

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In this Box

FILED

1988 SEP -6 PM 1:41

SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: State Fire Commission TITLE NUMBER: 87

CITE AUTHORITY 29-3-5b

AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

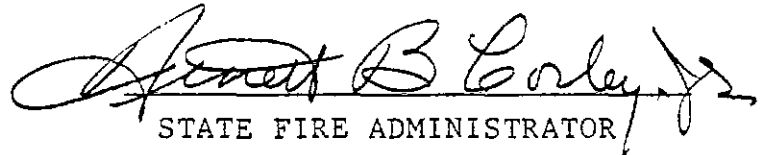
TITLE OF RULE BEING AMENDED: \_\_\_\_\_

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

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

State Building Code

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
STATE FIRE ADMINISTRATOR

FISCAL NOTE FOR PROPOSED RULES

Rule Title: State Building Code

Type of Rule:  Legislative  Interpretive  Procedural

Agency West Virginia State Fire Commission Address State Capitol Complex

Charleston, West Virginia  
25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter (every 3rd ye
Estimated Total Cost	\$ 750.00	\$	\$ 750.00	\$	\$ 750.00
Personal Services					
Current Expense	750.00		750.00		750.00
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

Expense incurred by the State Fire Administration in filing the current rules and subsequent "up-dated" versions of the referenced codes (ie, public hearing cost, copier costs, code books, etc.)

3. Objectives of these rules:

--The purpose of the building code, as stated in the authorizing legislation, is to improve the health, safety, and well-being of our citizens.

--State-of-the-art building construction, techniques, and materials has a direct impact upon the safety of the occupants; and the integrity and structural strength of a building.

--The state building code is expected to play a major role in the reduction of life and property losses due to fire.

--Assure the consumer that he/she is receiving a structure that has constructed to and in compliance with a nationally developed and recognized standard.

(More)

FISCAL NOT FOR PROPOSED RULES

Objectives of these rules:

-Life and property losses due to fire in West Virginia are one of the highest in the nation and all efforts should be made to institute long range efforts to protect our residents and to build-in fire safety features as rapidly as possible.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Minimal cost, as stated above, to maintain the codes to the most up-to-date edition of national recognized standards.

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

Assure quality construction and protect individuals from fire and other life hazards.

C. Economic Impact on Citizens/Public at Large.

Better quality construction leading to reduction in uncontrolled fires will reduce losses due to fire and other incidents-Medium to long range should result in lower insurance premiums.

Date: September 6, 1988

Signature of Agency Head or Authorized Representative

  
STATE FIRE ADMINISTRATOR

DATE: September 6, 1988

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Arnett B. Corley, Jr., STATE FIRE ADMINISTRATOR

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:

July 21, 1988

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

Press release to all State Newspapers/Radio/TV Stations, Municipalities, Counties, Planning Groups, Building Department and to all individuals and those organization representatives who had ever attended a meeting of the "Building Code Committee" during past 3 years.

c. Date of hearing (s): August 8-Martinsburg and Morgantown

August 11- Charleston

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached x

No comments received \_\_\_\_\_

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

September 1, 1988 as Emergency Rule.

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

Arnett B. Corley Jr.

348-2191

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

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

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: September 1, 1988

1.4 Effective Date: September 1, 1988

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,  
Sixth 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  
First 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.

REGISTRATION OF PUBLIC  
AT  
STATE FIRE COMMISSION MEETINGS

Building Code Hearing - Martinsburg DATE: August 8, 1988

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
Sharon Hawk	401 Benning Ave Martinsburg, WV	Benning, Inc.	✓
Robert A. ...	...		

**REGISTRATION OF PUBLIC  
AT  
STATE FIRE COMMISSION MEETINGS**

Building Code Hearing - Marlinsburg      DATE: August 8, 1988

NAME Please print or write plainly	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
<i>Robert J. [Signature]</i>	P.O. Box 306, Harpers Ferry	F.F. Beck & Assoc.	
<i>James Lee Beck</i>	310 Marlinsburg	C.T. Homeowners Group	





**ORIGINAL**

1

WEST VIRGINIA STATE FIRE COMMISSION  
PUBLIC HEARING

IN RE: STATE BUILDING CODE

---

The Public Hearing in the above-captioned matter was held at Martinsburg, West Virginia, Public Library, King Street, Martinsburg, West Virginia, on the 8th day of August, 1988, beginning at 9:00 a.m.

A P P E A R A N C E S

William Sites, Presiding Officer

RECEIVED AND ADMINISTRATION

1988 AUG 30 A 10:52

RECEIVED

002194

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

<u>Speaker:</u>	<u>Page:</u>
Howard Strauss	3
Susan Houck	7
Charles E. Balyard	8
John E. Styer	8
Billy R. Manning	9

P R O C E E D I N G S

1  
2 CHAIRMAN: Has everybody signed in? Good morning,  
3 I'm Bill Sites. I'm secretary of the West Virginia State Fire  
4 Commission. Our purpose this morning is a public hearing  
5 regarding the state building code.

6 These hearings have been scheduled for the purposes  
7 of receiving public comments regarding the proposed adoption  
8 of the BOCA National Codes as the state building code by the  
9 State Fire Commission as authorized by the West Virginia State  
10 Code, Chapter 29, Article 3, Section 5-B.

11 The responsibility of the State Fire Commission is  
12 for promulgation of and subsequent updating of a statewide  
13 code with local government responsible for local adoption and  
14 enforcement. The effective date is a tentative date pending  
15 the action of the Commission at the meeting on August 12,  
16 1988, in Charleston.

17 Written comments will be received for 30 days  
18 following the initial filing, which was July 22, 1988.  
19 Therefore, parties can submit written comments to this office  
20 until the close of business at 4:30 p.m. on August 22, 1988.

21 At this time, I would like to call upon those who  
22 have chosen to speak regarding the subject. I'd like to call

1 on, first, Howard Strauss. I believe you represent the West  
2 Virginia Manufactured Housing Association?

3 MR. STRAUSS: I do.

4 CHAIRMAN: If you'll come up as close to that mike  
5 as you can and state your name and who you represent.

6 MR. STRAUSS: Mr. Chairman, my name is Howard  
7 Strauss. I own Apache Mobile Home, a mobile home dealership  
8 in Berkeley County. I'm appearing here as a West Virginia  
9 business owner and employer and also as a consumer. I am also  
10 appearing here in my official capacity as a member of the  
11 Board of Directors of the West Virginia Manufactured Housing  
12 Association.

13 The Manufactured Housing Association last year  
14 supplied over 3,000 new family housing units to West Virginia  
15 home buyers. This compares with 1,862 new single family  
16 dwellings that were built on site. Not only did we furnish  
17 the lion's share of the new single family houses in West  
18 Virginia, also we were the only part of the building industry  
19 to uniformly provide our customers with a safe, inspected,  
20 nationally recognized code built structure.

21 In 1974, the U. S. Congress passed a National  
22 Manufactured Housing Construction and Safety Standard Act. As

1 a result of that law, every factory built structure our  
2 industry has marketed since June 15th of '76 has been built to  
3 our National Safety and Construction Code. This Code was  
4 developed by the Federal Government and is commonly referred  
5 to as the HUD Code. Every one of those families living in  
6 every one of these homes sold in West Virginia by our industry  
7 since June of '76 know that the basic code requirements were  
8 met in regards to the electrical requirements, structural  
9 safety requirements, et cetera.

10 Our homes all have smoke detectors, copper wiring,  
11 national electrical code standards, safety egress windows,  
12 performance standards for the roof and side walls, thermal and  
13 energy standards. You name it. We have to consider it before  
14 offering a factory built structure to a West Virginia home  
15 buyer. The result of this effort is nothing but good. Our  
16 homes meet the HUD Code. Our homes are inspected. Our homes  
17 provide safety and confidence to the home buyer.

18 While our industry has been regulated and has been  
19 building to nationally required standards, many of the home  
20 builders operating in West Virginia have had absolutely no  
21 minimum requirements placed upon their construction. While  
22 many West Virginia home builders are reputable firms who sell

1 a quality product, this lack of statewide building code has  
2 resulted in hundreds and thousands of substandard single  
3 family housing units being built on site by unscrupulous and  
4 uncaring builders and contractors.

5 I am proud of the fact that the West Virginia Home  
6 Builders Association, along with our Association, supported  
7 the legislation for a uniform statewide building code.  
8 Reputable builders and all of the manufactured housing  
9 industry recognize that everyone's benefit--that everyone  
10 benefits when minimum standards are required in the  
11 construction of man's most important single investment, his  
12 home.

13 On behalf of myself, my company, my employees, and  
14 the West Virginia Manufactured Housing Association, I urge  
15 that the State Fire Commission submit to the legislature the  
16 proposed rules and regulations outlining the BOCA Code as a  
17 uniform statewide building code for the State of West  
18 Virginia. And we urge that the governments of Berkeley,  
19 Jefferson, Morgan and surrounding counties immediately adopt  
20 and implement that code in order to provide the builders of  
21 site built homes the same type and levels of protection that  
22 is afforded by the Federal Government to the buyers of factory

1 built manufactured homes.

2 Mr. Chairman, I appreciate the opportunity to  
3 present this statement to you today. A copy of my statement  
4 is available for your records. Thank you.

5 CHAIRMAN: Thank you very much. The next person I'd  
6 like to ask to come before us is Sharon Houck. Before you  
7 start--

8 MS. HOUCK: H-O-U-C-K. My name is Sharon Houck. I  
9 am office manager at Bennetts, Inc. in Martinsburg, West  
10 Virginia. I am representing Mr. Douglas Bennett, who is a  
11 member of the Board of Directors of the West Virginia  
12 Heating, Ventilating and Air Conditioning Association. As a  
13 West Virginia contractor, he is keenly aware of the need for a  
14 statewide building code. And as a contracting firm doing  
15 business in several counties and cities, we know how important  
16 a uniform statewide building code is to our business and to  
17 the contractor.

18 Mr. Bennett, both as a businessman and a member of  
19 the Board of Directors of the Trade Association, would like  
20 the record of this hearing to reflect that both he and the  
21 Trade Association endorse the proposed rules and regulations  
22 presented by the State Fire Commission as written. The Fire

1 Commission is urged to submit these rules to the legislature  
2 for final approval.

3           The homes and businesses of West Virginia citizens  
4 will benefit from this important act. By adopting a uniform  
5 statewide building code, West Virginia will join our sister  
6 surrounding states; and what's more important, West Virginia  
7 will be using the BOCA Code just the same as our neighbors do.

8           Mr. Chairman, I have an extra copy of my remarks  
9 available for you.

10           CHAIRMAN: Thank you. Now, I'd like to call on Mr.  
11 Charles E. Balyard.

12           MR. BALYARD: Mr. Chairman, Charles Balyard, Charles  
13 E. Balyard & Son, Kingwood, West Virginia. I'm a member of  
14 West Virginia Electrical Contractors Association.

15           In many years in construction and working throughout  
16 several counties, I have realized the need of a controlled  
17 uniform building code. I would like to go on record as  
18 supporting the regulations of BOCA as our statewide uniform  
19 building code.

20           Thank you for the opportunity to speak.

21           CHAIRMAN: Thank you, Mr. Balyard. Now, from the  
22 West Virginia Society of Architects, Mr. John E. Styer.

1 MR. STYER: That's S-T-Y-E-R. Mr. Chairman, I'm  
2 here this morning representing the West Virginia Society of  
3 Architects. My name is John E. Styer. I have a small local  
4 practice. My major contribution to the architectural field is  
5 I'm the Director of Construction Services for a 66-man  
6 architectural field in Washington, D.C. and have projects  
7 around the country. I'm working under all jurisdictions.

8 The need--the drastic need for a building code to be  
9 implemented within--a uniform building code to be implemented  
10 within the State of West Virginia has been quite apparent  
11 since my moving to this state in 1972. And I have been behind  
12 any and all moves to implement such.

13 I feel that the time is right. The Society feels  
14 the time is right and that the code should be implemented  
15 utilizing BOCA 1987, keeping it in conformance with the local  
16 jurisdictions.

17 I apologize. I was drafted at the last minute for  
18 this. I was slightly injured. I have no written copy of my  
19 comments this morning. Thank you, sir.

20 CHAIRMAN: Thank you. Next, we'd like to have Mr.  
21 Billy Manning from the SBCCI of Birmingham, Alabama.

22 MR. MANNING: Mr. Chairman, these are a summary of

1 my comments but not the exact verbage.

2 I welcome the opportunity to come back to West  
3 Virginia. It's a state I used to travel in a number of years  
4 ago.

5 It's my understanding that the final decision has  
6 not been made relative to which of the model codes will be  
7 adopted. Therefore, I'm here primarily to encourage that the  
8 standard building codes be considered as the statewide code.

9 I think we ought to look at the demographics a  
10 little bit about West Virginia. West Virginia itself has two  
11 cities which have a population of 50,000 or more. That would  
12 be the cities of Huntington and Charleston. They have 13  
13 cities that have a population between 10,000 to 50,000. And  
14 approximately 240 cities that have less than 10,000  
15 population. In terms of counties, we have 11 counties that  
16 have 50,000 or more. And 18 counties that have under 50,000  
17 population.

18 Why would SBCCI serve West Virginia better? Well,  
19 recently a statement by M. Stevenson Stubbs, who is the senior  
20 editor of the Architect Magazine and this is the magazine for  
21 the American Institute of Architects, stated: "The Southern  
22 Building Code Congress was founded in 1940 and published its

1 first code in 1945." And I'm quoting from this particular  
2 article. "The authors meant their code to be used in small  
3 towns as well as large metropolitan areas and it maintains  
4 that character." And that was published as late as June of  
5 1988. The standard codes are simply formatted so that all  
6 users can readily understand the provisions of the code.

7           What are the services? The SBCCI active members,  
8 local and state governments, number approximately 2,000. We  
9 have a professional staff of 52 persons with regional offices  
10 now in Texas and also in Florida. If we use that 52 persons  
11 and divide it into our approximate 2,000 members, and we're  
12 talking about cities, towns and states, this results in one  
13 staff person per every 40 local and state government members.

14           What is the impact on the code organization? If all  
15 cities and towns and counties were to join the SBCCI, the  
16 state would have 285 members resulting in 14 percent of the  
17 votes at SBCCI being West Virginians. Seven percent if only  
18 half of the cities, towns and counties were members. With  
19 these high percentages, West Virginia would have a significant  
20 impact on the activities of the Southern Building Code  
21 Congress and, in particular, the content of the building  
22 codes.

