




**WEST VIRGINIA**  
**STATE BUILDING CODE**

**"AGENCY APPROVED RULE"**

Rules  
Of the West Virginia  
State Fire Commission

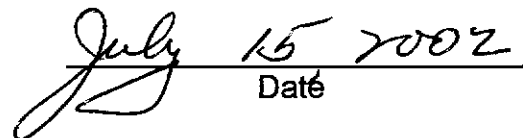
Approved by Secretary, Department of Military Affairs and Public Safety

  
\_\_\_\_\_

  
\_\_\_\_\_ Date

Approved by State Fire Commission

  
\_\_\_\_\_

  
\_\_\_\_\_ Date

STATE FIRE COMMISSION  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: July 15, 2002

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* West Virginia State Fire Commission  
1207 Quarrier Street, 2nd Floor  
Charleston, WV 25301  
304-558-2191

LEGISLATIVE RULE TITLE: STATE BUILDING CODE

1. Authorizing statute(s) citation 29-3-5b

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
April 5, 2002

b. What other notice, including advertising, did you give of the hearing?  
Notice was sent to all newspapers, radio & Tv stations per attached listing.  
Also was sent to various associations, organizations, groups, local jurisdictions of record that  
had formally adopted and notified the Fire Commission, etc with a vested interest in the  
revisions to the State Building Code per attached listings,

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
June 7, 2002

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons  
for amendments.

Attached XXXXXXX No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 19, 2002

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- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Arnett B. Corley, Jr. Administrative Assistant to State Fire Marshal

1207 Quarrier Street, 2nd Floor

Charleston, WV 25301

304-558-2191

304-558-2537 FAX

acorley@wvfiremarshal.org

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- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Francis A. Guffey, II State Fire Commissioner

Chairman, Building Code Committee

165 Lake Shore Drive

Cross Lanes, WV 25313

304-776-4915

304-776-6213 FAX

fgcode@aol.com

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

May 6, 2002

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to receive any comments with regard to the contents of the rule and if the rule should be amended as proposed and promulgated by the Fire Commission

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b. Date of hearing or comment period:

June 7, 2002

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

July 19, 2002

d. Attach findings and determinations and reasons:

Attached public hearing transcript, list of those who attended, response to comment



## The Department of Military Affairs and Public Safety

Bob Wise, Governor

Joe Martin., Cabinet Secretary

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

### **STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191

Fax: (304) 558-2537

#### Summary of Rule:

The "State Building Code" establishes the standard for the construction of various buildings throughout West Virginia.

In order to maintain "uniform" standards of construction state wide, local jurisdictions are authorized to adopt and enforce the "State Building Code", no other building codes are authorized.

#### Statement of Circumstances

West Virginia State Code 29-3-5b authorizes the State Fire Commission to promulgate a State Building Code based on nationally recognized standards.

This rule was last updated in 1997 the BOCA 1996 edition and related codes.

This revision will adopt the IBC 2000 and related codes to the state of the art and industry standards.

□  
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: STATE BUILDING CODE

Type of Rule: XXXX Legislative    \_\_\_\_\_ Interpretive    \_\_\_\_\_ Procedural

Agency: STATE FIRE COMMISSION

Address: 1207 Quarrier Street, Suite 202, Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	0	0	10,000	10,000	10,000
<b>PERSONAL SERVICES</b>	0	0	5,000	5,000	5,000
<b>CURRENT EXPENSE</b>	0	0	5,000	5,000	5,000
<b>REPAIRS &amp; ALTERATIONS</b>	0	0	0	0	0
<b>EQUIPMENT</b>	0	0	0	0	0
<b>OTHER</b>	0	0	0	0	0

2. Explanation of Above Estimates:

Personnel time and benefits for response to building code matters, maintain records, assist local jurisdictions with questions and proper manner to adopt code at local level, as well as for cost to conduct hearings on building code matter that require court reporter.

3. Objectives of These Rules:

To upgrade the existing State Building Code references of the BOCA codes to the ICC 2000 codes.

Rule Title: STATE BUILDING CODE

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

We expect no increase in costs to this agency to administer the state code than is estimated in Item 1 on the previous page. We have no method or data that would provide an estimate of the impact of these rules on other elements of state government.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

A uniform state wide building code provides a level playing field for those in the design and construction of buildings throughout the state.

C. Economic Impact on Citizens/Public at Large.

Where local jurisdictions have adopted the State Building Code, provides the consumer/citizen with some assurance that building construction is done to the latest state-of-the art technology for safety and efficiency.

Date: October 15, 2001

Signature of Agency Head or Authorized Representative:



TITLE 87  
LEGISLATIVE RULE  
STATE FIRE COMMISSION  
SERIES 4  
STATE BUILDING CODE

FILED  
2002 JUL 19 A 9:56  
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 the quality of construction of all structures erected or renovated throughout this state.

1.2 Authority: West Virginia Code 29-3-5b

1.3 Filing Date: ~~April 6, 1998~~

1.4 Effective Date: ~~May 1, 1998~~

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 Section 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 "Building code" - includes all aspects of safe building construction and mechanical operations and all safety aspects related to building construction and mechanical operations.

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

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

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

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

2.6 "BOCA" - refers to the "Building Officials & Code Administrators International", 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.

2.7 "CABO" - refers to the "Council of American Building Officials", 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041.

2.8 "ICC" or "International" means "International Code Council", 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401.

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

2.10 "ANSI" means "American National Standards Institute, 11 West 42<sup>nd</sup> St., New York, NY 10036.

#### 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 ~~BOCA International Plumbing Code~~ section 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 takes precedence.

3.3 Whenever there is a conflict between the "state building code" and statutory laws of the State of West Virginia, the West Virginia Code takes precedence.

#### 87-4-4 NATIONAL STANDARDS AND CODES

4.1 The standards and requirements as set out and as published by the ~~Building Officials & Code Administrators International and the Council of American Building Officials International Code Council, and American Standards Institute~~, as listed below, have the same force and effect as if set out verbatim in this rule: EXCEPTIONS: Change any and all references to *ICC Electrical Code* to *NFPA 70, National Electric Code/1999*.

The BOCA International Building Code, Thirteenth First Edition, 1996-2000

Provided; that the section entitled "Fire Prevention" and identified as Section 101.4.6 is deleted and not considered to be a part of this rule.

Further provided that the section entitled "Duties and Powers of Building Official" and identified as Section 104.1 General is modified to read as follows:

~~"The building official is hereby authorized and directed to~~ shall enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code."

Further provided that the entire section entitled "Board of Appeals" and identified as Section 112 is deleted and replaced with the following:

112.1 Appeals Board: The current State Building Code establishes stringent qualifications for appeals board members. The 1996 BOCA National Building Code, Section 121.2.1 reads "The board of appeals shall consist of five individuals, one from each of the following professions or disciplines, with three forming a quorum at any appeal hearing.

1. Registered design professional who is a registered architect, or a builder or superintendent of building construction with at least ten years experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years experience, five of which shall have been in responsible charge of work.

4. Registered design professional with electrical engineering experience; or an electrical contractor with at least ten years experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years experience, five of which shall have been in responsible charge of work.

112.2 Time of Appeal: ~~The Appeals Board shall render a decision within 30 days of receipt of the appeal.~~

~~The BOCA International Plumbing Code, First Edition, 1995-2000~~

~~The BOCA International Mechanical Code, First Edition, 1996-2000~~

~~International Fuel Gas Code, First Edition, 2000~~

~~The BOCA International Property Maintenance Code, Fifth First Edition, 1996-2000.~~

~~This Code may be rejected at the option of the local jurisdiction.~~

~~The BOCA International Energy Conservation Code, Seventh First Edition, 1993 2000.~~

~~International Residential Code, First Edition, 2000.~~

EXCEPTIONS:

Section R303.4.1 Light Activation – CHANGE TO: 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 R312.1.1 Landings at doors – CHANGE FIRST EXCEPTION TO: 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 R314.2 Stair Geometry – MAINTAIN: CABO One & Two Family Dwelling Code/1995 dimensions; maximum riser height of eight and one quarter (8 ¼) inches, minimum tread depth on nine (9) inches.

Section R315.1 Handrails – CHANGE TO: Handrails shall be provided on at least one side of stairways consisting of three or more risers. Handrails shall have a minimum height of 34 inches (864 mm) and a maximum height of 38 inches (96 mm) measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel posts or safety terminals. A minimum clear space of 1 ½ inches (38 mm) shall be provided between the wall and the handrail.

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

Section R403.1.7.1: Footings Setbacks From Descending Slope Surfaces is not applicable to this rule.

Section R403.3 Frost Protected Shallow Foundations – ADD TO: Frost protected shallow foundations shall not be used for unheated spaces such as porches, utility rooms, garages and carports, and shall not be attached to basements or crawl spaces that are not maintained at a minimum monthly mean temperature of 64 degrees F (18C). (Strike out two exceptions)

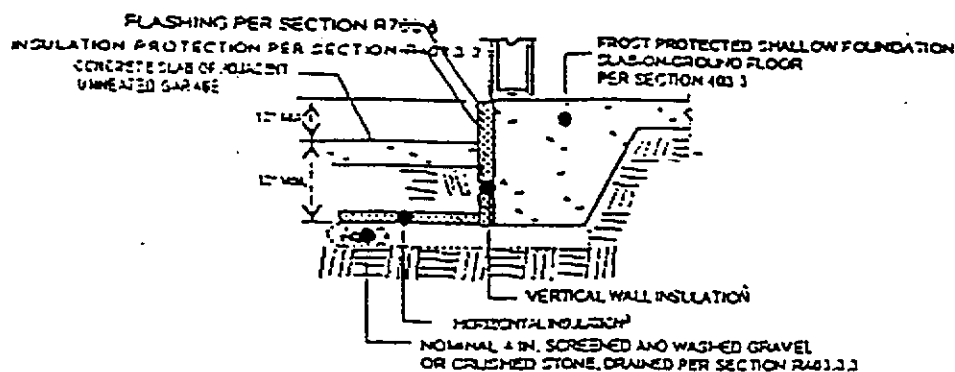
ADD NEW SECTIONS: R403.3.1.1 Foundations adjoining frost protected shallow foundations. Foundations that adjoin frost protected shallow foundations shall be protected from frost in accordance with Section R403.1.4.

R403.3.1.2 Attachment to unheated garage. Vertical wall insulation and horizontal insulation of frost protected shallow foundations that adjoin a Garage that does not have a monthly mean temperature maintained at a minimum of 64 degrees F (18 C), shall be in accordance with Figure R403.3(3) and Table R403.3. Vertical wall insulation shall extend between the frost protected shallow foundation and the adjoining slab foundation. Required horizontal insulation shall be continuous under the adjoining slab foundation and through any foundation walls adjoining the frost protected shallow foundation.

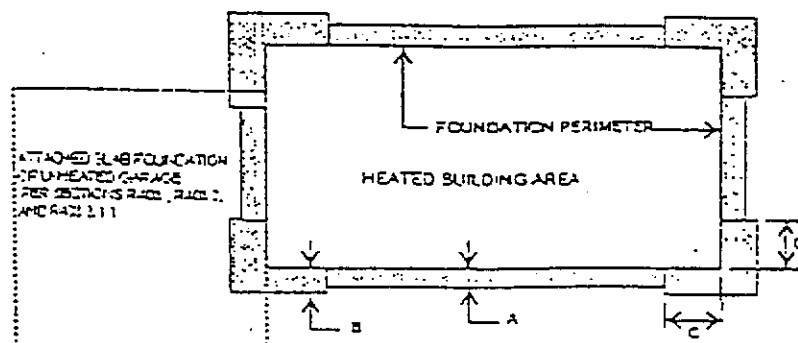
R403.3.1.3 Attachment to heated structure. Where a frost protected shallow foundation abuts a structure that has a monthly mean temperature maintained at a minimum of 64 degrees F (18 C), horizontal insulation and vertical wall insulation shall not be required between the frost protected shallow foundation abuts the heated structure, the horizontal insulation and vertical wall insulation shall extend along the adjoining foundation in accordance with Figure R 403.3(4) a distance of not less than Dimension A in Table R403.3.,

Exception: Where the frost protected shallow foundation abuts the heated structure to form an inside corner, insulation extending along the adjoining foundation is not required.

INSULATION DETAIL



HORIZONTAL INSULATION PLAN



For SI: 1 inch = 25.4 mm

a. See Table R403.3 for required dimensions and R-values for vertical and horizontal insulation.

FIGURE R403.3(3)  
INSULATION PLACEMENT FOR FROST-PROTECTED FOOTINGS ADJACENT TO UNHEATED GARAGE

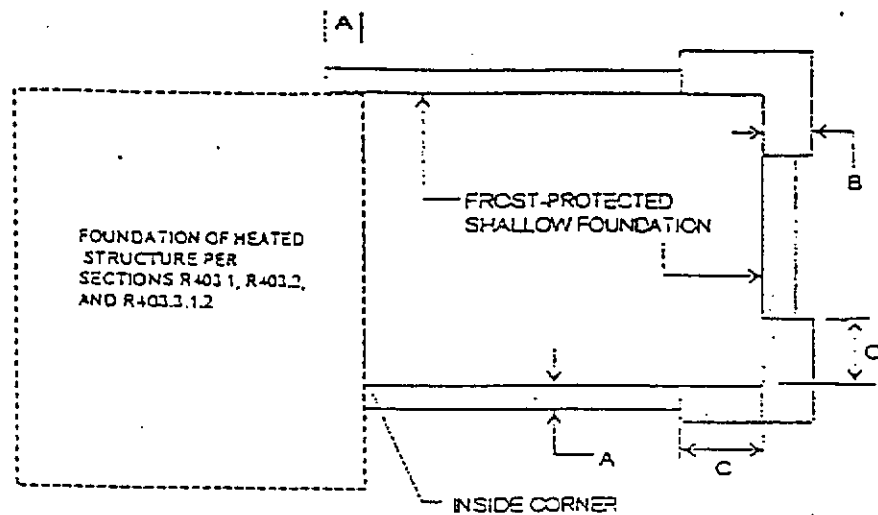


FIGURE R403.3(4)  
INSULATION PLACEMENT FOR FROST-PROTECTED FOOTINGS ADJACENT TO  
HEATED STRUCTURE

FIGURE R403.3(4)  
INSULATION PLACEMENT FOR FROST-PROTECTED FOOTINGS ADJACENT TO  
HEATED STRUCTURE

R5502.3.3 Floor cantilevers. ADD NEW SECTION: Floor cantilever spans shall not exceed the nominal depth of the wood floor joist. Floor cantilevers constructed in accordance with Table R502.3.3 shall be permitted when supporting a light-frame bearing wall and roof only. The ratio of backspan to cantilever span shall be at least 3 to 1.

Table R502.3.3 ADD NEW TABLE (attached)

**TABLE R502.3.3**  
**CANTILEVER SPANS FOR FLOOR JOISTS**  
**SUPPORTING LIGHT-FRAME EXTERIOR BEARING WALL AND ROOF ONLY<sup>a, b, c, f, g, h</sup>**  
 (Floor Live Load  $\leq$  40 psf, Roof Live Load  $\leq$  20 psf)

Member & Spacing	Maximum Cantilever Span (Uplift Force at Backspan Support in Lbs.) <sup>d, e</sup>											
	$\leq$ 20 psf						Ground Snow Load					
	Roof Width		30 psf		50 psf		70 psf		Roof Width		Roof Width	
	24 ft.	40 ft.	24 ft.	40 ft.	24 ft.	40 ft.	24 ft.	40 ft.	24 ft.	40 ft.	24 ft.	40 ft.
2 x 8 @ 12"	20" (177)	15" (227)	10" (209)	10" (354)	20" (375)	20" (375)	20" (375)	20" (375)	20" (375)	20" (375)	20" (375)	20" (375)
2 x 10 @ 16"	29" (220)	21" (297)	16" (364)	16" (324)	26" (277)	26" (277)	26" (277)	26" (277)	26" (277)	26" (277)	26" (277)	26" (277)
2 x 10 @ 12"	36" (166)	26" (219)	20" (270)	22" (263)	29" (367)	29" (367)	29" (367)	29" (367)	29" (367)	29" (367)	29" (367)	29" (367)
2 x 12 @ 16"		32" (287)	25" (356)	21" (428)	29" (345)	29" (345)	29" (345)	29" (345)	29" (345)	29" (345)	29" (345)	29" (345)
2 x 12 @ 12"		42" (209)	31" (263)	27" (317)	37" (253)	36" (271)	36" (271)	36" (271)	36" (271)	36" (271)	36" (271)	36" (271)
2 x 12 @ 8"		48" (136)	45" (169)	30" (206)	48" (164)	40" (233)	40" (233)	40" (233)	40" (233)	40" (233)	40" (233)	40" (233)

For SI: 1 in. = 25.4 mm, 1 psf = 0.0479 kN/m<sup>2</sup>

**Notes:**

- Tabulated values are for clear-span roof supported solely by exterior bearing walls.
- Spans are based on No. 2 Grade lumber of douglas fir-larch, hem-fir, southern pine, and spruce-pine-fir for repetitive (3 or more) members.
- Ratio of backspan to cantilever span shall be at least 3:1.
- Connections capable of resisting the indicated uplift force shall be provided at the backspan support.
- Uplift force is for a backspan to cantilever span ratio of 3:1. Tabulated uplift values are permitted to be reduced by multiplying by a factor equal to 3 divided by the actual backspan ratio provided (3/backspan ratio).
- See Section R301.2.2.7.1 for additional limitations on cantilevered floor joists for detached one- and two-family dwellings in Seismic Design Categories D1 and D2.
- A full-depth rim joist shall be provided at the cantilevered end of the joists.
- Linear interpolation shall be permitted for building widths and ground snow loads other than shown.

Chapter 11: Replace Entire Chapter  
Part IV – Energy Conservation

Chapter 11  
Energy Efficiency

Section N1101

N1101.1 Performance Objective

To provide cost-effective, energy-related requirements for design and construction of the building thermal envelope and heating-ventilating-air conditioning (HVAC) systems for one- and two-family dwellings.

N1101.2 Building Thermal Envelope

The minimum required installed R-value or maximum required U-value for all elements in the building thermal envelope (fenestration, roof/ceiling, opaque wall, floor, slab edge, crawl space wall, and basement wall) shall be determined by Table N1101, based on the building type and the climate zone where the building is located. Alternative compliance based on heat loss/gain calculations or systems analysis shall comply with Section N1101.

TABLE N1101  
PRESCRIPTIVE BUILDING ENVELOPE REQUIREMENTS

BUILDING LOCATION		MAXIMUM U-VALUE	MINIMUM INSULATION						
ZONE	HDD	FENESTRATION	ROOF/CEILING	FRAME WALLS	MASS WALLS	FLOOR OVER OUTDOOR AIR OR UNCONDITIONED SPACE	SLAB EDGE WIDTH/DEPTH	CRAWL SPACE WALL	BASEMENT WALL
1	0-1,499	ANY	R-19	R-11	R-4	R-11	R-0	R-0	R-0
2	1,500 - 2,999	0.90	R-22	R-13	R-5	R-13	R-0	R-4	R-0
3	3,000-3,999	0.75	R-26	R-13	R-6	R-13	R-4, 2 FT	R-5	R-0
4	4,000-4,999	0.65	R-26	R-13	R-7	R-13	R-4 2 FT	R-8	R-4
5	5,000-6,999	0.55	R-30	R-13	R-8	R-19	R-4, 2 FT	R-8	R-4
6	7,000-8,999	0.45	R-30	R-13	R-8	R-19	R-5, 2 FT.	R-8	R-8
7	9,000-12,999	0.40	R-38	R-19	R-14	R-19	R-8, 4 FT.	R-10	R-8

NOTES:

1. Building envelopes must also meet air infiltration requirements of Section N1101.
2. Insulation materials shall be installed in accordance with manufacturers instructions.
3. The sum of the R-values of cavity insulation and sheathing shall be used to determine the installed R-value.
4. For slabs that incorporate heating ducts or pipes in climates above 1,000 HDD, add R-2 to the table values.
5. The required R-value shall extend down to design frost depth in Zones 4 and 5, and down to the basement floor in zones 6 and 7.

N1101.3 Floors

N1101.3.1 Floors Over Outdoor Air or Unconditioned Areas – Floors over outdoor air or unconditioned areas shall meet the minimum R-value for Floor Over Outdoor Air or Unconditioned Space in Table N1101, based on the climate zone where the building is located.

N1101.3.2 Slabs-on-Ground – Slabs-on-ground, or slabs 12 inches or less below finished grade, shall meet the minimum R-value and depth/width dimension for Slab Edge in Table N1101, based on the climate zone where the building is located. The required R-value shall be applied to the exterior or interior of the foundation wall. Exterior insulation shall extend downward from the top of the slab and/or horizontally outward until the distance indicated in Table N1101 is reached. Interior insulation shall extend from the top of the slab downward and/or horizontally inward until the distance indicated in Table N1101 is reached. All horizontal insulation extending outward from the slab shall be covered by at least 10 inches of soil. The top edge of insulation installed between the exterior wall and the interior slab shall be permitted to be cut at a 45° angle to allow the concrete surface to extend to the wall. Slab edge insulation shall not be required in areas of “very heavy” termite infestation probability, in accordance with the Termite infestation Probability Map in Appendix A.

N1101.4 WALLS

N1101.4.1 Wall Insulation – Opaque walls and band joists exposed to outside air or to unconditioned space shall meet the minimum R-value for Frame Wall or Mass Wall in Table N1101, based on the wall type and the climate zone where the building is located. For Frame walls, the sum of the R-values of cavity insulation and insulated sheathing shall be used to determine the installed R-value. Walls exposed to unconditioned space shall have an R-value of R-13 when the minimum required R-value for the wall type in Table N1101 exceeds R-13.

N1101.4.2 Wood Frame Walls – Where insulated sheathing is used on wood frame walls in areas not otherwise required to have structural sheathing, the entire opaque wall shall be considered to be covered with the insulated sheathing for purposes of determining compliance with the minimum R-value for Frame Wall in Table N1101.

N1101.4.3 Steel Frame Walls – When steel framing is used, insulated sheathing with an R-value not less than R-2.5 in Zones 3 and 4 (3,000 – 4,999 HDD), R-5 in Zone 5 (5,000 – 6,999 HDD) and R-10 in Zones 6 and 7 (7,000 – 12,999 HDD) shall be installed in addition to the minimum required R-value for Frame Wall in Table N1101.

N1101.4.4 Mass Walls – Masonry or concrete walls having a mass greater than or equal to 30 pounds per cubic foot (pcf), solid wall walls having a mass greater than or equal to 20 pcf, and any other walls having a heat capacity greater than or equal to 6 Btu/ftY 2° shall be considered mass walls. Mass walls with exterior insulation or mass walls with integral insulation (insulation and mass mixed, such as log walls) shall be permitted to meet the Mass Wall criteria in Table N1101 based on the building type and the climate zone where the building is located. The R-value of mass walls with integral insulation shall be based on consideration of all elements of the wall assembly. Other mass walls shall meet the frame wall criteria for the building type and the climate zone where the building is located, based on the sum of the R-values of interior and exterior insulation.

N1101.4.5 Crawl Space Walls – All walls enclosing crawl spaces where the floor above the crawl space is not insulated in accordance with Table N1101 shall meet the minimum R-value for Crawl Space Wall in Table N1101, based on the climate zone where the building is located. The required R-value shall be applied to the inside or outside of the crawl space wall. The insulation shall extend downward from the sill plate to the level of the inside ground surface.

N1101.4.6 Basement Walls – All basement walls enclosing conditioned space shall meet the minimum R-value for Basement Wall in Table N1101, based on the climate zone where the building is located. The required R-value shall be applied on the inside or outside of the basement wall from the sill plate down to the design frost depth in Climate Zones 4 and 5, and to the basement floor in Zones 6 and 7. Buildings having basement walls with a maximum average exposure not greater than 12 inches above the adjacent grade, and having high efficiency equipment meeting the requirements specified in Table N1101.4.6 based on the climate zone where the building is located, are not required to meet the minimum R-value for Basement Wall in Table N1101.

**TABLE N1101.4.6**  
**EQUIPMENT TRADE-OFF FOR BASEMENT WALL INSULATION**

BUILDING LOCATION		GAS FURNACE WITH CENTRAL AIR CONDITIONING	AIR SOURCE HEAT PUMP
Zone	HDD	Minimum AFUE	Minimum HSPF
1-3	0-3,999	---	---
4-5	4,000 – 6,999	88	7.8
6-7	7,000 – 12,999	90	8.0

N1101.4.5 Masonry Veneer – When insulation is placed on the exterior of a slab edge, crawl space wall, or basement wall supporting masonry veneer, the horizontal surface supporting the veneer shall not be required to be insulated.

N1101.4.6 Protection of Foundation Insulation – Exposed insulating materials applied to the exterior of foundation walls shall be protected to prevent degradation of thermal performance. The protection shall extend at least 6 inches below finished grade. Plastic foam insulation used below grade shall comply with ASTM C578.

**N1101.5 FENESTRATION**

N1101.5.1 Labeling – The U-value of fenestration products (windows and glazed doors) shall be indicated on a label affixed to these products by the manufacturer or, where such values are not indicated, the U-value shall be determined in accordance with Table N1101.5.1.

**TABLE N1101.5.1**  
**ASSUMED U-VALUE FOR WINDOWS AND GLAZED DOORS**

FRAME MATERIAL AND PRODUCT TYPE	SINGLE GLAZED	DOUBLE GLAZED
Metal Without Thermal Break	1.13	0.70
Metal with Thermal Break	1.07	0.63
Reinforced Vinyl/Metal-Clad Wood/ Wood/Vinyl Fiberglass	0.90	0.55

N1101.5.2 Windows – For elements within the building thermal envelope, up to 6 square feet of glazed areas is exempt from the maximum required U-value in Table N1101.5.1

N1101.5.3 Skylights – Minimum skylight requirements shall be as follows:

Zone 1 (0-1, 499 HDD): Any skylight permitted.

Zones 2 3 (1,500 – 3,999 HDD): Any double glazed skylight permitted.

Zones 4 and above (4,000 HDD and above): Any double glazed skylight with a wood, vinyl or fiberglass frame. Metal clad frames shall be permitted.

N1101.5.4 Opaque Doors – Opaque doors shall have a maximum U-value of 0.39 or minimum R-value of 2.5. When the U-value of the door is not provided by the manufacturer, it shall be determined in accordance with Table N1101.5.1. One opaque door per dwelling unit shall be permitted to be exempt from this U-value requirement.

DOOR CONSTRUCTION	WITH FOAM CORE	WITHOUT FOAM CORE
Steel Doors (1 ¾ inches thick)	0.35	0.60
Wood Doors (1 ¾ inches thick)	Without Storm Door	With Storm Door
Panel	0.54	0.36
Hollowcore flush	0.46	0.32
Solid core flush	0.40	0.26

N1101.6 ROOFS AND CEILINGS

Roof/ceiling assemblies, including ceilings below unconditioned attics and cathedral ceilings, shall meet the minimum R-value for Roof/Ceiling in Table N1101, based on the climate zone where the building is located. Insulation can be compressed or reduced at eaves to accommodate roof framing or ventilation.

Exception: R-30 shall be required for cathedral ceilings whenever the required R-value for Roof/Ceiling in Table N1101 exceeds R-30.

N1102 MOISTURE CONTROL

In all framed walls, floors and roof/ceilings comprising elements of the building thermal envelope, an approved vapor retarder having a maximum rating of 1.0 perm shall be installed on the warm-in-winter side of the insulation.

Exception:

Where the insulated cavity of space is ventilated to allow moisture to escape.

In hot and humid climate areas as shown in Appendix A.

N1103 AIR INFILTRATION

The building envelope shall be designed and constructed to limit air infiltration to the conditioned area of the dwelling. All elements comprising the building thermal envelope, including all exterior joints, seams, or penetrations, shall be caulked, gasketed, taped or covered with moisture vapor permeable sheathing paper or house wrap on the exterior. All windows and doors installed in the building thermal envelope shall be weatherstripped, gasketed, or caulked.

N1104 HVAC SYSTEMS

N1104-1 HVAC AND WATER HEATING APPLIANCES

HVAC and service water heating appliances shall be labeled as complying with minimum efficiency requirements specified by the National Appliance Energy Conservation Act of 1987 and regulations adopted thereunder by the U. S. Department of Energy.

N1104-2 CONTROLS

Each heating, cooling, or combination heating and cooling system shall be provided with at least one adjustable thermostat for the regulation of temperature.

N1104-3 AIR HANDLING DUCT SYSTEM

N1104-3.1 DUCT SEALING – All supply and return ducts located outside the building thermal envelope shall have joints sealed with gaskets, mastics, tapes installed in accordance with the manufacturers instructions, or by other approved methods.

N1104-3.2 DUCT INSULATION – Minimum required duct insulation for all supply and return ducts located in unconditioned space shall be R-5 in all climatic zones.

N1104-4 HEATING AND COOLING PIPING INSULATION

All HVAC system piping carrying fluids with a temperature less than 55°F or greater than 120°F shall have minimum insulation thickness of ½ inch.

## N1105 ALTERNATIVE COMPLIANCE

### N1105-1 HEAT GAIN/HEAT LOSS CALCULATIONS

Alternative compliance with the requirements of Table N1101 shall be permitted to be determined through a heat gain or heat loss calculation as follows: the required R-value or U-value of an element in the building thermal envelope in Table N1101 may be increased or decreased, provided the total heat gain or loss for the entire building does not exceed the total resulting from conformance to the values specified in Table N1101.

### N1105-2 SYSTEMS ANALYSIS

Alternative compliance with the requirements of this chapter shall be permitted to be determined through the use of a systems analysis using a standard design in accordance with Table N1101, and Section N1104. A proposed design complies with this chapter if it has a projected annual energy use for heating, cooling and service water heating not greater than the energy use of the standard design, calculated in accordance with accepted engineering practices. Energy use for both homes shall be calculated based on the same assumptions and building location. The standard design shall have the same floor area, envelope component areas, building orientation, glazing orientation, door areas, and building geometry as the proposed design.

~~The CABO One- and Two-Family Dwelling Code, 1995 Edition  
EXCEPTION TO 314.2 Stairway: Design and Construction  
of Stair to be in accordance with the 1992 CABO one-  
and two-family dwelling code.~~

ICC/ANSI A1.1 Standards for Accessibility & Usable Buildings & Facilities, First Edition, 1998.

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

4.1.1.a. 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 utilized only for residential storage purposes. (Examples include storage 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 ~~or are a non-residential use used~~ or for the storage of explosives or other hazardous or explosive materials.

4.1.2 Exceptions:

~~4.1.2.a. References to the CABO Model Energy Code, 1995 Edition, in the various national standards and codes adopted in this section mean the BOCA National Energy Conservation Code, 1993 Edition, as adopted in this section.~~

4.2 A copy of the codes listed in Section 4.1 of this rule have been filed with the Secretary of State. These code books, collectively or separately, may be obtained by contacting the Building Officials & Code Administrators International, 4051 West Flossmoor Road, Country Club Hills, Illinois 60477-5795, telephone 708/799-2300; or BOCA International Regional Offices, ~~3592 Corporate Drive, Suite 107, Columbus, Ohio 43231, telephone 614/890-1061.~~ Mid-East Regional Office, 1245 South Sunbury Road, Suite 100, Westerville, OH 43081-9308, telephone (614) 890-1064.

