

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA
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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: State Building Code

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

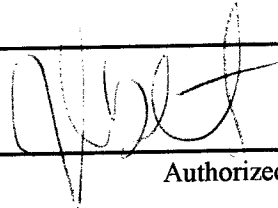
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4081

SECTION 64-6-2, PASSED ON March 11, 2010

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE

FOLLOWING DATE: July 1, 2010


Authorized Signature

FILED

TITLE 87
LEGISLATIVE RULE
STATE FIRE COMMISSION

2010 APR 26 PM 2:40

SERIES 4
STATE BUILDING CODE

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§87-4-1. General.

1.1. Scope -- This rule establishes the standards considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure compliance with the minimum standards of safe construction of all structures erected or renovated throughout this state.

1.2. Authority. -- W. Va. Code 29-3-5b.

1.3. Filing Date. -- April 26, 2010

1.4. Effective Date. -- July 1, 2010

1.5. Incorporation of other Documents: This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Subsection 4.1 of this rule. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

§87-4-2. Definitions.

2.1. "ANSI" means "American National Standards Institute, 25 West 43rd St., Fourth Floor, New York, NY 10036.

2.2. "ASTM" means American Society of Testing and Materials.

2.3. "Fire Commission" - means the thirteen (13) appointed members of the West Virginia State Fire Commission.

2.4. "Fire marshal" - means the West Virginia State Fire Marshal and/or his or her designated representatives.

2.5. "Local jurisdiction" - means municipal or county level government.

2.6. "ICC" or "International" means "International Code Council", 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401.

2.7. "NFPA" means "National Fire Protection Association", 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9101.

2.8. "State Building Code" - means the entire contents of this rule and the referenced national standards and codes.

2.9. "State Fire Code" means the entire contents of State Fire Commission, State Fire Code, 87CSR1, and the referenced standards and codes.

§87-4-3. Conflicts.

3.1. Whenever there is a conflict between the State Fire Code and the State Building Code, the State Fire Code takes precedence.

3.2. Whenever there is a conflict between the International Plumbing Code requirements of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources take precedence.

3.3. Whenever there is a conflict between the State Building Code and statutory laws of the State of West Virginia, the laws of the State of West Virginia take precedence.

§87-4-4. National Standards and Codes.

4.1 The standards and requirements as set out and as published by the International Code Council, and American National Standards Institute, and the National Fire Protection

Association as listed in this subsection, have the same force and effect as if set out verbatim in this rule.

4.1.1. The 2009 edition, International Building Code, First Printing, with the following exceptions:

4.1.1.A. Provided; that the section entitled "Fire Prevention" and identified as Section 101.4.5 is deleted and not considered to be a part of this rule.

4.1.1.B. Further provided that the entire section entitled "Board of Appeals" and identified as Section 113 is deleted and replaced with the following:

Section 113 Board of Appeals

113.3 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work.

4.1.2. The 2009 edition of the International Plumbing Code, First Printing.

4.1.3. The 2009 edition of the International Mechanical Code, First Printing.

4.1.4. The 2009 edition of the International Fuel Gas Code, First Printing, with the following exception:

Section 404.10 Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.5. The 2009 edition of the International Property Maintenance Code, First Printing. This Code may be rejected at the option of the local jurisdiction.

4.1.5.A. This code may be adopted by the local jurisdiction without requiring adoption of the other national codes and standards listed in this section.

4.1.6. The 2003 edition of the International Energy Conservation Code, Fifth Printing.

4.1.7. The 2009 edition of the International Residential Code for One and Two Family Dwellings, First Printing, with the following exceptions:

Section G2415.10 (404.10) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

Section R303.6.1 Light Activation – The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any steps. The illumination of exterior stairways shall be controlled from inside the dwelling unit. Exceptions: 1. Lights that are continuously illuminated or automatically controlled. 2. Interior stairways consisting of less than three steps.

Section R 311.3.1 Landings at doors – Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door.

Section R311.7.4 Stair Treads and Risers

311.7.4.1 Riser Heights – The maximum riser height shall be eight and one-quarter (8 ¼) inches.

311.7.4.2 Tread Depth – The minimum tread depth shall be nine (9) inches.

Section R313: Automatic Fire Sprinkler Systems, in its entirety, is specifically excluded from the scope of this rule series.

Section R403.1.7.1: Building Clearances From Ascending Slopes is not applicable to this rule.

Section R403.1.7.2: Footings Setbacks From Descending Slope Surfaces is not applicable to this rule.

4.1.8. The 2003 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities, First Printing.

4.1.9. The 2009 International Existing Building Code, First Printing, with the following exception:

4.1.9.A. Omit reference to International Fire Code and substitute NFPA Life Safety Code 2009 Edition.

4.1.10 The 2008 edition of the National Electric Code, NFPA 70.

§87-4-5. Exceptions.

The following structures are not subject to inspection by local jurisdictions:

Group U utility structures and storage sheds comprising an area not more than 150 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

§87-4-6. Availability of Code Books.

A copy of the codes listed in Subsection 4.1 of this rule have been filed with the Secretary of State. These code books,

4.1.7.A. Chapter 11 of the 2009 edition of the International Residential Code for One and Two Family Dwellings, Seventh Printing, entitled "Energy Efficiency", is deleted and not considered to be a part of this rule.

collectively or separately, may be obtained by contacting the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, 1-888-422-7233, or the ICC Store, 1-800-786-4452.

§87-4-7. Adoption by Local Jurisdiction.

7.1. Each local jurisdiction adopting the State Building Code shall notify the State Fire Commission in writing. The local jurisdiction shall send a copy of the ordinance or order to the State Fire Marshal, West Virginia State Fire Commission, 1207 Quarrier Street, 2nd floor, Charleston, West Virginia 25301, within thirty (30) days of adoption.

7.2. Each local jurisdiction which adopts the State Building Code is responsible for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

7.3. Throughout the national codes, adopted in subsection 4.1 of this rule, there are discretionary provisions or amendments which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. The appendices are not a part of the code and must also be adopted by the local jurisdiction to be enforceable. It is therefore the intent of this rule to further authorize each local jurisdiction to further complete, by order or ordinance, those respective areas which are indicated to be completed by the adopting "jurisdiction" and any of the appendices the local jurisdiction wishes to adopt.

7.4. Within the penalty sections of each of the national codes, adopted in Section 4.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of this rule is optional with each adopting local jurisdiction.

7.5. Each of the national codes adopted in subsection 4.1 of this rule provides for a separate appeals board. However, the intent and requirements for an appeal board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

§87-4-8. Existing Building Codes.

8.1. All building codes which have been adopted by local jurisdictions prior to the passage of West Virginia Code 29-3-5b, in 1988, are null and void.