1           Let's look at another feature that I think we all  
2 share and that's cost. Costs of the codes are essentially the  
3 same as the basic codes. Membership costs are considerably  
4 less, inasmuch as 300 percent higher for cities and towns  
5 becoming a member of BOCA if they have a population of less  
6 than 5,000, and 200 percent for towns and cities with  
7 populations between 5,000 and 10,000. Our Board of Directors  
8 has not increased the fees--membership fees of our  
9 organization in the last 15 years and there are no plans, I  
10 assure you, for any immediate increase.

11           After the first year, because both organizations  
12 have indicated that they will give complimentary membership to  
13 any city or town joining their organization, the citizens of  
14 West Virginia, after that first year, could pay more than  
15 \$16,000 per year to be a member of the building officials and  
16 code administrative in lieu of being a member of SBCCI.

17           What is the background of the employees in West  
18 Virginia on the SBCCI staff? Our director of engineering and  
19 education for the organization was originally registered as an  
20 engineer. I sat in the Senate Chamber and took my exam in  
21 1967. I'm registered as an engineer and my number is 5988 and  
22 continue that registration since that date. We also recently

1 hired a graduate engineer of the University of West Virginia  
2 last May and she is a graduate civil engineer and works in our  
3 Education Department.

4 I'd like to refer, just for a second, to a matter in  
5 which the vote was taken in Charleston, because I think it's  
6 important for you, Mr. Commissioner, to look at the vote and  
7 understand the way it was taken. It concerns me because  
8 apparently every West Virginia resident in the room where the  
9 committee met became, in effect, a member of that body for  
10 that day. Every individual was accorded one vote and this was  
11 true even though some participants did not represent a code  
12 agency or department. Further, each building code enforcement  
13 representative got a single vote even if they represented the  
14 same jurisdiction.

15 This procedure resulted in a vote that I believe did  
16 not represent the wishes of the individual code enforcement  
17 jurisdictions represented or present, I should say, at the  
18 committee meeting. In actuality, four jurisdictions presented  
19 favorable SBCCI--present favored SBCCI standard codes and four  
20 actually favored BOCA's code. Since the committee meeting was  
21 held in Charleston, 15--I think this is important to note--15  
22 of the 40 people present and voting were from Charleston. And

1 certainly, I think that you would agree that this would impact  
2 the 25 to 5 vote in favor of the BOCA code.

3 Thank you.

4 CHAIRMAN: Thank you, Mr. Manning. At this time, I  
5 have no further people who want to speak. You did not  
6 indicate on your registration. Is there anybody else, at this  
7 time, would like to make any statement? If not, I thank you  
8 all for coming. And this hearing is now adjourned. Thank  
9 you.

10 (Thereupon, the proceedings were concluded at  
11 approximately 9:25 a.m.)

12

13

14

15

16

17

18

19

20

21

22

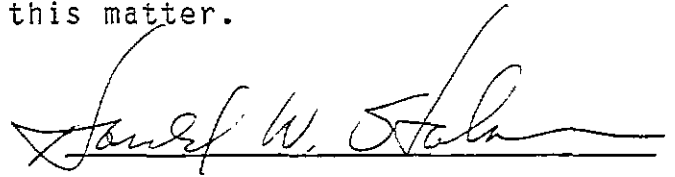
C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

STATE OF VIRGINIA AT LARGE:

I, Harold W. Stabner, Notary Public for the State of Virginia At Large, do hereby certify that the foregoing was reported by stenographic and mechanical means, which matter was held on the date, and at the time and place set out on the title page hereof and that the foregoing constitutes a true and accurate transcript of same.

I further certify that I am not related to any of the parties, nor am I an employee of or related to any of the attorneys representing the parties, and I have no financial interest in the outcome of this matter.



Notary Public

My Commission Expires:

June 17, 1992

COMMENTS FOR THE  
STATE FIRE COMMISSION HEARING IN  
CHARLESTON, WEST VIRGINIA  
AUGUST 11, 1988

I AM BILLY R. MANNING, DIRECTOR OF ENGINEERING AND EDUCATION FOR THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL. I AM HERE TO REPRESENT THE INTERESTS OF SBCCI'S MEMBERS IN WEST VIRGINIA.

THE WEST VIRGINIA MEMBERS OF THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL APPLAUD THE STATE LEGISLATURE WHICH HAS PROVIDED A METHOD OF ADOPTING A STATEWIDE BUILDING CODE. FURTHER, OUR MEMBERS FEEL THAT THE STATE FIRE COMMISSION IS THE APPROPRIATE BODY TO RECOMMEND A MODEL BUILDING CODE FOR ADOPTION.

WHAT OUR WEST VIRGINIA MEMBERS DO QUESTION IS THE CREATION AND SUBSEQUENT RECOMMENDATION OF A DE FACTO BUILDING CODE ADVISORY COMMITTEE. THESE CONCERNS ARE THREE FOLD.

THE FIRST CONCERN IS THE COMPOSITION OF THE GROUP. NO MEMBERS WERE FORMALLY APPOINTED; NO CONSIDERATION WAS GIVEN TO ITS COMPOSITION. THIS ADVISORY GROUP -- WHOSE RECOMMENDATION MAY DETERMINE CODE ENFORCEMENT AND BUILDING DESIGN IN WEST VIRGINIA FOR DECADES -- DID NOT REPRESENT AN EQUITABLE CROSS SECTION OF LOCAL GOVERNMENTS OR THE DESIGN PROFESSION IN WEST VIRGINIA. INSTEAD, THIS ADVISORY BODY'S MAKE-UP WAS DETERMINED SOLELY UPON THE RANDOM ATTENDANCE OF INDIVIDUALS AT A PUBLIC HEARING HELD IN CHARLESTON ON JULY 15, 1988. THIS HEARING WAS CALLED FOR THE PURPOSE OF ALLOWING REPRESENTATIVES OF VARIOUS MODEL CODES-WRITING ORGANIZATIONS TO

DISCUSS THEIR RESPECTIVE MODEL CODES AND RELATED SERVICES. NO ADVANCE NOTICE WAS GIVEN THAT AN ADVISORY VOTE WOULD BE TAKEN. ONLY AFTER THE MEETING STARTED WERE THOSE WEST VIRGINIA RESIDENTS ATTENDING TOLD THAT THEY COMPOSED AN ADVISORY GROUP TO RECOMMEND A STATEWIDE BUILDING CODE TO THE STATE FIRE COMMISSION.

THE SECOND CONCERN IS THE DECISION MAKING PROCESS TAKEN BY THOSE INDIVIDUALS ATTENDING THE JULY 15 MEETING IN CHARLESTON. SBCCI'S WEST VIRGINIA MEMBERS QUESTION WHETHER THAT PROCESS ALLOWED FOR AN OBJECTIVE REVIEW AND COMPARISON OF THE VARIOUS CODES AND SERVICES BEING CONSIDERED. AS A RESULT, THE CHOICE MAY NOT BE BEST FOR THE STATE.

THE JULY 15 MEETING WAS THE FIRST TIME THAT REPRESENTATIVES FROM THE THREE MODEL CODE ORGANIZATIONS PRESENTED INFORMATION INTENDED TO ASSIST THE STATE FIRE COMMISSION IN MAKING A DECISION. YET, APPARENTLY MANY MINDS WERE ALREADY MADE UP. ONE SPECIAL CONCERN WAS THAT OF THE STATE ARCHITECTS' RECOMMENDATION OF THEIR CHOICE TO THE BUILDING CODE COMMITTEE. THIS RECOMMENDATION WAS BASED ON A PREMATURE SURVEY TAKEN PRIOR TO THE JULY 15 MEETING. THOSE SURVEYED DID NOT HAVE THE BENEFIT OF HEARING AND REVIEWING THE INFORMATION PRESENTED BY MODEL CODE ORGANIZATIONS ON JULY 15.

THE THIRD CONCERN WAS THE MANNER IN WHICH THE VOTE OF THE ADVISORY GROUP WAS TAKEN. SINCE EVERY WEST VIRGINIA RESIDENT ATTENDING THIS HEARING BECAME, IN EFFECT, A MEMBER OF THE ADVISORY BODY TO RECOMMEND A STATEWIDE BUILDING CODE, EACH INDIVIDUAL WAS ACCORDED ONE VOTE. THIS WAS TRUE EVEN THOUGH SOME PARTICIPANTS DID NOT REPRESENT A CODE ENFORCEMENT AGENCY OR DEPARTMENT. FURTHER, EACH BUILDING CODE ENFORCEMENT REPRESENTATIVE GOT A VOTE, EVEN IF MORE THAN ONE REPRESENTED THE SAME JURISDICTION.

THIS PROCEDURE RESULTS IN A VOTE THAT DID NOT REPRESENT THE WISHES OF INDIVIDUAL CODE ENFORCING JURISDICTIONS PRESENT AT THE MEETING. IN ACTUALITY, FOUR JURISDICTIONS FAVORED ONE MODEL CODE AND FOUR FAVORED ANOTHER. SIXTEEN OF FORTY PARTICIPANTS WHO SIGNED THE MEETING'S ATTENDANCE ROSTER WERE FROM THE HOST CITY OF CHARLESTON, WHICH ENFORCES ONE OF THE THREE MODEL CODES BEING CONSIDERED -- AND THE ONE THE ADVISORY GROUP RECOMMENDED. ADDITIONALLY, THE VOTE WAS TAKEN WITH LIMITED DISCUSSION IMMEDIATELY AFTER THE PRESENTATIONS BY THE MODEL CODE REPRESENTATIVES WERE CONCLUDED. PARTICIPANTS DID NOT TAKE TIME TO REVIEW IN DETAIL THE INFORMATION PRESENTED BY THE MODEL CODE ORGANIZATIONS.

WEST VIRGINIA IS COMPOSED PREDOMINATELY OF SMALL MUNICIPALITIES. THE STATE HAS ONLY TWO CITIES WITH POPULATIONS EXCEEDING 50,000 PEOPLE. IT HAS, HOWEVER, 13 CITIES WITH POPULATIONS BETWEEN 10,000 AND 50,000, AND APPROXIMATELY 240 CITIES AND TOWNS WITH LESS THAN 10,000 RESIDENTS. EIGHTEEN OF THE STATE'S COUNTIES HAVE POPULATIONS LESS THAN 50,000 WHILE ONLY 11 HAVE POPULATIONS EXCEEDING THAT NUMBER.

THE SBCCI MEMBERS OF WEST VIRGINIA ASK WHETHER THE ADVISORY GROUP TO THE STATE FIRE COMMISSION CONSIDERED THE STATE'S ABILITY TO INFLUENCE CHANGES IN THE MODEL CODE IT RECOMMENDED. THAT DOCUMENT, THE NATIONAL BUILDING CODE, IS MAINTAINED BY A MEMBERSHIP ORGANIZATION WITH OVER 10,000 VOTING REPRESENTATIVES, AS WAS REPORTED AT THE JULY 15 HEARING. ITS BYLAWS PROVIDE FOR A GRADUATED SCALE FOR DETERMINING THE NUMBER OF VOTING MEMBERS ITS MEMBER JURISDICTIONS GET, BASED ON SIZE. IN OTHER WORDS, THE BIGGER THE CITY, THE MORE THE VOTES. THE SOUTHERN BUILDING CODE CONGRESS' BYLAWS, ON THE OTHER HAND, PROVIDE ONE VOTE PER CODE ENFORCING JURISDICTION REGARDLESS OF SIZE.

IF ALL OF THE STATE'S LOCAL GOVERNMENTS -- APPROXIMATELY 285 OF THEM -- BECAME MEMBERS OF THE SOUTHERN BUILDING CODE CONGRESS, THE STATE WOULD HAVE 12.4% OF THE TOTAL VOTE OR 6.6% IF ONLY HALF THE LOCAL GOVERNMENTS BECAME MEMBERS. SHOULD THE SAME NUMBER OF WEST VIRGINIA LOCAL GOVERNMENTS JOIN THE CODE ORGANIZATION RECOMMENDED BY THE ADVISORY GROUP, THESE PERCENTAGES WOULD BE 5.6% AND 3.0%, RESPECTIVELY. OBVIOUSLY THE STATE'S ABILITY TO INFLUENCE CODE CHANGES AND ORGANIZATION ACTIVITIES WOULD BE GREATER WITH THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL.

THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL IS THE ONLY MODEL CODES-WRITING ORGANIZATION THAT PROVIDES FOR WRITTEN BALLOT APPROVAL BEFORE A PROPOSED REVISION CAN BE INCORPORATED INTO THE BODY OF ITS CODES. THIS ALLOWS SMALL LOCAL GOVERNMENTS TO PARTICIPATE IN CODE CHANGE DECISIONS WITHOUT HAVING TO LOSE THE SERVICES OF AN EMPLOYEE OR PAY TRAVEL EXPENSES FOR A DELEGATE TO ATTEND ANNUAL MEETINGS TO RECORD A VOTE.

SBCCI'S COMMITMENT TO SMALL JURISDICTIONS IS NOTED BY THE DESIGN PROFESSION. THE DECEMBER 1987 EDITION OF ARCHITECTURE MAGAZINE PRINTED AN ARTICLE BY M. STEPHANIE STUBBS, SENIOR EDITOR, WHICH STATED:

THE SOUTHERN BUILDING CODE CONGRESS (SBCC) WAS FOUNDED IN 1940 AND PUBLISHED ITS FIRST CODE IN 1945. THE AUTHORS MEANT THAT CODE TO BE USED IN SMALL TOWNS AS WELL AS LARGE METROPOLITAN AREAS, AND IT MAINTAINS THAT CHARACTER.<sup>1</sup>

<sup>1</sup> M. Stephanie Stubbs, "The Widening Web of Codes and Standards", Architecture (Published by the American Institute of Architects), December 1987, p. 127.

THE ARCHITECTS RECOGNIZE THAT THE STANDARD CODES WERE ESTABLISHED AND ARE MAINTAINED WITH SPECIAL CONSIDERATION FOR THE CONCERNS OF SMALLER LOCAL GOVERNMENTS. CURRENTLY 60% OF THE SBCCI GOVERNMENTAL MEMBERSHIP CONSISTS OF LOCAL GOVERNMENTS WITH POPULATION OF 10,000 OR LESS.

THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL CURRENTLY EMPLOYS A PROFESSIONAL STAFF OF 52 TO SERVE A CURRENT MEMBERSHIP OF 2,004 LOCAL AND STATE GOVERNMENTS. THIS WORK FORCE INCLUDES REGISTERED ENGINEERS TO GIVE CODE INTERPRETATIONS, CONDUCT PLAN REVIEWS AND PRODUCT EVALUATIONS, AND TEACH CODE RELATED TRAINING CLASSES. CLERICAL SUPPORT PERSONNEL PROVIDE NECESSARY PROCESSING OF PUBLICATIONS ORDERS AND RECORDS KEEPING. AN IN-HOUSE PUBLICATIONS DEPARTMENT PRODUCES MONTHLY PERIODICALS FOR MEMBERS AS WELL AS UPDATES OF SBCCI'S TECHNICAL DOCUMENTS AND EDUCATIONAL MANUALS. THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL EMPLOYS ONE STAFF PERSON FOR EVERY 40 GOVERNMENTAL MEMBERS. THIS RATIO INSURES A TIMELY RESPONSE TO ALL SMALL LOCAL GOVERNMENT NEEDS.

THE COSTS OF THE STANDARD BUILDING CODE AND THE NATIONAL BUILDING CODE ARE ESSENTIALLY THE SAME. BOTH SBCCI AND BOCA HAVE AGREED TO PROVIDE COMPLIMENTARY FIRST-YEAR MEMBERSHIP TO ALL LOCAL GOVERNMENTS. DURING THAT FIRST YEAR, REGARDLESS OF THE CODE SELECTED, THE COST TO WEST VIRGINIA CITIES AND COUNTIES WILL BE THE PRICE OF THE CODES THEY PURCHASE.

HOWEVER, IN SUBSEQUENT YEARS, THE COST DIFFERENCE WILL BECOME MARKED IF THE ADVISORY GROUP'S RECOMMENDATION BECOMES LAW. IN FACT, THAT DIFFERENCE WILL BE 300% HIGHER FOR MUNICIPALITIES WITH POPULATIONS UP TO 5,000 AND 200% HIGHER FOR THOSE WITH POPULATIONS BETWEEN 5,001 AND 10,000. THIS AMOUNT COULD EXCEED \$20,000, COLLECTIVELY, EACH YEAR.

IN CONCLUSION, THE WEST VIRGINIA MEMBERS OF THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL HAVE NOT SEEN ANY JUSTIFICATION IN THE WAY THE ADVISORY GROUP, WHICH WAS HASTILY PRESSED INTO SERVICE ON JULY 15, HAS ACTED. THEY HAVE FOUR UNANSWERED QUESTIONS ARISING FROM THAT DECISION.

\* WHAT WAS THE BASIS FOR THE ADVISORY GROUP RECOMMENDING AN ORGANIZATION:

1. WHOSE ANNUAL MEMBERSHIP DUES ARE 200-300% HIGHER FOR THE MAJORITY OF THE LOCAL GOVERNMENTS IN THE STATE OF WEST VIRGINIA?
2. WHOSE RATIO OF PROFESSIONAL STAFF TO LOCAL GOVERNMENTS IS SUBSTANTIALLY HIGHER THAN 1 TO 40?
3. WHOSE CODE CHANGE PROCEDURE DOES NOT ALLOW FOR A WRITTEN BALLOT, BUT REQUIRES A LOCAL GOVERNMENT REPRESENTATIVE TO BE PRESENT AT ITS ANNUAL MEETING TO RECORD A VOTE?
4. WHOSE LARGE NUMBER OF VOTING MEMBERS REDUCES THE WEST VIRGINIA MEMBERSHIP'S VOTING IMPACT ON THE ORGANIZATION'S ACTIVITIES AND CODE CHANGES BY MORE THAN 50%?

REGARDLESS OF WHICH BUILDING CODE EVENTUALLY BECOMES ADOPTED STATEWIDE IN WEST VIRGINIA, THE DECISION SHOULD BE ARRIVED AT CAREFULLY AND OBJECTIVELY. IT SHOULD REFLECT THE CONSIDERATIONS OF BOTH THE LARGEST AND SMALLEST GOVERNMENTS IN THE STATE. TO THIS END, OUR WEST VIRGINIA MEMBERS REQUEST THAT THE ISSUES THEY HAVE RAISED BE MADE A PART OF THE FIRE COMMISSION'S RECORDS. IF THE COMMISSION FINDS THAT ITS ADVISORY GROUP DID NOT GIVE DUE CONSIDERATION TO THESE ISSUES, IT IS REQUESTED THAT THE COMMISSIONERS, THEMSELVES, GIVE THEM THE SERIOUS SCRUTINY THEY DESERVE.

ATTACHMENTS

POPULATION OF INDIVIDUAL CITIES  
WEST VIRGINIA

## 50,000 AND OVER

Charleston	57,000
Huntington	59,000

## 50,000 AND UNDER

Beckley	19,000
Bluefield	14,000
Clarksburg	19,000
Fairmont	22,000
Martinsburg	13,000
Morgantown	26,000
Moundsville	11,000
Parkersburg	38,000
South Charleston	15,000
St. Albans	12,000
Vienna	11,000
Wlerton	23,000
Wheeling	39,000

Number of cities with population under 10,000 - Approximately 241

POPULATION OF INDIVIDUAL COUNTIES  
WEST VIRGINIA

50,000 AND OVER

Berkeley	51,000
Cabell	104,000
Fayette	55,000
Harrison	75,000
Kanawha	224,000
Marion	64,000
Mercer	70,000
Monongalia	77,000
Ohio	58,000
Raliegh	84,000
Wood	92,000

50,000 AND UNDER

Boone	29,000
Brooke	29,000
Greenbrier	38,000
Hancock	39,000
Jackson	26,000
Jefferson	33,000
Logan	49,000
Marshall	39,000
Mason	25,000
McDowell	45,000
Mineral	27,000
Mingo	36,000
Nicholas	28,000
Preston	30,000
Putnam	42,000
Randolph	28,000
Wayne	44,000
Wyoming	34,000

## ESTIMATED MAXIMUM ANNUAL FEES

SBCCI<sup>1</sup>

2 cities over 50,000 @ 125.00/yr	\$ 250.00/yr
11 counties over 50,000 @ 125.00/yr	1,375.00/yr
3 cities between 25,001 and 50,000 @ 100.00/yr	300.00/yr
18 counties between 25,001 and 50,000 @ 100.00/yr	1,800.00/yr
10 cities between 10,001 and 25,000 @ 75.00/yr	750.00/yr
10 cities between 5,001 and 10,000 @ 55.00/yr	550.00/yr
231 cities 5000 or less @ 40.00/yr	<u>9,240.00/yr</u>
	\$ 14,265.00/yr

BOCA<sup>2</sup>

2 cities over 50,000 @ 180.00/yr	\$ 360.00/yr
11 counties over 50,000 @ 180.00/yr	1,980.00/yr
254 cities under 50,000 @ 120.00/yr	30,480.00/yr
18 counties under 50,000 @ 120.00/yr	<u>2,160.00/yr</u>
	\$ 34,980.00/yr

1 From SBCCI Membership Application

2 From 1986 BOCA Membership Directory:

Population	Annual Dues
Up to 50,000	\$120.00
50,001 to 150,000	\$180.00

BASIS FOR VOTING COMMENTS

Assuming All Local Governments Join:

SBCCI

Present Number Voting Members	2,004
Additional West Virginia Members	<u>285</u>
	2,289

\* West Virginia Voters  $\frac{285}{2,289} = 12.4\%$

BOCA

Present Number Voting Representatives (Presented by BOCA Staff at July 15, 1988 meeting)	10,000
Additional West Virginia Voting Representatives	
13 counties and cities over 50,000	52
* (4 representatives per local government)	
272 counties and cities 50,000 or less	544
* (2 representatives per local government)	
	<u>10,596</u>

\* West Virginia Representatives  $\frac{596}{10,596} = 5.6\%$

BASIS FOR VOTING COMMENTS

Assuming 50% Local Governments Join:

SBCCI

Present Number Voting Members	2,004
Additional West Virginia Members	<u>142</u>
	2,146

% West Virginia Voters  $\frac{142}{2,146} = 6.6\%$

BOCA

Present Number Voting Representatives	10,000
Additional West Virginia Representatives	
13 counties and cities over 50,000	52
* (4 representatives per local government)	
129 counties and cities 50,000 or less	<u>258</u>
* (2 representatives per local government)	
	10,310

% West Virginia Representatives  $\frac{310}{10,310} = 3.0\%$

\* From 1986 BOCA Membership Directory:

Population	Number of Representatives
Up to 50,000	2
50,001 to 150,000	4

R E M A R K S

MR. CHAIRMAN, MY NAME IS HOWARD STRAUSS. I OWN APACHE MOBILE HOMES, A DEALERSHIP LOCATED HERE IN BERKELEY COUNTY. I AM APPEARING HERE AS A WEST VIRGINIA BUSINESS OWNER AND EMPLOYER, BUT ALSO AS A CONSUMER. I AM ALSO APPEARING HERE IN MY OFFICIAL CAPACITY AS A MEMBER OF THE BOARD OF DIRECTORS OF THE WEST VIRGINIA MANUFACTURED HOUSING ASSOCIATION.

THE MANUFACTURED HOUSING INDUSTRY LAST YEAR SUPPLIED OVER 3,000 NEW SINGLE-FAMILY HOUSING UNITS TO WEST VIRGINIA HOME BUYERS. THIS COMPARES WITH 1,862 NEW SINGLE-FAMILY DWELLINGS THAT WERE BUILT ON SITE. NOT ONLY DID WE FURNISH THE LION'S SHARE OF THE NEW SINGLE-FAMILY HOUSES IN WEST VIRGINIA, BUT WE ALSO WERE THE ONLY PART OF THE BUILDING INDUSTRY TO UNIFORMLY PROVIDE OUR CUSTOMERS WITH A SAFE, INSPECTED, NATIONALLY RECOGNIZED CODE-BUILT STRUCTURE.

IN 1974, THE U. S. CONGRESS PASSED THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT. AS A RESULT OF THAT LAW, EVERY FACTORY BUILT STRUCTURE OUR INDUSTRY HAS MARKETED SINCE JUNE 15, 1976 HAS BEEN BUILT TO A NATIONAL SAFETY AND CONSTRUCTION CODE. THIS CODE WAS DEVELOPED BY THE FEDERAL GOVERNMENT AND IS COMMONLY REFERRED TO AS "THE HUD CODE". EVERY ONE OF THOSE FAMILIES LIVING IN EVERY ONE OF THOSE HOMES SOLD IN WEST VIRGINIA BY OUR INDUSTRY SINCE JUNE, 1976 KNOW THAT THE BASIC CODE REQUIREMENTS WERE

MET WITH REGARD TO THE ELECTRICAL REQUIREMENTS, STRUCTURAL SAFETY REQUIREMENTS, ETC.

OUR HOMES ALL HAVE SMOKE DETECTORS, COPPER WIRING, NATIONAL ELECTRICAL CODE STANDARDS, SAFETY EGRESS WINDOWS, PERFORMANCE STANDARDS FOR THE ROOF AND SIDE WALLS, THERMAL AND ENERGY STANDARDS - YOU NAME IT, WE HAVE TO CONSIDER IT BEFORE OFFERING A FACTORY BUILT STRUCTURE TO A WEST VIRGINIA HOME BUYER. THE RESULT OF THIS EFFORT IS NOTHING BUT GOOD. OUR HOMES MEET THE CODE. OUR HOMES ARE INSPECTED. OUR HOMES PROVIDE SAFETY AND CONFIDENCE TO THE HOME BUYER.

WHILE OUR INDUSTRY HAS BEEN REGULATED AND HAS BEEN BUILDING TO NATIONALLY REQUIRED STANDARDS, MANY OF THE HOME BUILDERS OPERATING IN WEST VIRGINIA HAVE HAD ABSOLUTELY NO MINIMUM REQUIREMENTS PLACED UPON THEIR CONSTRUCTION. WHILE MANY WEST VIRGINIA HOME BUILDERS ARE REPUTABLE FIRMS WHO SELL A QUALITY PRODUCT, THIS LACK OF A STATEWIDE BUILDING CODE HAS RESULTED IN HUNDREDS AND THOUSANDS OF SUBSTANDARD SINGLE-FAMILY HOUSING UNITS BEING BUILT ON SITE BY UNSCRUPULOUS AND UNCARING BUILDERS AND CONTRACTORS. I AM PROUD OF THE FACT THAT THE WEST VIRGINIA HOME BUILDERS ASSOCIATION - ALONG WITH OUR ASSOCIATION - SUPPORTED THE LEGISLATION FOR A UNIFORM STATEWIDE BUILDING CODE. REPUTABLE BUILDERS AND ALL OF THE MANUFACTURED HOUSING INDUSTRY RECOGNIZE THAT EVERYONE BENEFITS WHEN MINIMUM STANDARDS ARE REQUIRED IN THE CONSTRUCTION OF MAN'S MOST IMPORTANT SINGLE INVESTMENT - HIS HOME.

ON BEHALF OF MYSELF, MY COMPANY, MY EMPLOYEES AND THE WEST VIRGINIA MANUFACTURED HOUSING ASSOCIATION, I URGE THAT THE STATE FIRE COMMISSION SUBMIT TO THE LEGISLATURE THE PROPOSED RULE AND REGULATION OUTLINING THE BOCA CODE AS THE UNIFORM STATEWIDE BUILDING CODE FOR THE STATE OF WEST VIRGINIA. AND WE URGE THAT THE GOVERNMENTS OF BERKELEY, JEFFERSON, MORGAN AND SURROUNDING COUNTIES IMMEDIATELY ADOPT AND IMPLEMENT THAT CODE IN ORDER TO PROVIDE THE BUYERS OF SITE BUILT HOMES THE SAME TYPE AND LEVEL OF PROTECTION THAT IS AFFORDED BY THE FEDERAL GOVERNMENT TO THE BUYERS OF FACTORY BUILT MANUFACTURED HOMES.

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO PRESENT THIS STATEMENT TO YOU TODAY. A COPY OF MY STATEMENT IS AVAILABLE FOR YOUR RECORDS. THANK YOU.



# WOLVERINE BRASS

S I N C E 1 8 9 6

Charles Bolyard

Charles E. Bolyard 4502  
Kingwood Way  
A Member W.E.C.A.

I would like to go on Record  
as supporting the Proposed  
Regulation and the Adoption  
of The BOCA Code as west  
Virginia's uniform state wide  
Building Code

Charles E. Bolyard Sr.

