



STATE OF WEST VIRGINIA  
OFFICE OF THE SECRETARY OF STATE  
CHARLESTON 25305

A. JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

I, PAUL ED BLACKWELL, Chairman,  
Title or Position

STATE FIRE COMMISSION, hereby submit to record in  
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify (

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 6-15-79

This filing pertains to

Chapter 29  
Article 3  
Series \_\_\_\_\_  
Section \_\_\_\_\_  
Page No. \_\_\_\_\_

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

June 15, 1979  
Date Submitted

Paul Ed Blackwell  
Signature of Person Authorizing  
this Filing PAUL ED BLACKWELL

NOTICE OF PUBLIC HEARING  
IN RE ADOPTION OF STATE FIRE  
COMMISSION RULES AND REGULATIONS

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 6-15-79

On the 26th day of July, 1979, at 10:00 o'clock a.m.  
in the House of Delegates' Chambers on the 2nd floor of the main  
Capitol Building located within the Capitol Complex on East Wash-  
ington Street in Charleston, West Virginia, there will be a public  
hearing before the West Virginia State Fire Commission to consider  
the Proposed Rules and Regulations (State Fire Code) of the West  
Virginia State Fire Commission adopted by the State Fire Commission  
on June 8, 1979, at which time, date, and place interested parties  
may submit data, objections, suggested amendments, views, evidence,  
and arguments orally or in writing concerning said proposed rules  
and regulations.

*Paul Ed Blackwell*

PAUL ED BLACKWELL, Chairman  
State Fire Commission

STATE OF WEST VIRGINIA



JOHN D. ROCKEFELLER IV  
Governor

STATE FIRE COMMISSION  
CHARLESTON, W. VA. 25305

2000 QUARRIER STREET  
PHONE: (304) 348-2191

PAUL ED BLACKWELL  
Chairman

JAMES S. RICHMOND  
Vice-Chairman

June 15, 1979

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 6-15-79

Hon. A. James Manchin  
Secretary of State  
State Capitol  
Charleston, WV 25305

Re: State Register Filing by the State Fire Commission -  
Proposed Rules and Regulations and Notice of Public  
Hearing

Dear Mr. Manchin:

The West Virginia State Fire Commission herewith delivers to you (1) two copies of the June 8, 1979, "WEST VIRGINIA STATE FIRE CODE, Proposed Rules and Regulations of the West Virginia State Fire Commission" (together with two complete sets of the volumes of the National Standards and Codes incorporated by said Proposed Rules and Regulations), (2) two copies of your STATE REGISTER FILING form, and (3) two copies of a Notice of Public Hearing relative to said Proposed Rules and Regulations.

If the State Fire Commission can be of any further assistance to you regarding this filing, please advise.

Very truly yours,

*Paul Ed Blackwell*

PAUL ED BLACKWELL, Chairman  
State Fire Commission

dkc

WEST VIRGINIA  
STATE FIRE CODE

Proposed  
Rules and Regulations  
of the West Virginia  
State Fire Commission

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA  
THIS DATE 6-15-79

State Capitol  
Charleston, West Virginia

Dated: June 8, 1979

Proposed Effective Date:  

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STATE FIRE COMMISSION

Paul Ed Blackwell, Chairman  
State Fire Commission

James F. Richmond, Vice-Chairman

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 on the 8th day of June, 1979, and are dated as of June 8, 1979, and have a proposed effective date of \_\_\_\_\_.

1.04. Filing Date - These rules and regulations were initially filed in the Secretary of State's office on the 15th day of June, 1979, and again on the \_\_\_\_\_ day of \_\_\_\_\_, 1979.

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.

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, and for ascertaining these additional standards and requirements if will be necessary to make reference to said other documents.

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

Any organized fire department or company in West Virginia shall report every fire incident to the State Fire Marshal on the forms provided by the State Fire Marshal. All fire incidences shall be reported within thirty (30) days as to the date of the incident. EXCEPTION: All fatalities, fire loss in excess of \$250,000, and arson or suspected arson shall be reported immediately.

SECTION 3. Building Plans and Specifications

All educational and institutional occupancies, and all state, county, and municipality (and/or public) owned facilities shall submit bid plans and specifications for all new construction, alterations, additions, renovations, and installations to the Fire Marshal's Office for review prior to the bidding date, construction, or installation; so that addenda can provide for any changes or additions determined to be necessary by the State Fire Marshal's Office as required by the State Fire Code. The State Fire Marshal's review of such bid plans and specifications will be completed and a written response provided within forty-five (45) working days after receipt of same in his office.

SECTION 4. National Standards and Codes

4.01. Incorporation of National Standards and Codes - The standards and requirements as set out and established by the 1979 edition of "The National Fire Codes" published by the National Fire Protection Association (but not including standards

and requirements directed to the operation, etc., of local fire departments) 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. 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" have 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, 470 Atlantic Avenue, Boston, Massachusetts 02210.