87-4-5 ADOPTION BY LOCAL JURISDICTION

5.1 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.

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

5.3 Throughout the national codes, as adopted in Section 4.1 of this rule, there are discretionary provisions which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. 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".

5.4 Within the penalty sections of each of the national codes, as 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.

5.5 Each of the national codes, as adopted in Section 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."

#### 87-4-6 EXISTING BUILDING CODES

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

## **BUILDING CODE COMMITTEE RECOMMENDATIONS**

The following language will be substituted in the International Building Code 2000, Section 112.1

### **General**

- 112.1 Appeals Board: The current State Building Code establishes stringent qualifications for appeals board members. The 1996 BOCA National Building code, Section 121.2.1 reads "The board of appeals shall consist of five individuals, one from each of the following professions or disciplines, with three forming a quorum at any appeal hearing.
- 1) Registered design professional who is a registered architect, or a builder or superintendent of building construction with at least ten years experience, five of which shall have been in responsible charge of work.
  - 2) Registered design professional with structural engineering or architectural experience.
  - 3) Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years experience, five of which shall have been in responsible charge or work.
  - 4) Registered design professional with electrical engineering experience; or an electrical contractor with at least ten years experience, five of which shall have been in responsible charge or work.
  - 5) Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years experience, five of which shall have been in responsible charge of work."

### **New Section**

- 112.2 Time of Appeal: The Appeals Board shall render a decision within 30 days of receipt of the appeal.

### International Residential Code. First Edition, 2000.

#### EXCEPTIONS

Section R303.4.1 "Change 6 steps to 3 steps".

Section R310.1 "Whole Section to be deleted".

Section R403.1.7.1 & 2 "Omit", "Renumber 403.1.7.3 & 4 to 403.1.7.1 & 2"

Under 4.1 National Standards and Codes the following exception will be added to International Building Code First Edition 2000: "Change under Enforcement Mandate "is hereby authorized and directed to" to "shall".

**Editor's notes.** — Former § 16-31-3, referred to in this section, was repealed by Acts 1989, c. 171.

Concerning the reference in (a) to "the effec-

tive date of this section" Acts 1986, c. 86, which enacted this section, provided that the act take effect February 14, 1986.

### § 29-3-5b. Promulgation of rules and statewide building code.

(a) The state fire commission shall propose rules for legislative approval in accordance with the provisions of article three [§§ 29A-3-1 et seq.], chapter twenty-nine-a of this code to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state through the adoption of a state building code. The rules shall be in accordance with ~~standard~~ safe practices so embodied in widely recognized standards of good practice for building construction and all aspects related thereto and have force and effect in those counties and municipalities adopting the state building code: Provided, That each county or municipality may adopt the code to the extent that it is only prospective and not retroactive in its application.

(b) The state fire commission has authority to propose rules for legislative approval in accordance with the provisions of article three [§§ 29A-3-1 et seq.], chapter twenty-nine-a of this code, regarding building construction, renovation and all other aspects as related to the construction and mechanical operations of a structure. The rules shall be known as the "State Building Code".

(c) The state fire commission has authority to propose rules for legislative approval, in accordance with the provisions of article three [§§ 29A-3-1 et seq.], chapter twenty-nine-a, establishing state standards and fee schedules for the licensing, registration, certification, regulation and continuing education of persons which will conduct inspections relating to the state building code, which include, but are not limited to, building code officials, inspectors, plans examiners and home inspectors.

(d) The state fire commission has authority to establish advisory boards as it deems appropriate to encourage representative participation in subsequent rulemaking from groups or individuals with an interest in any aspect of the state building code or related construction or renovation practices.

(e) For the purpose of this section, the term "building code" is intended to include all aspects of safe building construction and mechanical operations and all safety aspects related thereto. Whenever any other state law, county or municipal ordinance or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the state building code, the provisions of the state law, county or municipal ordinance or regulation of any agency thereof governs if they are not inconsistent with the laws of West Virginia and are not contrary to recognized standards and good engineering practices. In any question, the decision of the state fire commission determines the relative priority of any such state law, county or municipal ordinance or regulation of any agency thereof and determines compliance with state building code by officials of the state, counties, municipalities and political subdivisions of the state.

(f) Enforcement of the provisions of the state building code is the responsibility of the respective local jurisdiction. Also, any county or municipality may enter into an agreement with any other county or municipality to provide inspection and enforcement services: Provided, That any county or municipality may adopt the state building code with or without adopting the BOCA national property maintenance code.

(g) After the state fire commission has promulgated rules as provided in this section, each county or municipality intending to adopt the state building code shall notify the state fire commission of its intent.

(h) The state fire commission may conduct public meetings in each county or municipality adopting the state building code to explain the provisions of the rules.

(i) The provisions of the state building code relating to the construction, repair, alteration, restoration and movement of structures are not mandatory for existing buildings and structures identified and classified by the state register of historic places under the provisions of section eight [§ 29-1-8], article one of this chapter or the national register of historic places, pursuant to Title XVI, section 470a [16 USCS § 470a] of the United States Code. Prior to renovations regarding the application of the state building code, in relation to historical preservation of structures identified as such, the authority having jurisdiction shall consult with the division of culture and history, state historic preservation office. The final decision is vested in the state fire commission. Additions constructed on a historic building are not excluded from complying with the state building code. (1988, c. 114; 1990, c. 87; 1999, c. 234; 2001, cc. 76, 130.)

**Cross references.** — Termination of local building codes, adoption of state building code. §§ 7-1-3n, 8-12-13.

**Effect of amendment of 2001.** — Acts 2001, c. 130, effective July 13, 2001, in (a), added the proviso; inserted present (c) and transferred former (c) to present (e); inserted present (d) and transferred former (d) to present (f); inserted (g); and in (i), substituted "section eight, article one of this chapter" for "section eight, article one, chapter twenty-nine of this code".

**Editor's notes.** — Acts 2001, c. 76, also proposed to amend this section; however, the amendments therein have been deemed superceded by those found in Acts 2001, c. 130, which are set out above. The superceded amendment, set out below, would have added the proviso to (a).

Chapter 76 read:

"(a) The state fire commission shall propose rules for legislative approval in accordance with the provisions of article three [§§ 29A-3-1 et seq.], chapter twenty-nine-a of this code to safeguard life and property and to ensure the quality of construction of all structures erected or renovated throughout this state through the adoption of a state building code. The rules

shall be in accordance with standard safe practices so embodied in widely recognized standards of good practice for building construction and all aspects related thereto and have force and effect in those counties and municipalities adopting the state building code: Provided, That each county or municipality shall have the election to adopt the code to the extent that it is only prospective and not retroactive in its application.

"(b) The state fire commission has authority to propose rules for legislative approval in accordance with the provisions of article three [§§ 29A-3-1 et seq.], chapter twenty-nine-a of this code regarding building construction, renovation and all other aspects as related to the construction and mechanical operations of a structure. The rules shall be known as the 'State Building Code'.

"(c) For the purpose of this section, the term 'building code' is intended to include all aspects of safe building construction and mechanical operations and all safety aspects related thereto.

"Whenever any other state law, county or municipal ordinance or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the state



## The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman  
Bill L. Spencer  
Vice Chairman  
Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**  
1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

## NEWS RELEASE

### FOR IMMEDIATE RELEASE

April 5, 2002

The West Virginia State Fire Commission today filed with the Secretary of State and the Legislative Rule Making Review Committee, revisions to the STATE BUILDING CODE.

The major emphasis is to adopt by reference the various elements of the International Building Codes in place of the current BOCA and CABO codes.

Copies of the proposed rule are available from the Secretary of States Office, Administrative Law Division at the State Capitol in Charleston, WV. Telephone (304) 558-6000.

A public hearing has been scheduled to receive input from interested parties as well as a comment period to receive written comments.

The public hearing is scheduled for Friday, May 17, 2002, 10:00 AM at the Days Inn, in Flatwoods, WV, Conference Room L.

Written comments will be accepted until the close of business (or 1600 hours) on Friday, May 17<sup>th</sup>, 2002 at the Charleston Office.

Written comments should be addressed as follows:

Attn: State Building Code  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

For additional information or questions, you may contact the Charleston Office at (304) 558-2191.

WV Code Officials Assoc.  
C/o Bob Cannon  
PO Drawer AJ  
Beckley, WV 25801

BOCA  
Mike Westfall  
1245 Sunbury Road  
Westerville, OH 43081

WV Assoc. Of Counties  
2211 Washington St. East  
Charleston, WV 25311

Homebuilders Association  
700 Virginia St.W  
PO Box 6250  
Charleston, WV 25362

WV Society of Architects  
223 Hale Street  
Charleston, WV 25301

WV Society of Prof. Eng.  
1018 Kanawha Blvd. E.  
Charleston, WV 25301

The Honorable Bob Wise  
Governor  
State Capitol  
Charleston, WV 25305

WV Municipal League  
2020 Kanawa Blvd. East  
Charleston, WV 25311

Capitol News Service  
State Capitol  
Charleston, WV 25305

WV Electrical Contractors  
Association  
205 1st Avenue  
Nitro, WV 25143

WV House of Delegates  
Delegate Vicki Douglas  
Bldg. 1, Room 213E  
Charleston, WV 25305

WV State Senate  
Senator Edwin J. Bowman  
Bldg. 1, Room 214W  
Charleston, WV 25305

WV House of Delegates  
Delgate Bill Proudfoot  
Bldg. 1, Room 206-E  
Charleston, WV 25305

WV State Senate  
Senator William R. Wooten  
Bldg. 1, Room 210W  
Charleston, WV 25305

WV House of Delegates  
Delegate Jon Amores  
Bldg. 1, Room 422M  
Charleston, WV 25305

WV State Senate  
Senator Earl Ray Tomblin  
Bldg. 1, Room 227M  
Charleston, WV 25305

Mr. Ben Roy  
NFPA  
PO Box 1166  
Rehoboth Beach, DE 19971

Walter Smittle III Exec. Dir  
WV Safety Council  
1045 Bridge Road  
Charleston, WV 25314

Attn: City Clerk  
City of Martinsburg  
P. O. Box 828  
Martinsburg, WV 25402-0828

Counties that have notified the State Fire Commission that they have  
adopted the STATE BUILDING CODE as of April 1, 2002  
Page 1

Berkeley County Commission

McDowell County Commission

Raleigh County Commission

Municipalities that have notified the State Fire Commission that they have adopted the STATE BUILDING CODE as of April 1, 2002.

Page 1

City of Barboursville

City of Beckley

City of Bethlehem

City of Bluefield

City of Bridgeport

City of Buckhannon

City of Charles Town

City of Charleston

City of Chesapeake

City of Clarksburg

City of Fairmont

City of Glenville

City of Grafton

City of Huntington

City of Hurricane

City of Kingwood

City of Lewisburg

City of Mannington

City of Martinsburg

City of Milton

City of Montgomery

City of Morgantown

City of Moundsville

City of New Martinsville

City of Nitro

City of Nutter Fort

This is an "unofficial listing". Please check the Building Code File for confirmation that ordinance is on file.

Municipalities that have notified the State Fire Commission that they have adopted the STATE BUILDING CODE as of April 1, 2002.

Page 2

City of Parkersburg  
City of Princeton  
City of Ranson  
City of Ravenswood  
City of Ronceverte  
City of South Charleston  
City of Spencer  
City of St. Albans  
City of St. Marys  
City of Summersville  
City of Vienna  
City of Weirton  
City of Weston  
City of Westover  
City of Wheeling  
City of Williamson  
Town of Alderson  
Town of Delbarton  
Town of Hedgesville  
Town of Marlinton  
Town of Star City  
Town of Tunnelton  
Town of Womelsdorff

This is an "unofficial listing". Please check the Building Code File for confirmation that ordinance is on file.

WVVA, Channel 6  
P. O. Box 1930  
Bluefield, WV 24701

WDTV, Channel 5  
P. O. Box 480  
Bridgeport, WV 26330

WCBS, Channel 8  
P. O. Box 1138  
Charleston, WV 25339

WOWK, Channel 13  
P. O. Box 13  
Huntington, WV 25706-0013

WSAZ, Channel 3  
P. O. Box 2115  
Huntington, WV 25721

NFCC, Channel 2  
P. O. Box 122  
Circleville, WV 26804

WVAH, Channel 11  
11 Broadcast Plaza  
Hurricane, WV 25526

WTOV, Channel 9  
Riley Building  
Wheeling, WV 26003

WOAY, Channel 4  
P. O. Box 25  
Oak Hill, WV 25901

WBOY, Channel 12  
904 West Pike Street  
Clarksburg, WV 26301-2555

WPBY, Channel 33  
Third Avenue  
Huntington, WV 25701

WTRF, Channel 7  
96 16th Street  
Wheeling, WV 26003

WSWP, Channel 9  
P. O. Box AH  
Beckley, WV 25802

WNPB, Channel 24  
191 Scott Avenue  
Morgantown, WV 26505-8802

WTAP, Channel 15  
One Television Plaza  
Parkersburg, WV 26101

WLPX TV-29  
600-C Prestige Drive  
Hurricane, WV 25526

Cathy Collins  
40 W. Main St. Rm 103  
Buckhannon, WV 26201

WFGH  
P. O. Box 410  
Fort Gay, WV 25514

WMJT  
P. O. Box 27  
Glendale, WV 26038

WTBZ  
Box 2  
Grafton, WV 26354

WCMI,WDGG,WRVC,WRVZ  
Coal Exchange Bldg.  
401 11th Street  
Huntington, WV 25713

WIRO, WMLV  
P. O. Box 309  
Ironton, OH 45638

WKLC  
910 Fourth Ave. Ste. 504  
Huntington, WV 25701

WMEJ  
P. O. Box 7575  
Huntington, WV 25777

WCST-FM/AM  
1010 Radio Station Road  
Berkeley Springs, WV 25411

WBVB,WFXN,WHRD,WKEE,  
WVZW  
P. O. Box 2288  
Huntington, WV 25722

WEMM  
703 Third Avenue  
Huntington, WV 25701

WKLP, WQZK  
P. O. Box F  
Keyser, WV 26726

WKMM  
106 East Main St.  
Kingwood, WV 26537

WFSP  
P. O. Box 567  
Kingwood, WV 26537

WVOW  
P. O. Box 1776  
Logan, WV 25601

WOTR  
P. O. Box 505  
Lost Creek, WV 26385

WEPM, WKMZ News Room  
1606 W. King Street  
Martinsburg, WV 25401

WRNR  
Jeremy House  
P. O. Box 709  
Martinsburg, WV 25401

WHJC, WVKM  
P. O. Box 68  
Matewan, WV 25678

WXKM, WMON  
1028 First Avenue  
Montgomery, WV 25136

WCLG  
P. O. Box 885  
Morgantown, WV 26505

WAJR, WVAQ  
1251 Earl Core Road  
Morgantown, WV 26505

WRKP  
2002 First St.  
Moundsville, WV 26041

WETZ  
P. O. Box 10  
New Martinsville, WV 26155

WOAY  
P. O. Box 140  
Oak Hill, WV 25901

WADC, WGGE  
#5 Rosemar Circle  
Parkersburg, WV 26104

WKYG, WXKX  
1715 St. Mary's Avenue  
Parkersburg, WV 26102

WRZZ  
P. O. Box 1346  
Parkersburg, WV 26102

WXIL  
P. O. Box 1228  
Parkersburg, WV 26102

WWYO  
Rt. 10  
P. O. Box 1475  
Pineville, WV 24874

WPVO, WAEY  
Lilly Grove Addition  
P. O. Box 5588  
Princeton, WV 24740

WBGs, WBYG  
303 Eighth St.  
Pt. Pleasant, WV 25550

WMOV  
P. O. Box 667  
Ravenswood, WV 26164

WVAR  
P. O. Box 349  
Richwood, WV 26261

WCEF  
P. O. Box 798  
Ripley, WV 25271

WRON  
276 Seneca Trail North  
Roncheverte, WV 24970

WYKM  
P. O. Box 627  
Rupert, WV 25984

WVRC  
106 Radio Street  
Spencer, WV 25276

WCOZ, WKLC  
100 Kanawha Terrace  
St. Albans, WV 25177

WVWV, WRRR  
P. O. Box 374  
St. Mary's, WV 26170

WVAR, WCWV  
713 Main Street  
Summersville, WV 26651

WSGB, WCKA  
189A Main Street  
Sutton, WV 26601

WLTP, WNUS, WDMX  
P. O. Box 5559  
Vienna, WV 26105

WELC  
P. O. Box 949  
Welch, WV 24801

WSLW  
P. O. Box 610  
White Sulphur Springs, WV  
24986

WCIR-FM, WIWS-AM,  
WMTD-AM/FM  
21 Airport Industrial Park Road  
Beaver, WV 25813

WTNJ-FM  
P. O. Box 1127  
Beckley, WV 25802

WHAJ-FM, WHIS-AM  
900 Bluefield Avenue  
Bluefield, WV 24701

WBUC-AM/FM  
Drawer C  
Buckhannon, WV 26201

WXAF  
P. O. Box 7575  
Huntington, WV 25777

WXVA-AM/FM  
Rural Rt. 1, Box 325-A  
Charles Town, WV 25414

WZAC  
P. O. Box 87  
Danville, WV 25053

WELK  
228 Randolph Avenue  
Elkins, WV 26241

WFGM  
P. O. Box 1549  
Fairmont, WV 26554

WWVA, WOVK, WEEL,  
WKWK  
1015 Main Street  
Wheeling, WV 26003

WAXS-FM  
P. O. Box 1127  
Beckley, WV 25802

WWNR-AM  
345 Prince Street  
Beckley, WV 25801

WKMY-FM, WKOY-AM  
900 Bluefield Avenue  
Bluefield, WV 24701

WCAW, WCHS, WKAZ, WKWS,  
WVAF  
1111 Virginia Street, East  
Charleston, WV 25301

WSCW, WJYP  
P. O. Box 8600  
So. Charleston, WV 25303

WHAR, WWHF, WVKX  
P. O. Box 2208  
Clarksburg, WV 25301

WDNE  
P. O. Box 1337  
Elkins, WV 26241

WTUS  
1489 Locust Avenue  
Fairmont, WV 26554

WELD  
HC 85, Box 1A  
Fisher, WV 26818

WBTH, WXCC  
P. O. Box 261  
Williamstown, WV 25661

WJLS-AM/FM  
P. O. Box 5499  
Beckley, WV 25801-7506

WAMN-AM  
P. O. Box 6350  
Bluefield, WV 24701

WDCI-FM  
P. O. Box 371  
Bridgeport, WV 26330

WQBE-AM/FM  
817 Suncrest Place  
Charleston, WV 25303

WV Public Radio/WVFN  
Attn: Sara Hensley  
600 Capitol Street  
Charleston, WV 25301

WPDX  
105 Oak Mound Road  
Clarksburg, WV 26301

WVMR  
Route 38  
Dunmore, WV 24934

WMMN, WTCS, WRLF  
P. O. Box 1549  
Fairmont, WV 26554

The Journal  
P. O. Box 807  
Martinsburg, WV 25401

WVU-Fire Service Extension  
P. O. Box 6610  
Morgantown, WV 26505-6610

The Intelligencer  
1500 Main Street  
Wheeling, WV 26003

The Morgan Messenger  
P. O. Box 567  
Berkeley Springs, WV 25411

The Gilbert Times  
P. O. Box 1135  
Gilbert, WV 25621

Wheeling News-Register  
1500 Main Street  
Wheeling, WV 26003

Spirit of Jefferson Advocate  
P. O. Box 966  
Charles Town, WV 25414

Williamson Daily News  
P. O. Box 1660  
Williamson, WV 25661

The Catholic Spirit  
1213 Byron Street  
Wheeling, WV 26003

The Green & White  
Salem-Teikyo University  
Box 470  
Salem, WV 25443

Huntington Quarterly  
P. O. Box 384  
Huntington, WV 25708

Hancock Co. Courier  
P. O. Box 547  
New Cumberland, WV 26047

The Shepherdstown Chronicle  
P. O. Box 2088  
Shepherdstown, WV 25443

Herald Dispatch  
P. O. Box 2017  
Huntington, WV 25720

Moundsville Daily Echo  
P. O. Box 369  
Moundsville, WV 26041-0369

The Cabell Record  
P. O. Box 467  
Culloden, WV 25510

Parthenon-Marshall University  
311 Smith Hall  
400 Hal Greer Blvd.  
Huntington, WV 25755

Weirton Daily Times  
114 Lee Avenue  
Weirton, WV 26062

The Lincoln Journal  
Weekly News-Sentinel  
P. O. Box 308  
Hamlin, WV 25523

The Register Herald  
P. O. Box P or R  
Beckley, WV 25801

The Brooke Co. Review  
The Follansbee Review  
P. O. Box 591  
Wellsburg, WV 26070

Hurricane Breeze  
P. O. Box 336  
Hurricane, WV 25526

Post Report  
Drawer P or R  
Beckley, WV 25802

Trumpet  
West Liberty State College  
West Liberty, WV 26074

The Register  
200 Main Street  
Point Pleasant, WV 25550

The Mullens Advocate  
217 Moran Avenue  
Mullens, WV 25882

The WVU-P Chronicle  
WVU at Parkersburg  
Rt. 5, Box 167-A  
Parkersburg, WV 26101

Wayne County News  
Tri-State Shopper  
310 Central Avenue  
Wayne, WV 25570

Fayette Tribune  
P. O. Box 139  
Oak Hill, WV 25901

The Record Delta  
P. O. Box 550  
Buckhannon, WV 26201

Logan Banner  
P. O. Box 720  
Logan, WV 25601

Hinton News  
P. O. Box 1000  
Hinton, WV 25951

Parkersburg News  
P. O. Box 1787  
Parkersburg, WV 26101

Parkersburg Sentinel  
P. O. Box 1787  
Parkersburg, WV 26101

The News-Leader  
4 Railroad Avenue  
Richwood, WV 26261-1364

The Weston Democrat  
P. O. Box 968  
Weston, WV 26452

Wirt County Journal  
P. O. Box 309  
Elizabeth, WV 26143-0309

The Parsons Advocate  
P. O. Box 403  
Parsons, WV 26287

The Herald Record  
202 E. Main Street  
West Union, WV 26456

Grantsville News  
Calhoun Chronicle  
P. O. Box 400  
Grantsville, WV 26147

The Webster Echo  
Webster Republican  
P. O. Box 749  
Webster Springs, WV 26288

The Dominion Post  
1251 Earl Core Road  
Morgantown, WV 26505-6298

Senior News  
Box 157  
Mineral Wells, WV 26150

The Clarksburg Exponent  
324 Hewes Avenue  
Clarksburg, WV 26301-2744

Daily Athenaeum-WVU  
284 Prospect Street  
Morgantown, WV 26506

Jackson County Newspapers  
410 Race Street  
Ravenswood, WV 26164-1702

Clarksburg Telegram  
324 Hewes Avenue  
Clarksburg, WV 26301-2744

Preston County Journal  
Preston County News  
P. O. Box 587  
Kingwood, WV 26537

Glenville Democrat  
P. O. Box 458  
Glenville, WV 26351-0458

Times-West Virginian  
P. O. Box 2530  
Fairmont, WV 26555

St. Marys Oracle  
Pleasants County Leader  
P. O. Box 27  
St. Marys, WV 26170

Mountain Statesman  
P. O. Box 218  
Grafton, WV 26354

Braxton Citizens-News  
P. O. Box 516  
Sutton, WV 26601

Tyler Star News  
P. O. Box 191  
Sistersville, WV 26175

The Ritchie Gazette  
P. O. Box 215  
Harrisville, WV 26362

Braxton Democrat-Central  
205 Main Street  
Sutton, WV 26601

The Inter-Mountain  
P. O. Box 2076  
Buckhannon, WV 26201

The Pennsboro News  
P. O. Box 368  
Pennsboro, WV 26415-0368

Elk & Little Kanawha News  
229 River Street  
Gassaway, WV 26624

The Inter-Mountain  
P. O. Box 1339  
Elkins, WV 26241

The Barbour Democrat  
P. O. Box 459  
Philippi, WV 26416

The Nicholas Chronicle  
P. O. Box 503  
Summersville, WV 26651

West Virginia Hillbilly  
P. O. Box 430  
Richwood, WV 26261

The Shinnston News  
The Harrison Co. Journal  
P. O. Box 187  
Shinnston, WV 26431-0187

Mineral Daily News-Tribune  
P. O. Box 879  
Keyser, WV 26726

The Monroe Watchman  
P. O. Box 179  
Union, WV 24983

The Times Record  
Roane Co. Reporter  
P. O. Box 647  
Spencer, WV 25276-1602

Clay Free Press  
P. O. Box 180  
Clay, WV 25043

The Charleston Gazette  
1001 Virginia St. East  
Charleston, WV 25301

Bluefield Daily Telegraph  
P. O. Box 1599  
Bluefield, WV 24701

Clendenin Herald  
P. O. Box 789  
Clendenin, WV 25045

The Charleston Daily Mail  
1001 Virginia St. East  
Charleston, WV 25301

The Princeton Times  
P. O. Box 1099  
Princeton, WV 24740

The Yellow Jacket  
West Virginia State College  
Campus Box 175  
Institute, WV 25112

Focus on the Valley  
3002 Pennsylvania Avenue  
Charleston, WV 25302

Welch Daily News  
P. O. Box 569  
Welch, WV 24801

Coal Valley News  
P. O. Box 508  
Madison, WV 25130

Golden Reporter  
University of Charleston  
2300 MacCorkle Avenue, SE  
Charleston, WV 25304

The Industrial News  
P. O. Box 180  
Iaeger, WV 24844

Hometown News  
P. O. Box 597  
Madison, WV 25130

The Jackson Herald  
P. O. Box 31  
Ripley, WV 25271

The Independent Herald  
P. O. Box 100  
Pineville, WV 24874-0100

The Montgomery Herald  
P. O. Box 240  
Montgomery, WV 25136

Wild, Wonderful West Virginia  
State Capitol Complex  
Charleston, WV 25305

West Virginia Daily News  
P. O. Box 471  
Lewisburg, WV 24901-0471

Tech Collegian  
WV Institute of Technology  
Old Main, Box 1  
Montgomery, WV 25136

The Greenbrier Valley Ranger  
200 S. Court Street  
Lewisburg, WV 24901

Valley Press  
Twin City Press  
P. O. Box 8  
Nitro, WV 25143

The Mountain Messenger  
122 N. Court Street  
Lewisburg, WV 24901

St. Albans Community News  
P. O. Box 1000  
St. Albans, WV 25177

Pocahontas Times  
810 Second Avenue  
Marlinton, WV 24954

The Putnam Democrat  
10 Main Street  
Winfield, WV 25213

Mineral Daily News-Tribune  
Attn: Ronda Wertman  
Rt. 1, Box 229-G  
Keyser, WV 26726

The Piedmont Herald  
P. O. Box 68  
Piedmont, WV 26750

Hampshire Review  
P. O. Drawer 1036  
Romney, WV 26757

North Fork Post  
P. O. Box 121  
Circleville, WV 26804

The Pendleton Times  
P. O. Box 906  
Franklin, WV 26807

The Moorefield Examiner  
P. O. Box 380  
Moorefield, WV 26836

Grant County Press  
P. O. Box 39  
Petersburg, W 26847

Matt Smittle  
33 Pine Drive  
Evans, W 25241

Reedy VFD  
P. O. Box 33  
Reedy, WV 25270

2002 MAY 31 P 2:02  
STATE FIRE COMMISSION

BEFORE THE WEST VIRGINIA STATE FIRE COMMISSION

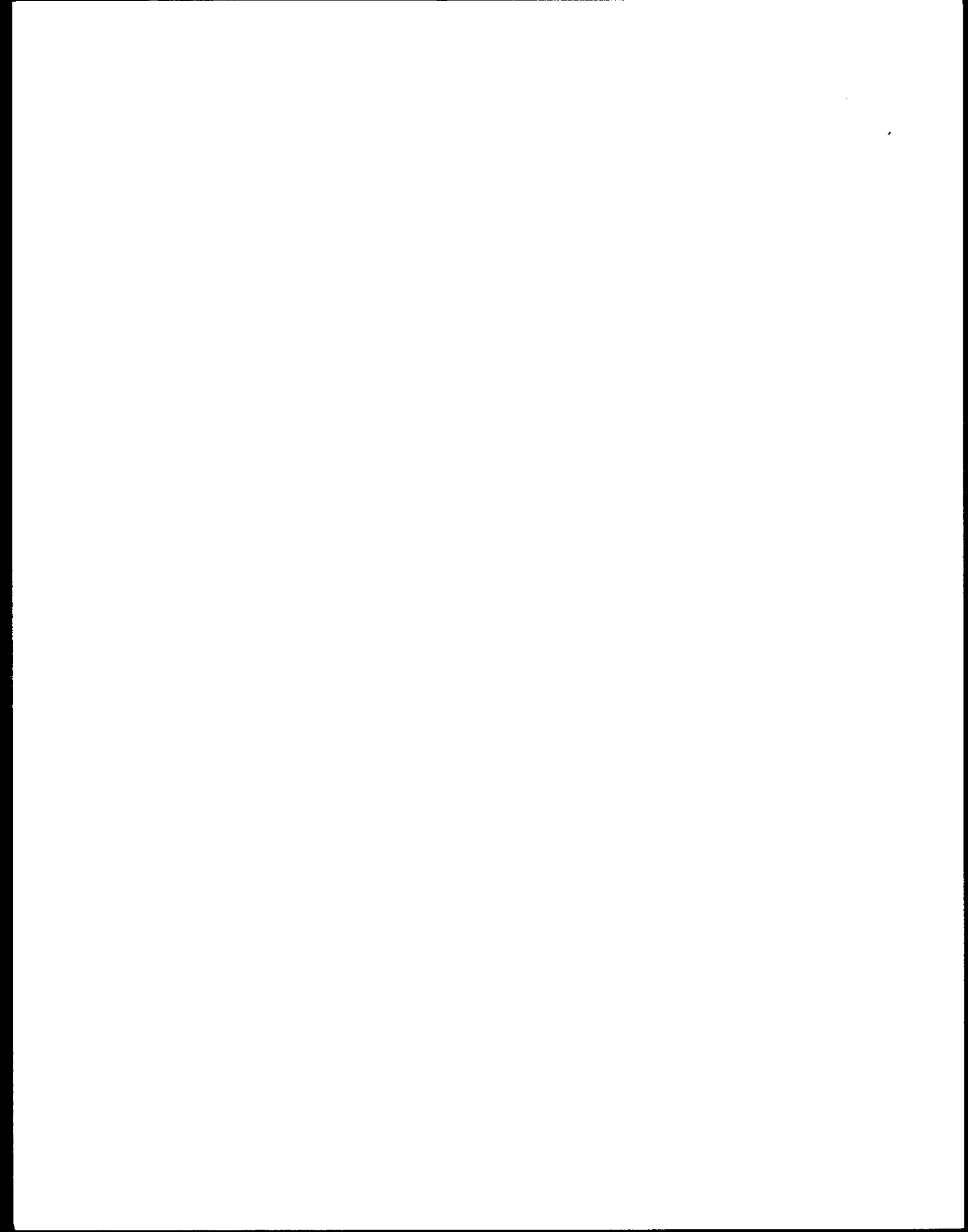
011718

RE: STATE BUILDING CODE

TRANSCRIPT OF PROCEEDINGS had at the public hearing in the above referenced matter, held on May 17, 2002, at 10:00 A.M. at the Day's Inn Conference Center, Conference Room L, Flatwoods, West Virginia, pursuant to notice.