SERVING THE PLUMBER FACTORY-DIRECT  
SINCE 1896

**1-800-253-9002**

SOUTH CAROLINA CUSTOMERS — 1-800-922-6437

REMARKS

MY NAME IS SHARON HOUCK. I AM OFFICE MANAGER AT BENNETT'S, INC IN MARTINSBURG, WEST VIRGINIA. I AM REPRESENTING MR. DOUGLAS BENNETT, WHO IS A MEMBER OF THE BOARD OF DIRECTORS OF THE WEST VIRGINIA HEATING, VENTILATING AND AIR CONDITIONING ASSOCIATION.

AS A WEST VIRGINIA CONTRACTOR, HE IS KEENLY AWARE OF THE NEED FOR A STATEWIDE BUILDING CODE - AND AS A CONTRACTING FIRM DOING BUSINESS IN SEVERAL COUNTIES AND CITIES, WE KNOW HOW IMPORTANT A UNIFORM STATEWIDE BUILDING CODE IS TO OUR BUSINESS AND TO THE CONTRACTOR.

MR. BENNETT, BOTH AS A BUSINESSMAN AND A MEMBER OF THE BOARD OF DIRECTORS OF THE TRADE ASSOCIATION, WOULD LIKE THE RECORD OF THIS HEARING TO REFLECT THAT BOTH HE AND THE TRADE ASSOCIATION ENDORSE THE PROPOSED RULES AND REGULATION PRESENTED BY THE STATE FIRE COMMISSION AS WRITTEN. THE FIRE COMMISSION IS URGED TO SUBMIT THESE RULES TO THE LEGISLATURE FOR FINAL APPROVAL. THE HOMES AND BUSINESSES OF WEST VIRGINIA'S CITIZENS WILL BENEFIT FROM THIS IMPORTANT ACT. BY ADOPTING A UNIFORM STATEWIDE BUILDING CODE, WEST VIRGINIA WILL JOIN OUR SISTER SURROUNDING STATES - AND WHAT'S MORE IMPORTANT, WEST VIRGINIA WILL BE USING THE BOCA CODE JUST THE SAME AS OUR NEIGHBORS DO.

MR. CHAIRMAN, I HAVE AN EXTRA COPY OF MY REMARKS AVAILABLE FOR YOUR RECORDS. THANK YOU.

Exhibit No. 1

REGISTRATION OF PUBLIC  
AT  
STATE FIRE COMMISSION MEETINGS

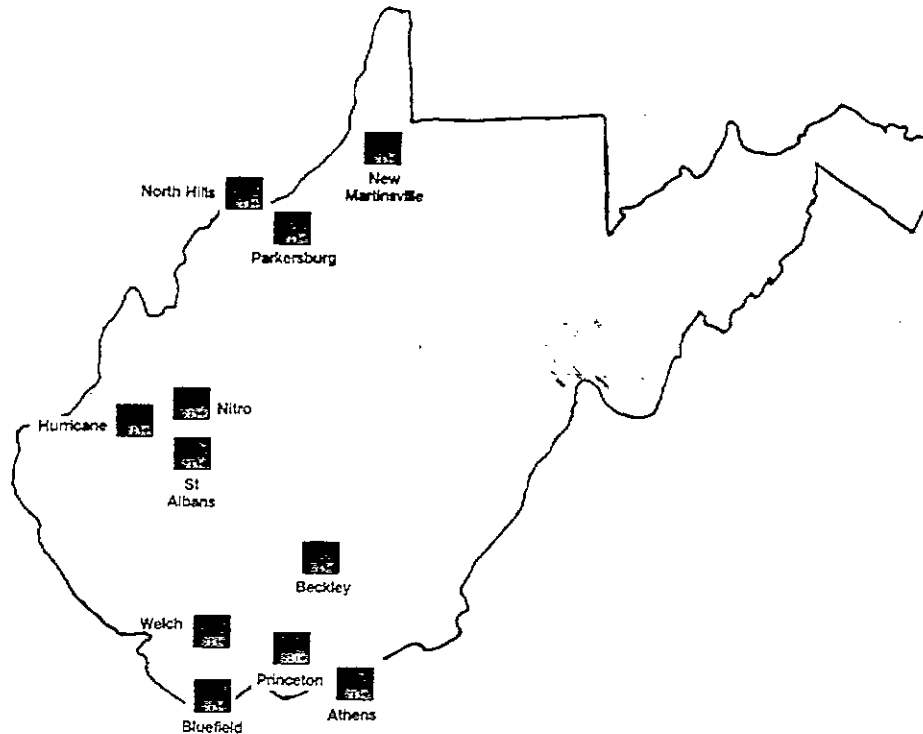
Building Code Hearing - Morgantown DATE: August 8, 1988

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
FRANCIS GUFFEY A.I.A.	165 LAKE SHORE DR CHARLESTON WV 25315	W.V. SOCIETY OF ARCH	✓
BRUCE BURETTE P.E.	900 MONTCLAIR ROAD BIRMINGHAM	SBCCI	✓
JAMES DAVISON AIA	Box 37-H Morgantown WV	ALPHA ASSOCIATES, INC	
ERNEST A. WALTERS	209 PRAIRIE AVE. MORGANTOWN WV	ALPHA ASSOC., INC	
JAMES H. JONES	1030 CHESTNUT ST MORGANTOWN WV	Alone Bldg Assoc.	✓
LARRY D. MARTIN AIA	8 CEDARWOOD DR. WEST VIRGINIA	L.D. MARTIN, A.I.A.	✓
ERK ANDERSON	MORGANTOWN WV	WEST VIRGINIA U.	
STEVE BARNH AIA	MORGANTOWN WV		
JOHN L. MALCOLM	MORGANTOWN WV	OMNI ASSOCIATES	
RICHARD FORRE AIA	FAIRMONT, WV	CLIMATE CONTROL CO W.V. H.H.A.C. ASSOC	
JOHN P. SAUSEN AIA	MORGANTOWN WV	OMNI ASSOCIATES	
Boris Howe	Morgantown WV	West Virginia University	
BRUCE LARCOMB	COLUMBUS, OHIO	BOCA INTERNATIONAL	IF NEEDED
John Winkler	Morgantown	City of Morgantown	
Tom TURNER	385 Spencer Av Morgantown	Suburban Bldg + Htg.	✓





## SBCCI Members Emphasize Objective Reasons Why Standard Codes Are Best For West Virginia



### Each of Us Gets an Equal Vote

- Each Active Member of SBCCI has one vote. Regardless of size, each jurisdiction will have equal input into code changes and matters affecting its membership. This system means the town of Athens' vote carries the same weight as larger jurisdictions like Charleston, Atlanta, or New Orleans. Because West Virginia contains many small jurisdictions, collectively the state can have the greatest influence on the codes by being a member of the Southern Building Code Congress International.

### We Find SBCCI Membership Rates the Most Cost Effective

- Membership costs for jurisdictions are as much as 300% less than for other code organizations.
- Membership costs for professionals are as much as 50% less.

### We All Have a Voice Through Letter Ballots

- SBCCI is the only model code organization that recognizes that all of us do not work in jurisdictions with sufficient budgets to send representatives to vote at national meetings and does something about our situation. Each SBCCI Active Member receives a final letter ballot to vote on code changes recommended for approval, so we are always a part of the decisions made.

### The Southeastern Fire Chiefs Association Maintains Our Standard Fire Prevention Code

- West Virginia jurisdictions belong to the Southeastern Fire Chiefs Association, which currently maintains the *Standard Fire Prevention Code*. In fact, West Virginia has one representative—Chief Ira C. Gunter of Charleston—serving on SBCCI's *Standard Fire Prevention Code Revision Committee*. Chief Richard M. Poe of Bluefield serves as an alternate member of this committee.
- Adopting the *Standard Building Code* lessens the possibility of discrepancies between these two documents. (SBCCI has a *Fire Prevention Code Correlating Committee* which functions expressly for the purpose of resolving any conflict between its building and fire prevention codes.)

## **We Get Professional Services From a Professional Staff**

- When we call SBCCI's toll-free number for a code interpretation, a plan review, or any other professional service, we talk to a registered professional engineer fully qualified to provide the needed service.
- Educational courses are taught by fully qualified instructors that are either professionally registered engineers or former Ph.D. professors. SBCCI places the highest importance on professional qualifications of its staff.
- To assure expertise on all code issues, SBCCI employs a diverse staff of professionally registered engineers in the following areas:

- architectural engineering
- chemical engineering
- civil engineering
- electrical engineering
- fire protection engineering
- mechanical engineering
- structural engineering

## **SBCCI Responds to Our Needs**

- SBCCI presently has more than one staff person for every 40 state and local governments (voting members), an objective indicator of the staff's ability to respond quickly to our questions.
- When technological changes created a need for computer services for the membership, SBCCI responded three years before any other model code organization offered these services. SBCCI added staff to develop and provide these valuable services to members. SBCCI computer services, consequently, are still leading the way today.
- When the *CABO Model Energy Code* was first published, SBCCI developed and provided a comprehensive manual and training course specifically for the state of West Virginia. These courses were conducted throughout the state.

## **We Get the Most Comprehensive Set of Home Study Courses and Seminars**

- SBCCI offers the most comprehensive set of home study courses available from a model code organization for training building and fire department personnel.
- SBCCI seminars are offered more frequently and are less expensive than comparable courses.
- National Fire Protection Association codes are enforced in West Virginia. SBCCI is the only model code organization that has developed and provided professional seminars that assist code officials, architects and engineers in understanding the compatibility of the NFPA 101 with the *Standard Building Code* and the individual differences between these codes.

## **Commitment to Successful Implementation of a State Code**

- SBCCI has committed to us—in writing—the following services for successful implementation of the *Standard Building Code* in West Virginia:
- SBCCI will provide 45 complimentary man days of training on the code.
- The first year, SBCCI will provide a complimentary subscription membership to all cities enforcing the state building code.
- On becoming members, jurisdictions are given a complete complimentary set of Standard Codes.
- The educational staff will work to set up an ongoing annual training program for West Virginia code enforcement professionals.

PUBLIC HEARING FOR THE WEST VIRGINIA STATE FIRE COMMISSION

IN REFERENCE TO ADOPTION OF  
A STATEWIDE BUILDING CODE

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS had at the hearing before Ron  
Kyle, Chairman of the State Fire Commission, taken in City  
Council Chambers, Spruce Street, in the City of Morgantown,  
Monongalia County, West Virginia, on Monday, the 8th day of  
August, 1988, at 1:05 p.m.

REC'D  
1988 AUG 24 A 9:59  
CITY OF MORGANTOWN

002175

\* \* \* \* \*

**JERRI VECCHIO KIRAL**  
COURT REPORTING  
136 Willowdale Road  
Morgantown, WV 26505  
(304) 599-8668

1 CHAIRMAN KYLE: Good afternoon, ladies and gentlemen; I'm  
2 Ron Kyle, Chairman of the State Fire Commission.

3 We're here this afternoon in the matter of an informal  
4 public hearing on the adoption of a statewide building code.  
5 We have had a sign-in sheet here, and those who wish to speak  
6 have noted their desire to speak on the paper. We will call  
7 those in order, and we ask that the comments be brief. We're  
8 not here to discuss, we're not here to debate. We're here to  
9 receive public comments.

10 The first gentleman who has signed in is Francis Guffey,  
11 A.I.A. Mr. Guffey would like to speak.

12 MR. GUFFEY: My name is Francis Guffey, and I'm past-presi-  
13 dent of the West Virginia Society of Architects. I'm glad to  
14 see that we have eight (8) architects here with us today.

15 I became especially interested in building codes when I  
16 can drive fifty-five (55) miles and have to be conversant in  
17 three (3) different building codes--Uniform, Southern and BOCA.

18 It's been a six (6)-year effort for the Society of Archi-  
19 tects. About three (3) years ago, we took a survey of our  
20 members and asked them, "What building code would you like to  
21 see as a statewide code in West Virginia?"

22 Out of sixty-one (61) responses, we had one (1) vote for  
23 no code at all, one (1) vote for Southern Code and fifty-nine  
24 (59) votes for the BOCA Code. I think that sent me a clear

1 message as to the code choice among the design professionals  
2 in architecture in West Virginia.

3 I have a map, and I've carried this to a number of differ-  
4 ent meetings. It's kind of neat. It shows the distribution  
5 of the codes around the nation. The yellow is the Uniform  
6 Building Code, which is mostly west of the Mississippi River.  
7 The sort of mauve color is the BOCA Code, this being West  
8 Virginia right here (indicating on subsequently marked Exhibit  
9 No. 2). The aqua is the Southern Building Code. The white is,  
10 I guess, a home-cooked code of some kind. Thankfully, we don't  
11 have one of those. There are only two (2) states that do.

12 As you can see--I'll be glad to pass this around--predomin-  
13 ately, Pennsylvania uses the BOCA Code. It's not mandatory;  
14 however, it is mandatory in Ohio, Kentucky, Virginia, our  
15 surrounding states. A number of our members also practice in  
16 those states.

17 It's very important that we have a building code for the  
18 protection of public safety. It's especially important that  
19 we have a uniform code that the design professional can use,  
20 that the review officials in the State of West Virginia, pri-  
21 marily the State Fire Marshall's Office, can be conversant  
22 with. And we can have a seminar program set up for building  
23 code officials within the state that would give them an insight  
24 as to how the codes are promulgated, developed and should be

1 administered.

2 Thank you very much.

3 CHAIRMAN KYLE: Thank you, Mr. Guffey.

4 The next person on our list is Bruce Burdette. He's with  
5 the Southern Building Code Congress International, and he  
6 wishes to speak with us.

7 MR. BURDETTE: Mr. Chairman, may I distribute this?

8 CHAIRMAN KYLE: Yes, sir.

9 (WHEREUPON, subsequently marked Exhibit No. 3 was distrib-  
10 uted to the gallery members.)

11 MR. BURDETTE: While, I'm distributing this, I might give  
12 you a little bit of background about myself so that you know  
13 exactly where I'm coming from when I talk to you about, perhaps,  
14 the recommendation to utilize the Standard Building Code in the  
15 State of West Virginia.