## 4.02. National Standards and Codes, Tables of Contents

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

#### NATIONAL FIRE CODES — CONTENTS 1979

	VOLUME 1		VOLUME 5
10	Portable Fire Extinguishers	565	Inhalation Anesthetics in Annuatory Care Facilities
11	Foam Extinguishing Systems	57	Liquified Petroleum Gases, Storage and Handling
11A	High Expansion Foam Systems	58	Liquified Petroleum Gases at Utility Gas Plants
11B	Combined Foam and Combined Agent Systems	59	Liquified Natural Gas, Storage and Handling
12	Carbon Dioxide Systems	59A	Manufacturing and Handling of Grain Elevators, Bulk-Handling Facilities
13	Room 1201 Systems	61A	Feed Mills, Dust Hazards
12B	Room 1211 Systems	61B	Agricultural Commodities for Human Consumption
13	Sprinkler Systems, Installation	61C	Industrial Plants, Dust Explosions
	VOLUME 2	61D	Aluminum Processing and Finishing
13D	Sprinkler Systems, Dwellings	63	Aluminum or Magnesium Powder
14	Standpipe & Hose Systems	65	Coal Preparation Plants, Dust Hazards
15	Water Spray Fixed Systems	651	Plastics Industry, Dust Hazards
16	Foam Water Sprinkler & Spray Systems	652	Sulfur Fires, Explosions, Prevention
17	Dry Chemical Systems	654	Spice Grinding Plants, Dust Hazards
18	Wetting Agents	655	Pneumatic Conveying Systems
18B	Respiratory Protective Equipment for Fire Fighters	656	Woodworking Plants, Dust Hazards
194	Fire Hose Connections	66	Explosion Prevention Systems
196	Fire Hose	66A	
197	Initial Fire Attack, Training Standards on	70	VOLUME 6
20	Centrifugal Fire Pumps	70A	National Electrical Code
22	Water Tanks		Electrical Code for One- and Two-Family Dwellings
24	Outside Protection		VOLUME 7
295	Wildfire Control by Volunteer Fire Departments	71	Central Station Signaling Systems
30	Flammable & Combustible Liquids Code	72A	Local Protective Signaling Systems
	VOLUME 3	72B	Auxiliary Signaling Systems
31	Oil Burning Equipment	72C	Remote Station Signaling Systems
32	Dry Cleaning Plants	72D	Proprietary Signaling Systems
321	Classification of Flammable Liquids	72E	Automatic Fire Detectors
327	Cleaning Small Tanks	74	Household Fire Warning Equipment
33	Spray Application	75	Electronic Computer/Data Processing Equipment
34	Dip Tanks	75A	Essential Electrical Systems
35	Manufacture of Organic Coatings	76	Lightning Protection Code
36	Solvent Extraction Plants	77	Electrical Metalworking Machine Tools
37	Stia Combustion Engines & Gas Turbines	80	Fire Doors and Windows
385	Tank Vehicles for Flammable & Combustible Liquids	81	Fur Storage, Cleaning
386	Portable Shipping Tanks	82	Incinerators, Rubbish Handling
388	Flammable & Combustible Liquids on Farms and Isolated Construction Projects	85	Oil- and Gas-Fired Single Burner Boiler-Furnaces
40	Cellulose Nitrate Motion Picture Film	85B	Furnace Explosions in Natural Gas-Fired Multiple Burner Boiler-Furnaces
40E	Storage of Pyroxylin Plastic		
43A	Liquid and Solid Oxidizing Materials	85D	Fuel Oil-Fired Multiple Burner Boiler-Furnaces
43C	Storage of Gaseous Oxidizing Materials	85E	Fulverized Coal-Fired Multiple Burner Boiler-Furnaces
43D	Storage of Pesticides in Portable Containers	85F	Fulverized Fuel Systems
44A	Fireworks, Manufacturing, Transportation, and Storage	85G	Implosions in Multiple Burner Boiler-Furnaces
45	Fire Protection for Laboratories Using Chemicals	86A	Ovens and Furnaces
46	Magnesium, Storage and Handling	86B	Industrial Furnaces
481	Titanium, Storage, Handling	86C	Industrial Furnaces — Special Processing Atmospheres
490	Ammonium Nitrate Storage	86D	Industrial Vacuum Furnaces
	VOLUME 4	87	Piers and Wharves
493	Intrinsically Safe Apparatus	88A	Parking Structures
495	Explosive Materials	88B	Repair Garages
496	Furged Enclosures for Electrical Equipment	90A	Air Conditioning & Ventilating Systems
498	Explosives, Motor Vehicle Terminals	90B	Warm Air Heating & Air Conditioning
50	Bulk Oxygen Systems		VOLUME 9
50A	Gaseous Hydrogen Systems	91	Blower & Exhaust Systems
50B	Liquified Hydrogen Systems	96	Commercial Cooking Equipment, Vapor Removal
51	Welding & Cutting, Oxygen-Fuel Gas Systems for	101	Life Safety Code
51A	Acetylene Cylinder Charging Plants	102	Assembly, Sealing, Tents, & Air-Supported Structures
51B	Cutting & Welding Processes	211	Chimneys, Preplaces & Vents
54	National Fuel Gas Code	214	Water-Cooling Towers
56B	Respiratory Therapy		
56C	Laboratories in Health-Related Institutions		
56D	Hyperbaric Facilities		
56E	Hyperbaric Facilities		
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VOLUME 8 (cont.)			
720	Building Construction, Standard Types	199	Fire Hose, Care of
724	Rumors, Control in Public Areas	24	Steam Fire Pumps, Maintenance
731	Garage Storage, in Door	26	Substitution of Valves
