the various types of institutions, with the different levels of care that are being provided to the clients within that facility.

So once again, we do support the statement that was made by Ann Stottlemeyer.

CHAIRMAN KYLE: Thank you very much.

Bruce Carter.

MR. BRUCE CARTER: My name is Bruce Carter, I'm president of the West Virginia Hospital Association, and I was asked this morning to come and testify on behalf of the West Virginia Hospital Engineers Association, which is a statewide organization of those individuals who have overall responsibility for the physical plants of hospitals in the State of West Virginia.

They have reviewed the legislative

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regulations in detail and, in fact, I think some of them even participated and some of them worked on redrafting them, and they asked me to be sure and commend the redraft. They feel it was very well done and, for the most part, it is very acceptable.

I would, however, like to raise one question and I believe it's probably a non-controversial area, but on Section 6, Page 8 of the regulations, there has been three words added in that language, in the second line, and that is the words "or health care."

In discussions with the State Fire Marshal and others, they understand what the intent of that language is, but the Hospital Engineers Association feel that that needs to be clarified, or, preferably, deleted and returned to the language in the existing regulations, wherein that section is identical except for those three words that have been added.

The concern that we have with that language is that "health care" is not defined anywhere in the regulations, and we're afraid that it

could be interpreted by the courts or by future fire marshals or by architects or others not familiar with what the intent of the regulation is to include all sections of hospitals in West Virginia. This, of course, would be an extremely proposition for health care institutions in this state.

We understand that that language is not intended to include acute health care institutions, hospitals, but it is not clear, and we hope that before those regulations are finally promulgated that either that term, "or health care," can be defined or preferably that those three words could be removed and returned to the state of the original document, which the engineers feel was appropriate language.

I will try to answer any questions. I'm not an expert in this area, and as I told you in the beginning, I am kind of filling in at the last minute because none of them could be here to testify.

CHAIRMAN KYLE: Thank you, sir. We have one more speaker, Ms. Charli Fulton. Is that correct?

MS. CHARLI FULTON: Yes. My name is Charli Fulton and I am here representing West Virginia

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Advocates for the Developmentally Disabled.

I am the attorney for the petitioners in a case called EH versus Matin, which is called the Hartley case. This case is a right-to-treatment case involving the treatment of all the persons that are institutionalized in the State mental health and retardation facilities.

Over a long period of time, the petitioners and the respondent, Department of Health, employees have worked out a comprehensive plan for the reorganization and the redevelopment of services to mentally ill and to mentally retarded people in institutions, and as part of this plan to remedy the conditions in the State institutions, there has been an agreement that the State institutions, both for mentally ill and mentally retarded persons, will meet JCAH and ACRMDD standards; that is, the mental health institutions will meet the Joint Commission on Accreditation of Hospital Standards and the facilities for the mentally retarded and other developmentally disabled will meet the Accreditation Council for Services for the Mentally Retarded and Other...

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Developmentally Disabled Persons standards.

Both the JCAH standards and the ACMRDD standards in terms of life safety and fire safety require that institutions meet the current Life Safety Code that is adopted by the jurisdiction.

The current Life Safety Code that's in effect in West Virginia does not have the Fire Safety Evaluation System equivalency standard that is established in the 1983 Code, and as a practical matter, what that means is that some of the institutions in this State will, if they have to meet the standards under the current code rather than under the equivalency system, undergo substantially more expensive renovations or even rebuilding as a result of having to meet each individual standard under the current Code.

For example, the width of the doors in Spencer Hospital is too narrow to meet the current standards. The walls in Spencer Hospital are weight-bearing walls that would require that the hospital be nearly torn down and reconstructed in order to meet the current standards, as I understand it.

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There are a number of examples in all the institutions because many of them are very old, and it would require substantially more money for them to meet the Life Safety Code as it currently stands than it would to adopt the Fire Safety Equivalency System that is part of the 1983 Code.

So in summary, I'm here to speak for the adoption of the 1983 Code as a way of meeting life safety standards in the institutions in a cost-effective way without sacrificing either the accreditation or the safety of the persons institutionalized.

Until the institutions receive their JCAH accreditation and their ACMRDD accreditation, there is no way for the patients and the residents of these institutions to receive the Medicaid reimbursement that can come if they can't receive any of the Federal dollars that come from being certified.

So that as a practical matter, applying the current standards prevents these institutions from ever being accredited and certified so as to draw down the reimbursement of Federal dollars. What I'd

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like to see is to be certified under the new standards so that money can start flowing into these hospitals, Federal dollars, to start improving the programs and improving the life safety standards of those hospitals.

CHAIRMAN KYLE: Thank you.

Do any of the Commissioners have questions for any of the speakers today, on anything that has been brought to your attention today?

The only other thing I'd like to point out, we did receive two written communications, one from the West Virginia Professional Fire Chiefs and one from the Carpet Cushion Council, and will be entered into the record of this public hearing.

We will take all the statements that have been rendered under advisement and we thank you all for your input.

The hearing is adjourned.

(WHEREUPON, at 1:55 p.m., the hearing was adjourned.)

## REPORTER'S CERTIFICATE

I, the undersigned, N. Joan Thaxton, a Certified Court Reporter, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of all the proceedings had in the aforementioned matter, as set forth in the caption hereof, at a public hearing held on the 3rd day of November, 1983.

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