

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 11-13-79

WEST VIRGINIA

STATE FIRE CODE

*obsolete FC
valid Dec 14, 1979 to March 29, 1984*

Rules and Regulations
of the West Virginia
State Fire Commission

State Capitol
Charleston, West Virginia

Dated: June 8, 1979

~~Effective Dates~~
December 14, 1979

Effective Dates:
November 24, 1979

STATE FIRE COMMISSION

Paul Ed Blackwell, Chairman
State Fire Commission

James F. Richmond, Vice-Chairman

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November 12, 1979

Hon. A. James Manchin
Secretary of State
W-151 State Capitol
Charleston, West Virginia 25305

Dear Mr. Manchin:

This is notification of approval of rules and regulations in accordance with Section 11, Article 3, Chapter 29A of the West Virginia Code.

On November 11, 1979, the Legislative Rule-Making Review Committee approved the following regulations:

- (a) Department of Natural Resources - Hunting and Trapping Regulations;
- (b) Water Development Authority - Financing Water Development Projects by Issuance of Revenue Bonds in Conjunction with the Small Business Administration Guarantee of Lease Between Authority and Small Business Concern;
- (c) Board of Investments - Selection of State Depositories for Receipt Accounts;
- (d) Insurance Department
 - (1) Series IX - Replacement of Life Insurance;
 - (2) Series XVI - Examiners Compensation, Qualifications and Classification; and
- (e) State Fire Commission - State Fire Code.

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The copy of the State Fire Code which is enclosed, contains corrections of several typographical errors and nonsubstantive amendments which were not contained in the version originally filed in your office.

Copies of the approved regulations are enclosed.

Very truly yours,

Robert M. Steptoe

Robert M. Steptoe

William E. Shingleton

William E. Shingleton

Enclosures

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 December 14, 1979.

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 21st day of September, 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 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 or institutional 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 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. Every fire incident 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. Reserved

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 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, 470 Atlantic Avenue, Boston, Massachusetts 01120.

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. 494L of the 1979 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. 494L 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.

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

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

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13	Sprinkler Systems, Installation	61C	Feed Mills, Dust Hazards
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13D	Sprinkler Systems, Dwellings	63	Industrial Plants, Dust Explosions
14	Standpipe & Hose Systems	65	Aluminum Processing and Finishing
15	Water Spray Fixed Systems	651	Aluminum or Magnesium Powder
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17	Dry Chemical Systems	654	Plastics Industry, Dust Hazards
18	Wetting Agents	655	Sulfur Fires, Explosions, Prevention
19B	Respiratory Protective Equipment for Fire Fighters	656	Spice Grinding Plants, Dust Hazards
194	Fire Hose Connections	66	Pneumatic Conveying Systems
196	Fire Hose	66A	Woodworking Plants, Dust Hazards
197	Initial Fire Attack, Training Standard on Centrifugal Fire Pumps	69	Explosion Prevention Systems
20	Water Tanks	VOLUME 6	
22	Outside Protection	70	National Electrical Code
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29S	Flammable & Combustible Liquids Code	VOLUME 7	
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36	Solvent Extraction Plants	76	Lighting Protection Code
37	Sta. Combustion Engines & Gas Turbines	79	Electrical Metalworking Machine Tools
38S	Tank Vehicles for Flammable & Combustible Liquids	80	Fire Doors and Windows
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43A	Liquid and Solid Oxidizing Materials	VOLUME 8	
43C	Storage of Gaseous Oxidizing Materials	85D	Fuel Oil-Fired Multiple Burner Boiler-Furnaces
43D	Storage of Pesticides in Portable Containers	85E	Pulverized Coal-Fired Multiple Burner Boiler-Furnaces
44A	Fireworks, Manufacturing, Transportation and Storage	85F	Pulverized Fuel Systems
45	Fire Protection for Laboratories Using Chemicals	85G	Impellers in Multiple Burner Boiler-Furnaces
48	Magnesium, Storage and Handling	86A	Ovens and Furnaces
481	Titanium, Storage, Handling	86B	Industrial Furnaces
490	Ammonium Nitrate Storage	86C	Industrial Furnaces — Special Processing Atmospheres
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 251 Fire Tests, Building Construction & Materials
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 1041 Prof. Qual., Fire Service Instructor
 1123 Fireworks, Public Display
 1221 Public Fire Service Comm.
 1231 Water Supplies for Suburban and Rural Fire Fighting
 1501 Fire Dept. Safety Officer
 1901 Automotive Fire Apparatus
 1921 Fire Department Portable Pumping Units
 1931 Fire Department Ground Ladders
 1971 Protective Clothing for Structural Fire Fighting

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 9 Training Reports and Records
 10L Model Enabling Act, Portable Fire Extinguishers
 13A Sprinkler Systems, Maintenance
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 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
 1904 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 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	AREA IN SQUARE FEET		
			MORE THAN 2 STORIES AND UP TO 40 FEET	MORE THAN 40 FEET	MORE THAN 75 FEET
Fire Resistive Type A	40,000	30,000	10,000	Sec. 10-High Rise	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 that 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 the rules and regulations dealing with High Rise Regulations.
- 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.