731B	Garage Storage, in Porches, Storage	27	Visible Fire Ejected
731C	Rack Storage of Materials	291	Fire Hydrants, Uniform Markings
731D	Storage of Rubber Tires	292M	Water Charges, Private Protection
732	Public Protection	325M	Properties of Flammable Liquids, Gases, Solids
241	Building Construction and Demolition Operations	328	Metals and Sewers, Flammable & Combustible Liquids and Gases in
251	Fire Tests, Building Construction & Materials	329	Underground Leakage of Flammable and Combustible Liquids
252	Fire Tests, Door Assemblies	45	Forest Products Storage
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253	Flooding Radiant Panel Test		
255	Building Materials, Tests of Surface Burning Characteristics	49	Hazardous Chemicals Data
256	Fire Tests, Roof Coverings	491M	Hazardous Chemical Reactions
257	Fire Tests of Window Assemblies		
258	Measuring Smoke Generated By Solid Materials		
259	Potential Heat, Bldg. Materials		
302	Motor Craft	492	Separation Distances of Ammonium Nitrate and Separating Agents
303	Marinas & Boatyards	494L	Model State Fireworks Law
306	Control of Gas Hazards on Vessels	497	Electrical Installations in Chemical Plants
312	Vessels During Construction, Protection of	53M	Fire Hazards in Oxygen-Enriched Atmospheres
407	Aircraft Fuel Servicing	56HM	Home Respiratory Therapy
408	Aircraft Fire Extinguishers	68	Explosion Venting, Guide
409	Aircraft Hangars	70B	Electrical Equipment Maintenance
412	Aircraft Foam Fire Fighting Vehicles, Test Procedures	70L	Model State Electric Law
414	Aircraft Rescue, Fire Fighting Vehicles	76C	High Frequency Electricity in Health Care Facilities
415	Aircraft Fueling Ramp Drainage	77	Static Electricity
416	Aircraft Terminal Buildings	80A	Protection from Exposure Fires
417	Aircraft Landing Walkways		
418	Roofed Airport Construction and Protection		
423	Aircraft Engine Test Facilities		
501A	Installation of Mobile Homes		
501C	Recreational Vehicles		
501D	Recreational Vehicle Parks		
VOLUME 11			
505	Powered Industrial Trucks	89M	Cleanances, Heat Producing Appliances
512	Truck Fire Protection	92M	Waterproofing and Drainage of Floors
513	Motor Freight Terminals	97M	Glossary of Heating Terms
601A	Guard Operations in Fire Loss Prevention	99M	Roof Coverings
701	Flame-Resistant Textiles and Firms, Fire Tests for	204	Smoke & Heat Venting Guide
702	Flammability of Wearing Apparel	205M	Building Areas & Heights
703	Fire Retardant Treatments, Building Materials	231A	Generators, Storage, Outcort
704	The Fire Hazards of Materials	232AM	Archives and Record Centers
803	Nuclear Power Plants	307	Marine Terminals, Operation
1021	Fire Fighter Professional Qualifications	402	Aircraft Rescue, Fire Fighting, Standard Operating Procedures
1022	Fire Captain, Fire Apparatus Driver/Operator	403	Aircraft Rescue, Fire Fighting Services at Airports
1023	Airport Fire Fighter, Prof. Qual.	405M	Aircraft Handling Crash Fires
1024	Fire Captain, Fire Officer	410A	Aircraft Electrical Maintenance
1025	Prof. Qual., Fire Inspector, Fire Investigator and Fire Prev. Ed. Officer	410B	Aircraft Oxygen Maintenance
1026	Prof. Qual., Fire Service Instructor	410C	Aircraft Fuel System Maintenance
1193	Fireworks, Public Display	410D	Aircraft Cleaning, Painting & Paint Removal
1221	Public Fire Service Comm.	410E	Aircraft Welding Operations in Hangars
1231	Water Supplies for Suburban and Rural Fire Fighting	410F	Aircraft Cabin Cleaning Operations
1501	Fire Dept. Safety Officer	419	Aircraft Water Supply Systems
1502	Automotive Fire Apparatus	421	Aircraft Interior Fire Protection
1521	Fire Department Portable Pumping Units	422M	Aircraft Fire Investigators Manual
1523	Fire Department Ground Ladders	424	Airport Community Emergency Planning
1571	Protective Clothing for Structural Fire Fighting	501BM	Mobile Home Heating and Cooling Load Calculations
VOLUME 12			
1	Fire Prevention Code		
3M	Health Care Emergency Preparedness		
6	Training Reports and Records		
101	Model Enabling Act, Portable Fire Extinguishers		
134	Sprinkler Systems, Maintenance		
135	Fire Department Operations in Properties Protected by Sprinkler, Standpipe Systems		
		601	Guard Service in Fire Loss Prevention
		801	Facilities Handling Radioactive Materials
		802	Nuclear Reactors
		901	Uniform Coding for Fire Protection
		902M	Fire Reporting Field Incident Manual
		903M	Fire Reporting Property Survey Manual
		910	Protection of Library Collections
		911	Protection of Museum Collections
		1122L	Code for Unmanned Rockets
		1201	Organization for Fire Services
		1202	Organization of a Fire Department
		1804	Fire Department Aerial Ladders and Elevating Platforms