16 My first eight (8) years of employment after graduation  
17 from the University of Oklahoma, where they play major college  
18 football and got blown away four (4) years ago by West Virginia,  
19 I went to work for Overland Park, Kansas, where I enforced, the  
20 first eight (8) years of my career, the BOCA Code. I went from  
21 there to Kansas City, Kansas, Community College, where I taught  
22 four (4) years of the Uniform Building Code. Then I went from  
23 there to Macon, Georgia, where I enforced the Standard Building  
24 Code for two (2) years, before I became the Manager of Education

1 with the Southern Building Code Congress International.

2 From that background, I feel I can talk to you and answer  
3 questions and give you some idea, objectively, of how the two  
4 (2) codes--how the three (3) codes differ--and, perhaps, some  
5 background of how the memberships are different.

6 In my opinion, after teaching and working with all three  
7 codes, there's really not a nickel's worth of difference in any  
8 of them. They are very similar. They bring about similar pro-  
9 visions, but the services and the member and the way they  
10 get to vote, I think, is quite different.

11 Now, I try to take, objectively, things about the Standard  
12 Code that I feel is better for the State of West Virginia as  
13 far as the utilization of which code would be best for the  
14 State of West Virginia. Objectively, I think each of us gets  
15 a vote. The point being made here is that each city in West  
16 Virginia, under the provisions of the bylaws of our membership--  
17 each city is accorded one (1) vote. This means the City of  
18 Nitro has as much voting power as Atlanta, Georgia, or New  
19 Orleans, one of our larger members.

20 If we take one of the other model code organizations, where  
21 they afford votes by population--two (2) votes for this city,  
22 four (4) votes for this size city, six (6) votes for this size  
23 city--taking West Virginia as a whole, the two hundred and  
24 forty-one (241) cities under ten thousand (10,000), thirteen

1 cities that are fifty thousand (50,000) or less and only  
2 two (2) cities over fifty thousand (50,000)--and we compute  
3 votes in our membership, it comes out that West Virginia, if  
4 all cities were a member, would have a fourteen percent (14%)  
5 vote on the code--the Standard Code--where, under the BOCA  
6 provisions and the bylaws, they would have less than a seven  
7 percent (7%) vote, less than half ( $\frac{1}{2}$ ) the voice.

8 Also, cost, I think, is a consideration because the public  
9 service relates, either directly or indirectly, to taxpayer's  
10 money. The membership fee alone is three hundred percent  
11 (300%) higher with BOCA compared to the Standard Code for some  
12 jurisdictions.

13 I did the same thing when I took the two hundred and forty-  
14 one (241) cities under ten thousand (10,000), the thirteen  
15 (13) cities between fifty thousand (50,000), and objectively  
16 gave you something you could hang your hat on--how does that  
17 compute and what it costs for membership. It costs approxi-  
18 mately thirty thousand (30,000) a year for the cities in West  
19 Virginia to be a BOCA member, approximately fourteen thousand  
20 (14,000) to be a member of SBCCI. This is sixteen thousand  
21 dollars (\$16,000) per year of membership dues for a service.

22 Now, I think that the A.I.A. journal made a statement that  
23 the authors--the original authors--or SBCCI intended for their  
24 code to be designed for large metropolitan areas as well as

1 small jurisdictions--two hundred and forty-one (241) cities  
2 under ten thousand (10,000) in West Virginia--and they say  
3 they maintain that character today. And here's another way  
4 we maintain that character--it's not always true; but,  
5 generally, a smaller jurisdiction doesn't have the budget to  
6 travel to a national meeting to vote. In fact, our West Vir-  
7 ginia members, like Beckley, Nitro, Athens--I have not seen  
8 anybody from Athens at a national meeting--they don't have  
9 the budget to travel, let's say, this year to Charleston to  
10 cast their vote.

11 We're the only model code that recognizes this--that you,  
12 as an architect or professional--if you want to be heard, you  
13 can go to your building official. He will get a letter ballot.  
14 We send that to him. He doesn't have to show up at our national  
15 meeting to vote. In fact, if we counted on people showing up  
16 at national meetings to vote, we would probably, out of our  
17 two thousand (2,000) members, see four hundred (400). We're  
18 having less representation--twenty-five percent (25%)--at our  
19 national meetings to vote. And I'm sure that's probably true  
20 of the other model codes. I don't know that to be a fact. I  
21 know that when I was active with them, they did not have a  
22 hundred percent (100%) representation of all their cities at  
23 national meetings. We recognize that with the letter ballot.

24 So, just these three (3) objective points--the very first

1 one--I'm asking you to tell me some reasons why you'd pick a  
2 code that's going to cost twice as much, that you're going to  
3 have less than half ( $\frac{1}{2}$ ) the voice in, objectively, and the  
4 code enforcement officials will have to travel to the meetings  
5 to vote instead of having a letter ballot. What are some  
6 reasons? What's the--I'm curious. What's the reasons for  
7 paying twice as much, having half ( $\frac{1}{2}$ ) the vote and not having  
8 the benefit of a letter ballot? Does anybody--surely, there's  
9 a reason.

10 CHAIRMAN KYLE: We will not accept comments from the general  
11 audience at this time.

12 MR. BURDETTE: Okay. These are, like I said, things, I  
13 hope, you can hang your hat on.

14 The Southeastern Fire Chiefs Association maintains our  
15 Standard Fire Prevention Code. The State of West Virginia is  
16 a member of the Southeastern Fire Chiefs Association. That  
17 means that they are maintaining a code document that's com-  
18 patible with the Standard Building Code. So, the State of  
19 West Virginia Southeastern Fire Chiefs Association is a member  
20 of the Southern Building Code Congress International or main-  
21 tains the Standard Fire Prevention Code.

22 These other points are, perhaps, less objective; but we get  
23 professional service from a professional staff. You have a  
24 toll-free number for interpretation or plan review, but we

1 guarantee--we promise you that the person that answers that  
2 phone--we're the only model code that does this--will be  
3 registered as a professional engineer when he talks to you  
4 over that telephone. We promise you that when you have an  
5 instructor in the classroom, the person will be professionally  
6 registered, either as an engineer or he must be qualified as a  
7 Ph.D. past-professor. We have some people on our staff that  
8 are past professors, but we do require a doctorate before we  
9 allow them to go into the classroom.

10 You can see our make-up, as far as engineers on the staff--  
11 architectural engineer, chemical engineer, civil engineer,  
12 electrical engineer, fire protection engineer, mechanical  
13 engineer, structural engineer. Incidentally, one of those  
14 engineers is a product of West Virginia University. One of  
15 the men who spoke today got his original registration in the  
16 State of West Virginia. So, we not only charge less to the  
17 members in West Virginia, we hire home products from West  
18 Virginia on the staff at the headquarters of Southern Building  
19 Code Congress.

20 Something you may not have known about when the survey  
21 was taken--maybe you didn't know, when the architects took  
22 the surveys, how they vote. Maybe you didn't know what it  
23 costs. I know my first eight (8) years, when I enforced only  
24 the BOCA Code, if I'd have been surveyed, I would have voted

1 for BOCA on familiarity. It's the only code I knew. Today,  
2 if I was surveyed and asked what code I preferred, I'd vote for  
3 the Uniform Building Code, as far as--after knowing and using  
4 all three (3). But recommending to you as a state, I'm recomm-  
5 ending the Standard Code because of the way it's made up and  
6 the demographics of West Virginia.

7 These last few points--they're written in front of you--  
8 "SBCCI Responds to Our Needs." If you take our staff--we have  
9 one (1) staff member for every forty (40) members--one (1)  
10 staff person for every forty (40) members we service. That  
11 far exceeds any other model code.

12 When we recognized the computer needs of our model cities  
13 throughout the United States, when computer technology came in,  
14 we led the other model code organizations by four (4)--three  
15 (3) years ahead of them--in putting people on the staff to  
16 develop computer software for those individuals, and we've  
17 provided that software at six hundred dollars (\$600) a person.  
18 We are presently four (4) years leading the way on developing  
19 that computer software for our member cities.

20 When the Energy Code was first adopted in the State of  
21 West Virginia, we were the only model code organization that  
22 developed a manual for West Virginia--and teach that manual  
23 throughout the state so the people would better understand the  
24 Energy Code.

1 I feel we have the most comprehensive set of home study  
2 courses. And in writing is a commitment for the successful  
3 implementation of this code. What we plan to do--if I can  
4 read these four (4) points--SBCCI is committed, through the  
5 following services--and we have made this commitment at this  
6 point to all eleven (11) of our member cities--for successful  
7 implementation of the Standard Code; we'll provide forty-five  
8 (45) complimentary man days of training on the code; the first  
9 year, SBCCI will provide a complimentary subscription member-  
10 ship to all cities enforcing the state building code; everybody  
11 becoming a member will be given a complimentary copy of the  
12 Standard Code; and the educational staff will work to set up  
13 an ongoing program for the State of West Virginia.

14 All I'm saying, gentlemen, is that these are very objective  
15 facts. This is more objective than, "What do our neighbors do?"  
16 That's the more subjective. My neighbors drive Chevys, and I  
17 don't. I drive a Japanese car. It's very objective. Here's  
18 what it costs, here's how you vote, here's which code is most  
19 closely related to NFPA 101, which you're going to run into,  
20 which one's more compatible.

21 Before I sit down, can I ask if there's any questions  
22 (directing question to Chairman Kyle)?

23 CHAIRMAN KYLE: (Shook his head, indicating a negative  
24 response.)

1 MR. BURDETTE: No. I would just ask you to read this.  
2 And my--the only thing I want to summarize--and I regret that  
3 July 15th was the first time objective facts were ever present-  
4 ed in the State of West Virginia to anybody to make a selection  
5 It was kind of a surprise to me that, apparently, without this  
6 kind of information, surveys had already been conducted, et cet-  
7 era, to decide on a code. I just ask you to ask yourself how  
8 many people knew this kind of information when you made your  
9 decision? That's all I have.

10 CHAIRMAN KYLE: Thank you, Mr. Burdette.

11 Our next speaker is James H. Jones from the Homebuilders  
12 Association.

13 MR. JONES: I'm the executive officer for the Homebuilders  
14 Association in North Central West Virginia. We have a hundred  
15 and ten (110) members.

16 The Board of Directors had a meeting on Thursday night,  
17 the 4th of August, and they voted for the BOCA Code completely.  
18 That's all I have to say.

19 CHAIRMAN KYLE: Thank you, sir.

20 Our next speaker is Eric Anderson from Facilities Planning  
21 and Management, West Virginia University.

22 MR. ANDERSON: I just have three (3) points. West Virginia  
23 University, following the policies of the Board of Regents, has  
24 adopted the BOCA Code voluntarily, and we've executed forty

1 million dollars (\$40,000,000) worth of work, using the BOCA  
2 Code as our standard of quality. Economically, our design and  
3 construction professions are basically tied into areas where  
4 BOCA is a predominant code--the Mon Valley region, Pennsylvania  
5 Ohio and this part of West Virginia:

6 And should the BOCA be adopted as the state code, I'd like  
7 to know why can't the method of evaluation listed under  
8 Article 25 be adopted as the method of evaluating life/safety  
9 features in new construction and renovations? It would help  
10 organize the interpretation of the plans review staff at  
11 the State Fire Marshall's Office.

12 CHAIRMAN KYLE: Thank you for your comments.

13 Mr. Larcomb, do you wish to speak? Mr. Larcomb represents  
14 BOCA International.

15 MR. LARCOMB: Thank you. I'll be brief.

16 I think the reason I see the move toward BOCA is that  
17 we have been in your state providing services in an ongoing  
18 manner. Nearly eighty percent (80%) of your communities, large  
19 or small, utilize BOCA. As to the availability of the code  
20 change process, my experience has been that you're only involved  
21 to the degree that you want to be. Cost has very little to do  
22 with it.

23 Hearings that are held in what I call BOCA land are held  
24 within reach--Columbus, Ohio, last June; Cincinnati, next year--

1 or Chicago, next year. So, as far as services go, really,  
2 the sister groups, whether it's ICBO or Southern, we do  
3 provide the same services. We're just closer. We're within  
4 reach, and we hope very much that we can assist the state in  
5 its adjustment. And there will be one. We're as close as the  
6 phone.

7 We are going to provide a membership to every municipality.  
8 There will be extensive training on all codes that you should  
9 adopt. And staff, such as myself--I'm out of the Columbus,  
10 Ohio, office--some of you have met Marty Conant, who's been  
11 assigned to this region. The help is there. Use us, please.

12 CHAIRMAN KYLE: Thank you, Mr. Larcomb.

13 I have other people who have signed in that did not indicate  
14 a desire to speak. At this very moment, I would open the floor  
15 and ask if anyone who has not spoken wishes to address this  
16 group? And I ask, additionally, if everyone who is here  
17 has signed one of these sign-up sheets so that we'll know--  
18 we'll be able to have a good record of who all was here? The  
19 sheets are available here if you wish to sign them.

20 At this point--I think I may have failed to introduce  
21 Mr. Ash, who's also a member of our State Fire Commission.

22 I wish to thank all of you for your comments today. And  
23 there will be an additional public hearing Thursday in Charles-  
24 ton at the Conference Center at one o'clock (1:00), and the

1 Commission will hopefully act on the input that we receive  
2 from these three (3) public hearings, plus the input from our  
3 Advisory Committee Friday, and at that time adopt a tentative  
4 statewide building code.

5 Thank you very much.

6 BARBARA HOWE: I have a question, which was--on Senate Bill  
7 267, which also involves the Fire Marshall's--is there going to  
8 be some kind of hearing connected with that at some point?

9 CHAIRMAN KYLE: You'll have to explain to me what Senate  
10 Bill 267 is. I'm not--.

11 BARBARA HOWE: Okay, that's a bill that was passed this  
12 year dealing with historic properties in the state, and there's  
13 a provision in there which says that the--.

14 CHAIRMAN KYLE: I'm familiar with that, yes, ma'am.

15 That bill requires that alternate provisions be made to  
16 satisfy historical preservation, and that would be addressed  
17 through the Fire Marshall's Office.

18 BARBARA HOWE: Right, and will there be some kind of  
19 regulations out on that at some point, do you know?

20 CHAIRMAN KYLE: Eventually, yes, ma'am. We are in the  
21 matter right now of adopting a statewide building code. Admin-  
22 istratively, we will work out a procedure for alternate pro-  
23 posals to satisfy the historical--.

24 BARBARA HOWE: Okay, so this step has to come first before

1 you can get to that?