EXCEPTION: Homes caring for not more than three patients.

SECTION 7. Carpeting and Floor Covering EFFECTIVE DATE -11-24-79

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

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

SECTION 9. Interference with Fire Protection Equipment

No person shall render any portable or fixed fire extinguishing system or device or any fire warning system inoperative or inaccessible except as may be necessary during emergencies, maintenance, drills or prescribed testing.

SECTION 10. High Rise Buildings - Fire Safety Standards and Requirements

10.01. General - All new buildings or structures more than forty (40) feet in height, measured from the lowest grade level to the 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 - In every new High Rise 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. 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 and valves.

10.07. Emergency Power - A permanently installed emergency power generation system conforming to Standard 70 of The National Fire Codes shall be provided in every high rise building 75 feet in height or greater used for human occupancy.

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 fire resistance rating.

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.

(4) All fire alarm systems including all components 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 duct or plenum 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 area.

(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 shall be of same general operational type. See specific occupancy provisions 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 | Fixed temperature |
| (c) Storage Rooms | r/r (rate of rise) |
| (d) Furnace of boiler rooms | Fixed temperature |
| (e) Janitor closets | r/r (rate of rise) |
| (f) Kitchens & utility rooms | Fixed temperatur |
| (g) Laboratories, Home Economics,
Woodworking Shops, Auto
Shops, & Locker rooms | r/r (rate of rise) |

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 ends of corridors and walls and 30 feet on centers. Variance with these requirements must have submission of technical data to justify 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 are 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) Audible trouble signal of the Fire Alarm System shall be readily available for monitoring.

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

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 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	Secondary & College Libraries

Day Care Facilities (all ages)
Sheltered Work Shops

(2) The 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 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 required or provided.

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

(7) Rate of rise thermal detectors are required in all Rest Rooms, but are not required if there are two or fewer fixtures.

(8) Smoke detectors shall be in all corridors, except in a single-story building 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 every place 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 of 50 or more persons. Places of assembly shall include those facilities used for such purposes as deliberation, worship, entertainment, amusement, or awaiting transportation. Places of assembly 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
Courthouses
Conference Rooms
Broadcasting Studios

A place of assembly used for any educational purposes, e.g., kindergarten, early childhood education, or day care facilities shall be classed as an educational facility and the fire alarm requirements provided for Educational Occupancy must be met.

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

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

(4) A movie theater is 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 every institutional occupancy, 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.

(2) The General Requirements for every Occupancy 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 of Homes
- C. Residential - Restrained Care
 - Penal Institutions
 - Reformatories
 - Jails
 - Detention Homes
 - Group Homes for Juveniles

REQUIREMENTS

- A, B, and C (a) Annunciator Panel or Fire Alarm Panel is to be readily accessible to Fire Department personnel.
- A and B (b) 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 (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 are in accordance with general requirements.
- A (d) 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 (e) 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 (f) 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 General Requirements for every Occupancy 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)
 - (1) Smoke detectors shall be placed a maximum of 15 feet from ends of corridors and walls and located 30 feet on centers throughout all inside corridors.
 - (2) A manual pull station shall be located at each stairway exit and elevator lobby with no manual pull stations exceeding 200 feet separations and located inside corridors.
 - (3) Motels (single story) shall have manual pull stations every 75 feet on exterior walls. (Minimum requirement shall be one.)
- B. (Apartments)
 - (1) Apartment buildings having 12 or more units or more than three stories shall have a fire alarm system.
 - (2) 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.

- (3) A manual pull station at each floor level exit is required.
- (4) A self-contained smoke detector shall be installed in all apartments located at the entrance to the bedrooms. The configuration of rooms will dictate the number of detectors required.
- (5) Apartment buildings containing more than 12 units or more than three stories shall have smoke detectors installed 30 feet on centers and 15 feet from ends of corridors.

C. (Dormitory)

- (1) 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.
- (2) All rooms not properly separated from corridors shall have smoke detectors spaced as provided in B(4).

D. (Dwelling Units - 12 or more, Town Houses)

- (1) Same requirements are imposed as for apartments. (Note: 2-hour fire wall every 12 units does not require a fire alarm system except for single station detectors as in Section 11.05(3)B(2).

E. (Group Homes - Halfway Houses)

- (1) 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.
- (2) All rooms not properly separated from corridors shall have smoke detectors spaced as provided in E(1).

11.06. 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

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 General Requirements for all Occupancies will be complied with in all mercantile occupancies as if herein restated verbatim..