SECTION 5. Sprinkler Protection (All Other Occupancies) Required After Exceeding Certain Maximum Area

Approved automatic sprinkler systems will be installed in buildings used for any occupancies and exceeding the areas in the following table. EXCEPTION: As to the occupancies noted in Section 6 of these rules and regulations, sprinkler protection shall be provided as required by said Section 6.

TYPE OF CONSTRUCTION	BUILDING HEIGHT				
	1 STORY	2 STORIES	MORE THAN 2 STORIES AND UP TO 40 FEET	MORE THAN 40 FEET	MORE THAN 75 FEET
AREA IN SQUARE FEET					
Fire Resistive Type A	40,000	30,000	10,000	10,000	Sec. 10-High Rise
Fire Resistive Type B	40,000	30,000	10,000	Sec. 10-High Rise	Sec. 10-High Rise
Protected Limited-Combustible	20,000	15,000	5,000	Sec. 10-High Rise	Not Permitted
Heavy Timber	9,000	6,000	3,000	Sec. 10-High Rise	Not Permitted
Ordinary	7,000	4,000	Any Area Requires Sprinkling	Not Permitted	Not Permitted
Unprotected Limited-Combustible	7,000	4,000	Any Area Requires Sprinkling	Not Permitted	Not Permitted
Wood Frame	5,000	3,000	Any Area Requires Sprinkling	Not Permitted	Not Permitted

NOTES TO TABLE:

- (1) The word "area" means the area enclosed by exterior or foundation walls, fire walls, or a combination of exterior or foundation walls and fire walls of not less than 2-hour fire rating and all openings are protected with approved automatic or self-closing fire doors.
- (2) The phrase "not permitted" means that buildings of these heights are not permitted for the type of construction indicated.
- (3) The phrase "Sec. 10-High Rise" means that sprinkling is required as provided in Section 10 of these rules and regulations dealing with High Rise Buildings.
- (4) Fire-Resistive Types A and B, Protected Limited-Combustible, Heavy Timber, Ordinary, Unprotected Limited-Combustible, and Wood Frame definitions are located in NFPA 220, Standard on Types of Building Construction.

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.

SECTION 7. Carpeting and Floor Covering

All carpeting and other floor coverings used within the State of West Virginia shall have a flame spread of no more than 75, smoke development factor of no more than 150, by test report from a nationally recognized testing laboratory. This test is the Steiner Tunnel Test in accordance with Standard 255 contained within aforesaid The National Fire Codes. EXCEPTION: Gymnasium floor covering. Maximum flame spread: 75. Maximum smoke factor: 450.

SECTION 8. Maintenance of Fire Hazard; Order for Correcting Condition, Removal of Material, Repair, Demolition, etc.; Order to Contain Notice to Comply and Right to Appeal

Whenever the State Fire Marshal, by and through persons working under his direction, shall determine (based upon the State Fire Code and/or on the experience and knowledge applied in the operation of his office) (1) that any building or structure has been constructed, altered, or repaired in a manner violating the State Fire Code as promulgated prior to the commencement of such construction, alterations, or repairs, or (2) that any building

or structure is being maintained or used in such a way as to endanger life or property from the hazards of fire or explosion, or (3) that any building or other structure or property of any kind, which, for want of repairs, or by reason of its age, dilapidated, or abandoned condition or for any other reason constitutes a fire hazard, and is located or constructed so as to constitute a danger to other buildings, property, persons, life, or limb, or (4) that in any building or upon any premises there is located any combustible, flammable, or explosive substance or material, or other condition dangerous to the safety of persons occupying the building or premises and adjacent premises and property, then the State Fire Marshal shall order such condition or thing to be corrected, or combustible, etc., 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 termed in the alternative, e.g., allowing repair and if not repaired then require demolition. Any such order by the State Fire Marshal which concludes that a fire hazard exists, shall advise what repairs, etc., and/or demolition, must be accomplished, shall advise that compliance therewith shall be completed within thirty (30) days of issuance, shall advise that in the event of noncompliance, the State Fire Marshal is authorized by statute to enter into and upon the premises affected by such

order and cause the building, structure, premises, or thing to be repaired, torn down, materials removed, and all dangerous conditions to be remedied (as the case may be) at the expense of the owner, and shall advise that the subject order can be contested by entering an appeal to the State Fire Commission as outlined in Section 12 of these Rules and Regulations.

SECTION 9. Fire Safety Equipment - Misuse or Abuse

The intentional misuse or abuse by a person(s) of any fire safety equipment, e.g., portable fire extinguishers, fire alarm systems, sprinkler system components, etc., is strictly prohibited and any conduct amounting to such intentional misuse or abuse shall be in violation of these rules and regulations.

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 highest point 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 relative to this subject. EXCEPTION: Industrial occupancies not occupied as business offices.

10.02. Automatic Fire Extinguishing Systems - Any building or structure as defined in 10.01 used for human occupancy

shall have an approved automatic fire extinguishing system throughout the entire building installed in accordance with The National Fire Codes as provided in the Standard 13 thereof.

10.03. Compartmentation - Compartmentation shall be provided in every high rise building to provide areas of refuge for the building's occupants. This may be provided by:

- a. Installation of a horizontal exit dividing a story into two areas of approximately the same size and not exceeding 30,000 square feet.
- b. Sub-dividing the building into 5 story compartments by interrupting the stairshaft with smoke barrier every 5th floor, provided the building exceeds 9 floors, or through the use of smoke-proof enclosures for all stairways, or any other method which will protect against the movement of smoke from one compartment to another.

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. Emergency Audible Communication - Any high rise building or structure used for human occupancy that is seventy-five (75) feet in height or greater measured from the lowest grade level to the highest point of the structure, shall have an approved continuously electrically supervised fire department communication system.