BEFORE: VICTOR STALLARD, HEARING EXAMINER

**PHYLLIS HAYNES EDENS**  
CERTIFIED COURT REPORTERS  
2135 KAY NEVA LANE  
CHARLESTON, WEST VIRGINIA 25312  
(304) 984-3531 (800) 248-3531



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1                   **EXAMINER STALLARD:**    Good morning ladies  
 2 and gentlemen, we will go ahead and get stated. My  
 3 name is Vic Stallard, I am one of your West Virginia  
 4 State Fire Commissioners. There are a few others  
 5 here. I don't want to miss anybody; Mr. Bill  
 6 Spencer, John Bailey, beside him is Dale Clayton,  
 7 and Francis Guffey. I think I got everyone. Mr.  
 8 Corley, as most of you know, is on staff here.

9                   I'll be your Hearing Examiner today with  
 10 regard to the proposed rules that will revise the  
 11 current State Building Code. The Rule was filed  
 12 with the Secretary of State on April 5th, and been  
 13 available for public review since that date. The  
 14 basic revision consists of adopting various IBC  
 15 documents and codes to replace the present BOCA and  
 16 CABO codes, as well as various amendments to the  
 17 various nationally recognized codes, as proposed by  
 18 the West Virginia Homebuilders.

19                   As we talked, we have sign in sheets. And  
 20 I think, as we said earlier, you need to indicate if  
 21 you do want to speak, and we will take folks in the  
 22 order that they came. We do want to hear your  
 23 comments. With the size of the folks here, we would

1 ask for respect for everyone, to keep them as brief  
2 as possible; although, we don't want to hamper your  
3 ability to speak or share your views. Keep them,  
4 obviously, to the subject that we are going to talk  
5 about today. And if any of you have comments in  
6 writing, please submit those to Mr. Corley, who will  
7 be collating that information for consideration.

8 Are there any questions?

9 (no response)

10 EXAMINER STALLARD: If you will, please,  
11 when you come -- we have a court reporter who will  
12 be recording our comments today; so, if you could,  
13 when you come to the podium, state your name, your  
14 organization. If you're like me and have an odd  
15 last name, please spell it. If it's Jones, I think  
16 he can get that one.

17 That being said, we would like to ask for  
18 Mr. Richard McElroy. Out of respect for the  
19 speakers, I would ask that others refrain from  
20 talking when -- and if you could stand at the  
21 podium. Thank you.

22 MR. McELROY: The one thing that jumped at  
23 me when I looked at these proposed rules, and that

1 is they apparently haven't been looked at from the  
2 building code official standpoint. I have here a  
3 number of packets, there are three items in here,  
4 one is an open letter that I circulated around the  
5 state, trying to draw up a little participation  
6 here; and another is a seven page memo dated today  
7 to the Fire Commission, which I would like entered  
8 into the record. Another is a letter of 14,  
9 February of this year, which my seven page memo  
10 refers to, and I would also like that entered into  
11 the record. I will leave some of these packets up  
12 here in case anybody wants one and wants a copy of  
13 that stuff.

14 I would like to go over briefly what I have  
15 submitted as written comments, and one of which is  
16 -- first, I would like to say that I am 100 percent  
17 in support of this ICC code. I've just finished  
18 reading it and I have just read the international  
19 residential code. This is 65 percent thicker than  
20 our BOCA, and there's a reason for it. There's a  
21 lot more stuff in here, good requirements on fire  
22 rated construction, wood construction, stuff that  
23 our builders out there need.

1           Our architects' law in this state is a  
2 little weak. There are several exceptions to the  
3 requirements for design professionals. As I recall,  
4 you can build a 7,600 square foot, one-story  
5 commercial structure with a basement without the  
6 benefit of a design professional. And how are  
7 building owners and our contractors who are acting  
8 in the capacity of design professionals supposed to  
9 know what they are going to do, unless we have these  
10 prescriptive requirements.

11           The international residential code, the  
12 same deal; it's a lot thicker, a lot more good stuff  
13 in here. It's very good reading. The family  
14 dwelling code was somewhat lacking in some areas,  
15 there were gray areas. What I would like to go over  
16 was what was not considered during the promulgation  
17 of Title 87, the rules for the building code.

18           The first one that jumped out at me was the  
19 appeals board. The current state building code  
20 requires that appeals board members have certain  
21 specific qualifications. They're to be registered  
22 design professionals in several different fields, or  
23 contractors with at least 10 years experience. But

1 the 2000 international building code states that the  
2 boards of appeals shall consist of members who are  
3 qualified by experience and training to pass on  
4 matters. Experience and training, that wording can  
5 be used to justify appointing insurance agents, real  
6 estate agents, hardware brokers; and a number of  
7 persons on the board of appeals is also not  
8 specified. So the mayor can appoint 27 of his  
9 buddies that he plays golf with and justify that by  
10 whatever means possible. And anybody who has worked  
11 with building codes knows that a building code board  
12 of appeals is a valuable information resource. If  
13 you have these architects and engineers on your  
14 building code board of appeals and you go to them  
15 with questions, they can straighten it out when you  
16 need to be straightened out.

17           What I'm suggesting is that the wording  
18 from the BOCA code be carried over into the  
19 international code -- excuse me. That is not  
20 necessary. What I'm suggesting is that Appendix B  
21 of 2000 International Code be adopted. Appendix B  
22 contains exactly the same qualifications that are  
23 cited in the BOCA Code; they have to be registered

1 design professionals, contractors, and so forth.  
2 But Chapter One of the International Code says that  
3 Appendix B and none of the appendices apply unless  
4 they are specifically adopted. Since we are looking  
5 for a uniform code statewide, I think that's  
6 something that needs to be handled at the state  
7 level. And I would really hope that the Title 87  
8 Rules would mandate that Appendix B be adopted so  
9 that we do have a qualified court of appeals.

10 Another issue is the enforcement mandate.  
11 The International Code uses the phrase "Is  
12 authorized to", rather than "Shall" in several  
13 administrative provisions, which means that a code  
14 official will be authorized but not required to  
15 enforce the code, serve notice of violation, issue a  
16 stop work order and prosecute violations. The word  
17 shall in the building code has saved my tail several  
18 times when I've been in political situations and  
19 I've been called on the carpet by a city council,  
20 "Why did you write up the mayor's brother-in-law?"  
21 Well, because the code says I shall do that. If it  
22 says that you're authorized to, you are also  
23 authorized not to and you will be expected to treat

1 certain people differently, which is discriminatory  
2 and compromises your credibility. What I would  
3 suggest is deleting the wording in sections 113.4  
4 and 114.3 of the 2000 International Building Code  
5 and inserting the wording from the 1996 BOCA  
6 National Building Code, sections 116.4 and 117.2.

7           One other issue. The appendices for both  
8 the building and the residential codes, you will  
9 find the same wording in section 101.2.1 of the  
10 Building Code and 102.5 of the International  
11 Residential Code, it states, "The appendices do not  
12 apply unless they are specifically adopted. Some of  
13 these are. The International Building Code,  
14 Appendix B, board of appeals, I've already covered  
15 that; Appendix F, rodent proofing; Appendix G, Flood  
16 resistant construction; Appendix H, signs; Appendix  
17 I, patio covers; Appendix J, supplementary  
18 accessibility requirements for qualified historic  
19 buildings; and any international residential codes.  
20 Appendix A, size and capacity of gas piping;  
21 Appendix B, sizing of venting system serving  
22 appliances equipped with draft hoods, category one  
23 appliances listed for use with Type V vents;

1 Appendix C, exit terminals and mechanical draft and  
2 direct venting; Appendix E, manufactured housing,  
3 dwelling units. Right now there's a lot of  
4 confusion on the state level. This is regulated by  
5 the Division of Labor. They don't seem to know what  
6 a permanent foundation is supposed to be for  
7 manufactured homes, even though the electrical code  
8 says that electrical service equipment can't be  
9 placed on a manufactured home unless it is on a  
10 permanent foundation. Well, HUD publishes a guide  
11 for permanent foundations, but I'm told by the  
12 Division of Labor that they don't use that. So if  
13 you look all over the state, you will see electrical  
14 service equipment mounted directly on a doublewide  
15 manufactured home setting on loose laid blocks.  
16 Appendix F, Radon control methods; and Appendix G,  
17 on swimming pools, spas and hot tubs. And,  
18 incidentally, this is the only provision in the  
19 residential code that requires safety barriers  
20 around outside swimming pools to prevent children  
21 from drowning. So if we leave that out, we've left  
22 out another significant provision. Appendix H,  
23 patio covers; Appendix J, existing buildings and

1 structures; and Appendix K, sound transmission. All  
2 of these things were not considered. This is all  
3 valuable information that's illustrated in the  
4 codes; contractors, property owners, and code  
5 officials need this information to act on it. Also,  
6 the international mechanical code, the same wording,  
7 the appendices do not apply unless they are  
8 specifically adopted. Appendix A needs to be  
9 adopted, combustion air openings and chimney  
10 connector pass-thrus.

11           Now, there was some proposed deletions.  
12 The first of which was any references to the  
13 International Electrical Code. Let me show you the  
14 International Electrical Code. This is NEC,  
15 National Electrical Code NFPA 70, it's quite a book.  
16 If you want to read that, you better be serious  
17 about it. It is very dry.

18           This little thing right here is the ICC  
19 Electrical Code Administrative Provisions. This is  
20 more or less what's now contained in chapter 27 of  
21 the BOCA Building Code. This establishes the board  
22 of appeals, the right of appeal, the requirements  
23 for submitting construction documents, for

1 undergoing inspections, penalties for violations.  
2 And aside from that, it refers to the National  
3 Electrical Code. This is the wording in the  
4 building code that adopts the National Electrical  
5 Code. The only electrical provisions in this entire  
6 book is chapter 12, one sheet, front and back. The  
7 most significant thing about that is it adopts NFPA  
8 70, uses the National Electrical Code. Aside from  
9 that, it has a couple of building code provisions  
10 about wiring and so on, things that are not covered  
11 in the National Electrical Code. So to delete this,  
12 maybe it would have been easier to get through if it  
13 had read, "Administrative provisions for the  
14 National Electrical Code," rather than in reverse.  
15 But this is not electrical code; ICC never intended  
16 to write an electrical code; this is simply what is  
17 already in the BOCA Code, it's simply taking it out  
18 and putting it in a 25-page volume. Without that,  
19 we don't have an electrical code. We also don't  
20 have administrative due process, which is required  
21 for the enforcement of any codes.

22           The International Fire Code. Months ago, I  
23 circulated a letter to this effect. There are 81

1 references in the building code, in the  
2 International Building Code, to this. This code can  
3 be used independently as a fire prevention code if a  
4 municipality or county would choose to do it, if  
5 it's legal, for their fire prevention officer. But  
6 for the most part, the references to the building  
7 codes are for fire resistant construction, things  
8 that are building issues, actually. I'll give you a  
9 few examples. I have dozens more, I have some notes  
10 with me, I was going to run through all 81, of them,  
11 but I would not put anybody through that.

12 EXAMINER STALLARD: I appreciate that.

13 MR. McELROY: A few things that I do want  
14 to point out that everybody can relate to, for  
15 example. If we don't have this code, it doesn't  
16 exist, okay, it's been deleted, smoke detectors in  
17 existing dwelling units, Section 907.2.10.1.2 of the  
18 2000 International Building Code provides  
19 requirements for smoke detectors for new dwellings,  
20 doesn't mention existing dwellings. It makes  
21 reference to the International Property Maintenance  
22 Code and the International Fire Code. The bottom  
23 line is, Section 907 of the International Fire Code

1 requires single station smoke detectors in existing  
2 dwellings, residential occupancies, to be installed  
3 in accordance with Section 907.2.10, which gives the  
4 specific installation requirements and also refers  
5 to NFPA 70. So without that Code, there is nothing  
6 in the Building Code that requires existing dwelling  
7 units to have smoke detectors.

8           Means of egress from the upper stories of  
9 existing multi-family residential occupancies, it's  
10 the same deal. In my written material here, I  
11 traced through the reference chain from the building  
12 code, the property maintenance code, the fire code;  
13 and, once again, without the International Fire  
14 Code, we have no enforceable regulations in the  
15 building code requiring a second means of egress in  
16 existing apartment buildings that don't fall under  
17 the exceptions.

18           Some other hazards. What about 50 gallons  
19 of gasoline next to the gas water heaters in the  
20 basement of an apartment building. Once again, the  
21 Property Maintenance Code, the International  
22 Building Code defer to the International Fire Code,  
23 where we have the regulations on that sort of

1 hazard. Without that, we have nothing to enforce.

2           There have also been some proposed  
3 deletions by the Homebuilder's Association, sections  
4 of the residential code; means of egress from  
5 habitable spaces in basements. An emergency escape  
6 has always been required for sleeping rooms, we all  
7 know what the requirements are for the window, 5.7  
8 square feet, and so forth. This Code also requires  
9 habitable spaces located in a basement. A habitable  
10 space is something defined as something other than a  
11 bathroom, storage area. So we are talking about  
12 family rooms, the place where you hold your kids  
13 birthday party or your drunken New Year's Eve bash,  
14 or whatever, in the basement with no means of  
15 emergency egress and rescue. So when a fire breaks  
16 out on the first floor -- certainly you guys on the  
17 Fire Commission can relate to that. Light switches  
18 at the top and bottom of the steps. I see a lot of  
19 people falling, if that requirement is deleted.

20           Footing depth on hillsides, I understand,  
21 it is going to be proposed to eliminate that.  
22 Footings need to be deeper on a hillside to keep the  
23 building from sliding down a hill. There's a one to

1 three ratio, it's a long-established principal, this  
2 is nothing new in the Codes, this is how design  
3 professionals design a hillside anyway.

4           One more item. Conflicts between building  
5 and fire codes. There are none and never have been  
6 any. What you do is you comply with both. West  
7 Virginia has special requirements in our Fire Code  
8 that are not required in the building code. For  
9 example, existing residential board and care  
10 required to have a sprinkler; the Building Code does  
11 not require that. The Building Code requires  
12 certain size facilities of that type to not have a  
13 sprinkler system. But the Fire Code requires that  
14 they do. This Building Code requires that any code  
15 official assure that there is also compliance of all  
16 of their applicable laws. So it's the building  
17 official's responsibility to know what's in the Fire  
18 Code, what special requirements we have at the State  
19 level and see to it that there is an inspection or  
20 there is a certificate of compliance or something  
21 that goes with the construction documents so that he  
22 knows that that's been done before the permit's  
23 issued. I won't get into examples of requirements,

1 but there are some packets up here if any of you  
2 would like to get into it and read on in more depth.

3 EXAMINER STALLARD: Thank you. Mr. Ben  
4 Roy.

5 MR. ROY: Thank you and good morning. My  
6 name is Benjamin Roy and I serve as the Mid-Atlantic  
7 regional manager for the National Fire Protection  
8 Association, referred to in most of my testimony as  
9 NFPA. Thank you for allowing me the privilege of  
10 appearing before you today.

11 NFPA is an independent, voluntary  
12 membership, nonprofit organization dedicated to  
13 reducing the worldwide burden of fire and other  
14 hazards on the quality of life by providing and  
15 advocating scientifically based consensus codes and  
16 standards, research, training and education. Our  
17 organization was founded in 1896 and is the premiere  
18 fire and life safety codes development organization  
19 in this country, as well as most of the rest of the  
20 world. Many of our documents are currently used  
21 here in West Virginia. Some of the more significant  
22 documents adopted through the State Fire Prevention  
23 Code are NFPA 1, the fire prevention code; NFPA 101,

1 life safety code; NFPA 70, National Electrical Code;  
2 the National Fuel Gas Code and the National Fire  
3 Alarm Code. In addition to these, over 100 other  
4 documents developed by NFPA are also referenced by  
5 your current fire prevention code.

6           For many years, the State of West Virginia  
7 has come to depend on the NFPA standards making  
8 process to provide the citizens of this state, as  
9 well as visitors to West Virginia, with the most  
10 fairly, equitably, and professionally developed  
11 safety standards available anywhere in the world.  
12 Over two years ago, NFPA embarked on a journey to  
13 develop a building code that would meet these same  
14 standards of excellence and that would be developed  
15 using the same true consensus and process NFPA is  
16 internationally acclaimed for. This document, along  
17 with the plumbing and mechanical code, developed by  
18 IAPMO, an energy code developed by ASHRAE, will  
19 round out NFPA's consensus code sets for the build  
20 environment. This process is all but completed.  
21 Our proposed document is in final draft form and  
22 will be voted on by our membership in less than one  
23 week, during NFPA's annual meeting in Minneapolis,

1 Minnesota, starting this Sunday. This document if  
2 approved will be submitted to the NFPA standards  
3 council in July and should be available in August.  
4 The issue before you today is whether to adopt  
5 various elements of the International Building Code  
6 in place of the current BOCA and CABO codes  
7 currently in use here in West Virginia.

8 I am here today to place two requests  
9 before the Commission. First, I respectfully ask  
10 that you table any consideration revising the West  
11 Virginia State Building Code for a six-month period.  
12 And, secondly, during that period, you compare the  
13 International Building Code with the completed NFPA  
14 building code to determine which of these documents  
15 may be best suited for use in West Virginia. I  
16 believe there's ample justification for the  
17 Commission to take this course of action. The  
18 proposed International Building Code before you is  
19 not just simply an update of the BOCA code, but  
20 rather a new building code, utilizing provisions  
21 from the Uniform Building Code, which is used  
22 extensively west of the Mississippi, the standard  
23 code used primarily in the Southeast, as well as

1 some portions of the Southwest, in addition BOCA. A  
2 delay in adopting this document would give the  
3 Commission the time and opportunity to review this  
4 new code and determine the impact provisions of  
5 codes from other areas of the country will have here  
6 in West Virginia.

7           NFPA staff includes a registered architect  
8 on staff that previously worked for BOCA, and a  
9 professional engineer who worked for the ICC,  
10 International Codes Council, the publishers of the  
11 International Building Code during the development  
12 of that code. We would be most happy to assist the  
13 Commission in a study and review of the more  
14 significant changes and the impact these changes may  
15 have here in this State. The current International  
16 Building Code you are considering is the 2000  
17 edition. A document that will be almost three years  
18 old before your rulemaking process is completed.  
19 Any delay brought about by a six-month study will be  
20 negligible from a technical standpoint. In fact, a  
21 delay might have many positive benefits, since the  
22 NFPA document is brand-new, containing up-to-date,  
23 state-of-the-art provisions.

1           The NFPA Building Code relies extensively  
2 on the provisions of the life safety code as an  
3 integral part of the new building code. The life  
4 safety code has been adopted in the State of West  
5 Virginia for decades, and hundreds, if not  
6 thousands, of buildings and occupancies have been  
7 designed to meet the provisions found therein.  
8 Currently, the Commission has adopted the 2000  
9 edition of the standard.

10           NFPA in cooperation with the State Fire  
11 Marshal's Office has just concluded a three-day  
12 seminar on the 2000 edition of the life safety code  
13 in Huntington, West Virginia. Over 80 code  
14 enforcers were in attendance. Additionally, two  
15 years ago, NFPA along with the West Virginia State  
16 Fire Marshal's office co-sponsored a three-day  
17 seminar on the previous edition, the '97 edition, in  
18 Charleston, and was attended by almost 100 code  
19 enforcers. It should be noted that even though the  
20 International Building Code makes extensive use of  
21 NFPA codes and standards, NFPA 101, the life safety  
22 code is not among them. It would seem to me that  
23 adopting a building code that excludes a life safety

1 code is doing a severe disservice to the State of  
2 West Virginia. The vast majority of the code  
3 enforcers are trained to that document and it has  
4 been used for many years here in the state.  
5 Certainly, there is a familiarity with this  
6 document, not only by code officials, but also the  
7 end users. At the least, a change this significant  
8 should be thoroughly reviewed to determine what  
9 conflicts will result between building code and fire  
10 code enforcement and what fiscal impact the cost of  
11 retraining both code enforcers and end users to a  
12 totally different document will have on the  
13 taxpayers of West Virginia. NFPA's new building  
14 code contains specific fire safety goals as follows.  
15 To provide an environment for the occupants inside  
16 or near a building that is reasonably safe from fire  
17 and similar emergencies, and I underline this next  
18 section, to provide reasonable safety for  
19 firefighters and emergency responders during search  
20 and rescue operations. To my knowledge, no other  
21 current or former building code has made firefighter  
22 and emergency worker safety a goal of their  
23 document. The 2000 International Building Code does

1 not contain that provision. This issue alone should  
2 provide sufficient justification for the Commission  
3 to table action on adoption of the International  
4 Building Code until a review is made between the two  
5 documents to determine which will provide a higher  
6 degree of safety, not only for the citizens of West  
7 Virginia, but also the emergency workers who will  
8 have to enter buildings after the occupants have  
9 exited.

10 I believe I have placed ample testimony  
11 before the Commission to demonstrate that it is in  
12 the best interest of the citizens of West Virginia  
13 for the Commission to proceed slowly on this issue  
14 and make the determination as to which building code  
15 is better suited for use in this state prior to  
16 adopting any new building code. The National Fire  
17 Protection Association is not here today asking you  
18 to adopt the NFPA Building Code; rather, we are here  
19 today asking that you table or reject the proposal  
20 before you until you have had the opportunity to  
21 review, compare and evaluate both the International  
22 Building Code and NFPA's building code to determine  
23 which document is best suited for use here in this

1 state.

2 We at NFPA stand ready to assist you in any  
3 way possible in this endeavor. Included and  
4 submitted as a part to my written testimony is a  
5 final draft copy of NFPA 5000 Building Code.  
6 Additionally, under separate cover, each of the  
7 members of the Commission should have received a  
8 copy of that document within the last week or ten  
9 days. Thank you for your time and consideration.

10 EXAMINER STALLARD: Thank you. William  
11 Teach.

12 MR. TEACH: Good morning, my name is  
13 William Teach, and I am the County Engineer and  
14 Building Code Official for Berkeley County. I've  
15 been in my current position for 13 years; I'm a  
16 licensed, professional engineer in the State of West  
17 Virginia and many other states. I'm also a member  
18 and an officer of the West Virginia Code Officials  
19 Association and have received numerous hours of  
20 training regarding the codes now before you for  
21 consideration and adoption. As a matter-of-fact,  
22 some of my college design projects more than 30  
23 years ago, for structures, were based on some of the

1 data derived by the organizations that are now part  
2 of the International Code Council. However, times  
3 have changed and so have construction methods and  
4 design.

5           In order to keep current with today's  
6 technology, I am here today to speak in favor of the  
7 2000 ICC codes and supplements as amended. While  
8 I'm not totally in favor of making the supplements,  
9 I am not so naive as to know that there was not a  
10 give and take process in getting anything  
11 accomplished. Our County was the first in West  
12 Virginia to adopt the State Building Code. The  
13 implementation was nearly flawless and without  
14 public outcries. The biggest reason was months of  
15 -- was the education. The inspectors were educated  
16 in the building code, and prior to implementing the  
17 code, we spent months in the field educating the  
18 construction industry on the code requirements. To  
19 shift to a new code which has not even been  
20 officially published as of this date or to wait for  
21 it would be a disservice to the construction  
22 industry and the consumer. We need to move forward  
23 now and come closer to today's construction

1 standards by updating and adopting the Codes now  
2 being considered.

3           In conclusion, I am requesting that the  
4 Commission move forward with processing the  
5 legislative rules and revise the State Building Code  
6 to update to the 2000 ICC Codes, along with proposed  
7 changes to the proposal to correct the typographic  
8 and minor errors contained in the original proposed  
9 legislative rules.

10           I also have a resolution of support for the  
11 adoption of the 2000 International Codes of the West  
12 Virginia State Building Code. Whereas, the State of  
13 West Virginia has mandated in West Virginia Code,  
14 Section 713N, that any county, subdivision, of the  
15 state that adopts a building code must adopt the  
16 State building code; and, whereas, the State  
17 building code is the 1996 edition of the BOCA  
18 National Building Code, the 1995 Edition of the  
19 International Plumbing Code, 1996 International  
20 Mechanical Code, the 1996 edition of BOCA, National  
21 Property Maintenance Code, the 1993 BOCA  
22 International -- National Energy Code, and the 1995  
23 CABO one and two family dwelling code. And,

1 whereas, Berkeley County has been operating under  
2 the current State Building Code since June 6, 1997,  
3 and whereas Berkeley County is an active member of  
4 the West Virginia Code Official Association; and,  
5 whereas, Berkeley County and the West Virginia Code  
6 Officials Association has spent thousands of dollars  
7 of taxpayers money to purchase copies of the various  
8 2000 ICC codes and trained officials across the  
9 state in the administration of these codes; and,  
10 whereas, the building departments of municipal and  
11 county subdivisions across the State of West  
12 Virginia are now evaluated and graded by ISO, like  
13 fire departments, in order to get credits for  
14 insurance based upon construction in accordance with  
15 the current edition of the model codes; and,  
16 whereas, the State Fire Commission as charged by  
17 West Virginia Code, Section 735B, will hold a public  
18 hearing on May 17th, 2002, at 10:00 a.m., in  
19 Conference Room L at the Day's Inn Conference  
20 Center, Flatwoods, West Virginia, for the purpose of  
21 taking comments of the adoption of the 2000  
22 International Codes as the next state building code,  
23 therefore it be resolved that the Berkley County

1 resolves to give their full support to the West  
2 Virginia Code Officials Association, the West  
3 Virginia State Fire Commission, in their united  
4 effort to adopt the 2000 International Code and the  
5 supplements as presented as the next state building  
6 code for West Virginia. And it was signed and  
7 passed on the 9th day of May, 2002. Thank you.

8           EXAMINER STALLARD: Thank you. Scott  
9 Jolliff.

10           MR. JOLLIFF: Good morning, I'm Scott  
11 Jolliff from the friendly city of Fairmont, West  
12 Virginia; I'm the building official there, building  
13 inspector. Please overlook my nervousness, I don't  
14 speak in front of crowds very often.

15           I am here in support of the ICC codes for  
16 the valuable information that they do supply.  
17 Architects, engineers and contractors in our area  
18 and in other states are using the BOCA codes and are  
19 familiar with them. Modular houses and other  
20 materials built inside of our state and in other  
21 states that import them into our state all use BOCA  
22 Codes, that I have been familiar with. So,  
23 therefore, to help lessen the confusion with our

1 state and those neighboring us and that we use their  
2 materials and their imports, we should do the  
3 logical thing and adopt the new ICC Rule. I  
4 wouldn't want West Virginia to become the guinea pig  
5 for determining if the new fire code will work and  
6 be a good, competent code for our state. Time will  
7 tell if this new code will be good; and I think that  
8 we shouldn't do things short. I think that we  
9 should take the time to review the codes and maybe  
10 not this time, but in the future, maybe the new fire  
11 code will be the correct code to go with. But at  
12 this time, I think we should be in support of the  
13 ICC Code. Thank you.

14 EXAMINER STALLARD: Thank you, sir.  
15 Robert Ashcraft.

16 MR. ASHCRAFT: Good morning. I have first  
17 a revised letter from Robert Cannon, the West  
18 Virginia Code Official's Association president, on a  
19 letter which was presented on May 5th, and there  
20 were some typos, so Bob asked me to pass this along  
21 to you. I also have for submission, written letters  
22 from the remaining portion of my staff in Fairmont  
23 that couldn't be here this morning.

1           Good morning. My name is Robert Ashcraft;  
2 I'm the Assistant City Manager for the City of  
3 Fairmont, and I have been in my current position for  
4 five years with the City of Fairmont, indirectly or  
5 directly in the code enforcement business for about  
6 20 years, both in municipal government and in the  
7 commercial insurance industry. I am currently an  
8 officer with the West Virginia Code Officials  
9 Association, having served on their Board now for  
10 approximately three years.

11           I'm here today to speak in favor of the  
12 2000 International Codes and the supplements as  
13 amended and presented for adoption by the West  
14 Virginia Code Officials Association to the West  
15 Virginia State Fire Commission. My employer has  
16 spent hundreds or perhaps even thousands of dollars  
17 over the last several years of taxpayer money on  
18 both the purchase of the ICC codes and the training  
19 of staff on the ICC codes that we're here to  
20 consider today.

21           BOCA National Building Code and the  
22 supplements, which make up the current State  
23 Building Code are all adopted by our jurisdiction,

1 have been accepted by the contractors in our area of  
2 jurisdiction. We believe that the conversion now to  
3 the ICC codes is a logical step, since BOCA is one  
4 of the three model code groups which make up the  
5 International Codes Council standards. I do not  
6 support the effort by some to adopt the NFPA 5000  
7 building codes as the next state building code in  
8 West Virginia, even though I am currently a member  
9 of the architects, engineers and building officials  
10 section of the NFPA. While the NFPA is still the  
11 proven authority in many special applications, code  
12 standards and processes recognized across this  
13 country, I and others still consider them an infant  
14 when it comes to developing a building code.

15 I respectfully request and urge the  
16 Commission to file as a legislative rule the 2000  
17 International Building Code and supplements as  
18 amended and presented for adoption as the next State  
19 Building Code in West Virginia. I also have a  
20 resolution today, which I would like to share with  
21 you from the City Council for the City of Fairmont.  
22 It's a resolution of support for the adoption of the  
23 2000 International Code as the next West Virginia

1 State Building Code.

2           Whereas, the State of West Virginia has  
3 mandated in West Virginia Code Section A1213 that  
4 any municipal subdivision of the state that adopts a  
5 building code, and the code that is adopted shall be  
6 the State Building Code. And whereas the current  
7 State Building Code is the 1996 edition of the BOCA  
8 National Building Code, the 1995 Edition of the  
9 International Plumbing Code, the 1996 International  
10 Mechanical Code, '96 Edition of the BOCA National  
11 Property Maintenance Code, '93 BOCA National Energy  
12 Code, and '95 CABO one and two family dwelling code;  
13 and whereas the city of Fairmont has been operating  
14 under the current State Building Code since April  
15 10th of 1998; whereas the City of Fairmont is an  
16 active member of the West Virginia Code Officials  
17 Association; and whereas, the City of Fairmont and  
18 the West Virginia Code Officials have spent  
19 thousands of dollars in tax money to purchase,  
20 provide training and copies of the 2000  
21 International Codes and supplements to train code  
22 officials across the state in the administration of  
23 these codes; and whereas, the building departments

1 of municipal subdivisions across the State of West  
2 Virginia are now evaluated and graded by ISO, like  
3 fire departments, in order to give credits for  
4 insurance based upon construction in accordance with  
5 correct edition model codes; and whereas the State  
6 Fire Commission is charged by West Virginia Code,  
7 Section 29-3-5B, will hold a public hearing on May  
8 17, 2002, at 10:00 a.m., in Conference Room L of the  
9 Day's Inn Conference Center in Flatwoods, West  
10 Virginia, for the purpose of taking comments on the  
11 adoption of the 2000 International Codes as the next  
12 State Building Code, now therefore it be resolved  
13 that the City of Fairmont hereby resolves to give  
14 their full support and endorsement of the West  
15 Virginia Code Officials Association, the West  
16 Virginia State Fire Commission in their united  
17 effort to adopt the 2000 International Codes and  
18 supplements as presented as the next State Building  
19 Code for West Virginia. Passed this 13th day of  
20 May, 2002, and signed by Nick L. Fantasia, Mayor. I  
21 would like to respectfully submit this. Thank you  
22 all for this opportunity.