2 CHAIRMAN KYLE: Yes, ma'am.

3 BARBARA HOWE: Okay, thank you.

4 CHAIRMAN KYLE: That would be something that would be done  
5 administratively at the fire marshal level.

6 I need for you, if you're going to speak, to stand up  
7 and identify yourself so our reporter can get your name and  
8 what organization you represent..

9 Your name, ma'am?

10 BARBARA HOWE: Barbara Howe, West Virginia University.

11 CHAIRMAN KYLE: Sir, identify yourself, please.

12 MR. FOWLER: Yes, my name is Daniel Fowler. I'm a building  
13 commissioner in Charleston.

14 I just wondered, after this is established--after the state  
15 sets up the statewide building code--are they going to set up  
16 a board, and who's going to be--if they are going to set up a  
17 board in the state, who's going to be sitting on the board and  
18 how would those members be chosen?

19 CHAIRMAN KYLE: I don't understand what you mean, sir. I  
20 don't understand what you're asking me.

21 MR. FOWLER: Well, most building departments--they have a  
22 board--a building department board. And I wondered if the  
23 state is going to have that, also. And if they are, I wondered  
24 who's going to be sitting on the board?

1 CHAIRMAN KYLE: That has not been addressed. At this time,  
2 the Commission has been given only the authority to adopt a  
3 statewide building code. And, the administrative procedures to  
4 handle that will be in place--will have to be taken up as the  
5 time comes.

6 I don't know that any--to my knowledge, no plans have been  
7 made to establish a board to answer these questions. I believe  
8 at this point, by the legislation, the Fire Commission would  
9 be--a final hearing or appeals board, if that came to that, if  
10 it went through the administrative procedures at each municipal  
11 or local governmental level. As I said, that hasn't been  
12 addressed.

13 MR. FOWLER: They haven't said anything to you about it?

14 CHAIRMAN KYLE: Sir?

15 MR. FOWLER: They haven't brought it to your attention,  
16 then?

17 CHAIRMAN KYLE: No, sir.

18 Sir?

19 MR. DAVISON: I'm Jim Davison with Alpha Associates. I  
20 understood that at some point in this hearing today you would  
21 take some sort of informal vote as to which code we would  
22 prefer. Is that true or not?

23 CHAIRMAN KYLE: We had not planned to do that. We accepted  
24 public comments; the gist of the comments being if you were in

1 favor of a specific code or if you had any comments that you  
2 wish to make regarding any specific code.

3 MR. DAVISON: I'd like the record to indicate that I support  
4 the BOCA Code.

5 CHAIRMAN KYLE: Thank you.

6 MR. GUFFEY: Mr. Kyle, I had mentioned to our architect  
7 members that I had anticipated that this meeting would be  
8 somewhat similar to the one that we had in Charleston on the  
9 15th, where a vote was taken.

10 CHAIRMAN KYLE: I see. We had not planned to do that--  
11 simply to accept comments. And then, from the transcript, the  
12 Commission will determine which--you know, how--what the  
13 consensus of the group was or what the feeling of the group was.

14 MR. BARNUM: I'm Steve Barnum from Omni Associates. I want  
15 the record to show that we're in favor of the BOCA Code.

16 CHAIRMAN KYLE: All right, thank you.

17 Are there any other comments?

18 MR. TURNER: Tom Turner, Suburban Plumbing and Heating.  
19 I've used the BOCA Code guideline for years, and I want to go  
20 on record as being in support of that.

21 CHAIRMAN KYLE: Any other comments, please?

22 If there are no other comments, thank you very much for your  
23 participation. The Fire Commission will take action Friday.  
24 Thank you very much.

1 (WHEREUPON, Exhibit Nos. 1, 2 and 3 were marked for  
2 identification, to be made a part of the record.)

3 (WHEREUPON, at 1:30 p.m. the hearing was adjourned.)  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

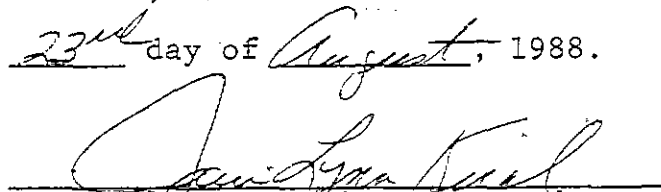
1 STATE OF WEST VIRGINIA,  
2 COUNTY OF MONONGALIA, to wit:

3 I, Jerri Lynn Kiral, a Notary Public in and for Monongalia  
4 County, duly commissioned and qualified, do hereby certify that  
5 the foregoing is a true and correct transcript of the proceed-  
6 ing had with regard to the aforementioned referenced matter,  
7 as reported by me electronically, on the 8th day of August,  
8 1988.

9 My Commission expires October 12, 1992.

10 Given under my hand this 23<sup>rd</sup> day of August, 1988.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

  
Electronic Reporter and  
Notary Public



## Cobb County Fire Dept.

W. D. HILTON, CHIEF

1596 County Farm Road  
Marletta, GA 30060  
(404) 427-8159

H. K. NIXON, ASSISTANT CHIEF

N. K. ARRINGTON, ASSISTANT CHIEF

August 4, 1988

Ronald A. Kyle, Chairman  
West Virginia Fire Commission  
427 Mississippi Street  
Morgantown, WV 26505

Dear Chairman Kyle:

I am writing to respectfully ask your consideration in a very important matter relative to the adoption of codes for the State of West Virginia. On November 21, 1986 I was appointed as liaison between the Southeastern Division of the International Association of Fire Chiefs and the Southern Building Code Congress International. My responsibility was to begin negotiations with SBCCI to request that our Division assume the responsibility for the control, operation and maintenance of the Standard Fire Prevention Code. Our proposal was graciously accepted by the SBCCI Board and was confirmed by their membership in October of last year.

Effective January 1, 1988 only fire officials from the South have the power to vote to change our fire prevention code. This is very important since we now have an opportunity to begin to make important changes that directly affect the safety of our citizens. We also have an opportunity to begin to build a rapport with our building officials in order to influence the Building Codes more positively. A good example of this was the passing last week of a new provision to mandate sprinkling of all R-1 and R-2 dwellings over two stories. With this background I will get directly to the intent of my letter.

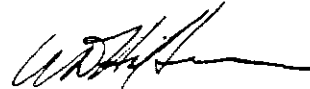
I have just been advised that the State of West Virginia is in the process of making a decision on which codes to adopt for your state. By no means do I want to convey a message that I'm meddling in your state's affairs, but I think it's extremely important that you be aware of what's happening with the Southern Standard Family of Codes since you are a member of the State Fire Commission and/or the Southeastern Division.

*"Don't gamble with fire: you're betting your life."*

It is my understanding that the State Legislature gave the State Fire Marshal authority to adopt and enforce a single statewide building code, and a companion fire code. The Building Code Advisory Committee met on July 15, 1988 in Charleston, West Virginia. I understand that their recommendation to the State Fire Commission will be the adoption of the BOCA Codes as a mandate for the entire state. I have also been made aware of a series of public hearings. The first two will be held on August 8 in Martinsburg and Morgantown; I assume at the same time. Another public hearing is scheduled in Charleston on August 11. As a result of those public hearings, your Fire Commission will meet on August 12 in Charleston to make a final determination and recommendation to the Fire Marshal. It appears to the membership of our Association that we as fire officials could have a lot more positive impact on the Standard Fire Prevention Code than we could with any other code.

I respectfully encourage you to carefully review the materials presented at your meeting and give serious consideration to the Standard Codes which we now have a very important part in. I guess the bottom line is let your conscience be your guide, and if you have any questions please contact me.

Sincerely,



W. D. Hilton

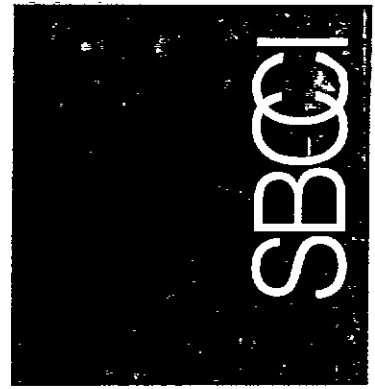
WDH/dbl

# SBCCI Membership Application

Bruce J. Burdette, P.E.  
Manager/Education

Southern Building  
Code Congress  
International, Inc.

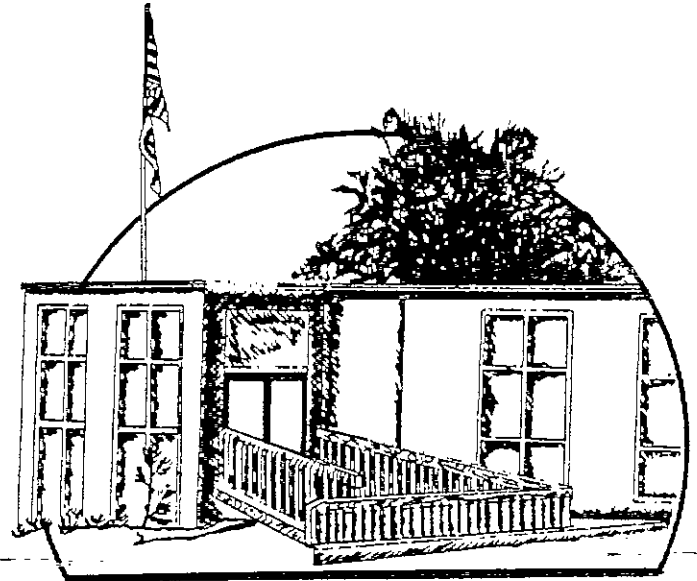
900 Montclair Road  
Birmingham, Alabama  
35213-1206  
(205) 591-1853



I hereby apply for membership in the Southern Building Code Congress International under the category checked below:

- Active member      population \_\_\_\_\_
- Associate member
- Professional member
- Student member
- Information Subscription
- Retired Member

**ANNUAL MEMBERSHIP FEE MUST BE  
TRANSMITTED WITH APPLICATION.**



\_\_\_\_\_  
(Name of Jurisdiction, Association, Institute, Company, etc.)

\_\_\_\_\_  
(Name of Official Representative)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Signature of Representative)

( \_\_\_\_\_ )  
Area Code      Telephone Number      Ext.

Billing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Street Address \_\_\_\_\_  
for UPS shipping \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Sponsor's Member # \_\_\_\_\_

Sponsored by \_\_\_\_\_  
(if applicable)

**Southern Building Code Congress International**  
900 Montclair Road  
Birmingham, Alabama 35213

# APPLICATION FOR MEMBERSHIP

## Membership Services

- Our Education Department offers a combination of courses, Registration and Testing Programs and Seminars
- All members are entitled to receive interpretation of the various Standard Codes either in writing or by telephone from the SBCCI staff
- Plans Checking is a service to Active and Associate Members produced by the technical staff of SBCCI at a nominal cost
- For Active members and paid subscribers, our Compliance Report offers up to date information on new and innovative materials, products and methods of construction for Compliance with the Standard Code
- Department of Computer Services offers low cost, data base software for Micro Computers, targeted for Building Departments. Future projects include expansion versions to existing software, on line data base to members for computer-to-computer building code retrievals
- A membership in Southern Building Code Congress also entitles you to a discount on all publications and services



**SBCCI**  
**Setting The Standards**  
**For**  
**America's Model Codes**

**Return This Application To:**  
**Southern Building Code Congress International**  
**900 Montclair Road**  
**Birmingham, Alabama 35213-1206**

**For More Information Call:**  
**(205) 591-1853**

Founded in 1940, the SBCCI is an internationally-recognized model code organization dedicated to serving state and local governments and the building industry through the promulgation and maintenance of the performance-based Standard Codes and by providing technical and educational support services.

The stated objectives of the SBCCI are:

1. To develop, maintain and promote the adoption of the Standard Codes and other related documents.
2. To promote uniformity in building regulations through the adoption of the Standard Codes and to encourage uniformity in the application, interpretation and enforcement of these codes.
3. To study, review and advance the principal fundamentals of safety in building construction.
4. To advance the professional skills of those engaged in the administration and enforcement of building regulations.
5. To advise and assist in the administration of building codes and ordinances.
6. To research, develop and publish educational materials, including but not limited to, testing and certification of code enforcement personnel.
7. To perform other functions as deemed relevant to or desirable for the attainment of these objectives.

### Membership Categories and Annual Fees

**ACTIVE MEMBER:** A government unit or agency engaged in the administration, formulation and enforcement of codes and ordinances relating to building construction may join as an active member. Each Active Member, regardless of size, is entitled to one vote. The following is a schedule of Active Member dues.

POPULATION OF JURISDICTION	ANNUAL FEE
Less than 5,000	\$ 40.00
5,001 to 10,000	55.00
10,001 to 25,000	75.00
25,001 to 50,000	100.00
50,001 to 100,000	125.00
100,001 to 200,000	150.00
200,001 to 300,000	200.00
Over 300,000	250.00

**ASSOCIATE MEMBER:** An organization, association, institute, corporation, university, college; partnership, company, manufacturer, or other similar group(s) interested in the purposes and objectives of the SBCCI may join as an Associate Member. The following is a schedule of Associate Member dues:

Associate or Institute	\$275.00
Company or Manufacturer	150.00
College or University	50.00

**PROFESSIONAL MEMBER:** An individual engaged in the practice of architecture, engineering, research, testing, inspection or other activity related to building construction who is interested in the purposes and objectives of the SBCCI may join as a Professional Member.

Professional Member	\$50.00
---------------------	---------

**STUDENT MEMBER:** Any individual enrolled in classes or a course of study occupying at least twelve hours of classroom instruction per week may join as a Student Member.

Student Member	\$25.00
----------------	---------

**RETIRED MEMBER:** Any former active member representative, any former representative of any other membership category or any other professional member who is retired.

Retired Member	\$15.00
----------------	---------

**INFORMATION SUBSCRIPTION:** Any person employed by a current Active or Associate Member may subscribe to SBCCI's Information Subscription service. Information subscription entitles the subscriber to receive *Southern Building* magazine, the *SBCCI Newsbriefs* newsletter, code proposals *Bluebook*, code change committee action summary *Redbook*, and other, general membership mailings of SBCCI.