10.06. High Rise Central Control Station - A central control station for Fire Department operations shall be provided in a location approved by the State Fire Marshal or the designated or approved local fire authority. It shall contain the fire department voice communication system panel, fire detection, and alarm system panels, status indicators and controls of air handling systems, a public telephone, and emergency controls.

10.07. Emergency Power - A permanently installed emergency power generation system conforming to Standard 70 of The National Fire Codes shall be provided.

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

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

- a. Fire Alarm System
- b. Exit & Other Emergency Lighting
- c. Fire Protection Equipment
- d. Required Mechanical Ventilation
- e. Fire Department Elevator
- f. Fire Department Communication System

10.08. Smoke Control - Ventilation for the removal of the products of combustion shall be provided in every story meeting nationally recognized standards.

10.09. Concessions - The following concessions can be considered when the high rise building is completely sprinklered throughout:

- (1) Fire resistive time periods may be reduced by one hour in the following assemblies:
  - (a) Interior bearing walls
  - (b) Exterior bearing walls
  - (c) All non-bearing walls
  - (d) Beams & trusses supporting roofs
  - (e) Beams supporting floors and roofs

Example: 3-hour wall reduced to a 2-hour.

No concession can be allowed which would result in the corridor walls having less than 1-hour separation.

## SECTION 11. Fire Alarm Systems

### 11.01. General Requirements for All Occupancies -

- (1) 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.
- (2) Sprinkler System shall be tied in with main alarm system so flow will activate the fire alarm.
- (3) All fire alarm system wiring shall be placed in separate metal conduits or metal raceways and installed in accordance with Standards 70, 72-A, and 72-B of The National Fire Codes. EXCEPTION: Non-metallic conduit will be permitted in building with a fully protected automatic extinguishment system.
- (4) All fire alarm systems including all components (panel, etc.) shall be electrically supervised and also shall be tied in ahead of the main power disconnect, unless secondary power source is required.

(5) All fire alarm systems should be tied into the fire department legally serving that facility or area, subject to acceptance and approval of such a tie-in by the local fire department, or to a control communication center responsible for receiving emergency calls with 24-hour surveillance. EXCEPTION: All institutional occupancies "shall" be tied into a fire department or a communication center.

(6) All heating, air conditioning, ventilation systems greater than 2,000 CFM and less than 15,000 CFM shall have a smoke detector in the return air for direct automatic shut down, to close main dampers and to sound alarm when actuated.

- (a) All heating, air conditioning, ventilation systems greater than 15,000 CFM shall have smoke detectors installed in both supply and return air duct to shut down equipment and sound alarm, 2nd-close main dampers.
- (b) Institutional and high rise buildings' detectors shall be zoned to indicate floor and/or area of origin at the fire alarm annunciator panel.
- (c) 100% utilization of outside air will not require detector in duct intake of outside air.

(7) Sounding devices shall be of such character and so located as to arouse all occupants of the facility or building thereof endangered by fire and shall be different than any other system which utilizes signals for notification other than fire. Visual devices shall be provided in all occupancies as required by The Life Safety Code (NFPA 101). EXCEPTION: All institutional occupancies other than Penal shall have chimes in patient sleeping areas.

(8) Manual pull stations shall be located at all required fire exits with no station greater than 200 feet of each other. Manual pull stations to be of same general operational type. See specific occupancy for additional requirements.

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

- |   |                    |
|---|--------------------|
| (a) Elevator shafts   | r/r (rate of rise) |
| (b) Attic and cockloft spaces   | r/r                |
| (c) Storage Rooms   | r/r                |
| (d) Furnace or boiler rooms   | (Fixed Temp.)      |
| (e) Janitor closets   | r/r                |
| (f) Kitchens & utility rooms  | (Fixed Temp.)      |
| (g) Laboratories, Home Economics,<br>Woodworking Shops, Auto<br>Shops, & Locker rooms | r/r                |

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

(10) Smoke detectors are required in the following areas in all occupancies requiring fire alarm systems:

- (a) Electrical panel rooms
- (b) Corridors which have adjacent sleeping rooms
- (c) Computer, computer tape storage rooms, computer room sub-floor area
- (d) Auditorium stages
- (e) Top of stair enclosures.

Smoke detectors where required shall be placed a maximum of 15 feet from end of corridors and walls and 30 feet on centers. Variance to these requirements must have submission of technical data to support exceeding these distance requirements.

(11) A building or structure being used for more than one occupancy must comply with the fire alarm system requirements of all such occupancies.

(12) All structurally connected buildings shall have one fire alarm system. (Note: Interconnected systems considered one system.)

(13) Having an approved Fire Alarm System will not negate the necessity of satisfying other requirements of the State Fire Code.

(14) All facilities having sleeping accommodations shall be required to have emergency power to the fire alarm system. (Note: Dry-cell batteries not permitted.)

11.02. Requirements for Educational Occupancy -

(1) A fire alarm system is required in all educational occupancies, and such a system must meet the requirements and standards as provided herein. Educational occupancies include all buildings used for the gathering of persons for the purposes of instruction. Educational occupancies include (but are not limited to):

Schools	Academies
Universities	Nursery Schools
Colleges	Kindergartens
Head Start	Libraries

Day Care Facilities (all ages)  
Sheltered Work Shops

(2) The standards and requirements provided for above in this section under General Requirements for All Occupancies 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 other buildings other than educational facilities shall have smoke detectors installed on the ceiling 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) Annunciator panel is to be readily accessible to local fire department personnel if more than one zone is required or provided.