23 EXAMINER STALLARD: Thank you. Francis

1 Guffey.

2           MR. GUFFEY:    Good morning, my name is  
3 Francis Guffey, I'm a practicing architect with  
4 offices in Charleston and Parkersburg. My practice  
5 specializes in codes, building, life safety, and  
6 ADA. The name of my firm is Codeworks. I live,  
7 breathe code, representing owners, building owners,  
8 architects, engineers, and contractors in a number  
9 of states. Essentially, codes are my business. In  
10 a nutshell, building codes affect the built  
11 environment. They are designed for the protection  
12 of life, health, and safety, not only of the people  
13 occupying the building, but also stand for a number  
14 -- under fire -- the assault of fire, the walls are  
15 rated, the floors are rated, the assemblies are  
16 rated, and that is for the protection of  
17 firefighters that specifically come in and fight  
18 fire and other disasters.

19           The architects, engineers, home builders,  
20 code officials, and contractors are in agreement.  
21 The 2000 International Building Code, which is a  
22 combination of three time-proven, time-tested  
23 building codes, will best serve the State of West

1 Virginia. There are no other published building  
2 codes out there that are time-proven and time-  
3 tested. I do not have a closed mind about codes.  
4 And every three years the State Fire Commission --  
5 every three years or thereabouts, the State Fire  
6 Commission revisits the new editions of the codes.  
7 We will again; but then again, we have to review  
8 codes that have been published; and from the  
9 standpoint of the design community, something that  
10 has been time-tested and time-proven. I do not  
11 prefer to be a guinea pig in initiating a brand new  
12 code in the State of West Virginia. Thank you.

13 EXAMINER STALLARD: Thank you. Michael  
14 Westfall

15 MR. WESTFALL: Good morning, my name is  
16 Michael Westfall; I'm a service representative for  
17 BOCA International, based in the Columbus, Ohio,  
18 area. To begin, I would like to register my support  
19 for all of the previous speakers, with the exception  
20 of Mr. Roy. I am 100 Percent in favor of proceeding  
21 with all due diligence and expedience in adopting  
22 the new codes. In the March/April issue of our  
23 magazine, there was an editorial titled, "Five years

1 of BCEGS Benchmark". It was addressed to the State  
2 of California. BCEGS is an acronym for the building  
3 code enforcement grading systems; this was mentioned  
4 by Mr. Ashcraft, where the communities that enforce  
5 a code are able to earn credits towards reducing  
6 insurance when the latest editions of the codes are  
7 enforced, and the enforcers are qualified, trained,  
8 certified, which means they attended seminars in  
9 enforcing the codes. This editorial was geared  
10 toward the state of California, which is now five  
11 years out of date; therefore, they do not qualify.  
12 West Virginia is in the same position, so it's of  
13 the utmost importance that you proceed with adoption  
14 of this latest code package.

15           A little bit on the I codes. It's a joint  
16 effort of the three model code organizations, as has  
17 been mentioned. When the three groups decided in  
18 1994 to join forces as the International Code  
19 Council, then they set about to develop a single  
20 family of codes; and they had three choices. They  
21 could go through PICBO (phonetic) or BOCA or  
22 Southern and pick out the most restrictive, or they  
23 could go through the three and pick out an average,

1 or they could go through the three and pick out the  
2 most liberal, as far as safety and health and public  
3 welfare was adequately covered. Reasoning that if  
4 it worked anywhere in the country, it should work  
5 everywhere in the country, they picked out the most  
6 liberal. As a result, the International codes  
7 package plus that's been submitted here in West  
8 Virginia, in my opinion is the most user-friendly  
9 document I have ever seen. I've been in the code  
10 business since 1965 in various capacities. To date,  
11 over 20 states have adopted one or more of the  
12 International Codes; several states have taken  
13 unprecedented action in their histories. The State  
14 of New York has always written their own code. They  
15 have adopted a fairly complete package of I codes  
16 and it includes the International Fire Code which  
17 will be in effect in July of this year. The State  
18 of Wisconsin has always written their own code.  
19 They have adopted an I Code package that's in effect  
20 now. The state of Pennsylvania has never had a  
21 statewide code; they have adopted the I Code -- they  
22 passed legislation to adopt the I Codes in  
23 Pennsylvania. In this part of the country, Ohio has

1 adopted the International Building Code. Two other  
2 states assigned to me are Michigan and Kentucky;  
3 both Michigan and Kentucky have adopted the I Codes.  
4 Both Michigan and Kentucky retained the reference to  
5 the International Fire Code, because, as Mr. McElroy  
6 has pointed out, without it, you have got nothing,  
7 you have 81 dead ends, in essence, without these  
8 references. These references are only effective as  
9 far as the International Fire Code is concerned to  
10 the point the reference makes. You are not adopting  
11 the International Fire Code. It's just a  
12 continuation of the building code provision of these  
13 81 instances. And of course there are other codes,  
14 Fuel Gas Code, Property Maintenance Code that also  
15 have references to the International Fire Code. So  
16 I am in support of the West Virginia Code Officials,  
17 Mr. McElroy's comments that these references should  
18 be retained.

19 By the way, Mr. McElroy is a modest  
20 gentleman. Darby Dean is also here -- did I see --  
21 Rick, raise your hand; Darby Dean raise your hand.  
22 These two fellows are master code officials; that  
23 means they have passed anywhere from 19 to 21 tests,

1 have to continue training, obtaining 45 hours per  
2 year -- every three years to maintain that  
3 certification. There's less than 150 master code  
4 officials in the nation. I think on a per capita  
5 basis -- and also a third one here in this state is  
6 Jerry Kyle, who works part-time for Bob Ashcraft in  
7 Fairmont. On a per capita basis, this is as good as  
8 any state in the country. I think the training, the  
9 due diligence shown by these gentleman should be  
10 maintained and will be maintained with the adoption  
11 of the code package. Thank you very much.

12 EXAMINER STALLARD: Thank you, sir. D.  
13 Darby Dean.

14 MR. DEAN: My name is Darby Dean; I'm the  
15 code official for the City of Martinsburg, West  
16 Virginia. I have been involved as code official for  
17 about 2 1/2 years, and been in code enforcement for  
18 about seven and a half years. I'm a member of the  
19 West Virginia Code Officials Association and serve  
20 on the Board of Directors of that organization, and  
21 to date I have received numerous hours of training  
22 in the code series now before you for consideration  
23 and adoption. I am here today to speak in favor of

1 adoption of the 2000 ICC codes and supplements as  
2 amended and presented for adoption by the Code  
3 Officials Association to the State Fire Commission.

4           The City of Martinsburg has spent  
5 considerable time and money purchasing and providing  
6 the 2000 codes and training therein for the city  
7 employees. I guess one aspect that hasn't been  
8 mentioned yet is the fact that once a new series of  
9 codes has been written and issued, generally all  
10 training after that point is given in the new code  
11 series and used within a year of adoption --  
12 promulgation of a new code series, all certification  
13 testing is based on the new code series. So the  
14 State is now enforcing codes that are five, six  
15 years old; but anybody seeking certification or  
16 training is required to use the 2000 code series for  
17 that.

18           I'd echo the comments of some of the  
19 previous speakers. I think it's prudent that we  
20 move ahead with the adoption of the 2000 ICC code  
21 series, with the possibility of looking at an NFPA  
22 5000 at a later date when it has had a chance to  
23 prove itself as a possible building code for the

1 state.

2 I also have a resolution passed by the City  
3 Council of Martinsburg for submission today, a  
4 resolution for support of the adoption of the 2000  
5 International Codes as the West Virginia State  
6 Building Code. Whereas, the State of West Virginia  
7 has mandated in West Virginia Code, Section 8-12-13  
8 that any municipal subdivision of the State that  
9 adopts a building code, that the code adopted shall  
10 be the State Building Code. And whereas the current  
11 State Building Code is the 1996 edition of the BOCA  
12 National Building Code, the 1995 edition of the  
13 International Plumbing Code, the 1996 International  
14 Mechanical Code, the 1996 edition of BOCA National  
15 Property Maintenance code, the 1993 BOCA National  
16 Energy Code, and the 1995 CABO one and two Family  
17 Dwelling Code; and, whereas the City of Martinsburg  
18 has been operating under the current State Building  
19 Code since October 9th, 1997; and whereas the City  
20 of Martinsburg is an active member of the West  
21 Virginia Code Officials Association; whereas the  
22 City of Martinsburg and the West Virginia Code  
23 Officials Association has spent thousands of dollars

1 of taxpayers money to purchase copies of the various  
2 2000 ICC codes and train code officials across the  
3 state in the administration of these codes; and  
4 whereas the building department of municipal  
5 subdivision across the State of West Virginia are  
6 now evaluated and graded by ISO, like fire  
7 departments, in order to give credits for insurance  
8 based upon construction, in accordance with the  
9 current edition of the model codes; and whereas the  
10 State Fire Commission as charged by West Virginia  
11 Code, Section 29-3-5b, will hold a public hearing on  
12 May 17th, 2002, at 10:00 a.m., in Conference Room L  
13 of the Day's Inn Conference Center, Flatwoods, West  
14 Virginia, for the purpose of taking comments on the  
15 adoption of the 2000 International Codes as the next  
16 State Building code. Now it therefore be resolved  
17 that the City of Martinsburg hereby resolves to give  
18 their full support to the West Virginia Code  
19 Officials Association and the West Virginia State  
20 Fire Commission in their united effort to adopt the  
21 2000 International Code and supplements as presented  
22 as the next State Building Code for West Virginia.  
23 Passed this 9th day of May, 2002. Signed by George

1 Karos, Mayor. Thank you.

2 EXAMINER STALLARD: Thank you, sir. Steve  
3 Parsons.

4 MR. PARSONS: I have got a nice little  
5 letter written here, and after comments that I've  
6 heard this morning, I'm going to throw the letter  
7 away and just talk. I'm Steve Parsons; I'm with the  
8 Village of Barboursville. I have been in Code  
9 Enforcement for 21 years with the Village of  
10 Barboursville. I was also with the Fire Service of  
11 the Village of Barboursville for 26 years, and I was  
12 Fire Chief 12 years during that period of time. I  
13 think there was some reference made earlier  
14 concerning the fire personnel and their safety in  
15 these buildings. ICC codes may not set there and  
16 say, "Okay, I'm here to protect the firefighter;"  
17 but due to the responsibility that ICC has had, BOCA  
18 has had in the past, and the requirements for the  
19 construction, I feel that this makes every building  
20 that a firefighter has to enter as safe as possible.  
21 That's not a situation that's safe, I don't care  
22 when you go in. All of you guys know that. But by  
23 the use of the ICC codes, I believe that makes the

1 buildings as safe as they can get in that situation.

2 I am here today to support the 2000 ICC  
3 code supplements as amended and as presented. Here  
4 again, my employer has spent several hundred or  
5 thousands of dollars training myself and the other  
6 inspectors in my area. We are being trained with  
7 the 2000 codes, which they have been for the last  
8 couple of years, and our testing has been with the  
9 2000 codes, so we are very familiar with these  
10 codes. I believe the conversion to the ICC code is  
11 a logical step, since BOCA is one of the three model  
12 codes that we used in the past; and a combination of  
13 the three model codes nationwide, to me, is a very  
14 sensible effort to make things standard nationwide,  
15 make it easy to understand and easy to implement.

16 I respectfully request and urge this  
17 Commission to file as legislative rule the 2000  
18 International Building Code and supplements as  
19 amended and presented for adoption for the next  
20 State Building Code. And this is the letter I will  
21 present to the Commission. I also have a  
22 resolution, which I will not read, a resolution that  
23 supports adoption of the 2000 International Code as

1 the West Virginia State Building Code. This was  
2 adopted by Mayor Paul Turman and signed by the  
3 reporter; and this was passed at the Council Meeting  
4 on May 7th, 2002. Thank you for your time.

5 EXAMINER STALLARD: Thank you. Mr. Don  
6 Gombert.

7 MR. GOMBERT: I don't have a prepared  
8 statement, so I will be really brief. I am an  
9 architect from Crab Orchard, West Virginia, in  
10 Raleigh County, and I am just simply in favor of the  
11 ICC Building Code being adopted as expeditious as  
12 possible. Thank you very much.

13 EXAMINER STALLARD: Thank you. Ladies and  
14 gentlemen, in just a few moments, we are going to  
15 take a brief recess, I see some people squirming.  
16 Out of respect for all and primarily the court  
17 reporter, we will start back up at ten after eleven.  
18 And I would again, out of respect, ask that as you  
19 come back in the room, if you're a couple of seconds  
20 late, do so in silence for everyone's respect. Mr.  
21 Edward Tucker, you're on deck. So ten after eleven.

22 (WHEREUPON, a short recess  
23 was had.)

1           **EXAMINER STALLARD:**    We will now reconvene  
2 at 11:10 with Mr. Edward Tucker.

3           **MR. TUCKER:**    I'll try to do as well as Don  
4 in being brief. My name is Edward Tucker, I'm an  
5 architect in Huntington, West Virginia, where I have  
6 been for seven years; been licensed for 20 years as  
7 an architect; currently President of the American  
8 Institute of Architects, West Virginia Chapter. Our  
9 Chapter has a membership of over 90 percent of the  
10 registered architects in West Virginia, along with  
11 quite a number of associated and affiliate members,  
12 as well.

13           Our position has been and continues to be  
14 in support of adoption of the ICC codes. And I  
15 think the arguments and expressions from the West  
16 Virginia Code Officials and others today -- I won't  
17 try to repeat, but have heard a lot of things we're  
18 in agreement with, and would just simply say as an  
19 architect, practicing and both representing our  
20 membership that we support the efforts of the State  
21 Fire Commission to adopt the ICC family. Thank you.

22           **EXAMINER STALLARD:**    Thank you. John  
23 Sausen.

1           MR. SAUSEN:    My name is John Sausen and I  
2 am a registered architect from Fairmont, West  
3 Virginia.  And I am the past President of the AIA,  
4 and so I again repeat the support of the adoption of  
5 these codes.  I have two comments, basically, and  
6 they may be something that cannot be really done at  
7 this current adoption process, but I throw them out  
8 for consideration in the future.  One is in the --  
9 we actually have three different code groups that we  
10 follow; the International Code, which is the BOCA  
11 Code, the NFPA 101 Life Safety Code, and the Title  
12 87 State Building Code.  And the two areas that have  
13 always been problematic for architects has been the  
14 area limitations chart that's in Title 87.  It does  
15 not take into consideration two areas.  One is, it  
16 doesn't take into consideration occupancy; and the  
17 other, it doesn't take into consideration  
18 compartmentalization.  So down the road I think that  
19 needs to be reconsidered, because the International  
20 Building Code does take into consideration occupancy  
21 and compartmentalization.

22                       The other issue is that architects are  
23 compelled by license to design to the codes; they

1 also are compelled by license to provide  
2 construction administration. So, therefore, the  
3 public is protected, because we're out there making  
4 sure things are put together. The other thing is  
5 that Building Code officials are compelled by  
6 adoption of their municipality's and or the county,  
7 which incidentally all counties should be adopting  
8 the codes to do plan review and to do inspection.  
9 But the big, major loophole that we have here in  
10 West Virginia is that many, many buildings are built  
11 without architects, because of the exceptions that  
12 are in our practice law; and many, many buildings  
13 are built outside of jurisdictions, outside of  
14 municipalities; so, therefore, what is to protect  
15 the public in those situations. So, again, in the  
16 future, I would recommend that adoption should not  
17 be an option if, it should be a mandated shall, and  
18 that we need to truly make this a State Building  
19 Code. Thank you.

20 EXAMINER STALLARD: Thank you, sir. Edwin  
21 Blehschmidt.

22 MR. BLEHSCHMIDT: I'm Ed Blehschmidt; I'm  
23 president of the West Virginia Chapter of Fire

1 Marshals Association, and I have been in code  
2 enforcement I guess since 1961 or '62, started in  
3 Morgantown, was on the fire department, and worked  
4 with several folks that have got up here to speak  
5 already. Our membership is concerned, the majority  
6 of our membership in the Fire Marshal's Association,  
7 that, number one, we don't know for sure if this new  
8 code is consensus code. Do fire marshals, do fire  
9 departments, the firefighters, do they have input  
10 into this Code when it was being written.

11 One thing that was brought out here today,  
12 after all of these years that I have been in code  
13 compliance and code enforcement, was what Mr. Sausen  
14 said. There shouldn't be a building built in this  
15 State without an architect at the helm. The  
16 architects are absolutely the last line of defense.  
17 I worked also at the Health Sciences Center, which  
18 is a large complex in Morgantown, and if it wouldn't  
19 have been for different architectural firms, we  
20 would have been in trouble a long time ago.

21 The consensus thing is one thing that  
22 concerned us. We don't have a problem as a group  
23 with the ICC, not at all; but we would ask you --

1 and I'm going to read this letter, I'll be as brief  
2 as I can. This was written on April 30th in  
3 Huntington. "Gentleman of the Fire Commission: It  
4 has come to our attention that you intend to hold a  
5 public hearing in Flatwoods, West Virginia, on May  
6 17, '02, for the purpose of receiving public  
7 testimony concerning your planned adoption of the  
8 2000 edition of the IBC. The members of the Fire  
9 Marshal's Association, West Virginia Chapter of the  
10 International Association of Fire Marshal's would  
11 like to place the following public testimony on the  
12 record. We, the undersigned, respectfully request  
13 that the West Virginia State Fire Commission  
14 postpone their decision and vote on the adoption of  
15 a new building code or any significant revision to  
16 the existing building code. This request is based  
17 on the fact that the National Fire Protection  
18 Association has developed a building code which we  
19 expect to be available for use by late summer 2002.  
20 We believe that prior to any West Virginia adoption  
21 a review of both the NFPA Building Code, as well as  
22 the IBC should be conducted to determine which of  
23 these documents will best serve the citizens of West

1 Virginia, as well as provide a very high level of  
2 safety to our citizens, visitors to our State, as  
3 well as our emergency responders. We as code  
4 officials, code enforcement officials of West  
5 Virginia, are the ultimate end-users of the codes  
6 you adopt, and as such, feel our concerns should be  
7 taken into consideration and play a very vital part  
8 in your decision."

9 I have seen some things happen, and I've  
10 worked in all 55 counties of this State, my home is  
11 in Morgantown, and the only thing that concerns me a  
12 lot as a code enforcement official is building code  
13 officials I believe should be civil service. I have  
14 seen politics enter in and interact with the  
15 building code officials, and we all know it. We all  
16 do the same work, basically. And I think I would  
17 like to see and my organization would sincerely  
18 support the building code officials being put over  
19 into civil service so the manager, the councils, the  
20 county commissions, cannot dictate and say, "Hey,  
21 wait a minute. You might want to overlook this  
22 thing because of the different revenues it would  
23 bring into the county or city." And we all know it

1 happens. It probably doesn't happen in every town,  
2 but I know it's happened frequently around the  
3 state.

4 I certainly thank you for your time and  
5 appreciate your time, sir, and I would like for this  
6 -- there are 62 signatures of code enforcement  
7 people, mainly deputized assistant fire marshals,  
8 fire marshals, and so forth. And by the way,  
9 Marshal Lewis is now trying to get some code  
10 enforcement out in the counties through  
11 deputization, as assistants in the volunteer fire  
12 departments. We had a lot of these folks come  
13 through in this last training session, which I was  
14 glad to see, because from what I've heard here today  
15 most of you are from municipalities. West Virginia  
16 is a small state, but do municipalities make up the  
17 majority of buildings and construction; and I don't  
18 know it to be a fact, but I doubt that. So if you  
19 could take this into consideration, we would  
20 sincerely appreciate it. Thank you very, very much.

21 EXAMINER STALLARD: Thank you. Robert  
22 Lemley.

23 MR. LEMLEY: As an employee of West

1 Virginia University, and as a representative of the  
2 Office of Environmental Health and Safety, I deal  
3 with code compliance on a daily basis, and have for  
4 years. My position and the position of  
5 Environmental Health and Safety is to support Mr.  
6 Roy's position, I might add, as well as the position  
7 that was just presented by Mr. Blehschmidt. Thank  
8 you.

9 EXAMINER STALLARD: Thank you. Joel  
10 Stout.

11 MR. STOUT: I am Joel Stout with the West  
12 Virginia Homebuilder's Association. I serve as the  
13 Chairman of our Codes Committee, and we support the  
14 legislative rule that was filed with the amendments,  
15 and we have been working with the Code Officials  
16 Association and Mr. Guffey to get this implemented,  
17 and we think it is a good thing.

18 We did find one troublesome area that we  
19 missed that we are asking for one more change in,  
20 and that is to delete the section that deals with  
21 building footings on or adjacent to slopes. It is  
22 just really -- it's ambiguous and unworkable. We  
23 have been in discussion with the building code

1 officials, and everybody pretty much agrees that  
2 it's hard -- it would be impossible to implement  
3 this provision. And they are going to rewrite it in  
4 the next code edition. And that is spelled out in  
5 the written comments that I will turn in here.

6 Thank you.

7           **EXAMINER STALLARD:** Thank you. Steve  
8 Curfman.

9           **MR. CURFMAN:** Honorable Commission, good  
10 morning, my name is Steve Curfman, I am the Building  
11 Code Official for the City of Vienna in Wood County,  
12 West Virginia. I have been in this position since  
13 1995, also a member of the West Virginia Code  
14 Officials Association. I'm here today to speak in  
15 favor of 2000 ICC codes and supplements as amended  
16 and presented for adoption by the code officials to  
17 the West Virginia State Fire Commission.

18           In the year 2001 alone, our Association has  
19 spent over \$18,000 for BOCA/ICC certified continuing  
20 education seminars for its members. Nearly all of  
21 these expenses are funded by the members' cities or  
22 counties that they represent. Our jurisdictions  
23 have invested a lot of time and money on its code

1 people. BOCA certifications in CE units are  
2 automatically accepted by ICC, and I'm assuming  
3 this, however, they will not be accepted by the NFPA  
4 5000 codes. I, myself, have 15 certifications. I  
5 would hate to have to throw these away if they're  
6 going to be worthless in this state if we adopt NFPA  
7 5000 building codes.

8           The National Building Code, Uniform  
9 Building Code, and Standard Building Code have come  
10 together to produce one code, the ICC. These three  
11 model groups have been around for a total of 229  
12 cumulative years. We now have one set of building  
13 codes produced for the entire country. This has  
14 been the dream of architects, designers, developers,  
15 engineers, builders, material suppliers, and many  
16 others for decades. Before, these people had to  
17 have three different sets of codes on their  
18 bookshelves, depending on if they were going to  
19 design or build a building, in what jurisdiction,  
20 what codes was applicable. These international  
21 codes will greatly simplify these problems and  
22 certainly reduce costs. Correct me if I'm wrong,  
23 Mike, but thus far 20 states have adopted the ICC

1 codes, 17 states have adopted the Uniform Building  
2 Code, six states the National Building Code,  
3 including this state, and six the Standard Building  
4 Code. It's a good bet that all of these states will  
5 adopt the International Code. So that takes up  
6 about 43 states. The International Fire Code is an  
7 integral part of the ICC codes. It is referenced  
8 133 times in the ICC Building Code. The  
9 International Fire Code references 88 different  
10 chapters in the NFPA National Fire Code. I've got  
11 about three pages here. The IFC is not a threat to  
12 the State Fire Code or the National Fire Code; it is  
13 dependent upon the NFPA National Fire Code.

14 I respectfully request and urge this  
15 Commission to file as a legislative rule the 2000  
16 IBC and supplements as amended and presented by the  
17 code officials for adoption as the next State  
18 Building Code in West Virginia. Thank you.

19 EXAMINER STALLARD: Thank you. Ladies and  
20 gentlemen, according to my records that concludes  
21 those who wish to speak. Thank you very much. Any  
22 written comments can --

23 MR. MAXWELL: You didn't call my name,

1 Carl Maxwell.

2 EXAMINER STALLARD: I hope I didn't miss  
3 you. You didn't check that you wanted to speak.

4 MR. MAXWELL: Oh, I'm sorry. Can I speak?

5 EXAMINER STALLARD: With unanimous  
6 consent, we will let Mr. Maxwell speak. Yes.

7 MR. MAXWELL: I'm Carl Maxwell, I'm an  
8 architect with Chapman Technical Group. Let me say,  
9 I'm going to speak about my frustration with trying  
10 to deal with NFPA 101 on this side and then you have  
11 BOCA on this other side, and trying to get those  
12 together. I am in favor of the International  
13 Building Code. I think if I had my way, I would  
14 think the Fire Commission would have done something  
15 a little bit different, in which they would just  
16 adopt the International Building Code and do away  
17 with 101. But because all the Fire Commission  
18 people like 101, that's the way it went. So I'm  
19 here to say that if there is any conflict or --  
20 that's not a very good word, conflict; discrepancy  
21 between the two codes, and believe me, I will find  
22 a difference between 101 and the International  
23 Building Code, I will call -- if I have a building

1 in your area, I will call you guys up and ask you,  
2 "Well, how are we going to solve this?" There will  
3 always be -- the International Building Code will  
4 allow you to do this or not allow you to do that,  
5 but NFPA 101 may or may not allow you to do this.  
6 So you will hear a phone call from me, Carl Maxwell,  
7 Chapman Technical Group. Thank you.

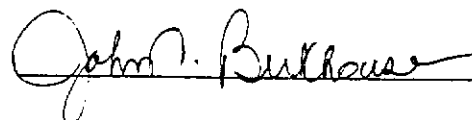
8 EXAMINER STALLARD: I believe that does  
9 conclude the hearing. Thank you all very much for  
10 your interest, for your respect for each other, and  
11 God Bless America. Thanks, it's concluded.

12 (WHEREUPON, the deposition  
13 was concluded at 11:30 a.m.)

## REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to-wit:

I, John T. Berkhouse, Certified Court Reporter and Notary Public for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of all of the proceedings as set forth in the caption thereof.



John T. Berkhouse  
Certified Court Reporter  
Notary Public

REGISTRATION OF PUBLIC  
AT PUBLIC HEARING FOR  
STATE BUILDING CODE

MAY 17, 2002

(PLEASE PRINT CLEARLY)

DAYS INN, FLATWOODS, WV.

NAME	ADDRESS	REPRESENTING	CHECK IF YOU WISH TO SPEAK?
Richard McElroy	301 W. Main St. Clarksburg	Harrison County, Planning Commission	<input checked="" type="checkbox"/>
BARRY SOLES	222 W. Main Clarksburg	Clarksburg	<input type="checkbox"/>
BUN ROY	28 Manor Drive Rubbly DE	NFPA	<input checked="" type="checkbox"/>
William Teach	119 W. King St. Martinsburg WV	Berkeley County Commission	<input checked="" type="checkbox"/>
RON GOENNAKI	156 THOMPSON DR.	CITY OF BRIDGESPORT	<input type="checkbox"/>
George FRANK	389 Spruce St,	Borgans towers	<input type="checkbox"/>
1024 Scott SOLLIFF	800 Jackson St	Fairmont	<input checked="" type="checkbox"/>
1031 ROBERT B. AHCRAFT	CITY OF FAIRMONT P.O. BOX 1428, FAIRMONT, WV 26555	CITY OF FAIRMONT	<input checked="" type="checkbox"/>
Bob STINA	CITY OF FAIRMONT P. 1428	CITY OF FAIRMONT	<input type="checkbox"/>
MARK SHOFF	116 N. Heber St Berkeley WV 25802	Richleigh County	<input type="checkbox"/>
PAUL L. CLAYTON	RT 3 Box 431 Fairmont, WV 26554	WV State Fire Comm.	<input type="checkbox"/>
Bill L. Spenciner	847 Canal St. Clarksburg WV	WV State Fire Comm.	<input type="checkbox"/>

Vic Stallard 300 Maple Dr. Wellington WV 26134

WV STATE FIRE COMM.

REGISTRATION OF PUBLIC  
AT PUBLIC HEARING FOR  
STATE BUILDING CODE

MAY 17, 2002

(PLEASE PRINT CLEARLY)

DAYS INN, FLATWOODS, WV.

NAME	ADDRESS	REPRESENTING	CHECK IF YOU WISH TO SPEAK?
1036 / FRANCIS GUTFEY	165 LAKEHURST DRIVE CAMBERTON, WV	AIA West Virginia	<input checked="" type="checkbox"/>
1038 / MICHAEL WESTFALL	1205 SUNBURY RD WESTERVILLE OH 43081	BORN IN TN	<input checked="" type="checkbox"/>
1045 / G. Daryl DEAN	252 N. QUEENSTY Martinsburg West Va	City of Martinsburg WV 26004	<input checked="" type="checkbox"/>
1048 / STEVE PETERS	P.O. Box 246 Backusville W.V.	City of Backusville	<input checked="" type="checkbox"/>
1048 / Leo Manheimer	P.O. Box 98 Wilton, W.V.	City of Wilton	
1051 / Gary Fox	P.O. Box 1627 Parkersburg, WV 26002	City of Parkersburg	
1051 / DON GOMBERG	P.O. Box 1210 Cears Orchard	DIACRITICS RESTAURANT	<input checked="" type="checkbox"/>
1051 / GARYS COOPER	4 ERIADLE COURT HERNDON, VA 22063	The Bourne Assoc	
1051 / Clifford Gillman	P.O. Box 180 Frankford W.V.	WV. N.B.A.	
1051 / Fred McDonald	12 SUNSET VIEW BRIDGESPORT WV	WV N.B.A.	
1051 / Anthony Katar	200 PARKERS STREET	City of Parkersburg	
1051 / Carl Maxwell	200 5TH AVE, ST ALBANS WV 25177	Amphers Fall Group	<input checked="" type="checkbox"/>

REGISTRATION OF PUBLIC  
AT PUBLIC HEARING FOR  
STATE BUILDING CODE

MAY 17, 2002

(PLEASE PRINT CLEARLY)

DAYS INN, FLATWOODS, WV.

NAME	ADDRESS	REPRESENTING	CHECK IF YOU WISH TO SPEAK?
Edward Tucker	110 11th Ave. W. Huntington	Amer. Inst. of Architects. WV	<input checked="" type="checkbox"/>
JOHN R. SAUSEN	1543 FAIRMONT AVE FAIRMONT WV 26554	Amer. Inst. of Architects	<input checked="" type="checkbox"/>
Edwin Blechschmidt	1453 Dogwood Ave, Morgantown	Dist. of Exp. of Tot. Fire Marshal Assn	<input checked="" type="checkbox"/>
Robert Lemley	RT 3 BOX 156N, BRISTOL Mills, WV. 26525	West Virginia University <small>Department of Architecture</small>	<input checked="" type="checkbox"/>
John S Bailey II	Fite Commission		<input checked="" type="checkbox"/>
Ray Maxie	Box 1282 Shells Spring	Chapin	
Tom Walker	P.O. Box 32 Odd WV		
Michael Steyer	522 Longland Road		
Oliver E. Raymond	354 Walnut and Hill Rd Mt		
Paul J. King	Mt. Airy Fire Dept Morgantown	MTFD	
William Richard	" "	" "	

REGISTRATION OF PUBLIC  
AT PUBLIC HEARING FOR  
STATE BUILDING CODE

MAY 17, 2002

(PLEASE PRINT CLEARLY)

DAYS INN, FLATWOODS, WV.