Information Subscription	\$25.00
--------------------------	---------



REGISTRATION OF PUBLIC  
AT  
STATE FIRE COMMISSION MEETINGS

Building Code Hearing - Charleston DATE: August 11, 1988

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
Thomas Huffman	D. Alpha Mt. 25177 1449 Mac Rube AVE	City of M. Alpha	X
Billy Mannings	5300 900 Mountain Rd 25305	S.B.C.C.F	X
Paul Vandenberg	204 Odd Fellows Char. WV	Self MIA	X
Charles A. Goffert	454 Blake Rd Martinsburg	City of Martinsburg	X
JEFFERY A. KREPS	1710 Kanawha Valley Bldg	Kreps + Kreps Acquisitions	X
GEORGE JARBOE	1204 KANAWHA BEACH	John Brown Eng'g & Const.	
DUDSON G. HANN JR	308 WINDSONA ST	SELF	
MR. KARNES	P.O. Box 1659 Hunt. WV 25715	CITY OF HUNTINGTON	
STEVE BRANNOR	608 TENN AVE CHAS 25302	ZMM ARCHITECTS	X
FRANCIS GOFFERT	165 LAKEBROOK DR. 25315	WV SOCIETY OF ARCHITECTS	X
Larry G. Adkins	6049 Clearview Hg Charleston	WV SOCIETY OF ARCHITECTS	
Charles Brockwell	413 Bush Valley Dr. Mart	City of Bluefield	X
LLOYD W MILLER	900 PENNSYLVANIA AVE #1000 CHARLESTON	CHARLESTON WV ARCH.	





RECEIVED

1988 AUG 24 A 10:00

002176

STATE FIRE ADMINISTRATOR

WEST VIRGINIA STATE FIRE COMMISSION

IN THE MATTER OF:

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

Transcript of proceedings had and testimony adduced in the above-styled matter, taken before the West Virginia State Fire Commission, in the West Virginia State Capitol Complex, Conference Center, Room B, Charleston, Kanawha County, West Virginia, on the 11th day of August, 1988, commencing at 1:10 p.m.

BEFORE: RONALD A. KYLE, Chairman

N. JOAN THAXTON COURT REPORTERS, INC.  
7715 Sissonville Drive  
Sissonville, WV 25320  
(304) 988-3970 988-1634

I N D E X

<u>SPEAKERS</u>	<u>PAGE</u>
Thomas Huffman	5
Billy R. Manning	10
Paul Vaughan	21
Charles Sergent	22
Jeffrey Kreps	25
Steve Branner	26
Francis Guffey	27
Paul Blackwell	30
David Marshall	31
Ms. Thomasson	32
Martin Conant	33
Rod Watkins	38
David Scudder	39
Floyd Sayre	40
<u>Reporter's Certificate</u>	46

## P R O C E E D I N G S

CHAIRMAN KYLE: We are here this afternoon in the matter of an informal public hearing regarding the possible adoption of a statewide building code.

I would like to read some letters into the record, please. What I will do is not read the entire letter but give you the gist of the letter.

This first letter is to the Chairman, West Virginia Fire Commission from the City of Clarksburg, Dan Boroff, City Manager. The gist of Mr. Moreoff's letter is he supports our efforts and is in favor of the BOCA Code.

From the Home Builders Association of West Virginia to Mr. Corley, the Fire Administrator, the gist of the letter is they have problems with two areas of the BOCA Code.

One of those has to do with the existing structure portion of the Code, and a

second major area of concern is the basic National Private Sewage Disposal Code.

I have been informed by the State Health Department that they will give us their policy this afternoon, and hopefully, we will be able to address those concerns as well as the concerns of the Home Builders Association.

I have a letter from Chief W. D. Hilton. He represents the Southeastern District of the International Association of Fire Chiefs. Chief Hilton and his organization would support the adoption of the Southern Standard Building Code for the State of West Virginia.

As each of you entered, you were asked to sign in and indicate whether or not you wished to speak. Today we are not here to debate the merits of a statewide building code or the merits of individual statewide building codes.

What we are here today to do is to accept comments. We will not tolerate debate or

questions. Each individual will have a brief period to speak, and there will be no rebuttal. This is not a debate.

What I will ask you to do is ask you to come up and speak in the order in which you signed in or as nearly as we can determine from the different sheets we have.

The first person who indicated a desire to speak is Thomas Huffman. He represents the City of St. Albans. Mr. Huffman.

I would ask when you come up if you would please spell your name for the Court Reporter so she can make sure that she can get it correct.

MR. HUFFMAN: It is Thomas Huffman, H-U-F-F-M-A-N. I am the building official for the City of St. Albans, and I just wanted to make a few comments on how we have arrived at where we are and where we are headed for.

As I said at the last meeting that we had in this same building of July 15, as a small

municipality I am concerned with cost, and I expressed that several times at the last meeting.

Doing a little bit of figuring and what have you, I have come up with some comparisons on going with the BOCA Code compared to the Southern Building Code, and it will raise my cost as much as 160 percent. Now for a small municipality that can hurt.

Also, I would like to make comments on the way -- which here again I brought up at the last meeting -- of the voting rights of the members with the difference between the two codes.

One was the Southern Building Code. As a member of the Southern Building Code, I have a right to vote for all the changes that are drafted by the committees of the Southern Building Code.

They send me a voting ballot. I get to vote on each change that is being made. I don't have to attend the main conference wherever it is located for that year.

Whereas, my understanding of the BOCA Code, that you have to be at the conference or at the main meeting in order to express your vote.

Here again, as a small municipality there is two reasons I can't attend these things. Number one is my municipality can't afford to send me, and the other is I am the only building official that is there and I can't afford to take three or four or five days off work to attend these meetings.

I think this is something the Commission should take into consideration in drafting what code we are going with.

The other thing is I would like and hope that this Commission checks with the other states that has been expressed, which the State of Virginia has this so-called BOCA Code or the uniform code. I think it has been expressed that Kentucky has it and Ohio.

I am hoping that this Commission --

the meetings that I have attended, they have not had anybody here from those states to express some of their opinions of how they feel that their operation is compared -- well, how BOCA is operating with their states, whether they are in favor of it, are they having any troubles, are they getting the service that they said they are going to get.

This goes along with anything that we buy or do; you usually want to know what is there to back it up. A car isn't any better than the mechanic that is behind it.

Also, I was a little bit disappointed at the last meeting when I suggested that there was no requirements in here for the swimming pool code and even had some of the members of the Commission sort of laugh about it.

I take my job very seriously and especially when it comes to swimming pools. I think it is kind of odd. The comment was made, "We

are not here to draft a swimming pool code. We are here to draft a building code."

Well, a swimming pool code is a building code, and there should be some requirements required in a swimming pool. I think it is kind of odd that at the end -- and I think one of the letters that he read here just a minute ago expressed that we are considering a private sewage disposal code, which is already being handled by the State of West Virginia, and it is already being handled by the Kanawha County Health Department.

I don't know why that one was thrown in there and yet we are leaving out one that I feel is very important for the community and for my town to have a swimming pool code.

That is it. Thank you.

CHAIRMAN KYLE: Thank you, Mr. Huffman. The next person who has indicated a desire to speak is Billy Manning, representing the Southern

Standard Building Code.

MR. MANNING: Thank you, Mr. Chairman.

I have here for the Commission copies of my comments and the individual letters, and also I have a copy for the Recording Secretary.

I am Billy R. Manning. I am the Director of Engineering and Education for the Southern Building Code Congress, and I am here representing the interests of the SBCCI members in West Virginia.

The West Virginia members of the Southern Building Code Congress International applaud the state legislature, which has provided a method for adopting a statewide building code, and further, our members feel that the State Fire Commission is the appropriate body to recommend a model building code for adoption.

What our West Virginia members do question is the creation and subsequent recommendation of a de facto building code advisory

committee, and these concerns are threefold.

The first concern is composition of the group. No members were formally appointed. No consideration was given to its composition. This advisory committee or group, whose recommendations may determine code enforcement and building designs in West Virginia for decades, did not represent an equitable cross section of local governments nor the design professions in West Virginia.

Instead, this advisory body's makeup was determined solely upon the random attendance of individuals at a public hearing held in Charleston on July the 15th, 1988.

These hearings were called for the purpose of allowing representation of the various code writing organizations to discuss their respective model codes and related services.

No advance notice was given that an advisory vote would be taken. Only after the meeting started were those West Virginia residents

attending told that they composed an advisory group to recommend a statewide building code to the State Fire Commission.

The second concern is the decision making process taken by those individuals attending the July 15 meeting in Charleston. SBCCI West Virginia members question whether that process allowed for an objective review and comparison of the various codes and services being considered, and as a result, the choice may not be the best for the State.

The July 15 meeting was the first time that representatives from the three model code organizations presented information intended to assist the State Fire Commission in making a decision.

Yet, apparently, many minds were already made up, and a special concern was that of the state architects and their recommendation of their choice to the Building Code Committee.

This recommendation was based on a premature survey prior to the July 15 meeting, and as a result, this survey did not have the benefit of a hearing and reviewing the information provided by the model codes at this July 15 meeting.

The third concern was the manner in which the vote of the advisory group was taken. Since every West Virginia resident attending this hearing became, in effect, a member of the advisory body to recommend a statewide building code, each individual was accorded one vote.

This was true even though some participants did not represent a code enforcement agency or department. Further, each building code enforcement department representative got a vote even if more than one represented the same jurisdiction.

This procedure resulted in a vote that did not represent the wishes of the individual code enforcement jurisdiction present at the

meeting.

In actuality, four jurisdictions favored one model code and four favored another. Sixteen of forty participants who signed the meeting's attendance roster were from the host city of Charleston, which enforces one of the three model codes being considered, and it was the one the advisory committee recommended.

Additionally, the vote was taken with limited discussion immediately after the presentation of the model code representatives. Participants did not have time to review in detail the information provided by the model code organizations.

West Virginia is composed primarily and predominantly of small municipalities. The state has only two cities with populations exceeding 50,000 people. It has, however, 13 cities with a population between 10,000 and 50,000 and approximately 240 cities and towns with less

than 10,000 residents.

Eighteen of the state's counties have populations less than 50,000, while only 11 have populations exceeding that number.

The SBCCI members of West Virginia ask whether the advisory group to the State Fire Commission considered the state's ability to influence changes in the model code it recommended.

That document, the National Building Code, is maintained by a membership organization with over 10,000 voting representatives, and this was reported at the July 15 hearing.

Its bylaws provide for a graduated scale for determining the number of votes a member jurisdiction gets, and that is based on size. In other words, the bigger the city, the more the votes. The Southern Building Code Congress' bylaws, on the other hand, provide one vote per code enforcement jurisdiction regardless of size.

If all the state's local governments -- West Virginia has approximately 285 of them -- became members of the Southern Building Code Congress, the state would have 12.4 percent of the total vote or 6.6 percent if only half of the local governments became members.

Should the same number of West Virginia local governments join the code organization recommended by the advisory group, these percentages would be 5.6 and 3.0 respectively.

Obviously, the state's ability to influence code changes and organization activities would be greater with the SBCCI.

The Southern Building Code Congress -- and Tom just mentioned this -- is the only model codes-writing organization that provides for written ballot approval before a proposed revision can be incorporated into the body of that code.

This allows small local governments

to participate in the code change decisions without having to lose the services of an employee or pay travel expenses for a delegate to attend an annual meeting to record a vote.

SBCCI's commitment to small jurisdictions is noted by the design profession. The December 1987 edition of Architecture magazine printed an article by M. Stephanie Stubbs, who is a senior editor, which stated:

"The Southern Building Code Congress (SBCC) was founded in 1940 and published its first code in 1945. The authors meant that code to be used in small towns as well as large metropolitan areas, and it maintains that character."

This magazine is published by the American Institute of Architects.

Currently 60 percent of the SBCCI governmental membership consists of local governments with a population of 10,000 or less.

The Southern Building Code Congress International currently employs a professional staff of 52 persons to serve a current membership of 2,004. As a result, this organization employs one staff person for every 40 governmental members.

This ratio insures a timely response to all governmental -- local government needs.

The cost of the standard building code and the national building codes are essentially the same. Both SBCCI and BOCA, who publishes the National Building Code, have agreed to provide complimentary first year membership to all local governments.

During that first year, regardless of the code selected, the cost to West Virginia cities and counties will be the price of the codes they purchase.

However, in subsequent years the cost difference will become marked if the advisory

group's recommendation becomes law. In fact, that difference will be 300 percent higher for municipalities with populations of up to 5,000; 200 percent higher for those with populations between 5,001 and 10,000; and this amount could exceed \$20,000 collectively each year.

In conclusion, the West Virginia members of the Southern Building Code Congress have not seen any justification in the way the advisory group, which was hastily pressed into service on July 15, has acted.

They have four unanswered questions arising from that decision. What was the basis for the advisory group recommending an organization:

1. Whose annual membership dues are 200-300 percent higher for the majority of the local governments in the State of West Virginia?

2. Whose ratio of professional staff to local governments is substantially higher than 1 to 40?

3. Whose code change procedure does not allow for a written ballot but requires a local government representative to be present at all of its annual meetings to record a vote?

4. Whose large number of voting members reduces the West Virginia membership's voting impact on the organization's activities and code changes by more than 50 percent?

Regardless of which building code eventually becomes adopted statewide in West Virginia, this decision should be arrived at carefully and objectively.

It should reflect, certainly, the considerations of both the largest and the smallest governments in this state.

To this end, our West Virginia members request that the issues that they have raised be made a part of the Fire Commission's records, and if the Commission finds that its advisory group did not give due consideration to

these issues, it is requested that the Commissioners, themselves, give them the serious scrutiny they deserve.

Thank you.

CHAIRMAN KYLE: Thank you, Mr. Manning.  
Our next speaker is Paul Vaughan.

MR. VAUGHAN: My name is Paul Vaughan,  
V-A-U-G-H-A-N.

First, you will never have everything decided before the Code is adopted. Even the codes after they are adopted, there is still problems.

The reason I am for the BOCA Code, here is where the BOCA Code is in effect now, and the only problems that we will probably have would be similar to these adjoining states. So then I think that a number of them would be already solved.

Thank you.

CHAIRMAN KYLE: Thank you, Mr. Vaughan.

I believe our next speaker is Charles Sargent. Is that correct?

MR. SERGENT: Charles Sargent,  
S-E-R-G-E-N-T.

I would just like to share with you a letter that I wrote to the Commissioners, and I will be brief, and I will read it. Mr. Manning has covered some of these points already, but I would like to --

This letter was sent out, and maybe the Commissioners have not received them yet, but they were sent, and the one that I have here is a copy of one to Gale C. Ash.

"Dear Commissioner Ash:

I am concerned about the decision making process to adopt a statewide building code for West Virginia.

Unless we objectively review and compare the difference between the various codes and related

services being considered, the choice may not be the best for the state.

