

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

Do Not Mark In this Box

FILED

Aug 27 1 06 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: STATE FIRE COMMISSION TITLE NUMBER: 87

RULE TYPE: Legislative; CITE AUTHORITY 29-3-5b

AMENDMENT TO AN EXISTING RULE: YES XX NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: State Building Code

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

DATE OF PUBLIC HEARING: October 7, 1997 TIME: 10:00 AM

LOCATION OF PUBLIC HEARING: State Capitol

East Wing, Room E-215

Charleston, WV 25305

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH XX

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: State Fire Commission
Comment period will end on October 7, 1997 at 4:00 PM

The Department requests that persons wishing to make
comments at the hearing make an effort to submit written
comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

c/o Bill Spencer, Chairman
1207 Quarrier St. Room 202
Charleston, WV 25305



4.00

SUMMARY

The West Virginia State Fire Commission promulgates the State Building Code in accordance with West Virginia Code, Chapter 29, Article 3, Section 5b. The purpose of the State Building Code is to establish rules necessary for the safeguarding of property through the quality of construction of all structures throughout this State.

The State Building Code has adopted the Thirteenth Edition of the BOCA National Building Code, 1996; BOCA International Plumbing Code, First Edition, 1995; BOCA International Mechanical Code, First Edition, 1996; BOCA National Property Maintenance Code, Fifth Edition, 1996; BOCA National Energy Conservation Code, Seventh Edition, 1993; and the CABO One and Two Family Dwelling Code, 1995 Edition.

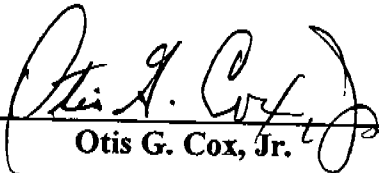
AMENDMENT TO STATE BUILDING CODE

The State Fire Commission proposes to modify the State Building Code specifically pertaining to the stair geometry for one- and two-family dwellings.

WEST VIRGINIA
STATE BUILDING CODE

Rules
of the West Virginia
State Fire Commission

Approved by Secretary, Department of Military Affairs and Public Safety




Otis G. Cox, Jr.

August 27, 1997

Date

Approved by State Fire Commission



Bill L. Spencer, Chairman

August 8, 1997

Date

STATE FIRE COMMISSION
1207 Quarrier Street, 2nd Floor
Charleston, West Virginia 25301

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

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:

1.4 Effective Date:

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".

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

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 National 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, as listed below, have the same force and effect as if set out verbatim in this rule:

The BOCA National Building Code, Thirteenth Edition, 1996
EXCEPTION TO 1014.6 Treads & Risers: Design and Construction to be in accordance with 1993 BOCA National Building Code, Twelfth Edition for one & two family dwellings.

The BOCA International Plumbing Code, First Edition, 1995

The BOCA International Mechanical Code, First Edition, 1996

The BOCA National Property Maintenance Code, Fifth Edition, 1996
This Maintenance Code may be rejected at the option of the local jurisdiction.

The BOCA National Energy Conservation Code, Seventh Edition, 1993

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.

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 used 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.

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, State Capitol Complex, Charleston, West Virginia 25305, 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 14.1 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.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: State Building Code

Type of Rule: XXX Legislative Interpretive Procedural

Agency State Fire Commission

Address 1207 Quarrier Street, Room 202
Charleston, WV 25301

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-
CURRENT EXPENSE	-0-	-0-	-0-	-0-	-0-
REPAIRS & ALTERNATIONS	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates:

Non-Applicable

3. Objectives of these rules:

The objective of this Rule is to modify the stair geometry for one- and two-family dwellings.

Rule Title: State Building Code

4. **Explanation of Overall Economic Impact of Proposed Rule.**

A. **Economic Impact on State Government.**

Modification of -the proposed rule will enable certain industrial enterprises constructing manufactured housing to remain competitive and remain in West Virginia.

B. **Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.**

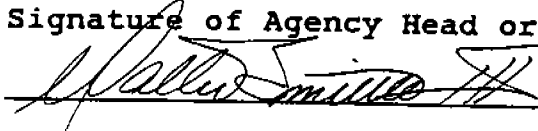
Modification of the proposed rule should provide positive impact for the manufactured housing industry.

C. **Economic Impact on Citizens/Public at Large.**

Cost of the manufactured housing will remain competitive for citizens/public at large.

Date: 8-27-97

Signature of Agency Head or Authorized Representative





The Department of Military Affairs and Public Safety

BILL L. SPENCER
Chairman
JAMES W. FIFE
Vice-Chairman
KENNETH MORGAN
Secretary

CECIL H. UNDERWOOD, GOVERNOR
OTIS G. COX, JR.
Secretary
STATE FIRE COMMISSION
1207 Quarrier Street, 2nd Floor
Charleston, West Virginia 25301

WALTER SMITTLE III
State Fire Marshal
Phone (304) 558-2191
FAX (304) 558-2537

NEWS RELEASE

The West Virginia State Fire Commission will conduct a public hearing on modifying the State Building Code specifically pertaining to the stair geometry for one- and two-family dwellings.

The public hearing will take place at the State Capitol, East Wing, Room E-215, at 10:00 AM, October 7, 1997. All interested individuals or organizations are encouraged to attend the public hearing or submit written comments by 4:00 PM on October 7, 1997 to: State Fire Commission, c/o Bill Spencer, Chairman, 1207 Quarrier Street, Room 202, Charleston, WV 25301. For additional information, please contact the State Fire Commission at (304) 558-2191, Ext. 210 during regular business hours.

Forwarded to all newspapers, radio and television entities throughout West Virginia.