

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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FILED

APR 6 12 57 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES XX, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 04

TITLE OF RULE BEING AMENDED: State Building Code

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:


TITLE OF RULE BEING PROPOSED:

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

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4200

SECTION 64-6-1(a), PASSED ON March 12, 1998

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: May 1, 1998

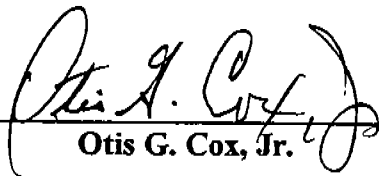

State Fire Marshal for the
State Fire Commission

\$3.00

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

FILED

TITLE 87

APR 6 12 57 PM '98

LEGISLATIVE RULE

STATE FIRE COMMISSION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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: 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".

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, 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 an 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.

Senate Bill No. 297

87-4

(By Senator(s) Ross, Anderson, Bowman,
Macnaughtan, Boley and Buckalew)

[Introduced January 30, 1998; referred to the
Committee on the Judiciary.]

10 A BILL to amend and reenact section one, article six,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the fire commission to promulgate a
14 legislative rule relating to the state building code.

15 *Be it enacted by the Legislature of West Virginia:*

16 That section one, article six, chapter sixty-four of
17 the code of West Virginia, one thousand nine hundred
18 thirty-one, as amended, be amended and reenacted, to read
19 as follows:

20 ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY
21 AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE
22 RULES.

23 §64-6-1. Fire commission.

1 (a) The legislative rule filed in the state register
2 on the ~~first~~ twenty-second day of ~~August~~ October, one
3 thousand nine hundred ~~ninety-six~~ ninety-seven, modified
4 by the fire commission to meet the objections of the
5 legislative rule-making review committee and refiled in the
6 state register on the ~~twenty-ninth~~ twentieth day of ~~October~~
7 January, one thousand nine hundred ~~ninety-six~~ ninety-
8 eight, relating to the fire commission (state building
9 code, 87 CSR 4), is authorized.

10

11 NOTE: The purpose of this bill is to authorize the
12 Fire Commission to promulgate a legislative rule relating
13 to the State Building Code.

14
15 Strike-throughs indicate language that would be
16 stricken from the present law, and underscoring indicates
17 new language that would be added.

E9/17

87-4

1 Bill-Fire,

H. B. 4163

2

(By Delegates Hunt, Linch, Compton, Jenkins,
Faircloth and Riggs)

3

4

[Introduced January 30, 1998; referred to the
Committee on Government Organization then the
Judiciary.]

5

6

7

8

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22 **RULES.**

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4163

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