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

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

11.07. Requirements for Business Occupancy -

(1) A fire alarm system is required in every business occupancy having a combined capacity of 50 or more occupants and such system must comply with the General Requirements for all Occupancies.

(2) Business Buildings are those used for the transaction of business, other than those 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 of Decision of the State Fire Marshal; and Appeals and Procedure for Appeals from such Orders or Decisions

Any person aggrieved by an order or final written decision of the State Fire Marshal based upon or made in the course of the administration or enforcement of the provisions of Article 3 of Chapter 29 of the Official Code of the State of West Virginia or based upon or made pursuant to these rules and regulations, and desiring to contest such order or decision may file an appeal from such order or written decision with the State Fire Commission. Preserving the right to have such an appeal and the manner of proceeding with the resulting contested case shall be governed by the following rules and regulations and by the corresponding state statutes, i.e., West Virginia Code 29-3-1, et seq., and West Virginia Code, Chapter 29A.

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

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

12.03. Appeal Petition - The appeal petition is to be 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 his assignment of errors; (4) the address petitioner desires to have all notices, documents, and the final order mailed to; (5) the telephone number or numbers where petitioner can be contacted; (6) the names and addresses of all persons having any ownership interest in the property which is the subject of the State Fire Marshal's order

being contested; (7) a prayer setting forth the relief sought; and (8) the signature of the petitioner or its duly authorized officer.

12.04. Time Requirement and Manner of Filing Appeal Petition - An appeal petition must be personally delivered or mailed to the State Fire 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 made of the order or decision being contested. Any appeal petition that is mailed shall be by certified mail, return receipt requested, and shall be considered timely if postmarked within the said thirty (30) day period. Any appeal petition not delivered or mailed as aforesaid within said thirty (30) day period shall not be timely filed and the order or decision of the State Fire Marshal being contested by the untimely appeal petition shall be final and conclusive.

12.05. Copy of Appeal Petition to State Fire Commission - Upon receipt of an appeal petition, the State Fire 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 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 Commission no later than thrity (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 Commission at a location within the County where the premises in question are totally or partially located.

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

12.08. Continuances - A motion for continuance will not be granted unless made three days before the hearing in writing, or during the hearing, in either case for good and sufficient cause. Upon consideration of a motion for continuance, the urgency of the situation shall be determined and taken into consideration. Conflicting engagements of counsel or the employment of new counsel will not be regarded as good ground for a continuance, unless set forth in a motion filed promptly after the notice of hearing has been mailed, or unless extenuating circumstances are shown, which the State Fire Commission or hearing examiner deems adequate.

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

12.10. Hearing Examiner - Any member of the State Fire Commission may conduct a hearing on an appeal petition, issue subpoenas and subpoenas duces tecum, and shall have full authority to conduct the proceedings on an appeal petition, and, when so acting shall be referred to as the hearing examiner. Alternatively, the State Fire Commission may authorize and empower an impartial attorney as a hearing examiner with the specific powers listed in West Virginia Code 29A-5-1(d).

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

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

12.12 Evidence - (1) All witnesses appearing at such hearing shall testify under oath or affirmation. Every adverse party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

(2) All relevant and material evidence, including papers, records, agency staff memoranda and documents in the possession of the State Fire Commission or the State Fire Marshal of which either party desires to avail himself, may be offered and made a part of the record in the case, notwithstanding admissibility objections which might be validly asserted in a court of law.

(3) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Except as otherwise herein stated, the rules of evidence as applied in civil cases in the circuit courts of this State shall be followed in considering what evidence shall be admitted. However, when necessary to ascertain facts not reasonably susceptible of proof under those rules, reasonably authenticated evidence not admissible thereunder may be admitted, except where precluded by statute or privilege, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

12.13. Record of Proceedings - All of the testimony, evidence, and rulings on admissibility of evidence at any such hearing shall be reported by stenographic notes and characters or by mechanical means and in such a manner that an accurate transcript of the testimony may be prepared. An official record of the hearing will be prepared by the State Fire Commission, but a transcript, as aforesaid, need not be prepared by the State Fire Commission unless it be required for an appeal.

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

12.15. Decision by State Fire Commission - Upon the conclusion of the hearing, the person designated by the State Fire Commission as hearing examiner shall prepare a recommended decision supported by findings of fact and conclusions of law affirming, modifying, or vacating the earlier order or decision of the State Fire Marshal with respect to which said hearing was held, and the State Fire Commission may, thereafter, either accept, modify, or reject such recommended decision, if it shall accept such decision it shall sign the same as its own; if it shall reject or modify the same, it shall prepare a written decision setting forth findings of facts and conclusions of law. In either event, the order signed by the State Fire Commission shall be final unless vacated or modified upon judicial review thereof. A copy of said order shall be served upon each party to the hearing and his attorney of record, if any, in person or by certified mail, return receipt requested.

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

SECTION 13. Severability

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