NAME	ADDRESS	REPRESENTING	CHECK IF YOU WISH TO SPEAK?
1121 Joel Stout	4610 Grand Central Ave	WV Homebuilders	<input checked="" type="checkbox"/>
Terry Hough	389 Spruce St Ngle	City of Morgantown	
1113 Steve COFFMAN	1028 27th URBANUS	City of URBANUS	<input checked="" type="checkbox"/>
R Rued	City of Vienna		
ARB Conley		WV State Ymca/mausale	<input checked="" type="checkbox"/>

41 attendees  
17 Appearers



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman  
Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

Steve Curfman, Building Code Official  
City of Vienna  
City Hall  
Vienna, West Virginia 26105

Dear Mr. Curfman

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

MR. WILLIAM SPENCER  
HEARING EXAMINER  
WV STATE FIRE COMMISSION  
1207 QUARRICK ST., 2ND FLOOR  
CHARLESTON, WV 25301

MAY 17, 2002

Re: ADOPTION OF THE 2000 ICC CODES

HONORABLE COMMISSIONER:

GOOD MORNING MY NAME IS STUVE CUREMAN. I AM THE BUILDING CODE OFFICER FOR THE CITY OF URSINA IN WOOD COUNTY WV. I HAVE BEEN IN THIS POSITION SINCE 1995. I AM ALSO A MEMBER OF THE WUCCA.

I AM HERE TODAY TO SPEAK IN FAVOR OF THE 2000 ICC CODES & SUPPLEMENTS AS INCLUDED AND PRESENTED FOR ADOPTION BY THE WUCCA TO THE WV STATE FIRE COMMISSION.

IN THE YEAR 2001 ALONE OUR ASSOCIATION SPENT OVER \$15,000 ON BOCA/ICC CERTIFIED CONTINUING EDUCATION SEMINARS FOR ITS MEMBERS. NEARLY ALL THESE EXPENSES ARE FUNDED BY THE MEMBERS CITIES OR COUNTIES THEY RESIDE IN. OUR JURISDICTIONS HAVE INVESTED A LOT OF TIME AND MONEY TO GET OURS PEOPLE. OUR BOCA CERTIFICATIONS AND CE UNITS ARE AUTOMATICALLY ACCEPTED BY ICC, THESE HOWEVER WILL NOT BE ACCEPTED BY THE NFPA 500 MODEL. I MYSELF HAVE 15 CERTIFICATIONS WHICH I HAD TAKEN 15 YEARS AND A LOT OF MONEY TO ATTAIN.

THE NBC, UBC, & SBC HAVE COME TOGETHER TO PRODUCE ONE CODE, THE ICC. THESE 3 MODEL CODE GROUPS HAVE BEEN AROUND FOR A TOTAL OF 229 ACCUMULATIVE YEARS.

WE NOW HAVE ONE SET OF BUILDING CODES PRODUCED FOR THE ENTIRE COUNTRY. THIS HAS BEEN THE DREAM OF ARCHITECTS, DESIGNERS, PROFESSIONALS, ENGINEERS, BUILDERS, MATERIAL SUPPLIERS AND MANY OTHERS FOR DECADES. BEFORE, THESE PEOPLE HAD TO HAVE 3 DIFFERENT SETS OF CODES DEPENDING ON THEIR STATE OR LOCALITY. ONE NATIONWIDE SET OF BUILDING CODES, THE ICC CODES, WILL SIMPLY SOLVE THESE PROBLEMS AND CERTAINLY REDUCE COSTS.

THE IFC IS AN INTEGRAL PART OF THE ICC CODES. IT IS INCORPORATED INTO THE ICC BUILDING CODE.

THE IFC CONSISTS OF 88 DIFFERENT CHAPTERS IN THE NFPA NFC. THE IFC IS NOT A THREAT TO THE NFPA FIRE CODE OR THE NFC. IT IS DEPENDENT UPON THE NFPA NFC.

THUS FAR 20 STATES HAVE ADOPTED THE ICC CODES, 17 STATES ADOPTED THE UBC, 6 STATES THE NBC (FIRE CODE), & 6 THE SBC. ITS A GOOD BET THAT ALL THESE STATES WILL ADOPT THE ICC CODES SINCE THE NBC, UBC, & SBC NOW PRODUCE ONLY ONE CODE THE ICC.

I RESPECTFULLY REQUEST AND URGE THE COMMISSION TO  
FILE AS A LEGISLATIVE RULE THE 2000 IBC AND  
SUPPLEMENTS AS AMENDED AND PRESENTED BY THE  
WV CODE OFFICIALS ASSOCIATION FOR ADOPTION AS THE NEXT  
STATE BUILDING CODE FOR W.V.

THANK YOU

STEVE CONNOR  
CITY OF MARTINSBURG, WV.



## The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

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Joe Martin., Cabinet Secretary

### STATE FIRE COMMISSION

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191

Fax: (304) 558-2537

June 27, 2002

J. Benjamin Roy, Jr.  
Regional Manager  
National Fire Protection Association  
Mid-Atlantic Regional Office  
P.O. Box 1166  
Rehoboth Beach, Delaware 19971

Dear Mr. Roy,

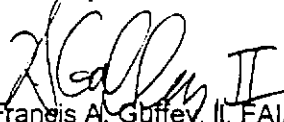
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Sincerely Yours,

  
Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



# NFPA

Mid-Atlantic Regional Office, P.O. Box 1166, Rehoboth Beach, DE 19971 USA  
Phone: 1+ (302) 227-3232 Fax: 1+ (302) 227-9350 [www.nfpa.org](http://www.nfpa.org)

**Testimony  
Before The  
West Virginia  
State Fire Commission**

**Regarding**

**Proposed Revisions  
To the  
State Building Code**

**Presented  
At a  
Public Hearing**

**Held in  
Flatwoods, West Virginia**

**May 17, 2002**

**Submitted  
by  
J. Benjamin Roy, Jr.  
Regional Manager  
National Fire Protection Association**

Good Morning –

My name is Benjamin Roy and I serve as the Mid-Atlantic Regional Manager for the National Fire Protection Association (NFPA).

Thank you for allowing me the privilege of appearing before you today.

NFPA is an independent, voluntary membership, non-profit, organization dedicated to reducing the worldwide burden of fire and other hazards on the quality of life by providing and advocating scientifically-based consensus codes and standards, research, training, and education.

NFPA was founded in 1896 and is the premier fire and life safety codes development organization in this country as well as most of the rest of the World.

Many of our documents are used here in West Virginia. Some of the more significant documents include the Fire Prevention Code, the Life Safety Code, the National Electric Code, the National Fuel Gas Code and the National Fire Alarm Code. In addition over 100 other documents developed by NFPA are referenced by your current Fire Prevention Code.

For many years the State of West Virginia has come to depend on the NFPA Standards-Making Process to provide the citizens' of this State as well as the visitors to West Virginia with the most fairly, equitably, and professionally developed safety standards available anywhere in the World.

Over two years ago NFPA embarked on a journey to develop a Building Code that would meet these same standards of excellence and that would be developed using the same 'true-consensus', ANSI approved process NFPA is Internationally acclaimed for. This document, along with a Plumbing and Mechanical Code developed by IAPMO, and an Energy Code developed by ASHRAE, will round out NFPA's Consensus Codes Set for the Built Environment.

This process is all but completed. Our proposed document is in final draft form and will be voted on by our membership in less than one week during NFPA's Annual Meeting in Minneapolis, Minnesota.

This document, if approved, will be submitted to the NFPA Standards Council in July and should be available in August.

The issue before you today is whether to adopt various elements of the International Building Code (IBC) in place of the current BOCA and CABO codes adopted within West Virginia.

I am here today to place two requests before this Commission. First, I respectfully ask that you table any consideration of revising the West Virginia State Building Code for a six-month period. And secondly, during that period, you compare the International Building Code with the completed NFPA Building Code to determine which of these documents is best suited for use in West Virginia. I believe there is ample justification for the Commission to take this course of action.

- The proposed International Building Code is NOT just simply an update of the BOCA code but rather a NEW Building Code, utilizing provisions from the Uniform Building Code, used extensively west of the Mississippi; the Standard Code, utilized primarily in the Southeast, as well as some portions of the Southwest; in addition to BOCA. A delay in adopting this document would give the Commission the time and opportunity to review this NEW Code and determine the impact provisions of codes from other areas of the country will have on West Virginia.

NFPA's Staff includes a Registered Architect on Staff that previously worked for BOCA and a Professional Engineer who worked for the International Codes Council (ICC), the publishers of the IBC, during the development of that code. We would be most happy to assist the Commission in a study and review of the more significant changes and the impact these changes may have in West Virginia.

- The current International Building Code is the 2000 edition, a document that will be almost three years old before the WV Rule-making process is completed. Any delay brought about by a six-month study will be negligible from a technical standpoint. In fact a delay might have many positive benefits since the NFPA document is brand-new, containing up to date and state-of-the-art provisions.

- The NFPA Building Code relies extensively on the provisions of the Life Safety Code as an integral part of the new NFPA Building Code. The Life Safety Code has been adopted in the State of West Virginia for decades and hundreds, if not thousands, of buildings and occupancies have been designed to meet the provisions found therein. Currently, the Commission has adopted the 2000 edition of this standard. NFPA, in cooperation with the State Fire Marshal's Office has just concluded a three-day seminar on the 2000 edition of the Life Safety Code, in Huntington, WV. Over eighty (80) code enforcers were in attendance. Additionally, two years ago, NFPA, along with the West Virginia

State Fire Marshals Office co-sponsored a three-day seminar on the '97 edition of this document. This training was held in Charleston and was attended by approximately one hundred (100) Code Enforcers.

It should be noted that even though the International Building Code makes extensive use of NFPA Codes and Standards, NFPA 101, the Life Safety Code, is not among them.

- It would seem to me that adopting a building code that excludes the Life Safety Code is doing a severe disservice to the State of West Virginia. The vast majority of the codes enforcers are trained to that document and it has been in use for many years in this state. Certainly, there is a familiarity with this document, not only by code officials, but also the end users.

At the least, a change this significant, should be thoroughly reviewed to determine what conflicts will result between Building Code and Fire Code enforcement and what fiscal impact the cost of retrain both the codes enforcers and the end-users to a totally different document will have on the taxpayers of West Virginia.

- NFPA's new Building Code contains specific Fire Safety Goals as follows:

"To provide an environment for the occupants inside or near a building that is reasonably safe from fire and similar emergencies."

and;

*"To provide reasonable safety for fire fighters and emergency responders during search and rescue operations."*

To my knowledge no other current or former building code has made fire fighter and emergency worker safety a stated goal of their document. The 2000 International Building Code DOES NOT contain this provision.

This issue alone should provide sufficient justification for the Commission to table action on adoption of the IBC until a review is made between the two documents to determine which will provide a higher degree of safety, not only for the citizens of West Virginia but also the emergency workers who will have to enter these buildings after the occupants have exited.

Page 4  
West Virginia Fire Commission Testimony  
Regarding Proposed Revisions to the Building Code  
May 17, 2002

I believe I have placed ample testimony before the Commission to demonstrate it is in the best interests of the Citizens of West Virginia for the Commission to proceed slowly on this issue and make a determination as to which building code is better suited for use in this State, prior to adopting any new Building Code. The National Fire Protection Association is not here today asking you to adopt the NFPA Building Code. We are here today, asking that you table or reject the proposal before you until you have had the opportunity to review, compare, and evaluate both the International Building Code and NFPA's Building Code to determine which document is best suited for use in West Virginia.

We at NFPA stand ready to assist you in any way possible in this endeavor.

Included, and submitted as a part of my written testimony, is a final draft copy of NFPA 5000, Building Code. Additionally, under separate cover, each of you should have received a copy of this document within the last week.

Thank you for your time and consideration.



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
- Fax: (304) 558-2537

June 27, 2002

Terry L. Hough, P.E.  
Public Works Directory/City Engineer  
City of Morgan  
389 Spruce Street  
Morgantown, West Virginia 26505

Dear Mr. Hough,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

5/17/02  
11:00 a.m.

Dear Sirs/Madame

Please excuse the unorthodox means of this communication. I am Terry Hough and I am the Public Works Director and City Engineer of the City of Morgantown. I am here representing the City of Morgantown. It should be noted that the Code Enforcement Department ~~was~~ <sup>is</sup> under my direct supervision.

On Tuesday, May 21, 2002, the City Council of Morgantown will be considering a Resolution in support of the New ICC Codes. A copy of the resolution is attached for your consideration. I can state, with a great deal of certainty, that the resolution will be passed. I have spoken to many of the individual council persons and they are in favor of the codes.

As stated in the resolution, the City of Morgantown has invested thousands of dollars of tax payers monies for the purchase of the codes along with training. It should also be noted that if codes other than the ICC codes, specifically the NFPA Building Code, that all training and code officer's certifications will be null and void. Thousands of additional monies would then be required to be spent to recapture the certifications currently held by the code officers. In one instance, one of


our Code Officers would lose up to twenty (20) certifications. There is no way that he would be able to get recertification under the new NFPA Building Codes. This is only one of six code ~~officers~~ officers who would be adversely affected.

There are many, many more reasons to adopt the ICC codes which is beyond the scope of this letter to enumerate. In summary, the City of Morgantown is in favor of adopting the ICC codes.

Thank you for your attention to this matter. Again, I apologize for the form of this letter.

If I, or my Code Enforcement Office can be of any service to you, Please do not hesitate to contact me or Mr. Michael Stone, Chief Code Enforcement Officer.

Sincerely,



Terry L. Hough, P. E.  
Public Works Director/City Engineer  
City of Morgantown  
389 Spruce Street  
Morgantown, WV 26505  
304-284-7412  
304-284-7401 (Code Enforcement Office)

A RESOLUTION OF SUPPORT FOR THE ADOPTION OF THE 2000 INTERNATIONAL CODES AS THE WEST VIRGINIA STATE BUILDING CODE.

WHEREAS, the state of West Virginia has mandated in West Virginia Code section 8-12-13 that any municipal subdivision of the state that adopts a building code that the code adopted shall be the State Building Code; and

WHEREAS, the current State Building Code is the 1996 Edition of the BOCA National Building Code; the 1995 Edition of the international Plumbing Code; the 1996 International Mechanical Code; the 1996 Edition of the BOCA National Property Maintenance Code; the 1993 BOCA National Energy Code; and the 1995 CABO One and Two Family Dwelling Code; and

WHEREAS, the City of Morgantown has been operating under the current State Building Code since July 17, 1990; and

WHEREAS, the City of Morgantown is an active member of the West Virginia Code Officials Association; and

WHEREAS, the City of Morgantown and the West Virginia Code Officials Association have spent thousands of dollars of tax payer monies to purchase copies of the various 2000 ICC Codes and train officials across the state in the administration of these codes; and

WHEREAS, Building Departments of municipal subdivisions across the state of West Virginia are now evaluated and graded by ISO, like fire departments, in order to give credits for insurance based upon construction in accordance with current edition model codes.

NOW, THEREFORE, BE IT RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2002, that the City of Morgantown hereby resolves to give their full support of the West Virginia Code Officials Association and the West Virginia State Fire Commission in their united effort to adopt the 2000 International Code and supplements as presented as the next State Building Code for West Virginia.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman  
Bill L. Spencer  
Vice Chairman  
Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**  
1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

Sean G. Simon, AIA  
Architect  
306 Beauty Street  
Spencer, West Virginia 25276

Dear Mr. Simon

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



SEAN G. SIMON, A.I.A.  
ARCHITECT

---

4.16.02


Attn: State Building Code  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

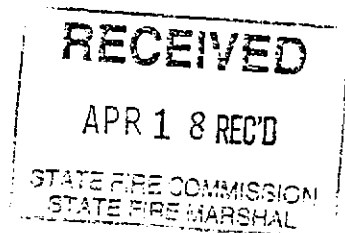
Re: Proposed Adoption of the International Building Codes

I believe West Virginia needs to accept the current International Building Codes. The NFPA code group is not willing to work with the rest of the world and seems to be more concerned about selling copies of codes than working with people. The International Codes are a complete set and are a step towards one code for all of the United States.

If you have any questions or I can be of further assistance, please call.

Thank you.

  
Sean G. Simon, AIA  
Architect





## The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman  
Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

### STATE FIRE COMMISSION

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

Eugene Raymond, Code Enforcement Officer  
City of Morgantown  
389 Spruce Street  
Morgantown, West Virginia 26505

Dear Mr. Raymond,


Thank you for your interest and written comment concerning the approval of the 2000 1 BC and 1 RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

  
Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7401

CODE ENFORCEMENT  
BUILDING AND HOUSING  
INSPECTION DEPARTMENT

May 6, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

RE: Adoption of the 2000 ICC Codes

Honorable Commission:

My name is Eugene Raymond. I am an employee of the City of Morgantown located in Monongalia County, West Virginia. I have been in my current position for 5 years. I am certified as 3 in 1 Code Enforcement Officer and have been in the code enforcement business for 5 1/2 years. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the code now before you for consideration and adoption.

Though I'm not here to speak before you, I wish for my voice to be heard in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank you for this opportunity.

Respectfully,

Eugene Raymond  
Code Enforcement Officer  
City of Morgantown



## The Department of Military Affairs and Public Safety

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

### STATE FIRE COMMISSION

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

June 27, 2002

Michael Stone, Code Enforcement Officer  
City of Morgantown  
389 Spruce Street  
Morgantown, West Virginia 26505

Dear Mr. Stone,

Thank you for your interest and written comment concerning the approval of the 2000 1 BC and 1 RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guiffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7401

CODE ENFORCEMENT  
BUILDING AND HOUSING  
INSPECTION DEPARTMENT

May 6, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

RE: Adoption of the 2000 ICC Codes

Honorable Commission:

My name is Michael Stone. I am an employee of the City of Morgantown located in Monongalia County, West Virginia. I have been in my current position for 6 years. I am certified as PH-HE CABO 2004 HVAC Inspector and have been in the code enforcement business for 22 years. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the code now before you for consideration and adoption.

Though I'm not here to speak before you, I wish for my voice to be heard in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank you for this opportunity.

Respectfully,

Michael Stone  
Chief Code Enforcement Officer  
City of Morgantown



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**  
1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

William J. Teach, P.E.  
County Engineer/Building Code Official  
Berkeley County Engineering  
119 West King Street  
Martinsburg, West Virginia 25401

Dear Mr. Teach,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

  
Francis A. Suffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

**BERKELEY COUNTY ENGINEERING**  
**119 WEST KING STREET**  
**MARTINSBURG, WV 25401**  
**(304) 264-1966 OR (304) 264-2156**

WILLIAM J. TEACH, P.E.,  
COUNTY ENGINEER

NORMA J. KUROSKI  
ASSISTANT COUNTY ENGINEER

CRYSTAL A. FEISER  
ADMINISTRATIVE SECRETARY

May 16, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2nd Floor  
Charleston, WV 25301

RE: Adoption of the 2000 ICC Codes

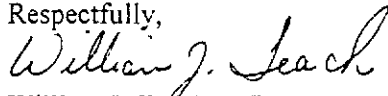
Honorable Commission:

Good morning, my name is William J. Teach, and I am the County Engineer and Building Code Official for Berkeley County. I have been in that current position for 13 years. I am a licensed professional engineer in the State of West Virginia and many other states. I am also a member and officer of the West Virginia Code Officials Association and have received numerous hours of training regarding the codes now before you for consideration and adoption. As a matter of fact, some of my college design projects, more than 30 years ago, for structures were based on some of the same data derived organizations that are now a part of the International Code Council.

However, times have changed and so have construction methods and design. In order to keep current with today's technology, I am here today to speak in favor of the 2000 ICC Codes and supplements as amended. While I am not totally in favor of making the supplements, I am not so naive as to not know that there is a give and take process in getting anything accomplished. Our County was the first in West Virginia to adopt the State Building Code. The implementation was nearly flawless and without public outcries. The biggest reason was education. The inspectors were educated in the Building Code and prior to implementing the Code we spent months in the field educating the construction industry on code requirements. To shift to a new code which has not even been officially published as of this date or to wait for it would be a disservice to the construction industry and the consumer. We need to move forward now and come closer to today's construction standards by updating and adopting the codes now being considered.

In conclusion, I request that the Commission move forward with processing this legislative rule and revise the State Building Code to update to the 2000 ICC Codes along with the requested changes to the proposal to correct the typographical and minor errors contained in the original proposed legislative rule.

Respectfully,



William J. Teach, P.E.  
County Engineer/Building Code Official



126 WEST KING STREET  
MARTINSBURG, WEST VIRGINIA 25401  
PHONE (304) 264-1923

THE COMMISSION

ROBERT L. BURKHART, COMMISSIONER  
ROUTE 1 BOX 140  
MARTINSBURG, WEST VIRGINIA 25401

HOWARD L. STRAUSS, COMMISSIONER  
POST OFFICE BOX 812  
MARTINSBURG, WEST VIRGINIA 25402

JOHN E. WRIGHT, COMMISSIONER  
POST OFFICE BOX 357  
BUNKER HILL, WEST VIRGINIA 25413

DEBORAH HAMMOND  
COUNTY ADMINISTRATOR

SHERRY A. CAIN  
ADMINISTRATIVE SECRETARY

## **A Resolution of Support For the Adoption of the 2000 International Codes as the West Virginia State Building Code**

**WHEREAS,** The state of West Virginia has mandated in West Virginia Code section 7-1-3n that any county subdivision of the state that adopts a building code must adopt the State Building Code; and,

**WHEREAS,** The current State Building Code is the 1996 Edition of the BOCA National Building Code; the 1995 Edition of the International Plumbing Code; the 1996 International Mechanical Code; the 1996 Edition of the BOCA National Property Maintenance Code; the 1993 BOCA National Energy Code; and the 1995 CABO One and Two Family Dwelling Code; and,

**WHEREAS,** Berkeley County has been operating under the current State Building Code since June 26, 1997, and,

**WHEREAS,** Berkeley County is an active member of the West Virginia Code Officials Association; and,

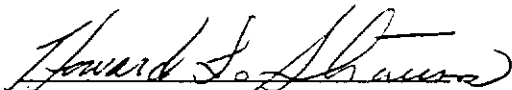
**WHEREAS,** Berkeley County and the West Virginia Code Officials Association have spent thousands of dollars of tax payer monies to purchase copies of the various 2000 ICC Codes and train code officials across the state in the administration of these codes; and,

**WHEREAS,** Building Departments of municipal and county subdivisions across the state of West Virginia are now evaluated and graded by ISO, like fire departments, in order to give credits for insurance based upon construction in accordance with current edition model codes; and,


**WHEREAS,** The State Fire Commission, as charged by West Virginia code section 29-3-5b, will hold a public hearing on May 17<sup>th</sup>, 2002 at 10:00 AM in Conference Room L of the Days Inn Conference Center in Flatwoods, WV for the purpose of taking comments on the adoption of the 2000 International Codes as the next State Building Code.

**NOW, THEREFORE, BE IT RESOLVED THAT,** Berkeley County hereby resolves to give their full support of the West Virginia Codes Officials Association and the West Virginia State Fire Commission in their united effort to adopt the 2000 International Code and supplements as presented; as the next State Building Code for West Virginia.

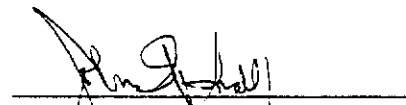
Passed this 9<sup>th</sup> day of May, 2002.

  
Howard L. Strauss, President

\_\_\_\_\_  
Robert L. Burkhart, Commissioner

  
John E. Wright, Commissioner

Attest:

  
\_\_\_\_\_  
John W. Small, Jr.  
County Clerk

Date 5-16-02



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

Jerald Whipkey, President,  
The West Virginia Heating, Ventilating  
Air Conditioning, and Electrical  
Contractors Association  
1104 Madison Street  
Charleston, West Virginia 25302

Dear Mr. Whipkey,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

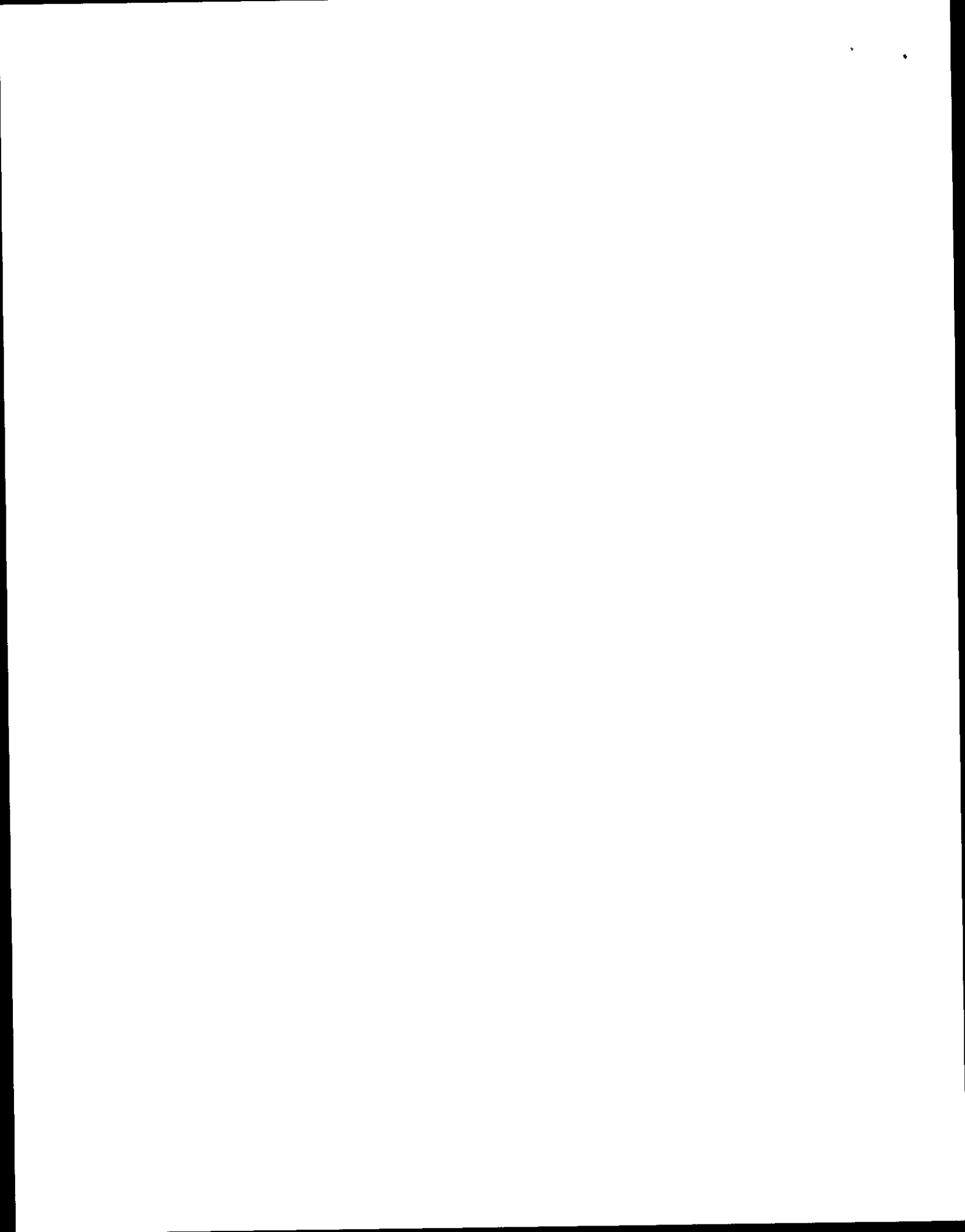
The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



To The  
West Virginia State Fire Commission

From  
The West Virginia Heating, Ventilating  
Air Conditioning, and Electrical  
Contractors Association

# COMMENTS

ON THE PROPOSED RULE  
ADOPTING THE INTERNATIONAL BUILDING CODE - 2000  
EDITION  
AND  
AMENDMENTS TO  
ARTICLE 87 - SERIES 4

RECEIVED  
2002 MAY 17 A 8:38  
STATE FIRE ADMINISTRATOR

Jerald Whipkey, President  
WV HVACCA

0 1/10 63

## MEMORANDUM

TO: The West Virginia State Fire Commission

FROM: West Virginia Heating, Ventilating, Air Conditioning and Electrical Contractors Association

RE: Proposed Rule

DATE: May 17, 2002

Our Association, the West Virginia Heating, Ventilating, Air Conditioning and Electrical Contractors Association, is a non-profit corporation organized as a trade association. We represent licensed contractors that are primarily engaged in the business of heating, ventilating, and air conditioning, electrical contracting, plumbing and related fields. Our members represent hundreds of employed individuals that work for our businesses and that are engaged in the contracting industry as their primary source of employment. Our members are located throughout the State of West Virginia and are generally independent, family-owned, sole proprietorships or corporations. Most of our member companies employ less than 50 people and are actively managed by a West Virginia licensed residential contractor. In addition to our contractor members are associated members including building supply companies, insurance companies, architects and engineers, code officials, independent home inspectors, and banks and lending institutions.

These comments are directed to the attention of the West Virginia Fire Commission because of our support and concern of the proposed adoption of revisions to the rules of the West Virginia State Fire Commission relative to the statewide building codes.

Our organization was an advocate for the creation of the uniform statewide building code several years ago when the enabling legislation was adopted by the West Virginia legislature. Many of our members actively lobbied and testified as advocates for the adoption of uniform codes. We fully understand, as building professionals, the benefits of the codes to our customers, to our individual businesses, and to establishing quality and fairness in the marketplace generally. Since the legislature adopted the codes and they have been implemented by the West Virginia State Fire Commission, West Virginia consumers have benefited.

No longer is "the way I wanted to do it" standard applicable to construction in West Virginia. It's no longer "the way we have always done it" standard that must be

met when working for the public. The new standard, since the adoption of the codes, has been "we have got to do it according to the uniform building code as adopted under West Virginia law by the West Virginia State Fire Commission". These standards have greatly improved the overall quality of the work in the marketplace. They have increased home safety, and have generally contributed to better built structures by the contractors in West Virginia.

As a logical progression, every few years the West Virginia State Fire Commission is asked to update the codes to be in synchronization with the upgrading of the national model codes. Again, our Association has uniformly supported each of these updates and does, in this case, support the adoption of the International Building Code –2000 Edition as proposed in the published rule.

The proposed upgrading of the codes will keep West Virginia in step with neighboring states. This upgrade allows the use of new techniques in the building industry. It allows for modern equipment upgrades and evolving thermal standards, as well as, compliance with uniform training methods and standards anticipated by the heating and cooling equipment manufacturers, duct design, air-flow standards, and heat gain/heat loss standards for thermal performance on which heating and cooling standards are uniformly based throughout the nation. West Virginia's future homeowners and building owners will benefit from these improved standards that will enable our industry to incorporate new, modern, fairly mandated energy standards into the code requirements that the states requires.

