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WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

FILED
1988 JUL 21 PM 3:43
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD 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 NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 4

TITLE OF RULE BEING PROPOSED: State Building Code

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 22, 1988 AT 4:30 PM. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

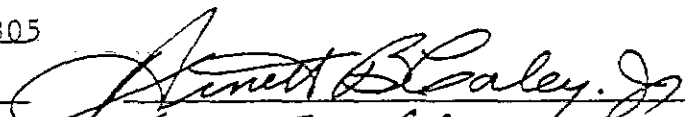
State Fire Administrator

State Fire Commission

State Capitol Complex

Charleston, West Virginia 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


STATE FIRE Administrator

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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

FILED
1988 JUL 21 11:53 AM
DEPT. OF HEALTH & HUMAN SERVICES
SECRETARY DESK

87-1-1 General

1.1 Scope: These rules and regulations establish the rules and regulations deemed 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:

1.4 Effective Date:

1.5 Incorporation of other Documents: This state building code 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 said other documents.

87-1-2 DEFINITIONS

2.1 Building code, is intended to include all aspects of safe building construction and mechanical operations and all safety aspects related thereto.

2.2 Fire marshal, is intended to mean the West Virginia State Fire Marshal and/or his designated representatives.

2.3 Fire Commission, is intended to mean the West Virginia State Fire Commission assembled as a body.

2.4 Local jurisdiction, is intended to mean municipal or county level government.

2.5 State Building Code, is intended to mean the entire contents of these rules and regulations as filled by the Fire Commission, approved by the Legislative Rule Making Review Committee, and subsequently adopted by the West Virginia Legislature.

2.6 BOCA is the acronym for "Building Officials & Code Administrators International", 4051 Flossmoor Road, Country Club Hills, Illinois, 60477-5795.

2.7 CABO is the acronym for the "Council of American Building Officials, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, 22041.

87-1-3 Conflicts

3.1 Whenever there arises a conflict between the "state fire code" and the "state building code", the "state fire code" shall take precedent.

3.2 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 precedent.

87-1-4 National standards and codes

4.1 The standards and requirements as set out and established by the following:

The BOCA National Building Code,
Tenth Edition, 1987

The BOCA National Plumbing Code,
Seventh Edition, 1987

The BOCA National Mechanical Code,
Fifth Edition, 1987

The BOCA National Existing Structures Code,
Second Edition, 1987

The BOCA National Energy Conservation Code
Fifth Edition, 1987

The CABO One- and Two-Family Dwelling Code
1986 Edition

The BOCA Basic/National Private Sewage Disposal Code
Edition, 1984

all as published by the Building Officials & Code Administrators International, and the Council of American Building Officials, shall have the same force and effect as if set out verbatim in these regulation and are hereby adopted and promulgated by the State Fire Commission as a part of the State Building Code.

4.3 A copy of the said respective codes as listed in Section 4.1 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 312/700-2300; OR BOCA International Regional Offices, 3592 Corporate Drive, Suite 107, Columbus, Ohio 43229, telephone 614/890-1064.

87-1-5 Adoption by local jurisdiction

5.1 Each county or municipality intending to adopt the State Building Code shall notify the State Fire Commission of its intent in writing along with a copy of the local ordinance. Said documents shall be forwarded to the State Fire Administrator, West Virginia State Fire Commission, State Capitol Complex, Charleston, West Virginia 25305, within thirty (30) days of the adoption.

5.2 Each county or municipality which adopts the State Building Code shall have responsibility for the enforcement of said code as provided in West Virginia State Code 7-1-3n and 8-12-13.

87-1-6 Existing building codes

6.1 All building codes which have been adopted by local jurisdictions prior to the passage of 29-3-5b, shall be null and void one year following the effective date of the State Building Code.

87-1-7 Severability

7.1 The sections and subsections of these rules and regulations shall be deemed severable. Should any section or subsection be deemed by judicial opinion unconstitutional 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 separable.