(6) Alarm audible signal shall be of a distinct signal and separate from changing of classes.

(7) R/R Thermal detectors are required in all Rest Rooms. EXCEPTION: Not required if only two, or less, fixtures.

(8) Smoke detectors shall be in all corridors. EXCEPTION: Single-story buildings with direct exiting to the exterior from every room via a door.

#### 11.03. Requirements for Assembly Occupancy -

(1) A fire alarm system is required in all places of assembly, and such a system must meet the requirements as provided herein. Places of assembly include, but are not limited to, all buildings or portions of buildings used for gathering together 50 or more persons. Places of assembly shall include those facilities used for such purposes as deliberation, worship, entertainment, amusement, or awaiting transportation. Assembly occupancies include (but are not limited to):

Theaters  
Motion Picture Theaters  
Assembly Halls  
Exhibition Halls  
Museums  
Skating Rinks  
Gymnasiums  
Bowling Lanes  
Pool Rooms  
Armories  
Mortuary Chapels  
Restaurants

Churches  
Dance Halls  
Club Rooms  
Passenger Facilities,  
terminals of air, surface,  
underground, and marine  
Public transportation  
facilities  
Recreation Piers  
Courthouse  
Conference Rooms  
Broadcasting Studios

Assembly occupancies used for any educational purposes, e.g., kindergarten or early childhood education, shall be classed as an educational facility and the fire alarm requirements provided for Educational Occupancy must be met.

(2) The standards and requirements provided for above in this section under General Requirements for all Occupancies shall be complied with in all assembly occupancies as if herein restated verbatim.

(3) Annunciator panel and/or fire alarm panel are to be readily accessible to Fire Department and inspection personnel.

(4) Movie theaters are required to provide a sounding audible device and a means for alerting the local Fire Department of the alarm is required.

#### 11.04. Requirements for Institutional Occupancy -

(1) A fire alarm system is required in all institutional occupancies, and such a system must meet the requirements and standards as provided herein. Institutional buildings are those used for purposes such as medical or other treatment or care of persons suffering from physical or mental illness, disease,

or infirmity; for the care of infants; convalescents or aged persons; and for penal or corrective purposes. Institutional buildings provide sleeping facilities for the occupants and are occupied by persons who are mostly incapable of self-preservation because of age, physical or mental illness, or because of security measures not under the occupant's control.

(2) The standards and requirements provided for above in section under General Requirements for all Occupancies shall be complied with in all institutional occupancies as if herein restated verbatim.

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

#### GROUPS

- A. Health Care Facilities
  - Hospitals
  - Nursing Homes
  
- B. Residential - Custodial Care
  - Nurseries
  - Home for the Aged (Group Home/Group Residence)
  - Mentally Retarded Care Institutions
  - Detoxification Center or Homes
  
- C. Residential - Restrained Care
  - Penal Institutions
  - Reformatories
  - Jails
  - Detention Homes
  - Group Homes for Juveniles

#### REQUIREMENTS

- A, B, and C (a) Annunciator Panel is to be readily accessible to Fire Department personnel.

- A, B, and C      (b) Electrical Fire Alarm Panel shall be readily accessible to authorized personnel.
- A and B      (c) An approved automatic smoke detection system shall be installed in all corridors of hospitals, nursing homes, and residential-custodial care facilities. Smoke detectors shall be spaced 30 feet on centers and no more than 15 feet from any wall or exit.
- A and B      (d) 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 are in accordance with general requirements.
- A      (e) Hospitals and Nursing Homes fire alarm systems shall have annunciators located at all nurse's stations, the telephone switchboard, and at such other supervised locations from which assistance may be summoned.
- C      (f) Smoke detectors shall be installed in corridors of jail cells. If no corridor exists, the installations shall be at the highest point of the cell area. A metal cage for protection from occupant's abuse is advised and shall not interfere with the operation.
- C      (g) Smoke detectors shall be installed in corridors of reformatories for rehabilitation where sleeping facilities exist. If no corridors are provided, smoke detectors are required in sleeping rooms.

11.05. 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 one in which sleeping accommodations are provided for normal residential purposes and includes all buildings designed to provide sleeping accommodations, but shall not include those buildings classified and used for institutional occupancy.

(2) The standards and requirements provided for above in section under General Requirements for all Occupancies shall be complied with in all residential occupancies as if herein restated verbatim.

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

GROUPS

- A. Hotels/Motels/Lodging or Rooming Houses - 4 or more people.
- B. Apartments.
- C. Dormitories, Orphanages for age 6 years and older
- D. Dwelling units - 12 or more, Town Houses
- E. Group Homes, Halfway Houses

REQUIREMENTS

- A. (Hotels/Motels/Lodging or Rooming and/or Boarding Houses with 4 or more guests)
  - (a) Smoke detectors shall be installed 15 feet prior to any wall and located 30 feet on centers throughout all inside corridors.
  - (b) Manual pull stations shall be located at each stairway exit and elevator lobby with no manual pull stations exceeding 200 feet separations and located inside corridors.