**We express extreme concern relative to the exceptions proposed in the new rule.** We believe that the West Virginia State Fire Commission erred in considering the exceptions proposed by the new rule. These exceptions, if adopted, would cause great confusion in the heating, cooling, and electrical contracting businesses. The model codes not only adopt certain code requirements but also adopt other standards, equipment and building components by reference. When the West Virginia State Fire Commission grants wholesale exceptions to the building codes they create circumstances where the codes are in conflict with the exceptions particularly as they relate to adopted standards to be utilized by contractors. For example, new, modern energy efficiencies are not necessarily in synchronization with the proposed thermal standard exceptions being considered by the West Virginia State Fire Commission. It is apparent that the drafter of the exceptions has little knowledge of the heating and cooling industry and other related trades and crafts that would have to operate under the codes. When the model codes were drafted, experts from our industry, as well as, building inspectors, architects, building material component suppliers, and others participated in consensus code writing. When some construction entities, deep in the hills of West Virginia, want to write an "exception" in the rules, then that creates havoc, chaos, incompatibility, conflict and administrative and regulatory nightmares for builders.

Since the heating, cooling and electrical contracting industry is highly technical and for our products and materials to work safely, appropriately, and efficiently not adhering to the uniform model codes and standards is a risk.

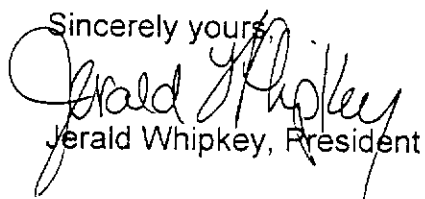
We request action by the West Virginia State Fire Commission. We would request that the West Virginia State Fire Commission first of all defer adoption and action on the proposed rule and reconvene in the proper forum with appropriate experts and knowledgeable individuals participating and reconsider its action by which the proposal grants exceptions to the basic uniform codes. We would further urge that those voices in the West Virginia building industry that wish to see changes in the uniform building code participate in the consensus code writing process that is open and available to all segments of the building industry rather than to seek use of the troublesome, confusing, and substandard exceptions to the model codes.

As a trade association and as contractors actively engaged in the heating, ventilating, air conditioning, electrical contracting and plumbing industries, we would be happy to work closely on consensus with the West Virginia State Fire Commission to achieve that goal. If the West Virginia State Fire Commission elects to submit the rule to the West Virginia legislature in its present form, our organization and its members will be forced to oppose that portion of the rule that grants the troublesome exceptions and urge the adoption of the model codes as drafted by the international building code writing consensus body in which we directly or indirectly participate.

We join with other trade associations and some building officials whose voices rise in concert to voice general objections to the builder's exceptions. These exceptions serve no purpose other than to be self-serving to the builders based on their perception of others. They do not serve the home and building owners that must meet the mortgage payments on those facilities and buildings constructed for them by contractors.

On behalf of our members, we urge your revision of the proposed rule.

Sincerely yours,

  
Jerald Whipkey, President



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

Clifford A. Gillilan, President  
Home Builders Association of West Virginia  
700 Virginia Street, W.  
P.O. Box 6250  
Charleston, West Virginia 25362-0250

Dear Mr. Gillilan,


Thank you for your interest and written comment concerning the approval of the 2000 IRC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

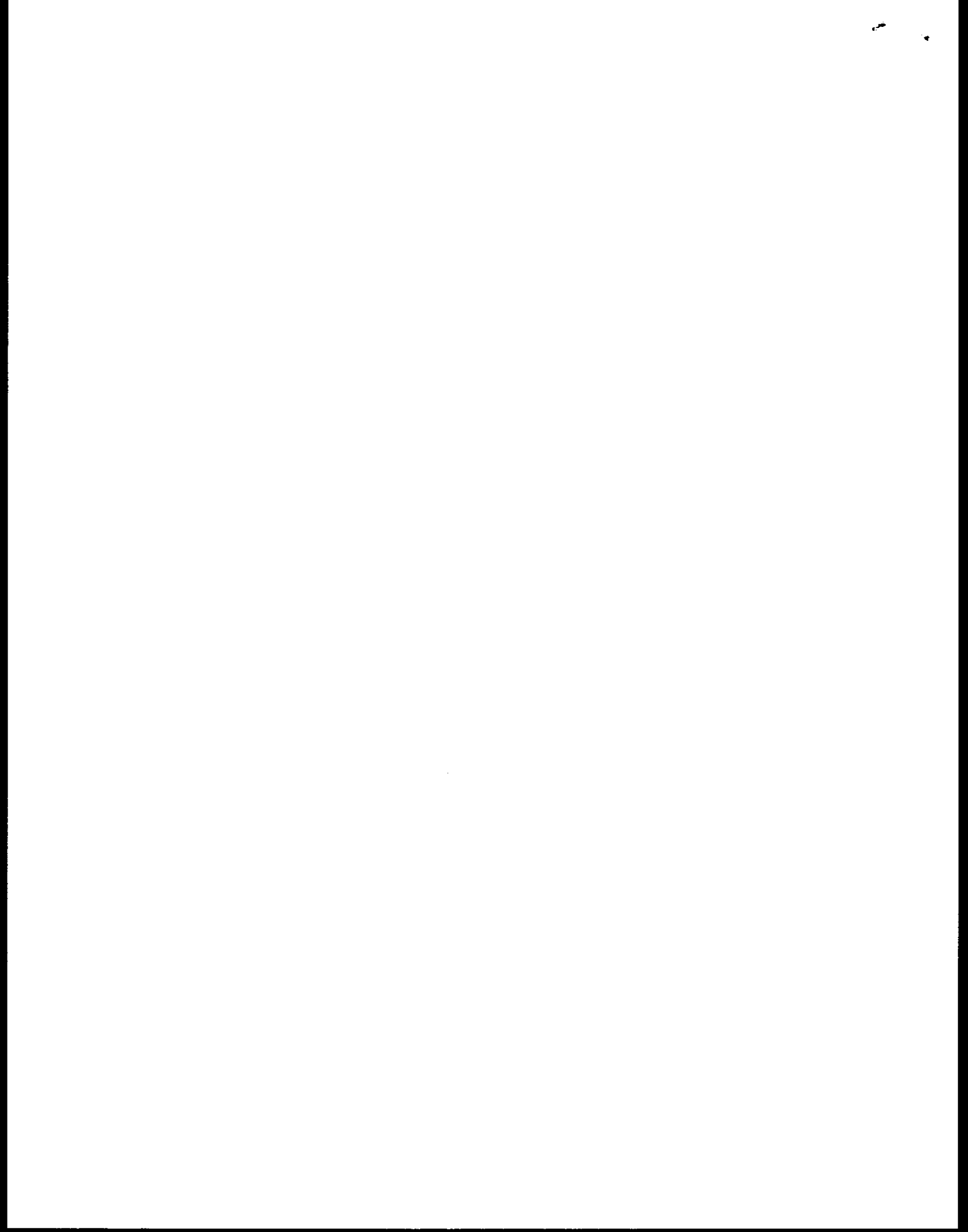
This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

  
Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

cc: Chris A. Ilardi, Legislative Chairman  
Joel Stout, Chairman Codes Committee



Comments

to

West Virginia State Fire Commission

Concerning  
State Building Code Amendments  
(87CSR4)

Flatwoods, West Virginia  
May 17, 2002



# HOME BUILDERS ASSOCIATION OF WEST VIRGINIA

A MEMBER OF THE NATIONAL ASSOCIATION OF HOME BUILDERS

700 Virginia Street, W. • P.O. Box 6250 • Charleston, WV 25362-0250 • Phone: (304) 342-5176 • FAX: (304) 342-5177  
Web Site: www.hbawv.org E-Mail: bthomasson@hbawv.org

President  
Clifford A. Gillilan

May 15, 2002

First Vice President  
Lloyd W. Crook

Mr. Chairman, Fire Marshal Lewis and members of the Fire Commission,

Second Vice President  
Sally J. Navarini

We appreciate the opportunity to be here today and speak to you in support of the amendments to the State Building Code (87CSR4). We are grateful for the past courtesies that have been shown to our Association in allowing our input in the adoption of the new building codes and we believe that the rules that the Fire Commission has filed will serve both the consumer and contractor community in a manner that is efficient, protective and fair and will meet both our goals to provide the best product possible.

Third Vice President  
Joel Stout

Associate Vice President  
Gerald D. Workman

Secretary  
Debbie McGuire

Treasurer  
John H. Farnsworth

We have previously written you (March 13th) with one additional amendment we would like to see made to the proposed rules (R403.1.7) which addresses footings on or adjacent to slopes. As we stated in our letter, the adoption of this section would have a detrimental effect on the West Virginia home building industry in as much as our state's mountainous terrain would render many lots unbuildable. We believe that this section of the code is unclear, unnecessary and urge its deletion from the final rule.

Associate Treasurer  
Robert W. Ritenour

National Representative  
Joel Stout

National Director  
Fred McDonald

Alternate National Director  
Mike Baker

We know that Mr. Bob Cannon (WV Code Official's Association) has some suggested amendments (including the one mentioned in the foregoing paragraph). We concur with the suggestions brought forth by Mr. Cannon.

Associate Member Director  
Carl York

Alternate Associate  
Member Director  
Tom Board

We want to again reiterate our desire to work with you, the Fire Marshal and members of the Commission through the legislative process for the adoption of these Rules and Regulations.

General Counsel  
William F. Richmond, Jr.

Clifford A. Gillilan, President

Joel Stout, Chairman  
Codes Committee

Chris A. Ilardi, Legislative Chairman



**A Building Force.**



## The Department of Military Affairs and Public Safety

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

### STATE FIRE COMMISSION

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

June 27, 2002

Bonita Forbes, Code Enforcement Officer  
City of Morgantown  
389 Spruce Street  
Morgantown, West Virginia 26505

Dear Ms. Forbes,

Thank you for your interest and written comment concerning the approval of the 2000 1 BC and 1 RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guifey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7401

CODE ENFORCEMENT  
BUILDING AND HOUSING  
INSPECTION DEPARTMENT

May 6, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

RE: Adoption of the 2000 ICC Codes

Honorable Commission:

My name is Bonita Forbes. I am an employee of the City of Morgantown located in Monongalia County, West Virginia. I have been in my current position for 6 years. I am certified as a Property Maintenance and Housing Inspector and have been in the code enforcement business for 8 years. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the code now before you for consideration and adoption.

Though I'm not here to speak before you, I wish for my voice to be heard in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank you for this opportunity.

Respectfully,

Bonita Forbes  
Code Enforcement Officer  
City of Morgantown

  
The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
- Fax: (304) 558-2537

June 27, 2002

George Fanok, Code Enforcement Officer  
City of Morgantown  
389 Spruce Street  
Morgantown, West Virginia 26505

Dear Mr. Fanok,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,



Francis A. Guffey, Jr., FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7401

CODE ENFORCEMENT  
BUILDING AND HOUSING  
INSPECTION DEPARTMENT

May 6, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

RE: Adoption of the 2000 ICC Codes

Honorable Commission:

My name is George Fanok. I am an employee of the City of Morgantown located in Monongalia County, West Virginia. I have been in my current position for 8 years. I am certified as BOCA & CABO Electric and Code Enforcement Officer and have been in the code enforcement business for 14 years. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the code now before you for consideration and adoption.

Though I'm not here to speak before you, I wish for my voice to be heard in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank you for this opportunity.

Respectfully, *George E. Fanok*

George Fanok  
Code Enforcement Officer  
City of Morgantown



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

Stephen J. Parsons, DPW  
Village of Barboursville  
721 Central Avenue  
P.O. Box 266  
Barboursville, West Virginia 25504-0266

Dear Mr. Parsons,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb





# Village of Barboursville

721 Central Avenue • P. O. Box 266 • Barboursville, West Virginia 25504-0266  
304-736-8995 • Fax 304-736-7850

Stephen J. Parsons  
Director of Public Works  
Building Code Official

May 7, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

RE: Adoption of the 2000 ICC Codes

Honorable Commission:

Good morning, my name is Steve Parsons. I am an employee of the Village of Barboursville, located in Barboursville, West Virginia. I have been in my current position for 21 years. I am certified as a BOCA Building Code Official and I have been in the code enforcement business 21 years. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the codes now before you for consideration and adoption.

I am here today to speak in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank you for this opportunity.

Respectfully,

Stephen J. Parsons, DPW

*"Best Little Village In The State"*

**A RESOLUTION OF SUPPORT FOR THE ADOPTION OF THE 2000  
INTERNATIONAL CODES AS THE WEST VIRGINIA STATE  
BUILDING CODE**

**WHEREAS**, the state of West Virginia has mandated in West Virginia Code section 8-12-13 that any municipal subdivision of the state that adopts a building code that the code adopted shall be the State Building Code; and,

**WHEREAS**, the current State Building Code is the 1996 Edition of BOCA National Building Code; the 1995 Edition of the International Plumbing Code; the 1996 Mechanical Code; the 1996 Edition of the BOCA National Property Maintenance Code; the 1993 BOCA National Energy Code; and the 1995 CABO One and Two Family Dwelling Code; and,

**WHEREAS**, the City of Barboursville has been operating under the current State Building Code since April 10, 1989; and,

**WHEREAS**, the City of Barboursville is an active member of the West Virginia Code Officials Association; and,

**WHEREAS**, the City of Barboursville and the West Virginia Code Officials Association have spent thousands of dollars of tax payer monies to purchase copies of the various 2000 ICC Codes and train code officials across the state in the administration of these codes; and,

**WHEREAS** Building Departments of municipal subdivisions across



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
- Fax: (304) 558-2537

June 27, 2002

Michael A. Zambito, Secretary-Treasure  
PFFWV  
250 Springdale Avenue  
Wheeling, West Virginia 26003

Dear Mr. Zambito,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



**Professional Fire Fighters  
of West Virginia**



REC'D MAY 16 2002

14 May

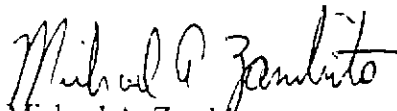
Sterling Lewis, Jr.  
West Virginia State Fire Marshal  
1207 Quarrier St. (2<sup>nd</sup> floor)  
Charleston, WV 25310

Dear Marshal Lewis,

The Professional Fire Fighters of West Virginia recommend that the West Virginia State Fire Marshal's office consider reviewing the International Uniformed Building Code. The PFFWV also would like your office to consider the National Fire Protection Association 5000 Building Code. It is of the up most importance that the West Virginia State Fire Commission retains its ability to propose changes and provide input in the code formulation process.

Thank you for your consideration in the matter.

Sincerely,

  
Michael A. Zambato  
Secretary-Treasurer  
PFFWV

RECEIVED  
2002 MAY 16 P 4: 25  
STATE FIRE ADMINISTRATOR

011662

250 Springdale Avenue • Wheeling, West Virginia 26003  
☎ 304.242.1845 🖨 304.242.5243 ✉ pffw@aol.com



**Professional Fire Fighters  
of West Virginia**



14 May

Sterling Lewis, Jr.  
West Virginia State Fire Marshal  
1207 Quarrier St. (2<sup>nd</sup> floor)  
Charleston, WV 25310

Dear Marshal Lewis,

The Professional Fire Fighters of West Virginia recommend that the West Virginia State Fire Marshal's office consider reviewing the International Uniformed Building Code. The PFFWV also would like your office to consider the National Fire Protection Association 5000 Building Code. It is of the up most importance that the West Virginia State Fire Commission retains its ability to propose changes and provide input in the code formulation process.

Thank you for your consideration in the matter.

Sincerely,

Michael A. Zambato  
Secretary-Treasurer  
PFFWV

STATE FIRE ADMINISTRATOR

2002 MAY 15 A 7:56

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011648

250 Springdale Avenue • Wheeling, West Virginia 26003  
☎ 304.242.1845 📠 304.242.5243 📧 pffw@aol.com

Affiliated with International Association of Fire Fighters AFL-CIO, CLC • West Virginia Labor Federation AFL-CIO

PROFESSIONAL FIRE FIGHTERS OF WEST VIRGINIA  
COVER SHEET

Michael A. Zambito, Secretary-Treasurer  
250 Springdale Ave.  
Wheeling WV 26003  
Phone Number: 304-242-1845  
Fax Number: 304-243-5243

Date: 14 May 2002

To: STARLING LEWIS, JR

Organization: STATE OF WV FIRE MARSHAL

Fax Number: 304-558-2537

From: Michael A. Zambito PFFWV

Note/comments Building Code Letter

Number of pages (including cover sheet): 2

Note: If there are any questions with this fax contact 304-242-1845

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The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

Randy Spellman  
Director of Community Development  
City of Bridgeport  
156 Thompson Drive  
Bridgeport, West Virginia 26330

Dear Mr. Spellman,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> floor  
Charleston, WV 25301

Re: Adoption of the 2000 ICC Codes

Honorable Commission:

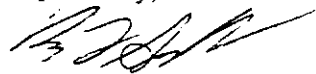
Good Morning, my name is Randy Spellman. I am an employee of the City of Bridgeport located in Bridgeport, WV. I have been in my current position for 15 years. I am certified as Zoning Inspector, Building Inspector, 1 & 2 Family Dwelling Combination Inspector, 1 & 2 Family Dwelling Building Inspector, 1 & 2 Family Dwelling Electrical Inspector, Property Maintenance and Housing Inspector, 1 & 2 Family Dwelling Mechanical Inspector, 1 & 2 Family Dwelling Plumbing Inspector, Accessibility Inspector/Plans Examiner and have been in the code enforcement business for 15 years. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the codes now before you for consideration and adoption.

I am here today to speak in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia. Thank you for this opportunity.

Respectfully,

  
Randy Spellman  
Director of Community Development  
City of Bridgeport  
156 Thompson Drive  
Bridgeport, WV 26330  
(304) 842-8218

211642

STATE FIRE ADMINISTRATOR

2002 MAY 10 A 11:02

RECEIVED



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

Richard V. McElroy, MCO  
Harrison County Planning Commission  
301 West Main Street  
Clarksburg, West Virginia 26301

Dear Mr. McElroy,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



## To whom it may concern,

There are many compelling arguments for adoption of the International Building Code, and they deserve to prevail. This will not happen, however, until such arguments are presented in the proper forum. The recent attempt to adopt the IBC via the emergency rules procedure failed for obvious reasons. The Fire Commission minutes have reflected no discussion of the actual provisions of the ICC codes. Except for a few questionable changes to the residential code submitted in writing by the Homebuilders Association<sup>1</sup>, it appears that no consideration whatsoever has been given to the content of these codes. Modifications and deletions have been proposed based on what organization published a particular code rather than what is contained between its covers<sup>2</sup>.

While the State Fire Commission is responsible for promulgating the building code rules, it would be unreasonable to expect its members to become building code experts, which requires years of study and experience. Instead, they must rely on the advice of those who are presumably proficient in these matters, such as the West Virginia Code Officials Association. The WVCOA, however, has apparently presented no meaningful information upon which the fire commission may act.

An established professional association has some degree of credibility and influence simply by virtue of its existence. With that influence also comes responsibility. If an association fails to effectively participate in important issues relevant to the profession, it becomes an obstacle rather than a tool, occupying the space where a progressive association should be. I would urge the WVCOA, and other construction-related professional associations to assume a more active role in the code adoption process. The quality of our state building regulations will depend on participation by such associations as well as input from skilled individuals.

Now is the time for conscientious professionals to step forward and be heard. The opportunity will come during the public comment period on the building code rules. I am confident that all the problems we have struggled with for years can be solved if we make a concerted effort, and we will then have building regulations that make sense. Join up.

Richard V. McElroy, MCO  
304-366-5713(h)  
e-mail: Straycrab@aol.com

---

<sup>1</sup> Examples are elimination of the requirements for a) emergency means of egress from basements having habitable spaces, and b) light switches at the top and bottom of stairs.

<sup>2</sup> Examples are deletion of references to a) the ICC International Fire Code and b) the ICC International Electrical Code, Administrative Provisions.

To: WV State Fire Commission  
From: Richard V. McElroy, MCO  
Subject: WV State Building Code  
Date: 17 May 2002

page 1 of 7

## What was not considered during promulgation of the rules (Title 87, Series 4):

**Appeals Board:** The current State Building Code establishes stringent qualifications for appeals board members. The 1996 BOCA National Building code, Section 121.2.1 reads "The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

- 1) Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least ten years experience, five of which shall have been in responsible charge of work.
- 2) Registered design professional with structural engineering or architectural experience.
- 3) Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years experience, five of which shall have been in responsible charge of work.
- 4) Registered design professional with electrical engineering experience; or an electrical contractor with at least ten years experience, five of which shall have been in responsible charge of work.
- 5) Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years experience, five of which shall have been in responsible charge of work."

*Note: A board with the qualifications listed above is also a valuable information resource for the code official.*

Section 112.3 of the 2000 International Building Code states "The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction". This ambiguous wording is a major step backward. The number of board members is not set, nor are there any specific qualifications. The board of appeals could consist of any number of political appointees, none of whom really have any understanding of the construction codes. The vague wording "qualified by experience and training" may be used to justify the appointment of individuals ranging from real estate and insurance agents to hardware dealers. Appendix B of the International Building Code sets the

same qualifications for appeals board members as the BOCA Code but, as stated in Section 101.2.1, the provisions in the appendices do not apply unless specifically adopted. The board of appeals deals with complex technical issues, and a qualified board is needed to protect the public. It is therefore necessary to set the number of members and specifically adopt Appendix B of the 2000 International Building code. Also, Section R112.3 of the 2000 International Residential Code should be amended to read: "The board of appeals shall consist of five members having the qualifications set forth in Appendix B of the 2000 International Building code".

**Enforcement mandate:** The International Building Code uses the phrase "is authorized to" rather than "shall" in several administrative provisions.

... Given this wording, a code official will be authorized but not required to:

- a) enforce the provisions of the code;
- b) serve a notice of violation;
- c) issue a stop work order;
- d) prosecute violations.

A code official should not have such latitude when it comes to enforcement. When an enforcement situation becomes political, or winds up in court, it is much easier to justify enforcement action that is mandated by the code, rather than simply permitted. If a code official is "authorized", but not required, to take enforcement measures, that code official will be expected to exercise such discretion when dealing with certain people. This is discriminatory and soon compromises the code official's credibility. I strongly recommend amending the language in Sections 104.1, 113.2, 113.3, and 114.1 of the International Building Code by deleting "is authorized to" and inserting "shall". The administrative sections of the codes direct the actions of the code official and are binding. I believe any code official who intends to actually do the job would prefer a clear directive.

Further, Sections 113.4 and 114.3 of the 2000 International Building Code state that violations of the code and unlawful continuance "shall be subject to penalties as prescribed by law". Many jurisdictions will not understand that it is necessary to pass an ordinance prescribing penalties, or rely on a general penalty provision in their city code (if it contains one) which is often insufficient to deter violations of the building code. My experience with municipal court judges and magistrates is that they rely on prescribed penalties, as they should, in rendering decisions. To fix this, I suggest deleting the wording in Sections 113.4 and 114.3 of the 2000 International Building Code and inserting the wording from the 1996 BOCA National Building Code, Sections 116.4 and 117.2 respectively.

**Appendices for both building and residential codes:** In addition to the aforementioned board of appeals qualifications, other important information is contained in the appendices. Sections 101.2.1 of the International Building Code, and R102.5 of the International Residential Code state that the appendices do not apply unless specifically adopted. The International Mechanical Code contains the same wording. Should the specific adoption of this material be left to the local jurisdiction, or should the Fire Commission sort this out in the rules? I recommend the following appendices for consideration:

### International Building Code

- Appendix B, Board of Appeals
- Appendix F, Rodent Proofing
- Appendix G, Flood Resistant Construction
- Appendix H, Signs
- Appendix I, Patio Covers
- Appendix J, Supplementary Accessibility Requirements for Qualified Historic Buildings and Facilities

### International Residential Code

- Appendix A, Sizing and Capacities of Gas Piping
- Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category 1 Appliances, and Appliances Listed for Use with Type B Vents
- Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
- Appendix E, Manufactured Housing Used as Dwellings
  - Note: The National Electrical Code permits the installation of electrical service equipment directly on a manufactured home if it is mounted on a permanent foundation. This appendix sets minimum requirements for a permanent foundation which exceed those of the NVC Division of Labor. Service equipment mounted on manufactured homes sitting on loose laid blocks is now a common practice. I don't believe this is what the electrical code intends. This issue needs attention at the state level.*
- Appendix F, Radon Control Methods
- Appendix G, Swimming Pools, Spas and Hot Tubs
  - Note: This is the only section in the residential code that requires the safety barriers necessary to prevent small children from drowning in swimming pools.*
- Appendix H, Patio Covers
- Appendix J, Existing Buildings and Structures
- Appendix K, Sound Transmission

International Mechanical Code 2000  
Appendix A, Combustion Air Openings and Chimney Connector Pass-  
Through

**Effect of proposed deletions**

**Electrical code:** Please refer to pages 1&2 of my letter of 14 February 2002 (which you will find in the information packet I have provided) for my initial comments on the proposed deletion of references to the International Electrical Code, Administrative Provisions. I would make only two additional comments:

- 1) ICC has never intended or attempted to write an electrical code.
- 2) The administrative provisions for the electrical code, which has erroneously been referred to as an electrical code by those who have not read it, contains only two pages (copy attached) of electrical provisions, the most significant of which states that electrical installations "shall be designed and constructed in accordance with NFPA 70". The remainder of the two pages deals with incidental provisions not covered in NFPA 70.

**International Fire Code (IFC):** My concerns regarding the proposed deletion of references to the 2000 International Fire code are found on page one of my letter of 14 February 2002, copies of which were provided to the Fire Marshal's office at that time. You will find a copy of that letter in the packet I have provided. Examples of the effect of deleting references to the International Fire Code are:

Smoke detectors in existing dwelling units:

Section 907.2.10.1.2 of the 2000 International Building Code provides requirements for smoke detectors for new dwelling units or those undergoing alterations. No mention is made of existing dwelling units. Section 102.6 of the 2000 International Building code defers to the International Property Maintenance Code or the 2000 International Fire Code for existing dwelling units. Section 704 of the International Property Maintenance Code requires single station smoke alarms in existing residential occupancies, but does not specify the number and location, referring instead to the International Fire code for that information. Section 907.3.1.5.1 of the International Fire Code requires single-station smoke alarms in existing residential occupancies to be installed in accordance with IFC Section 907.2.10, which gives the specific installation requirements, and refers to NFPA 72 for additional information. Without the International Fire Code wording, nothing in the building code would regulate the installation of smoke detectors in existing dwelling units.

Means of egress from upper stories of existing multifamily residential occupancies (apartment buildings):

Section 1001.3 of the 2000 International Building Code requires that means of egress be maintained in accordance with the International Fire Code. Section 102.6 of the International Building Code also defers to the property maintenance and fire codes for requirements for existing buildings. The International Property Maintenance Code is silent on the required number of means of egress. The 2000 International Fire Code, Section 1010.1 requires that means of egress in existing buildings comply with Sections 1003 through 1009 unless modified by Section 1010. Table 1005.2.2 requires a second exit where the building exceeds two stories, has an exit access travel distance of more than fifty feet, or has more than four dwelling units per floor. Without the International Fire Code, the references in the building code would lead nowhere and we would have no enforceable regulations requiring a second means of egress in existing apartment buildings.

Other Hazards:

What about the fifty gallons of gasoline next to the gas water heaters in the apartment house basement? Section 415.7.2 of the 2000 International Building Code refers to the International Fire Code where the safety requirements are provided in Section 3404.3.4.2 and Table 2703.1.1(1).

These are a few examples of the effect of deleting the International Fire Code. There are many more. Additionally, there are 50 NFPA standards referenced in the 2000 International Fire Code that are not directly referenced in the 2000 International Building code.

**Specific sections of residential code:**

Emergency egress from habitable spaces in basements:

The Homebuilder's Association has recommended an amendment to Section R310.1 of the International Residential Code. The proposed amendment would eliminate the requirement for a means of emergency escape and rescue for habitable spaces (other than sleeping rooms) located in basements.

"Habitable space" is defined Section R202 as "A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces". The basement habitable spaces in question are typically living rooms, family rooms, or game rooms in which the occupant family may have a New Years Eve party or a big birthday bash for the kids. The need for an emergency escape and rescue opening is apparent.

### Light switches at top and bottom of stairs:

Amending the requirement of Section R303.4.1 of the 2000 International Residential Code by deleting the requirement for light switches at both ends of stair flights with fewer than six risers will result in numerous personal injuries.

### Footing depth on hillsides:

It is my understanding that the Homebuilder's Association intends to propose deletion of the hillside foundation requirements of Section R403.1.7 of the 2000 International Residential Code. These requirements are in the code for a reason. The 1:3 ratio for a horizontal daylight dimension from a footing edge on a slope is not a new concept. It is an empirical rule of thumb that provides a reasonably predictable method for determining the depth of footings necessary to provide structural stability on a slope.

What is the scientific basis for these proposed changes?

Members of the Homebuilders Association are in business to make money. Their building costs are reflected in the selling price of their product. Items such as emergency egress from a family room in the basement, or footings at a greater depth to provide stability on a hillside do not add "curb appeal" to a new home. This cost could go into frills that help sell the home such as a whirlpool tub or a nice entry door assembly. In the interest of public safety, proposals from trade associations with a vested interest should be viewed with skepticism.

### Conflicts between the building and fire codes.

There are no conflicts between the State Building Code and the State Fire code. Special requirements of the state fire code are in addition to, not instead of, the requirements of the state building code. The source of the problem here is the gross misconception that one or the other is to govern. Section 101.3 of the International Building code states, "The purpose of this code is to establish the minimum requirements to safeguard the public health, safety, and general welfare--". The local building official should be aware of any additional requirements of the State Fire Code and see to it that any required special approval from the Fire Marshal is included with the construction documents that accompany a permit application. This is required by Section 105.3.1 of the International Building Code which reads as follows: "The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building

official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable". See page 2 of my letter of 14 February 2002 for additional comments on this subject. An opinion issued by the WV Attorney General on 28 November 2001 reinforces my contentions, since the building code and fire code are authorized by different statutes.

### Example of additional requirements of State Fire Code:

Under the International Building Code (IBC), Section 310.1, a residential care/assisted living facility with more than five but not more than sixteen occupants is classified Use Group R-4. Per Table 503, a Type 5B building for a Use Group R-4 may be two stories and 7000 sq. ft. without a sprinkler system if housing not more than eight occupants (IBC 903.2.9). So a residential care facility with eight occupants may be housed in an unprotected wood-frame building without a sprinkler system.

However, the State Fire Code requires a sprinkler system for any such facility housing more than three individuals.

**Q:** In this case, what is the effect of the combined requirements of the building code and the fire code?

**A:** Installation of the sprinkler system required by the State Fire Code will allow the building to be three stories (IBC 504.4) and 21000 sq. ft., and will permit up to sixteen occupants. If a sprinkler system in accordance with NFPA 13 is installed, the number of occupants can be increased above sixteen (I-1 Use) but the height and area limits, including sprinkler increases, would be based on the more restrictive tabular values for the I-1 occupancy (IBC, Table 503).

