

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

FILED

MAY 13 11 36 AM '94

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 X 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: June 23, 1994 TIME: 10:00 AM


LOCATION OF PUBLIC HEARING: State Capitol Complex
East Wing, Room E-215
Charleston, WV 25305

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: State Fire Commission
Comment period will end on June 30, 1994 c/o Bill Spencer, Chairman
at 4:00 PM. 2100 E. Washington St.
The Department requests that persons wishing to make Charleston, WV 25305.
comments at the hearing make an effort to submit written

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

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL


Authorized Signature

STATE BUILDING CODE
STATEMENT OF CIRCUMSTANCES

The State Fire Commission adopts the statewide building code for adoption and enforcement by local jurisdictions. The 1993 BOCA Codes provides the latest changes to the Model Building Code. The last code adopted was 1990, thus updating the building code is essential for building structures throughout West Virginia with the latest technology.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: State Building Code

Type of Rule: X Legislative Interpretive Procedural

Agency: State Fire Commission

Address: 2100 Washington Street, East
Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 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 these rules provides for up-to-date technology in building construction. These rules provide minimum standards to ensure the public safety, health and welfare insofar as they are affected by building construction. And to secure safety to life and property from hazards incident to the occupancy of buildings, structures or premises.

Rule Title: State Building Code

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

These proposed rules the Fire Commission with updated technology in building construction. There is no cost to the State for filing these codes.

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

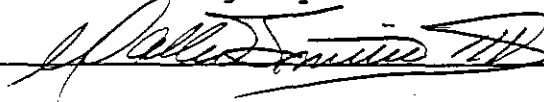
Utilization of the 1993 BOCA Building Codes will provide the latest technology in building construction to all concerned citizens.

C. Economic Impact on Citizens/Public at Large.

With the adoption of the 1993 BOCA Building Codes, a more viable program for enhancing minimum standards to ensure the public safety, health and welfare through the latest building construction technology.

Date: May 13, 1994

Signature of Agency Head or Authorized Representative



DATE: May 13, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: State Fire Commission

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

May 13, 1994

b. What other notice, including advertising, did you give of the hearing?

Press Release sent Statewide

c. Date of Hearing(s) June 23, 1994, 10:00 AM

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments. Information to be provided after public hearing
Attached No comments received

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

N/A

f. Name and phone number(s) of agency person(s) to contact for additional information:

Walter Smittle III, State Fire Marshal 558-2191

L. Darl Cross, Chief Deputy Fire Marshal 558-2191

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.

N/A

b. Date of hearing: N/A

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

N/A

d. Attach findings and determinations and reasons:

Attached N/A

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 this code is to establish the rules necessary for the safeguarding of property through the quality of construction of all structures erected or renovated throughout this state.

The State Building Code adopts the Twelfth Edition of the BOCA Natinal Building Code, 1993; BOCA National Plumbing Code, Ninth Edition, 1993; BOCA National Mechanical Code, Eighth Edition, 1993; BOCA National Property Maintenance Code, Fourth Edition, 1993; BOCA National Energy Conservation Code, Seventh Edition, 1993; and the CABO One and Two Family Dwelling Code, 1993 edition.

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA
STATE BUILDING CODE

Rules
of the West Virginia
State Fire Commission


Approved by Secretary, Department of Military Affairs and Public
Safety


Major General Joseph J. Skaff

May 13, 1994

Date

Approved by State Fire Commission


Bill L. Spencer, Chairman

May 13, 1994

Date

STATE FIRE COMMISSION
State Capitol
Charleston, West Virginia

FILED

TITLE 87

LEGISLATIVE RULES

MAY 13 11 36 AM '94

STATE FIRE COMMISSION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 4

STATE BUILDING CODE

87-4-1 GENERAL

1.1 Scope: These rules ~~and regulations~~ establish the rules ~~and regulations~~ 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 State Code 29-3-5b.

1.3 Filing Date: July 1, 1993 _____

1.4 Effective Date: July 1, 1993 _____

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 these rules and regulations. 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 thereto.

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

2.3 Fire Commission, means the ~~eleven (11)~~ 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 Flossmor Road, Country Club Hills, Illinois, 60477-5795.

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 arises a conflict between the "state fire code" and the "state building code", the "~~state fire code~~" more stringent code shall take precedence.

3.2 Whenever there arises a conflict between the BOCA National Plumbing Code section of the "state building code" and the rules of the West Virginia State Board of Health, the rules of the Board of Health shall take precedence.

3.3 Whenever there arises a conflict between the "state building code" and statutory laws of the State of West Virginia, the West Virginia State Code shall take 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, shall have the same force and effect as if set out verbatim in this rule:

The BOCA National Building Code,
~~Eleventh~~ Twelfth Edition, ~~1990~~ 1993

The BOCA National Plumbing Code,
~~Eighth~~ Ninth Edition, ~~1990~~ 1993

The BOCA National Mechanical Code,
~~Seventh~~ Eighth Edition, ~~1990~~ 1993

The BOCA National Property Maintenance Code,
~~Third~~ Fourth Edition, ~~1990~~ 1993
However, Section PM-104.4 "Right of Entry" may be adopted or rejected at the option of the local jurisdiction.

The BOCA National Energy Conservation Code
~~Sixth~~ Seventh Edition, ~~1990~~ 1993

The CABO One - and Two-Family Dwelling Code
~~1989~~ 1993 Edition

4.1.1 The following structures shall not be 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.

4.2 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. A copy of the ordinance or order shall be sent to the State Fire ~~Administrator~~ Marshal, West Virginia State Fire Commission, State Capitol Building, Room EB-64 Complex, Charleston, West Virginia 25305, within thirty (30) days of adoption.

5.2 Each local jurisdiction which adopts the State Building Code shall have 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 these rules 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 these rules is to be considered 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, shall be null and void one year following the effective date of the State Building Code of April 28, 1989.

87-4-7 SEVERABILITY

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



The Department of Military Affairs and Public Safety

BILL L. SPENCER
Chairman

JOSEPH J. BOSTAR, III
Vice-Chairman

WILLIAM D. SITES
Secretary

GASTON CAPERTON, GOVERNOR
MAJOR GENERAL JOSEPH J. SKAFF
Secretary

State Fire Commission
State Capitol Complex
Charleston, West Virginia 25305

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

N E W S R E L E A S E

The West Virginia State Fire Commission will conduct a public hearing on the proposed adoption of the 1994 National Fire Codes as part of the State Fire Code and the proposed adoption of the 1993 BOCA Codes as part of the State Building Code.

The public hearing will take place at the State Capitol, East Wing, Room E-215, at 10:00 AM, June 23, 1994. All interested individuals or organizations are encouraged to attend the public hearing or submit written comments to: State Fire Commission, c/o Mr. Bill L. Spencer, Chairman, 2100 Washington Street, East, Charleston, WV 25305. For additional information, please contact the State Fire Commission at (304) 558-2191 during regular business hours.