

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: State Fire Commission TITLE NUMBER: 87

CITE AUTHORITY Chapter 29, Article 3, Section 5b

AMENDMENT TO AN EXISTING RULE: YES NO

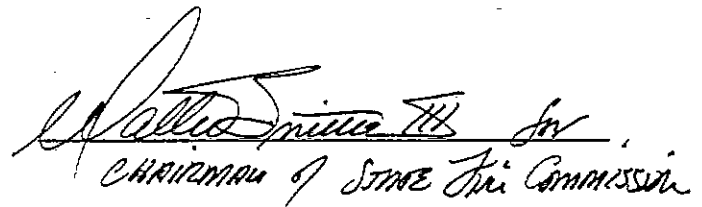
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: State Building Code

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Walter Smith III
CHAIRMAN OF STATE FIRE COMMISSION

4 objections of the legislative rule-making review commit-
5 tee and refiled in the state register on the sixteenth day
6 of November, one thousand nine hundred ninety-four,
7 relating to the fire commission state building code,
8 87CSR4), are authorized with the following amendments:

9 "On page two, subsection 3.1, by striking out the words
10 'more stringent' and inserting in lieu thereof the words
11 'state fire';

12 And,

13 On page two, subsection 4.1, by striking out the words
14 'However, Section PM-104.4 "Right of Entry"' and
15 inserting in lieu thereof the words 'This maintenance
16 code'".

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

August 5, 1994
Date



Bill L. Spencer, Chairman

July 28, 1994
Date

STATE FIRE COMMISSION
State Capitol
Charleston, West Virginia

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

87-4-1 GENERAL

1.1 Scope: ~~These~~ This ~~rules and regulations~~ establishes the ~~rules and regulations~~ 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 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~~ this ~~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 or her 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 Flossmer 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~~ is a conflict between the "state fire code" and the "state building code", the more stringent code ~~shall~~ takes precedence.

3.2 Whenever there ~~arises~~ is 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~~ takes precedence.

3.3 Whenever there ~~arises~~ is a conflict between the "state building code" and statutory laws of the State of West Virginia, the West Virginia State Code ~~shall~~ 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, 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~~ 1992 Edition

4.1.1 The following structures ~~shall~~ are 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. The local jurisdiction shall send 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~~ 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 ~~these~~ this 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~~ this 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~~ this 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~~ the opinion or enactment ~~shall~~ invalidates only that particular section or subsection of ~~these~~ this rules ~~and regulations~~ and all other sections ~~shall~~ remain in full force and effect: Provided, ~~that such~~ are the remaining portions are not determined to be inseparable, and to this end ~~these~~ this rules ~~and regulations~~ are is declared severable.