*It should be noted that, where the state building code has not been adopted, a sprinkler system would be required by the State Fire Code but there would be no height or area limitations.*

To whom it may concern,

There are many compelling arguments for adoption of the International Building Code, and they deserve to prevail. This will not happen, however, until such arguments are presented in the proper forum. The recent attempt to adopt the IBC via the emergency rules procedure failed for obvious reasons. The Fire Commission minutes have reflected no discussion of the actual provisions of the ICC codes. Except for a few questionable changes to the residential code submitted in writing by the Homebuilders Association<sup>1</sup>, it appears that no consideration whatsoever has been given to the content of these codes. Modifications and deletions have been proposed based on what organization published a particular code rather than what is contained between its covers<sup>2</sup>.

While the State Fire Commission is responsible for promulgating the building code rules, it would be unreasonable to expect its members to become building code experts, which requires years of study and experience. Instead, they must rely on the advice of those who are presumably proficient in these matters, such as the West Virginia Code Officials Association. The WVCOA, however, has apparently presented no meaningful information upon which the fire commission may act.

An established professional association has some degree of credibility and influence simply by virtue of its existence. With that influence also comes responsibility. If an association fails to effectively participate in important issues relevant to the profession, it becomes an obstacle rather than a tool, occupying the space where a progressive association should be. I would urge the WVCOA, and other construction-related professional associations to assume a more active role in the code adoption process. The quality of our state building regulations will depend on participation by such associations as well as input from skilled individuals.

Now is the time for conscientious professionals to step forward and be heard. The opportunity will come during the public comment period on the building code rules. I am confident that all the problems we have struggled with for years can be solved if we make a concerted effort, and we will then have building regulations that make sense. Join up.

*Richard V. McElroy, MCD*

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<sup>1</sup> Examples are elimination of the requirements for a) emergency means of egress from basements having habitable spaces, and b) light switches at the top and bottom of stairs.

<sup>2</sup> Examples are deletion of references to a) the ICC International Fire Code and b) the ICC International Electrical Code, Administrative Provisions.

To whom it may concern,

**Recently**, the Fire Commission submitted rules for the State Building Code and code official licensing to the Secretary of State. Both rules were rejected as not qualifying under the criteria for emergency rules. Fortunately, the Secretary of State is doing his job. I have been monitoring the progress of these rules in order that I might submit some written comments at the proper time.

It should be apparent to anyone with a fundamental understanding of these issues that both rules are flawed and should not be adopted in their present form by any procedure, emergency or otherwise. I am thankful for the additional time to prepare my comments and supporting documentation, which should prove to be extensive. There follows a brief summary of my position on these two issues. Feedback is appreciated.

**The State Building Code rules**, if adopted as proposed, may leave substantial gaps in the building code. A model building code is a concise, comprehensive document. Its provisions are extensively cross-referenced and mutually dependent. Even the smallest change may have unintended results if the cross-referencing is not followed through and amended as necessary. The language in Section 4.1 of the proposed building code rules (Title 87, Series 4, State Fire Commission) would delete all references to the International Fire Code and instead provide a broad reference to the NFPA standards. In the **2000 IBC (International Building Code)**, there are eighty-one (81) such references to the **IFC (International Fire Code)**. To delete these references without damage, it will be necessary to consider the following in the case of each reference:

- 1) Are there specific references to NFPA or other standards in the referenced sections of the IFC that are not found in the IBC?
- 2) Are there specific requirements or restrictions contained in the referenced sections of the IFC that are not found in either the IBC or the other referenced standards?

If the answer to either of these questions is yes, it must be determined whether the referenced IFC language is necessary and, if so, similar language must be inserted into the rules (Title 87) to fill the gap. Otherwise, we may have dozens of dead ends in the building code, leaving each code official to decide what the requirements should be. The Fire Commission rules would be a rather extensive document if all this supplemental language were inserted. If the Fire Commission is concerned about the IFC possibly competing with the NFPA Fire Prevention Code, this can be easily fixed with this wording: "The International fire code shall be enforced only where specifically referenced in the building code and only to the extent of each specific reference". This language would achieve the intended results while leaving the building code intact.

References to the **ICC Electrical Code** are also deleted in the proposed rules in favor of the National Electrical Code (NFPA 70). If a book is to be judged by its cover, the entire cover should first be read. The small volume in question (25 pages) is actually titled the "**ICC Electrical Code, Administrative Provisions**". This is not an electrical code and does not

compete with NFPA 70. The "Administrative Provisions" contains wording which governs the submission of plans, issuance of permits, inspection of electrical work, and appeals procedure; and which otherwise refers to the National Electrical Code. The National Electrical Code (NFPA 70) is a technical standard and contains no such administrative provisions. Administrative provisions for the electrical code are presently contained in Chapter 27 of the 1996 BOCA National Building Code (WV State Building Code). Without administrative provisions, we really wouldn't have an electrical code in effect, would we?

On the subject of "conflicts between the building code and fire code", there are none, nor have there ever been. A conflict can only exist where one code requires something prohibited by another, and this simply doesn't happen. The wording in the state building code rules (Title 87, Section 3.1), "Whenever there is a conflict between the state fire code and the state building code, the state fire code shall take precedence" has caused a great deal of confusion. Some fire officials have interpreted this to mean that if something is not required by the fire code, it cannot be required by the building code. WV State Code 29-3-5, paragraph (c), states in part: "In interpretation and application, the state fire code shall be held to be the minimum requirements for the safeguarding of life and property from the hazards of fire and explosion". Notice the use of the word "minimum", not "maximum". This permits the application of more stringent code provisions where they apply.

West Virginia Code 29-3-5B, "State Building Code" (statutory law) reads in part, "Whenever any other state law, county or municipal ordinance or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the state building code, the provisions of the state law, county or municipal ordinance or agency thereof governs---". The Fire Commission rules for the State Building Code, promulgated under the authority of the above statutory law, define the "State Building Code" as being inclusive of the rules themselves. Section 3.3 states that if a conflict arises between the rules (Title 87) and the statutory laws of the State, the WV Code takes precedence. **So far, so good.**

**Nevertheless**, in Section 3.1 of the building code rules (Title 87, Series 4) we find the wording quoted above which gives priority to the fire code in all cases, whether more or less stringent than the building code. This rule appears to exceed the statutory authority granted to the Fire Commission under WV State Code 29-3-5B.<sup>1</sup>

Regarding the **inspector licensing and certification rule**, I must say that a standard of some sort is long overdue. The rule as proposed, however, will prove complicated, detrimental to the professional development of serious code officials, and will ultimately diminish the quality of service provided to the public. Many code officials do a fine job but have no certifications. They should, of course, be permitted to remain on the job. As with many new laws, some degree of "grandfathering" is appropriate, and an individual already on the job

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<sup>1</sup> See also WV State Code, 29-3-5 "State Fire Code" for wording regarding more stringent requirements of other laws and codes.

deserves to be licensed. The problems arise when that license resembles authentic professional certification.

Under the proposed rule, the Fire Commission would issue certificates that mimic the various categories of the BOCA, ICC, and IAEE certification programs. This will tend to undermine these programs by lessening the incentive to test and acquire real certifications. Does anyone actually believe that conferring certificates like the Wizard of Oz improves the professional abilities and performance of the recipients? Such "certifications" will only serve to provide gratuitous and misleading credentials for those who will not put forth the effort to pass standard certification tests.

I suggest a state license that simply authorizes the individual to conduct administrative activities under the code(s) in which he/she has met the minimum requirements (or "grandfathered"). In other words, license the individual as a code administrator (or code official). Examples would be: "Building Code Administrator, Plumbing Code Administrator, Mechanical Code Administrator". It would be meaningless for a license to specify different levels of activity such as inspector, plans examiner, and code official if the minimum qualifications are the same for all three.

**The solution** to these problems is to back up and start over. I fail to understand why our building code must be a loose patchwork of incompatible rules. The International Building Code is the product of a century of development by thousands of the world's leading experts, and its provisions should not be second-guessed by those who have not even read it. Our goal should be to have good codes and qualified people to enforce them. Knowledge is power and right makes might. If knowledgeable individuals will get behind the effort, we can solve these problems to the benefit of everyone involved. It's the responsible thing to do.

*Richard V. McElroy, MCO*

14 February 2002

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**STATE FIRE COMMISSION**

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June 27, 2002

Leff Moore, Executive Director  
West Virginia Housing Association  
205 First Avenue  
Nitro, West Virginia 25143

Dear Mr. Moore

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



**COMMENTS**  
OF THE  
**WEST VIRGINIA**  
**MANUFACTURED HOUSING ASSOCIATION**

Relative To The  
PROPOSED RULE REVISIONS  
TITLE 87 SERIES 4  
**RULES OF THE WEST VIRGINIA STATE FIRE**  
**COMMISSION**

May 17, 2002

Leff Moore  
Executive Director

Kevin Wilfong  
President

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STATE FIRE ADMINISTRATION

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The West Virginia Manufactured Housing Association is a trade association that represents manufacturers, retailers, installing contractors, lenders, suppliers and associated business parties in the manufactured housing industry in West Virginia. Over 250 companies make up our membership and they are diversified in not only their business interests, but geographically throughout the state. Some of our members are manufacturers, retailers, and installing contractors who are located in other states but ship to, or do work in West Virginia.

Our industry is required to build to various national and state codes under both federal and West Virginia law. Manufactured homes are built to the HUD Code, Manufactured Home Construction and Safety Standards act, USC. 5401 et seq.. Modular homes shipped to West Virginia must be built to the code prescribed by the West Virginia State Fire Commission and adopted as the state uniform building code for residential structures. Manufactured homes must be installed in accordance with the directions of an architect or engineer that rely on uniform statewide building codes adopted by the West Virginia State Fire Commission as authority and guidance. Modular homes must be installed in accordance with the adopted codes of the West Virginia State Fire Commission. Each of these codes adopts numerous other codes including fire codes, electrical codes and construction standards by reference.

Our industry has reviewed the proposed rule changes published for comment by the West Virginia State Fire Commission. Our industry submits the following comments to the West Virginia State Fire Commission and urges their consideration of amendments to the published rule based on the information provided through these comments:

- The West Virginia Manufactured Housing Association finds that these published rules contemplate the adoption of the International Building Codes -2000 Edition and other various categories for code implementation. We support the adoption of the uniform model codes as proposed in the rule. The adoption of the model code will bring West Virginia into compliance with building construction standards and requirements compatible with most states in the nation. Most importantly, the adoption of the model codes, as proposed, places the building industry and the construction industry in West Virginia in a position to assure homebuyers, building occupants, mortgage lenders, and future homebuyers that homes or buildings constructed under the guidance of these international model codes meet consensus standards arrived at nationally and internationally by the building industry, experts in construction, material suppliers, architects, engineers, and code officials from jurisdictions throughout America.
- The West Virginia Manufactured Housing Association objects to and strongly opposes the exceptions, modifications, and changes to the model codes that are being proposed by the West Virginia State Fire Commission. We believe that these exceptions result in a hodge-podge of ill-conceived, improperly implemented, unsafe, dangerous and substandard building techniques. If West Virginia adopts these substandard exceptions to the model codes, we will be subjecting the future structures, particularly residential structures built or located in this state, to a standard less than those standards imposed in neighboring states and in the hundreds of jurisdictions that utilize the international building code as their uniform building code.

- Homebuyers in West Virginia rely on the West Virginia State Fire Commission with the adoption of model codes and the enforcement of these model standards at the local level to insure that their investment and most prize possession, their home or their investment in real property, is constructed in a safe, durable and complying fashion to assure the protection of their life, safety and financial investment. To permit the modification in a wholesale fashion of the uniform code in the manner proposed by the West Virginia State Fire Commission would deny West Virginians the fair and equal protection of the codes as envisioned by the legislature when the uniform code provisions were adopted as West Virginia law.
- To permit West Virginia builders to construct homes using exceptions authorized by rules of the West Virginia State Fire Commission in a manner non-compliant and less stringent than the uniform code, places factory-built and manufactured homebuyers at a disadvantage. Factory-home builders are required by federal and most state laws to build their structures to the international building code or to the HUD Code depending on the type of construction. Most states require full compliance with the international building code with minor or little exception. West Virginia, by nature of the proposed rule, would allow site-builders to build in a substandard, non-code complying fashion in the state.

While the factory-built housing industry could conceivably build to the lesser standard contemplated by the rules, assembly line production, good construction techniques, and the assurance of performance of the structure prohibits the manufacturer from changing his production techniques and assembly to "cheapen the home" for West Virginia consumers. Changing of assembly line techniques and production methods to build a non-model code complying home would actually cost more money than to build the home to the model code. In addition, third party inspection agencies required by most states or the federal government would prove more costly for the production builders in order for them to inspect differently those homes that go to West Virginia that would permit a lesser standard.

- In addition to the actual construction of factory built homes at the place of assembly, hundreds of retailers, dealers, and installing contractors erect and install manufactured homes and modular homes in West Virginia. In many cases, basements, foundations, footings, support systems, site preparation, etc. are governed by the uniform model codes adopted by the West Virginia State Fire Commission. These codes are typically utilized by reference and direction of a registered architect or engineer.
- The engineer that designs and constructs a factory-built home does so with the anticipation that local or state governments will utilize a uniform national model code to assist in governing the home's installation. If West Virginia adopts a lesser standard that those standards contemplated by the uniform model code and implements it by way of exceptions to the model code, the actual structures on which these foundations are built are placed in jeopardy relative to their safety and performance.
- Code writing by exception is a poor way to govern the building industry. The international residential code, along with other international model codes, are developed by consensus with various industry code officials or state and local government officials and others like component suppliers participating. It appears that some of West Virginia's building industry

has either elected not to participate in model code development or has failed to convince their contemporaries in the code development forums of the correctness of their position. Now these same special interests are attempting to cheapen, weaken, bastardize and deny West Virginia homebuyers and building owners of the standards that were arrived at through consensus of their contemporaries.

- For the West Virginia State Fire Commission to propose and adopt broad, far-reaching exceptions to numerous sections of the international model codes is a great disservice to the fire safety, investment quality, durability and value of those structures that would be built to the lesser standards being proposed.
- The West Virginia building industry, tradesmen and licensed contractors of our state would be presented with an administrative quandary and nightmare if the proposed codes were adopted in the draft form. Virtually every segment of the homebuilding industry through national, state and local trade associations educate, teach, and inform tradesmen about the model codes and their requirements. Many reputable tradesmen engaged in a particular phase of the construction industry must invest several dollars in codebooks, as well as, training and knowledge to interpret the books every few years when the codes are modified. With the adoption of a model code, the builder, tradesman, and/or contractor knows that he or she is legally required to "build to the book" Court cases, consumer disputes, quality issues and the assurance of doing the job right is for the benefit of all parties when the uniform code is adopted.
- If the West Virginia State Fire Commission and ultimately the West Virginia legislature permits gross modification of numerous ill-conceived exceptions to the model code, confusion and substandard construction will result. Mortgage lenders, federal mortgage insurance entities like Fannie Mae, Gennie Mae, Freddie Mac, the Federal Home Loan Bank Board, the West Virginia Housing development Fund and those that purchase mortgages on residences and structures must note in their bond offerings that the West Virginia codes are not to the same standards and not in full compliance with the construction standards generally accepted by the International Building Code-2000 Edition.
- The homebuyers in West Virginia will be caught unaware and unprotected with the exceptions proposed. West Virginia homebuyers rely heavily on the builder's statement that "I built it according to the state code requirements". Homebuyers rely on the West Virginia State Fire Commission and ultimately the state legislature to assure that those code requirements meet the standards that are in the best interest of the consuming public or property investor. Most homebuyers are unsophisticated as it relates model codes. By implementing broad, far reaching exceptions, we believe that the home buying public is assaulted, their investment cheapened and future viability in West Virginia's housing stock is reduced and impaired.
- Thousands of contractors in West Virginia's neighboring states routinely do work as primary contractors or subcontractors working on structures in West Virginia. For West Virginia to abandon the uniform code and substitute in lieu thereof the uniform code with extensive exceptions will place a great burden on thousands of licensees of the West Virginia

Contractor's Licensing Board that must spend a great deal of time and money learning how to reduce the quality of their construction from the model codes required to the substandard code provisions that are contemplated by the rule. Disputes between contractors and subcontractors, code compliance issues relative to the exceptions and lawsuits by consumers are all dangers that will be prevalent with the adoption of the exceptions to the code.

- A review of the development history of the proposed rule does not demonstrate a process wherein the West Virginia State Fire Commission made a proper analysis of each of the proposed exceptions. We cannot determine by the record that a thorough analysis by the West Virginia State Fire Commission was completed in order to justify the extreme position of granting an exception to a model code. Although some advocates for the exceptions do not like the way the model codes are written, that does not indicate that the codes should be abandoned.

It would appear that some builders and members of the construction industry are more concerned about "building it the way we have always done" than to build according to nationally and locally developed industry consensus-adopted model codes. This "I don't want to do it" approach should not be adopted as a reason by the West Virginia State Fire Commission to abandon the model codes and uniformly grant exceptions just in order to satisfy some special interest groups or a particular builder or builders that find the model code troublesome.

When builders or building construction associations desire to see changes in the model building code, they are urged to participate in the building code drafting process along with contractors from throughout America. If they can convince building experts, including other builders and stakeholders including local code officials, that a change in the model code is indicated then such change(s) are routinely granted. It appears that at least a small segment of the West Virginia building industry is attempting to "end run" around that process. The West Virginia State Fire Commission and ultimately the West Virginia legislature should reject the proposed rule in part.

#### PROPOSED ACTION:

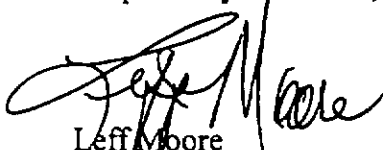
We would urge that the West Virginia State Fire Commission modify its proposed rule after consideration of public comment. We would urge that the rule be implemented initiating the International Building Code -2000 Edition and adopting the same as proposed by the draft rule as the uniform building code for the State of West Virginia.

We would urge that the exception to the building codes be deleted from the proposed rule thus leaving the model codes in tact and adopted without exception. Such issues as the property maintenance code could be considered as a local option as contemplated.

We commend the West Virginia State Fire Commission and other advocates that are urging the adoption of the modern, up-to-date, revised International Building code-2000 Edition. We believe that this is in the best interest of the citizens of West Virginia, the building industry, our customers, real estate investors, and homeowners. We believe that the adoption of

exceptions to those standards is harmful to all of the aforementioned and serve no real sort of  
long-term benefit to the common safety, welfare and good of property owners in West Virginia.

Respectfully submitted,



Jeff Moore  
Executive Director



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

G. Darby Dean, Employee  
City of Martinsburg  
P.O. Box 828  
Martinsburg, West Virginia 25402

Dear Mr. Dean,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb





CITY OF MARTINSBURG  
WEST VIRGINIA

232 NORTH QUEEN STREET  
P.O. BOX 828  
MARTINSBURG, WEST VIRGINIA 25402  
(304) 264-2131  
Telecopier (304) 264-2136  
May 13, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> floor  
Charleston, WV 25301

RE: Adoption of the 2000 ICC Codes

Honorable Commission:

Good morning, my name is Darby Dean. I am an employee of the City of Martinsburg, West Virginia. I have been in my current position for two and one half years. I am certified as a Master Code Official, one of three in the state and I have been involved in code enforcement for seven and one half years. I am a member of the West Virginia Code Officials Association and serve on the board of directors of that organization. I have received numerous hours of training on the code series now before you for consideration and adoption.

I am here today to speak in favor of adoption of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. The City of Martinsburg has spent considerable time and several thousand dollars in purchasing and providing training in the above referenced codes.

The City of Martinsburg is currently enforcing the State Building Code consisting of BOCA National Building Code 1996 and supplemental codes. At this time these codes have been in force for five years. The next logical step is adoption of the 2000 ICC Codes as the West Virginia State Building Code. This will bring the State up to date enforcing the most recent addition of the codes. It appears there has been an attempt by some parties to gain adoption of NFPA 5000 as the State Building Code. Having reviewed a draft of this document I do not feel it is close to a finished form that would allow it to function as the State Building Code. I would urge this commission to move to adopt the ICC 2000 Codes at this time. Perhaps in the future and when in finished form NFPA 5000 may be reviewed as a possible document for adoption as the State Building Code. For now it would seem prudent to go with a document from a model code organization that has been dealing with building codes for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia. I am including a resolution passed by the Martinsburg City Council urging submission of the above referenced code series for adoption as the West Virginia State building Code.

Respectfully,

G. Darby Dean  
City of Martinsburg  
P.O. Box 828  
Martinsburg, WV 25402  
304-264-2131

**A RESOLUTION OF SUPPORT FOR THE ADOPTION OF THE 2000 INTERNATIONAL CODES AS THE WEST VIRGINIA STATE BUILDING CODE**

**WHEREAS**, the state of West Virginia has mandated in West Virginia Code section 8-12-13 that any municipal subdivision of the state that adopts a building code that the code adopted shall be the State Building Code; and,

**WHEREAS**, the current State Building Code is the 1996 Edition of the BOCA National Building Code; the 1995 Edition of the International Plumbing Code; the 1996 International Mechanical Code; the 1996 Edition of the BOCA National Property Maintenance Code; the 1993 BOCA National Energy Code; and the 1995 CABO One and Two Family Dwelling Code; and,

**WHEREAS**, the City of Martinsburg has been operating under the current State Building Code since October 9, 1997; and,

**WHEREAS**, the City of Martinsburg is an active member of the West Virginia Code Officials Association; and,

**WHEREAS**, the City of Martinsburg and the West Virginia Code Officials Association have spent thousands of dollars of tax payer monies to purchase copies of the various 2000 ICC Codes and train code officials across the state in the administration of these codes; and,

**WHEREAS**, Building Departments of municipal subdivisions across the state of West Virginia are now evaluated and graded by ISO, like fire departments, in order to give credits for insurance based upon construction in accordance with current edition model codes; and,

**WHEREAS**, the State Fire Commission as charged by West Virginia Code section 29-3-5b, will hold a public hearing on May 17, 2002 at 10:00 a.m. in Conference Room L of the Days Inn Conference Center in Flatwoods, WV for the purpose of taking comments on the adoption of the 2000 International Codes as the next State Building Code.

**NOW THEREFORE BE IT RESOLVED THAT** the City of Martinsburg hereby resolves to give their full support of the West Virginia Code Officials Association and the West Virginia State Fire Commission in their united effort to adopt the 2000 International Code and supplements as presented as the next State Building Code for West Virginia.

Passed this the 9<sup>th</sup> day of May, 2002.

**CITY OF MARTINSBURG**

*George Karos*  
George Karos, Mayor

Attest:

*Sharon A. Flick*  
Sharon A. Flick, City Recorder





The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191

Fax: (304) 558-2537

June 27, 2002

L.J. Timms, Jr., Mayor  
City of Bridgeport  
156 Thompson Drive  
Bridgeport, West Virginia 26330

Dear Mr. Timms,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

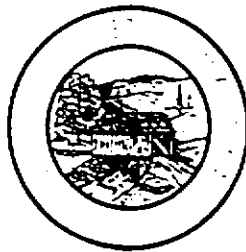
This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

City of  
**BRIDGEPORT**



L.J. TIMMS, Jr.  
Mayor

156 Thompson Drive  
BRIDGEPORT, WEST VIRGINIA 26330

May 13, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> floor  
Charleston, WV 25301

Re: Adoption of the 2000 ICC Codes

Honorable Commission:

Good Morning, my name is L. J. Timms, Jr. I am Mayor of the City of Bridgeport located in Bridgeport, WV. Two of our city employees have been code enforcement officers for 15 years & 8 years respectively. They are members of the West Virginia Code Officials Association and have received numerous hours of training regarding the codes now before you for consideration and adoption.

I am writing today in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. Our City has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train our employees in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia. Thank you for this opportunity.

Respectfully,

L.J. Timms, Jr.  
Mayor

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STATE FIRE ADMINISTRATION



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191

Fax: (304) 558-2537

June 27, 2002

Brian R. Glance  
City of Fairmont  
P.O. Box 1428  
Fairmont, West Virginia 26555

Dear Mr. Glance

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

May 17, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2nd Floor  
Charleston, WV 25301

Re: Adoption of the 2000 ICC Codes

Honorable Commission:

Good Morning, my name is Brian Glance. I am an employee of City of Fairmont located in Fairmont, WV. I have been in my current position for 3 ½ years and am certified as a Journeyman Electrician, I.C.C. Residential Electrical, and BOCA National Property Maintenance. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the codes now before you for consideration and adoption.

I am in favor of the 2000 ICC Codes and Supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank you for the opportunity.

Respectfully,

Brian R. Glance

Brian R. Glance  
City of Fairmont  
P.O. Box 1428  
Fairmont, WV 26555  
(304) 366-6211



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

Anthony T. Horton, Employee  
City of Fairmont  
P.O. Box 1428  
Fairmont, West Virginia 26555

Dear Mr. Horton,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



# CITY OF FAIRMONT

CITY/COUNTY COMPLEX  
P.O. Box 1428  
200 Jackson Street  
Fairmont, West Virginia 26555-1428  
(304) 366-6211  
(304) 366-0228 FAX

May 17, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2nd Floor  
Charleston, WV 25301

Re: Adoption of the 2000 ICC Codes

Honorable Commission:

Good Morning, my name is Anthony Horton. I am an employee of City of Fairmont located in Fairmont, WV.

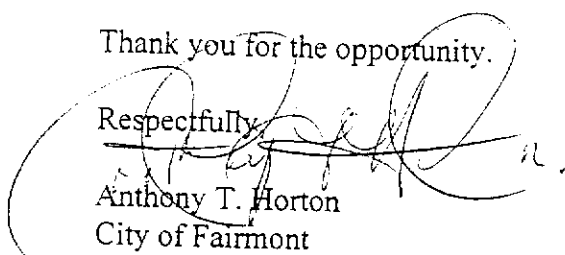
I am in favor of the 2000 ICC Codes and Supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank you for the opportunity.

Respectfully,

  
Anthony T. Horton

City of Fairmont  
P.O. Box 1428  
Fairmont, WV 26555



The Department of Military Affairs and Public Safety

Joseph J. Bostar, II  
Chairman

Bill L. Spencer

Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191

Fax: (304) 558-2537

June 27, 2002

A. Kim Haws  
City Manager  
City of Bridgeport  
156 Thompson Drive  
P.O. Box 1310  
Bridgeport, West Virginia 26330-6310

Dear Ms. Haws,

Thank you for your interest and written comment concerning the approval of the 2000 IRC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

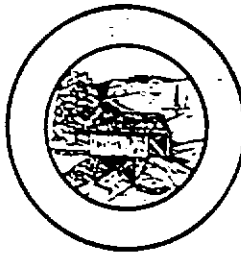
This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

City of  
**BRIDGEPORT**



156 Thompson Drive • P.O. Box 1310  
BRIDGEPORT, WEST VIRGINIA 26330-6310  
• www.bridgeportwv.com •

May 9, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> floor  
Charleston, WV 25301

Re: Adoption of the 2000 ICC Codes

Honorable Commission:


Good Morning, my name is A. Kim Haws. I am City Manager of the City of Bridgeport located in Bridgeport, WV. Two of our city employees have been code enforcement officers for 15 years & 8 years respectively. They are members of the West Virginia Code Officials Association and have received numerous hours of training regarding the codes now before you for consideration and adoption.

I am writing today in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. Our City has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train our employees in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia. Thank you for this opportunity.

Respectfully,

  
A. Kim Haws  
City Manager

011546

RE ADMINISTRATOR

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RECEIVED



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191

Fax: (304) 558-2537

June 27, 2002

Elizabeth M. Ballard  
Permit Coordinator  
City of Charleston, Building Department  
P.O. Box 2749  
Charleston, West Virginia 25330

Dear Ms. Ballard,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



CITY OF CHARLESTON  
P.O. Box 2749  
CHARLESTON, WEST VIRGINIA 25330 May 15, 2002

Hearing Examiner William Spencer  
Vice Chairman, West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Dear Mr. Spencer:

I am writing to express my vigorous support of the filed legislative rule adopting the 2000 International Building, Residential, Plumbing, Mechanical, Fuel Gas, Energy Conservation, and Property Maintenance Codes, and ICC/ANSI A117.1, Standards for Accessibility & Useable Buildings & Facilities/1998, as the State Building Code, as approved by the West Virginia State Fire Commission, in June of 2001 and again in February of 2002. I ask that my comments be put on record at the Public Hearing scheduled for Friday, May 17, 2002.

I am currently an IBC/BOCA certified Zoning Inspector and Property Maintenance Inspector under the 2000 International Building Code. I am representative of the support staff of Code Enforcement/Building Inspection Departments in West Virginia who have spent countless hours of study and preparation to gain certification and credibility for Building Departments across the state. The BOCA and IBC code certification process is well established and provides a stable and recognized method of professional recognition and development.

In addition, the opposition to the adoption of the IBC codes from some arenas and support for NFPA 5000 is premature as it will not be ready for review for several months. The 2000 ICC Fire Code is not a new fire code – it is a building code component not meant to replace or allow deviation from the WV State Fire Code or NFPA standards.

In addition to expressing my support of the adoption of the IBC codes, I further express my support of the 15 recommended changes to the original approved rules suggested by the West Virginia Code Officials Association as outlined in the May 5, 2002 letter to you from Robert L. Cannon, President of WVCOA.

Thank you for your efforts in the area of building and construction safety. Professional Inspection staff personnel such as myself appreciate and support your efforts and stand willing to work with the State Fire Commission on issues such as this at any time.

Sincerely,

*Elizabeth M. Ballard*

Elizabeth M. Ballard  
Permit Coordinator  
City of Charleston, Building Department

099110

95 :11 V  
GEM:2002

The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**  
1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
- Fax: (304) 558-2537

June 27, 2002

Ron Cornman  
Code Enforcement Officer  
City of Bridgeport  
156 Thompson Drive  
Bridgeport, West Virginia 26330

Dear Mr. Cornman,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,



Francis A. Guffey, IV, FAIA  
Chairman of the State Building  
Code Committee

FGil,kb

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> floor  
Charleston, WV 25301

Re: Adoption of the 2000 ICC Codes

Honorable Commission:

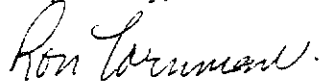
Good Morning, my name is Ron Cornman. I am an employee of the City of Bridgeport located in Bridgeport, WV. I have been in my current position for 8 years. I am certified as a 1 & 2 Family Dwelling Building Inspector, 1 & 2 Family Dwelling Electrical Inspector, Property Maintenance and Housing Inspector, 1 & 2 Family Dwelling Mechanical Inspector, 1 & 2 Family Dwelling Plumbing Inspector and have been in the code enforcement business for 8 years. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the codes now before you for consideration and adoption.

I am here today in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia. Thank you for this opportunity.