- (c) Motels (single story) shall have manual pull stations every 75 feet on exterior walls. (Minimum requirement shall be at least one.)
- B. (Apartments)
- (a) Apartment buildings having more than 12 units or more than three stories in height shall have a fire alarm system.
  - (b) Apartments up to 12 units in a single building of less than four stories shall in each apartment unit have a self-contained smoke detector in accordance with Standard 74 of The National Fire Codes.
  - (c) Manual pull stations at each floor level located at exits.
  - (d) System-type smoke detector(s) shall be installed in each apartment located prior to entrance to bedrooms. The configuration of rooms will dictate the number of detectors required. This detector(s) is to be tied into a locally supervised alarm system which will alert the management or security personnel of the alarm within. Note: This will not activate the general alarm. (The detectors in apartments may be a separate system for the building to alert apartment personnel of alarm. The corridor smoke detectors, manual pull stations, etc., when activated shall sound general alarm.)
  - (e) Apartment buildings containing more than 12 units or more than three stories in height shall have smoke detectors installed 30 feet on centers and 15 feet from ends of corridors.
- C. (Dormitory)
- (a) Smoke detectors shall be installed in all corridors of sleeping room areas spaced 30 feet on centers and 15 feet from any wall or ends of corridors.
  - (b) All rooms not properly separated from corridors shall have smoke detectors spaced same as C-(a).
- D. (Dwelling Units - 12 or more, Town Houses)
- (a) Same requirements are imposed as for apartments. (Note: 2-hour fire wall between 24 units does not require a fire alarm system except for single station detectors as in Section 11.05(3)B(b).

E. (Group Homes - Halfway Houses)

- (a) Smoke detectors shall be installed in all corridors of sleeping room areas spaced 30 feet on centers and 15 feet from any wall or ends of corridors.
- (b) All rooms not properly separated from corridors shall have smoke detectors spaced same as E-(a).

11.06. Requirements for Mercantile Occupancy -

(1) A fire alarm system is required in all mercantile occupancies over 3,000 square feet, and such system must meet the requirements and standards as provided herein. Mercantile Occupancies include stores, markets, and other rooms, buildings, or structures for the display and sale of merchandise. Included in this occupancy group are:

Class A & B Stores as defined by Life Safety Code

Supermarkets	Drugstores
Department Stores	Auction Rooms
Shopping Centers	Malls

(2) The standards and requirements provided for above in section under General Requirements for all Occupancies will be complied with in all mercantile occupancies as if herein restated verbatim.

(3) Unprotected or undivided attic space, cocklofts, will require thermal detectors throughout.

(4) However, if the mercantile occupancy has a complete and approved sprinkler protection system, a fire alarm system is not required.

11.07. Requirements for Business Occupancy -

(1) A fire alarm system is required in all business occupancies having a combined capacity of 50 or more occupants and such system must comply with the standards and requirements provided for above in this section under General Requirements for all Occupancies.

(2) Business Buildings are those used for the transaction of business (other than that covered under Mercantile), for the keeping of accounts and records, and similar purposes. Included (but not limited to) in this occupancy group are:

Doctors' Offices	Town Halls
Dentists' Offices	Courthouses
City Halls	General Offices

11.08. Requirements for Industrial and Storage Occupancy -

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

SECTION 12. Order or 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 enter an

appeal from such order or decision to the State Fire Commission. Preserving the right to have such an appeal and the manner of proceeding with the resulting contested case shall be governed by the following rules and regulations and by the corresponding state statutes, i.e., West Virginia Code § 29-3-1, et seq., and West Virginia Code, Chapter 29A.

12.01. State Fire Marshal's Order and Decisions are Final and Conclusive - Any order or final written decision of the State Fire Marshal based upon or made in the course of the administration or enforcement of the provisions of Article 3 of Chapter 29 of the official Code of the State of West Virginia, or based upon or made pursuant to these rules and regulations, shall be final and conclusive, unless vacated or modified upon review pursuant to the appeal rights and procedures provided by said statute and these rules and regulations.

12.02. West Virginia Code § 29-3-12(g) and (i) Inquiry and Investigation - The testimony which may be obtained by the State Fire Marshal pursuant to the authority stated in West Virginia Code § 29-3-12(g) and (i) shall be obtained without compliance with the provisions set forth in these Rules and Regulations governing "Procedure in Contested Cases." Where appropriate, a subsequent order by the State Fire Marshal relating to the testimony so obtained shall, the same as any other order by the State Fire Marshal, be subject to the appeal rights provided in West Virginia Code § 29-3-1, et seq.

12.03. Appeal Petition - The appeal petition is to be typewritten, styled "Appeal Petition," and submitted with an original and one (1) copy. It shall be complete in itself so as to fully state the matters contested. No telegram, telephone call, or similar communication will be regarded as an appeal petition. The petition 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 its assignment of errors; (4) the address petitioner desires to have all notices, documents, and the final order mailed to; (5) the telephone number or numbers where petitioner can be contacted; (6) the names and addresses of all persons having any ownership interest in the property which is the subject of the State Fire Marshal's order being contested; (7) a prayer setting forth the relief sought; and (8) the signature of the petitioner or its duly authorized officer.

12.04. Time Requirement and Manner of Filing Appeal Petition - An appeal petition must be personally delivered (by the petitioner or some other person) on or mailed to the State Fire Marshal 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 accomplished]

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.