Respectfully,



Ron Cornman  
Code Enforcement Officer  
City of Bridgeport  
156 Thompson Drive  
Bridgeport, WV 26330  
(304) 842-8218

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STATE FIRE ADMINISTRATION

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The Department of Military Affairs and Public Safety

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191

Fax: (304) 558-2537

June 27, 2002

D. Edwin Blehschmidt  
West Virginia Chapter of the  
International Fire Marshal's Association  
1453 Dogwood Avenue  
Morgantown, West Virginia 26505

Dear Mr. Blehschmidt,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

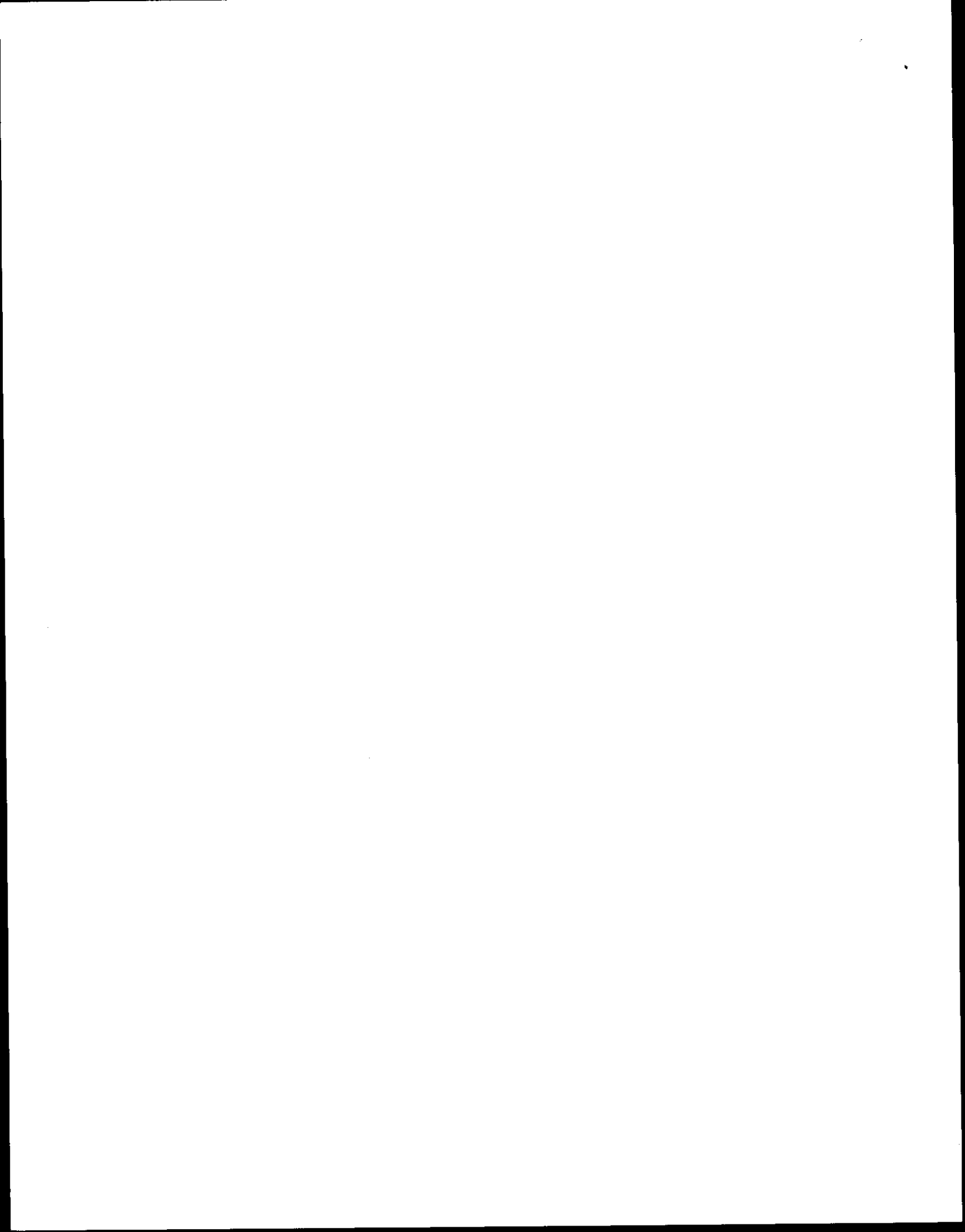
The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



April 30, 2002

West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, West Virginia

RE: May 17, 2002 Public Hearing - adoption of a new State Building Code

Gentlemen:

*urgent response*

It has come to our attention that you intend to hold a public hearing in Flatwood, West Virginia on May 17, 2002 for the purpose of receiving public testimony concerning your planned adoption of the 2000 edition of the International Building Code (IBC).

The members of the Fire Marshals Association of West Virginia, a Chapter of the International Association of Fire Marshals, would like to place the following public testimony on the record.

We, the undersigned, respectfully request that the West Virginia State Fire Commission, postpone their decision and vote on the adoption of a new Building Code, or any significant revision to the existing Building Code.

This request is based on the fact that the National Fire Protection Association has developed a Building Code which is expected to be available for use by late Summer 2002.

We believe that, prior to any West Virginia adoption, a review of both the NFPA Building Code as well as the International Building Code should be conducted to determine which of these documents will best serve the citizens of West Virginia as well as provide a high level of safety to our citizens, visitor to our State, as well as our emergency responders.

We, as Code Officials of West Virginia, are the ultimate end-users of the codes you adopt, and as such feel our concerns must be taken into consideration and play a vital part in your decision.

Respectfully Submitted,



Edwin Blehschmidt, President  
WV Chapter of the International Fire Marshal's Association

Name.

Fire Dept.

1. Gifford Kears WVSFMO
2. G. EDGAR Sophomore Martinsburg Fire Dept. *Y. Colgan*
3. Barry C Miller Marmet Fire Dep
4. JERRY L. Mc GHEE II MARMET FIRE DEPT.
5. E. W. Bedlin Nitro Fire Dept.
6. BRYAN CASTO/Bryan Casto Nitro Fire Dept./Building inspector
7. SHAWN L. ALDERMAN Nitro FIRE DEPT.
8. JEFF Elkins Nitro FD
9. *Jeff Elkins* City of St. Albans F.D.
10. William Bradley Mesde Huntington Fire dept  
(William Bradley Mesde)
11. MIKE SATTERFIELD FAIRMONT F.D.
12. JIM NICHOLS FAIRMONT FIRE DEPT.
13. Bob Starn " " "
14. ROGER L. WILSON " " "
15. Rene Walker BRADLEY/Prosperity VFD
16. Carl Sizemore Parkersburg FD
17. Douglas E. Lutz PARKERSBURG F.D.
18. JERRY E. COX 130TH AIRLIFT WING FD YEAGER APT
19. *Pat C. ...* 130TH AIRLIFT wing F.O.
20. James A. Drake 130<sup>th</sup> Airlift Wing F.D.
21. Bernard G. Seib 130<sup>th</sup> AIRLIFT WING FD YEAGER APT
22. Jennings Hamrick CLARKSBURG F. D.
23. *Jack Bennett* CLARKSBURG F. D.
24. Richard Seate CLARKSBURG W.V. Fire Dept.
25. *Phil ...* Morgantown F.D.
26. Rick Hill Morgantown F.D.

27.	Max J. Humphrey	Maryantown Fire Dept.
28	Ronald D. Wilson	BRIDGESPORT F.D.
29	MT Finner	Bridgesport F.D.
30	Charles Feacher	Budgapat Fire Dept.
31	David Underwood	Beckley Fire Dept.
32	Michael M. Lake	BECKLEY FIRE DEPT
33	Bryan Tray	BECKLEY FIRE DEPT
34	Tom R. Pal	Beckley F.D.
35	Hubert E. Robinson, Jr.	STATE FIRE MARSHAL'S OFFICE
36	NEWMAN FETTERMAN	" " " "
37	Sterling Lewis, Jr.	" " " "
38	Ulysses C. [unclear]	substation Fire Dept.
39.	CAROL NOLTE	STATE FIRE MARSHALS OFFICE
40.	Steph J. Water	HUNTINGTON FIRE DEPARTMENT
41	Jim. Statts	HUNTINGTON FIRE DEPARTMENT
42	Quinn	HUNTINGTON FIRE DEPARTMENT
43	Maxine Hartz	State Fire Marshal's Office
44	J. M. Armentrout	state fire Marshal's office
45	Terry Lively	State Fire Marshal's Office
46.	Rudyl L. Raynes	State Fire Marshal's office
47.	Whitman, CFI	State Fire Marshal's Office
48.	John Oliver	State Fire Marshal's office
49	Mike Whitman	Moundsville Fire Department
50	Stephen Rogers	Wheeling Fire Dept.
51.	Shawn [unclear]	WHEELING F.D.
52	Charles Verne [unclear]	WV FIRE MARSHAL
53.	A. Edal [unclear] CFI	WV STATE FIRE MARSHAL
54.	Doug [unclear] CFI	" "

55. *Ray Leary* WVU-ENVIRONMENTAL HEALTH + SAFETY  
56. *John Seabright* Montgomery Fire Dept.  
57. *Oak Peters* Charleston Fire Dept.  
58. *Clyde Cummings* Charleston Fire Dept.  
59. JOHNNY BROTHERTON CHARLESTON FIRE DEPT.  
60. *Donald W. Segura* So Charleston F. D.  
61. *Henry Boxwell*, FIRE Chief DUNBAR FIRE Dept  
62. *Steve Ellis* Huntington Fire



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
- Fax: (304) 558-2537

June 27, 2002

Robert L. Cannon, President  
West Virginia Code Official Association  
409 S. Kanawha Street-Room 16  
Beckley, West Virginia 25802-2514

Dear Mr. Cannon,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

5/17/2002  
SUBMISSION

**WEST VIRGINIA CODE OFFICIALS ASSOCIATION**  
Office of the President  
P.O. Box 2514  
Beckley, WV 25802-2514  
(304) 256-1757 - FAX (304) 256-1815

May 5, 2002

Hearing Examiner William Spencer  
Vice Chairman, West Virginia State Fire Commission  
1207 Quarrier St., 2<sup>nd</sup> Floor  
Charleston, WV 25301

Dear Mr. Spencer:

This letter is written as the strongest possible support of the filed legislative rule adopting the 2000 International Building, Residential, Plumbing, Mechanical, Fuel Gas, Energy Conservation, and Property Maintenance Codes, and ICC/ANSI A117.1, Standards for Accessibility & Usable Buildings & Facilities/1998, as the State Building Code, as approved by the West Virginia State Fire Commission, in June of 2001 and again in February of 2002.

The 11 Directors and 113 members of West Virginia's organization of public sector Building Code Officials, Building Code Inspectors and Building Code Plans Examiners, representing 35 municipalities, five counties and 15 construction-related private entities unanimously endorse the adoption of these International Codes as the updated WV State Building Code.

We further request WV State Fire Commission concurrence and approval for 15 recommended changes to the original approved rules. Twelve are corrections to errors or omissions, three are new and are highlighted.

The first deletes the change from the ICC Electrical Code to NFPA 70. The ICC Electrical Code no longer exists and the Fire Commission previously approved adding NFPA 70, National Electric Code as a State Building Code component. That addition is the third recommended change, restoring what was left out when the rule as filed.

The second change removes the original deletion of Fire Prevention and Section 101.4.6 of the International Building Code. This second new change asks that the International Fire Code 2000 be included as a State Building Code component, provided that the IFC 2000 applies only when specifically referenced and only to the extent of each specific reference. The International Fire Code 2000 is a **building code. It is NOT a replacement for. DOES NOT CHANGE A WORD OF THE STATE FIRE CODE or any NFPA Standard.** In fact, the majority of its referenced standards are NFPA, 88 of them, that deal with life safety, extinguishers, alarm, detectors, sprinklers, entrance, egress, etc - - construction and renovation elements. The IFC

2000 is referenced (along with the applicable NFPA standard) 133 times, 81 times in the International Building Code, 36 times in the International Mechanical Code, 11 times in the International Fuel Gas Code, four times in the International Property Maintenance Code and once in the International Energy Conservation Code. The original deletion of the IFC 2000 removed a significant part of the building code by removing these 133 references, rendering the state building code incomplete and in some case unenforceable, subject to court challenge. The easiest remedy is to adopt the IFC 2000 as a part of the state building code. The alternative is to amend the legislative rules. First, delete all 133 IFC references in the Building, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation Codes. Second, insert into the rules the appropriate language that identifies the applicable NFPA standard or table that the 133 deletions took away. Without the IFC or the lengthy amendments, the Building Code will be flawed and possibly partially unenforceable.

The third addition was also approved by the Building Code Committee in the original amendment discussions. It added the words "including affordability" to the Purpose section of the International Residential Code.

The fifth change deletes Subsection 1 of Section R301.2.2.7 of the Residential Code to eliminate a possible conflict with Table R502.3.3. Changes six and seven are corrections, changing "that" to "than" and "CABO/1995" to "CABO/1992"

Change eight deletes Section R403.1.7, Footings on or adjacent to slopes. It is unworkable in West Virginia and will be rewritten in the 2003 Residential Code. Current Residential Code provisions are adequate to deal with such situations.

Change nine is a simple correction. Change ten corrects the original Envelope Requirements Table specific to the 55 West Virginia counties. The remaining five changes correct the zone and degree day designations to conform with the table.

Thank you again for your interest building and construction safety and assistance to the WV Code Officials Association and its members in our enforcement efforts. We stand ready to provide any assistance to you and the State Fire Commission at any time.

Sincerely,



ROBERT L. CANNON, President  
WVCOA

PROPOSED AMENDMENTS

Title 87  
Legislative Rule  
State Fire Commission  
Series 4  
State Building Code

- Page 2 - 87-4-4 NATIONAL STANDARDS AND CODES .... Section 4.1  
**DELETE - ~~EXCEPTIONS; Change any and all references to ICC Electrical Code to NFPA 70, National Electric Code/1999.~~**
- Page 3 - 87-4-4 NATIONAL STANDARDS AND CODES .... Section 4.1 (2<sup>nd</sup> line)  
**DELETE - ~~Provided; that the section entitled "Fire Prevention" and identified as Section 101.4.6 is deleted and not considered to be a part of this rule.~~**
- Page 3 - 87-4-4 NATIONAL STANDARDS AND CODES .... Section 4.1 (2 new codes)  
**ADD - NFPA 70, National Electric/1999**  
**ADD - International Fire Code, First Edition, 2000, Provided; the International Fire Code/2000 shall apply only where specifically referenced in the State Building Code and only to the extent of each specific reference.**
- Page 3 - **ADD - Section R103.2 The purpose of .... health and public welfare, including affordability.**
- Page 3 - R301.2.2.7 Irregular buildings (Subsection 1. - conflict with Table R502.3.3)  
**DELETE - Subsection 1, including Exceptions 1.1 - 1.5.**
- Page 3 - Section R312.1.1 Landing at Doors .... (end of 2<sup>nd</sup> second line)  
**CHANGE - .... door, other that the required .... to "door, other THAN the required"**
- Page 3 - Section R314.2 Stair Geometry .... (beginning of 2<sup>nd</sup> line)  
**CHANGE - Code/1995 dimensions; .... to Code/1992 dimensions;**
- Page 4 - Section R403.1.7 Footings on or adjacent to slopes  
**DELETE ENTIRE SECTION**
- Page 6 - Section R502.3.3 Floor Cantilevers .... (section number)  
**CHANGE - R5502.2.2 .... to R502.3.3**
- Page 8 - Table N1101 PRESCRIPTIVE BUILDING ENVELOPE REQUIREMENTS  
**DELETE - REPLACE (with new table)**

**TABLE N1101 Prescriptive Building Envelope Requirements**

Building Location		Maximum U-Value	Minimum Insulation						
Zone	HDD	Fenestration	Roof/Ceiling	Frame Wall	Mass Walls	Floor Over Outdoor Air or Unconditioned Space	Slab Edge Width	Crawl Space Wall	Base ment Wall
10	4,500 - 4,999	0.65	R-26	R-13	R-7	R-13	R-4 2 ft	R-8	R-4
11,12 & 13	5,000 - 6,499	0.55	R-30	R-13	R-8	R-19	R-4 2 ft	R-8	R-4

**West Virginia Climate Zones By Counties**

<u>10</u> <u>HDD 4,500 - 4,999</u>	<u>11</u> <u>HDD 5,000-5,499</u>	<u>12</u> <u>HDD 5,500-5,999</u>	<u>13</u> <u>HDD 6,000-6,499</u>
Boone	Berkeley	Brooke	Barbour
Cabell	Braxton	Doddridge	Grant
Kanawha	Calhoun	Fayette	Pendleton
Lincoln	Clay	Greenbrier	Pocahontas
Logan	Gilmer	Hancock	Preston
Mingo	Hampshire	Harrison	Randolph
Putnam	Jackson	Lewis	Tucker
Wayne	Mason	Marion	
	Mc Dowell	Marshall	
	Mercer	Mineral	
	Monroe	Monongalia	
	Morgan	Nicholas	
	Pleasants	Ohio	
	Ritchie	Raleigh	
	Roane	Summers	
	Tyler	Taylor	
	Wirt	Upshur	
	Wood	Webster	
	Wyoming	Wetzel	

Page 9 - NOTES 5.

**CHANGE** - "frost depth in Zone 4 and 5" **TO** - frost depth in Zones 10, 11, 12, & 13

Page 10 - N1101.4.3 Steel Frame Walls (2<sup>nd</sup> line)

**CHANGE** - "Zone 3 and 4 ... Zone 5" **TO** - Zone 10 (4,500 - 4,999), Zone 11, 12 & 13 (5,000 - 6,499)

Page 10 - N1101.4.6 Basement Walls (3<sup>rd</sup> - 5<sup>th</sup> lines)

**DELETE** (end of sentence) - The required R value shall be applied on the inside or outside of the basement wall from the sill plate down to the design frost depth, ~~in Climate Zones 4 and 5, and to the basement floor in Zones 6 and 7.~~

Page 11 - TABLE N1101.4.6 EQUIPMENT TRADE-OFF FOR BASEMENT WALL INSULATION

**DELETE** - (3<sup>rd</sup> line) ~~1-3 0-3,999~~

**CHANGE** - (4<sup>th</sup> line) ~~4-5~~ **TO** - 10, 11, 12, & 13

(4<sup>th</sup> line) ~~4,000-6,999~~ **TO** - 4,500 - 6,499

**DELETE** - (5<sup>th</sup> line) ~~6-7 7,000-12,999 90 8.0~~

Page 12 - N1101.5.3 Skylights

**DELETE** - ~~Zone 1 ... skylight permitted~~

**DELETE** - ~~Zone 2, 3 ... skylight permitted~~

**CHANGE** - Zones ~~4 and above~~ 10, 11, 12, & 13 ~~4,000 HDD~~ (4,500 HDD) and above



The Department of Military Affairs and Public Safety

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191

Fax: (304) 558-2537

June 27, 2002

Robert L. Carvell, Contractor  
HVAWV Codes Committee  
Rt. 1,55 Walnut Grove  
Washington, West Virginia 26181

Dear Mr. Carvell,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis Al. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb

**ROBERT L. CARVELL, CONTRACTOR WV3512**

Rt. 1, 55 Walnut Grove  
Washington, WV 26181  
Phone or Fax (304) 863-8392  
[rcarvell@access.mountain.net](mailto:rcarvell@access.mountain.net)

May 15, 2002

Mr. Francis A. Guffey II  
165 Lakeshore Drive  
Cross Lanes WV 25313

Dear Mr. Guffey:

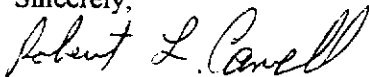
I am writing to you on behalf of the Home Builders Association of WV. We note in the Fire Commission minutes that you had been requested to add the ADA Guidelines to the building codes.

Our board of directors discussed the matter and do not support this request. The ADA is the law of the land, as you know, and adding the guidelines to the codes is not necessary. We view this as an unnecessary complication which would serve no purpose.

We do see in the Fire Commission minutes that you stated this is not a code matter. We are in complete agreement, and wish to be on record as opposing adding the ADAG to the codes.

Thank you.

Sincerely,



Robert L. Carvell, HBAWV Codes Committee



## The Department of Military Affairs and Public Safety

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

### STATE FIRE COMMISSION

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

June 27, 2002

James Gatian, Code Enforcement Officer  
City of Morgantown  
389 Spruce Street  
Morgantown, West Virginia 26505

Dear Mr. Gatian,

Thank you for your interest and written comment concerning the approval of the 2000 1 BC and 1 RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7401

CODE ENFORCEMENT  
BUILDING AND HOUSING  
INSPECTION DEPARTMENT

May 6, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

RE: Adoption of the 2000 ICC Codes

Honorable Commission:

My name is James Gatian. I am an employee of the City of Morgantown located in Monongalia County, West Virginia. I have been in my current position for 2 years. I am certified as W. Virginia Electrician and have been in the code enforcement business for 24 years. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the code now before you for consideration and adoption.

Though I'm not here to speak before you, I wish for my voice to be heard in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank you for this opportunity.

Respectfully,

James Gatian  
Code Enforcement Officer  
City of Morgantown



## The Department of Military Affairs and Public Safety

Bob Wise, Governor  
Joe Martin., Cabinet Secretary

### STATE FIRE COMMISSION

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191  
Fax: (304) 558-2537

Joseph J. Bostar, III  
Chairman

Bill L. Spencer  
Vice Chairman

Chuck Runyon  
Secretary

June 27, 2002

Louis Queen, Code Enforcement Officer  
City of Morgantown  
389 Spruce Street  
Morgantown, West Virginia 26505

Dear Ms. Queen,

Thank you for your interest and written comment concerning the approval of the 2000 1 BC and 1 RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guifey, II, FAIA  
Chairman of the State Building  
Code Committee

FGil,kb



# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7401

CODE ENFORCEMENT  
BUILDING AND HOUSING  
INSPECTION DEPARTMENT

May 6, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> Floor  
Charleston, WV 25301

RE: Adoption of the 2000 ICC Codes

Honorable Commission:

My name is Louis Queen. I am an employee of the City of Morgantown located in Monongalia County, West Virginia. I have been in my current position for 3 years. I am certified as Property Maintenance Inspector / Master Electrician and have been in the code enforcement business for 3 years. I am also a member of the West Virginia Code Officials Association and have received numerous hours of training regarding the code now before you for consideration and adoption.

Though I'm not here to speak before you, I wish for my voice to be heard in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code. While the NFPA is a proven authority in many special applications and processes, they are considered to be an infant among groups like BOCA that have been around for decades.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank you for this opportunity.

Respectfully,

Louis Queen  
Code Enforcement Officer  
City of Morgantown



The Department of Military Affairs and Public Safety

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Bill L. Spencer  
Vice Chairman

Chuck Runyon  
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Bob Wise, Governor  
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**STATE FIRE COMMISSION**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301

Phone: (304) 558-2191

Fax: (304) 558-2537

June 27, 2002

Robert B. Ashcraft,  
Assistant City Manager  
City of Fairmont  
P.O. Box 1428  
Fairmont, West Virginia 26555

Dear Mr. Ashcraft,

Thank you for your interest and written comment concerning the approval of the 2000 1BC and 1RC codes.

The State Fire Commission has voted unanimously to proceed with the adoption of these codes with several modifications to the proposed rules that were approved after the public and written comments were received.

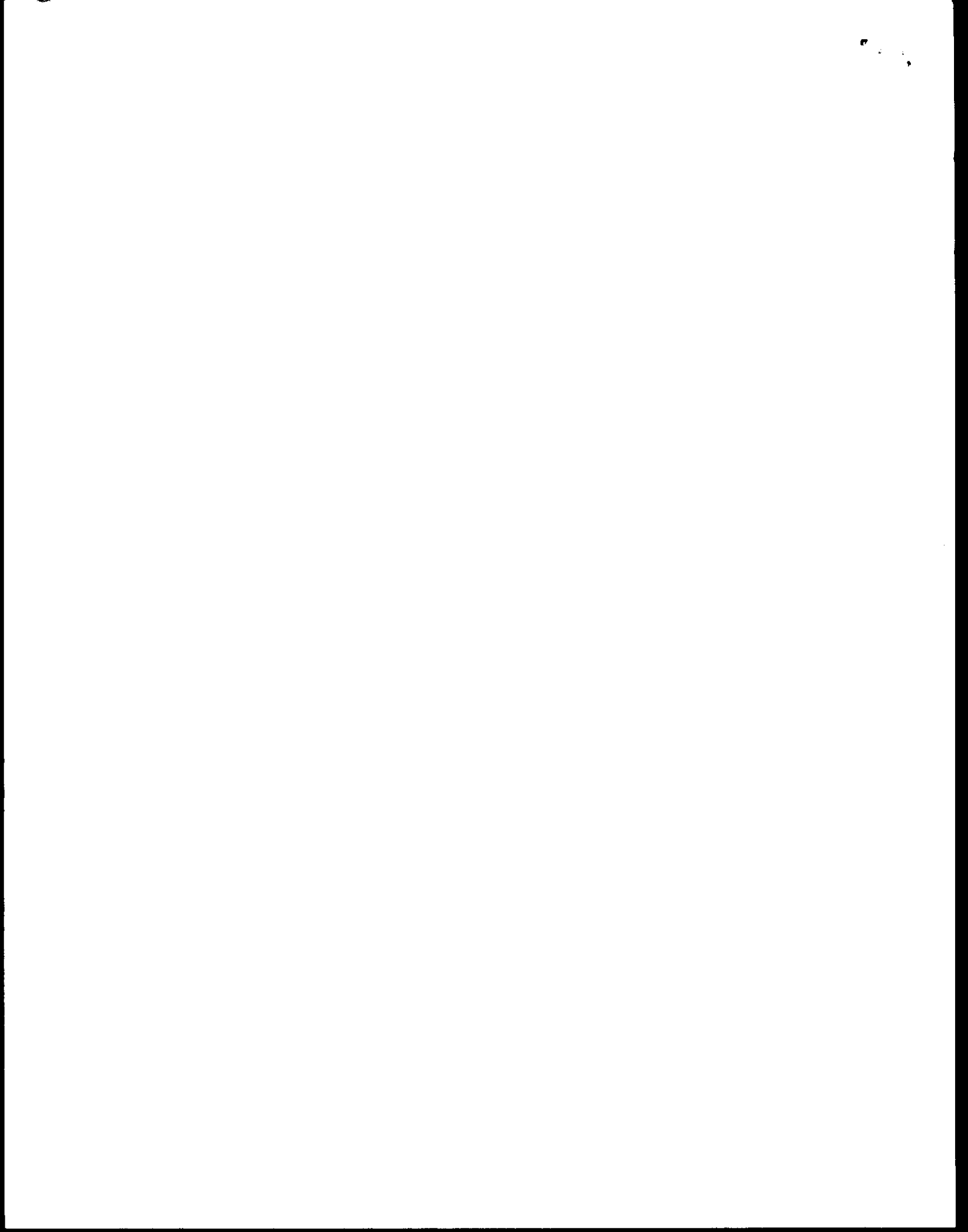
The State Building code, as modified, will be presented to the State Fire Commission for their consideration and subsequent approval as an "agency approved rule".

This document will then be submitted to the Legislative Rule Making Review Committee for their review and subsequent action.

Sincerely Yours,

Francis A. Guffey, II, FAIA  
Chairman of the State Building  
Code Committee

FGII,kb



# CITY OF FAIRMONT



CITY/COUNTY COMPLEX  
P.O. Box 1428  
200 Jackson Street  
Fairmont, West Virginia 26555-1428  
(304) 366-6211  
(304) 366-0228 FAX  
[www.cityoffairmontwv.com](http://www.cityoffairmontwv.com)

May 17, 2002

Mr. William Spencer  
Hearing Examiner  
West Virginia State Fire Commission  
1207 Quarrier Street, 2<sup>nd</sup> floor  
Charleston, WV 25301

Re: Adoption of the 2000 ICC Codes

Honorable Commission:

Good Morning, my name is Robert B. Ashcraft. I am the Assistant City Manager for the City of Fairmont I have been in my current position for 5 years and in code enforcement for the past 15 years. I am charged with legislative and judicial oversight for our department. I am a member of the West Virginia Code Officials Association having now served as a member of the Board of Directors for three years and have received numerous hours of training regarding the codes now before you for consideration and adoption.

I am here today to speak in favor of the 2000 ICC Codes and supplements as amended and presented for adoption by the West Virginia Code Officials Association to the West Virginia State Fire Commission. My employer has spent hundreds or perhaps even thousands of dollars of tax money over the last couple of years to purchase and to train me in the interpretation and administration of these codes.

The BOCA National Building Code and supplements, which make up the current State Building Code were all adopted by our jurisdiction and have been accepted by the contractors in our area. We believe that the conversion now to the ICC Codes is a logical step to take since BOCA is one of the three model code groups, which make up the International Codes Council. I do not support the effort by some to adopt the NFPA 5000 Building Code as the next State Building Code even though I am a member of NFPA and serve on their Architects, Engineers and Building Officials Section. While the NFPA is a proven authority in many special applications and processes, I consider them an infant among groups like BOCA when comes to the development of a comprehensive building code.

I respectfully request and urge this commission to file as a legislative rule the 2000 International Building Code and supplements as amended and presented by the West Virginia Code Officials Association for adoption as the next State Building Code for West Virginia.

Thank You for this opportunity.

Respectfully,

Robert B. Ashcraft  
City of Fairmont  
P. O. Box 1428  
Fairmont, WV 26555  
(304) 366-8311

**A RESOLUTION OF SUPPORT FOR THE ADOPTION OF THE 2000 INTERNATIONAL CODES AS THE WEST VIRGINIA STATE BUILDING CODE**

WHEREAS, the State of West Virginia has mandated in West Virginia Code Section 8-12-13 that any municipal subdivision of the state that adopts a building code that the code adopted shall be the State Building Code; and

WHEREAS, the current State Building Code is the 1996 Edition of the BOCA National Building Code; the 1995 Edition of the International Plumbing Code; the 1996 International Mechanical Code; the 1996 Edition of the BOCA National Property Maintenance Code; the 1993 BOCA National Energy Code; and the 1995 CABO One and Two Family Dwelling Code; and

WHEREAS, the City of Fairmont has been operating under the current State Building Code since April tenth of 1998; and

WHEREAS, the City of Fairmont is an active member of the West Virginia Code Officials Association; and

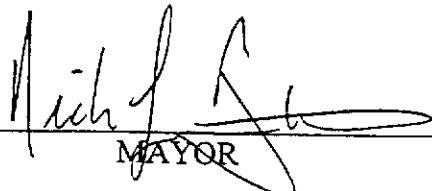
WHEREAS, the City of Fairmont and the West Virginia Code Officials Association have spent thousands of dollars of tax payer monies to purchase copies of the various 2000 ICC Codes and train code officials across the state in the administration of these codes; and

WHEREAS, Building Departments of municipal subdivisions across the state of West Virginia are now evaluated and graded by ISO like fire departments in order to give credits for insurance based upon construction in accordance with current edition model codes; and

WHEREAS, the State Fire Commission as charged by West Virginia Code section 29-3-5b will hold a public hearing on May 17, 2002 at 10:00 a.m. in Conference Room L of the Days Inn Conference Center in Flatwoods, WV for the purpose of taking comments on the adoption of the 2000 International Codes as the next State Building Code.

**NOW, THEREFORE BE IT RESOLVED THAT** the City of Fairmont hereby resolves to give their full support of the West Virginia Code Officials Association and the West Virginia State Fire Commission in the united effort to adopt the 2000 International Code and supplements as presented as the next State Building Code for West Virginia.

Passed this the 13<sup>th</sup> day of May, 2002.

  
MAYOR

ATTEST:

  
CITY CLERK