In accomplishing the filing of the appeal petition, same shall be personally delivered to the office of the State Fire Marshal located in the Capitol Complex at the State Capitol in Charleston, West Virginia, or mailed to the State Fire Marshal, State Capitol Complex, Charleston, West Virginia 25305.

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

12.06. Scheduling Appeal Petition for and Notice of Hearing - The State Fire Commission through its employees or agents 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 short and plain statement of the State Fire Marshal's response, if any, to the appeal petition, and shall specify who is to be the hearing examiner. Said notice shall be mailed (or personally delivered) by the State Fire Commission 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 if more convenient to the State Fire Commission in making a determination on a specific appeal petition at a location within the County where the premises in question are totally or partially located.

12.07. Authorized Representative - The petitioner may appear individually, or by legal counsel. In the absence of the petitioner, written evidence of a representative's authority must be presented to the satisfaction of the State Fire Commission, or the hearing examiner.

12.08. Continuances - Hearings will not be delayed by a motion for continuance, unless it is timely made in writing (or on the record as a part of the transcript of a hearing) and sets forth good and sufficient cause. In considering any motion for continuance the urgency of the situation, as represented by the State Fire Marshal shall be determined and taken into consideration. Conflicting engagements of counsel or the employment of new counsel

will never be regarded as good ground for a continuance, unless set forth in a motion filed promptly after the notice of hearing has been mailed, or unless extenuating circumstances are shown which the State Fire Commission or hearing examiner deems adequate.

12.09. Absence of Petitioner or Counsel at the Scheduled Hearing - The absence of the petitioner or his legal counsel at a hearing, after service of notice of time, place, and date, shall not be the occasion for delay or continuance. The hearing shall proceed and the case be regarded as having been submitted for decision on the part of the absent petitioner or petitioners.

12.10. Hearing Examiner - Any member of the State Fire Commission is authorized to conduct a hearing on an appeal petition, is authorized to issue subpoenas and subpoenas duces tecum, and is otherwise empowered to have full authority in conducting the proceedings on an appeal petition; and, when any such member is so acting he shall be referred to as the hearing examiner. Additionally, the State Fire Commission may authorize and empower an impartial attorney to formally conduct a hearing on an appeal petition and to have the specific powers listed in West Virginia Code § 29A-5-1(d) as well as the general powers accompanying said position, and have all of the aforesaid authority in conducting the proceedings; and likewise, such a lawyer in so acting shall be referred to as the hearing examiner. As a part of the notice of hearing set forth in Section 12.06 above, the hearing examiner shall be specified.

12.11. Subpoenas and Subpoenas Duces Tecum - In all hearings held hereunder, the evidence 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, the same to 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.

All subpoenas and subpoenas duces tecum will be issued in the name of the State Fire Commission, but any party requesting their issuance must see that they are properly served. Service of subpoenas and subpoenas duces tecum issued at the insistence of the State Fire Commission are to be the responsibility of such Commission.

Any person who serves any such subpoena or subpoena duces tecum is entitled to the same fee as sheriffs who serve witness subpoenas for the circuit courts 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, without the request of an interested party, at the insistence of the commission. All such fees related to any subpoena or subpoena duces tecum issued at the insistence of the petitioner or the State Fire Marshal shall be paid by the party who asks that such subpoena or subpoena duces tecum be issued.

All requests for subpoenas and subpoenas duces tecum shall be in writing and shall contain a statement acknowledging that the requesting party agrees to pay the aforesaid fees.

Any person receiving a subpoena or subpoena duces tecum issued hereunder shall honor the same as though it was 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, or the judge thereof in vacation, upon application by the State Fire Commission, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena or subpoena duces tecum issued from such circuit court or a refusal to testify therein.

12.12. Evidence - (1) All witnesses appearing at such hearing shall testify under oath or affirmation. Every 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 (petitioner or the State Fire Marshal) desires to avail itself, shall 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, evidence not admissible thereunder may be admitted, except where precluded by statute or privilege, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

12.13. Record of Proceedings - All of the testimony, evidence, and rulings on admissibility of evidence at any such hearing shall be reported by stenographic notes and characters or by mechanical means and in such a manner that a 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 some useful purpose.

12.14. Informal Disposition - At any stage of the proceedings, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

12.15. Decision by State Fire Commission - After the conclusion of the hearing, the person designated by the State Fire Commission as hearing examiner shall prepare a recommended decision supported by findings of fact and conclusions of law affirming, modifying, or vacating the earlier order or decision of the State Fire Marshal with respect to which said hearing was held, and the State Fire Commission may, thereafter, either accept or reject such recommended decision, and if it shall accept such decision it shall sign the same as its own and if it shall reject 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 their attorney of record, if any, in person or by certified mail, return receipt requested.

12.16. Judicial Review - An appeal may be taken by the petitioner or by the State Fire Marshal to the Circuit Court of

the county where the premises are totally or partially located, if filed within thirty (30) days after the date upon which such party was served with a copy of the final order or decision of the State Fire Commission. The final order signed by the State Fire Commission shall be final and conclusive if the proceedings for judicial review have not been duly instituted within the said thirty (30) day period.

Any party adversely affected by the final judgment of the Circuit Court on an appeal from the State Fire Commission may seek review thereof by appeal to the Supreme Court of Appeals of this State.

#### SECTION 13. Severability

The sections and subsections of these rules and regulations shall be deemed severable. Should any section or subsection be deemed by judicial opinion or legislative enactment to be invalid, 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.