I attended the July 15, 1988 meeting of the Building Code Committee to recommend a state building code to the State Fire Commission.

This was the first time that representatives from the model code organizations, Southern Building Code Congress International, building officials and code administrators, and International Conference of Building officials, presented information intended to assist the Committee to make its decision.

Yet, it appeared to me that many minds were already made up. I was especially concerned when the architects of the state recommended

their best choice to the Building Code Commissioner.

This recommendation was based on a premature survey taken prior to the July 15 meeting. Those surveyed did not have the benefit of hearing the information presented by the model code organizations of July the 15th.

The manner in which a vote to recommend a statewide code was taken also concerns me. Apparently, every West Virginia resident in the room which met became in effect a member of that body. Every individual was accorded one vote.

This was true even though some participants did not represent a code enforcement agency or department.

Further, each building code enforcement representative got a single vote even if they represented the same jurisdiction.

In my view, the procedure resulted in a vote that did not represent the wishes of the individual code enforcing jurisdictions present at the committee meeting.

In actuality, four jurisdictions present favored SPCCI's standard code, and four favored BOCA's codes.

Since the Committee meeting was held in Charleston, 15 of the 40 people present and voting were from Charleston. This resulted in a 25 to 5 vote recommending the BOCA Code.

Whichever model code eventually becomes adopted statewide in this state, I feel that the decision should be arrived at carefully and objectively.

Please carefully compare the information provided by each of the model code organizations at the public hearing to assure the State of West Virginia benefits by making the correct decision.

Sincerely, C. R.

Sergent, Building Inspector."

Thank you.

CHAIRMAN KYLE: Thank you, Mr. Sergent.

Our next speaker is Jeffrey Kreps.

MR. KREPS: Thank you; my name is Jeff Kreps, K-R-E-P-S. I am with Kreps & Kreps Architects.

I am here to speak not against any

code but just to state our favor for the BOCA Building Code because we have worked with it for so many years here in the Kanawha Valley Area, and also personally I have worked with it for many years in Ohio.

It is a good working code, as I am sure the rest of the codes are. I feel that since the design profession is ultimately responsible for the drawings that they prepare for the construction of these buildings, that serious consideration should be given to their view, because it is their legal responsibility to back what they present.

Thank you.

CHAIRMAN KYLE: Thank you, sir. Our next speaker is Steve Branner.

MR. BRANNER: My name is Steve Branner, B-R-A-N-N-E-R, past president of the West Virginia Society of Architects and with ZMM Architects here in Charleston.

As Jeff Kreps so eloquently stated

-- I don't know if I can improve upon that -- we have used the BOCA Code for so long here in the Charleston area and throughout many other municipalities in the state as well as the surrounding states, and we are very familiar with the code, as I am sure many of the other architects in the state are, that we would strongly advise the adoption of the BOCA Code here in the State of West Virginia.

Thank you.

CHAIRMAN KYLE: The next speaker is Francis Guffey.

MR. GUFFEY: Francis Guffey, G-U-F-F-E-Y. I also am a past president of the West Virginia Society of Architects. We have 13 members of our group here present today.

This is not a rebuttal. So many of you have heard the same speech time after time. I am going to try to give a different one this time.

As a practicing architect, I can

drive 50 miles and be influenced by the jurisdiction of three separate and distinct building codes.

Three years ago the first meeting of any advisory committee in the State Fire Commission occurred at Jackson's Mill; that was three years ago.

Since then probably a dozen meetings, or close to a dozen meetings, have been held, three in open attendance. Members of the Southern Building Code have attended these meetings as have members of the BOCA Code.

I think we have had three in open interchange, but all of these meetings sometimes heated.

This effort led to the final adoption by the legislature this past session of the enabling act for a building code. So it has been going on for a long time.

Again, three years ago to determine

the code of choice of the members of the West Virginia Society of Architects, a survey was taken. Of 61 responses, 59 members were in favor of the BOCA Code, 1 for the Southern Building Code, and 1 for no code at all.

I think a number of you have probably seen the little map that Mr. Vaughan had up here. I would like to point out that the BOCA Code is mandatory in Ohio, Kentucky, Virginia, the predominant code in Pennsylvania, and the predominant code in Maryland, although it is not mandatory in those two states.

As a firm that practices in other states, it is very important for me to be an expert in the code.

I find it very difficult to be an expert in three codes, and as Steve Branner and Jeff Kreps mentioned, we are responsible for what we do in a big way, and I think the buildings that are to be designed by architects who are

responsible for the majority of the building environment, in our opinion, need to be listened to.

Thank you very much.

CHAIRMAN KYLE: Thank you, Mr. Guffey. Our next speaker is Paul Blackwell, representing the City of Bluefield.

MR. BLACKWELL: My name is Paul Blackwell, just like it sounds. I am the Code Enforcement Officer of the City of Bluefield, and I am here representing the City of Bluefield today.

The City of Bluefield strongly endorses and supports a statewide building code, and we ask that the Southern Standard Building Code be adopted for the State of West Virginia.

The Southern Standard Building Code has been a city ordinance since the early 1940s in Bluefield. It works well for us, and you can see why we strongly favor it.

I have been an advocate of the

statewide building code for many years, and I have seen too many of us on both sides of the fence work for the state building code.

I would ask all of us not to let anything interfere or separate us or make us a part at this time of the gang.

West Virginia needs a building code, and now we need to strongly get together and have one for the good of West Virginia.

Thank you.

CHAIRMAN KYLE: Thank you, Mr. Blackwell. Our next speaker is David M. Marshall.

MR. MARSHALL: My name is David Marshall, M-A-R-S-H-A-L-L. I with Paul Marshall & Associates, Architects, here in Charleston, and am the former building official for the City of Charleston, West Virginia.

As so, I worked with the BOCA Code for five years and can say that in all those five years I have never had a single problem with

support or interpretation of that particular code from the BOCA Administration.

They were tremendously helpful with me in my position, and the BOCA Code was a tremendous asset for the City of Charleston. It still is, and it has been for a number of years.

It has been an established code in the city since the early '70s and since before that it was used as the model for the City of Charleston building code.

So it has been a tremendous benefit and continues to be a tremendous benefit and working in an architectural firm, it is essential to have a working code of this caliber.

Thank you.

CHAIRMAN KYLE: Ms. Thomasson, did you want to speak?

MS. THOMASSON: No, not really. In regard to the gist of the letter, I think maybe the first paragraph that we did, we would reiterate

that in the Homebuilders' Association our first preference would be for the BOCA Code.

CHAIRMAN KYLE: Our next speaker is Martin Conant.

MR. CONANT: Mr. Chairman, members of the Commission, my name is Martin Conant. That is C-O-N-A-N-T. I am a senior service coordinator for BOCA International. This also is not a rebuttal.

BOCA compliments the State of West Virginia on the adoption of a -- possibility of adopting a statewide building code. It is our feeling that there should be one code used within a state.

There have been several cities within the state that have changed from one code to another just simply because they were using lawful codes, and we made the very honest recommendation to them at that time that they should go to one code or the other.

The larger cities in the state are

presently using BOCA. We now have 28 voting members within the State of West Virginia.

The number of voting representatives that a jurisdiction has depends on size of the jurisdiction and probably should.

I don't know that the City of Bluefield, West Virginia should be entitled to the same number of votes as Philadelphia, Pennsylvania in the code change process.

As far as the members voting, they have to be present to vote on the code changes. We question the propriety of a mail-type ballot. We feel that someone has to be there to hear the testimony both pro and con on a particular code change to enable them to make an informed decision and vote accordingly.

A good example of this participation is in the example in our last code change hearings, our two buildings -- which we are talking about apartment buildings -- are now

required to have a complete fire suppression system.

This idea initially came about from a fire service, and again, this is advantageous because BOCA maintains all of its own code documents versus other organizations that maintain the building code but not necessarily the fire code and the other ancillary documents.

So the initial change for complete suppression in these apartments came from the fire service. They got the ball rolling. The building code officials supported that, and by an overwhelming vote that was put into the code and is in the '88 supplement.

I know there is some concern in the state about the National Building Code in NFPA 101. BOCA chose to make the Building Code and NFPA 101 compatible. This is evidenced in Article 8 of the Building Code.

We have staff personnel that are

represented on the Life Safety Committee, and we in turn have folks from 101, specifically Jim Laither, who is very active in the BOCA model through a change process.

We feel that with our membership cost that there has been a -- the overall cost has been reduced to members.

Granted, BOCA has a sliding scale for membership. Any community up to 50,000 in population, which I believe will encompass any community in the State of West Virginia or any city with the exception of a couple, can join the BOCA organization and have two representatives for \$120 per year.

We do not have a sliding scale that starts at five or ten thousand population. From there, I believe, it goes to 100,000 and 250,000 in population. So it was designed to accommodate the smaller communities.

BOCA's staff is located in three

offices: Columbus, Ohio, which is obviously the closest to West Virginia and where your primary service will be coming from; our main office outside of Chicago, Illinois; and we have an office in Tulsa, Oklahoma.

We deal with interpretive issues not only from our active membership being the building officials, but we also provide interpretations for the design professional, for the manufacturer, and other industries.

So we are not limited to just active code officials. We feel that the designers also need some of these interpretive issues dealt with.

Presently BOCA has a professional staff in excess of 50. Those are composed of engineers, architects, and professional code officials. We tend to be very responsive to the local official.

In addition, we see a need in the

state to organize a state code officials organization, and we would be willing to work, certainly with the State of West Virginia to accomplish this.

So there is a forum for these folks to get together and have seminars where they are going to include other professionals, such as designers, at these seminars and work together for the sake of the State of West Virginia.

So, again, I would like to compliment you on the decision to promulgate a state building code, and if there is anything that our staff can do to assist you, we will be happy to do it.

Thank you.

CHAIRMAN KYLE: Thank you. Our next speaker is Rod Watkins.

MR. WATKINS: My name is Rod Watkins, W-A-T-K-I-N-S. I am with the firm of Gandee and Partners, Incorporated, Architects, Charleston,

West Virginia.

Having been involved in design of buildings under both the Southern Building Code and the BOCA Code, we would like to recommend that the Commission adopt the BOCA Code and strongly recommend that you do adopt a statewide building code. We think it is very, very needed in West Virginia.

Thank you.

CHAIRMAN KYLE: Thank you. Our next speaker is David Scudder. Is that correct, sir?

MR. SCUDDER: My name is David Scudder, S-C-U-D-D-E-R. I am with Burgess & Niple Architects and Engineers of Parkersburg.

I moved here from the west about two and a half years ago, where they used the uniform building code out that direction. I find it very hard to design as an architect when I have to base my work on two or three codes.

Parkersburg presently has the SPC

as their code. So does New Martinsville. Charleston, as we have said, has the BOCA Code. There is also NFPA 101 that we have to worry about.

It makes it very difficult to be an expert in all these codes for every particular job that you run across. I strongly recommend that a code get adopted by the state, because it is very important that buildings get built by code and that a lot of buildings out there are sliding by because there isn't a code.

Based on the fact that I live up around the bottom of Ohio and do work in Kentucky, Ohio, and Pennsylvania, I would recommend the BOCA Code. It seems to me the easier code to work with in all of the codes that I have used.

Thank you.

CHAIRMAN KYLE: Our last speaker is Floyd Sayre.

MR. SAYRE: Thank you very much. My name is Floyd Sayre, S-A-Y-R-E. This afternoon we have

heard from primarily individuals who are concerned with the enforcement and with design and the code representatives themselves, but really not much has been heard from the owners of the new buildings that are being constructed nor the builders themselves.

I represent Cardinal Industries, a manufacturing firm in Columbus, Ohio, who is in the business of building apartment buildings and motels in West Virginia, and I represent the West Virginia Chapter of the Associated Builders and Contractors.

There are basically four observations that I would like to make, which I don't think have been fully covered here.

One, we have heard a lot about the cost, 300 percent, 400 percent over or under a particular thing.

Last year in trying to compare for the legislature, we made a study of costs of using either the Southern or BOCA Codes.

We thought that it was so insignificant in terms of dollars -- I am talking about ten, fifteen, maybe a hundred or two hundred dollars -- that we just ignored that at all in any of our considerations in determining which code these organizations or my organization wanted to support.

The second thing is concerning the so-called advisory board. The advisory board has been in existence for several years, and I think you said three.

I started working with them about a year ago. There was a concern about the individuals at the last meeting being permitted to -- the last Charleston meeting -- being permitted to participate in that advisory group.

I was a bit surprised too, although primarily those that were there were, in fact, board members and had been participating in the advisory board for a long time.

It is a fact that there were some individuals who were not part of the advisory board that were allowed to participate, but I think you are talking about maybe four or five people at best.

The third thing is, as I say, the construction people and owners have not been really heard.

We are concerned about the cost of materials and the design of those materials, and a lot of that, a lot of the cost, has to do with where it comes from and things of that sort.

Right now Virginia, Kentucky, Ohio, Pennsylvania, Maryland and so on pretty well put their materials together to meet the BOCA Codes.

In the case of Cardinal Industries, their plants in Columbus are set up to build according to the BOCA Codes.

Whenever they have to go into an area that has other than the BOCA Codes, they have

got to shut down their production lines and to redesign, re-do things according to the other codes that are required.

This increases the cost of a particular unit or particular piece of material and so on, and this bleeds over into all other kinds of material purchases, those that meet the code.

The third thing is the construction itself. Yes, you have got good design for safety and other things. You have got good enforcement. The local community knows and understands the particular code that they are using in their little community.

Of course, it is good, because they know and understand it, but when you have construction workers, superintendents, foremen, whatever it might be, that are moving from one community to another, from Charleston to St. Albans, from Montgomery to Huntington, these construction workers or their superintendents and

foremen are used to building in a certain way, holding a hammer in the left hand for a job, and they are familiar with how they have to put things together.

If they have to change, you know, from one community to another, they get confused. Then you have the builders themselves.

We have had a number of them that have complained about having to -- whenever they go from one community to another having to know and understand what those codes are before they start constructing.

One, we are in favor of a statewide building code, period.

Secondly, we would favor the BOCA Code primarily because of the convenience of working from one state to the other because all of our neighboring states do have BOCA.

Thank you.

CHAIRMAN KYLE: Thank you, Mr. Sayre.

At this time we wish to thank you for your interest and your attendance, and again, thank you very much. The Commission will take action tomorrow to finalize the decision.

Thank you.

(WHEREUPON, at 1:55 p.m.,  
the meeting was concluded.)

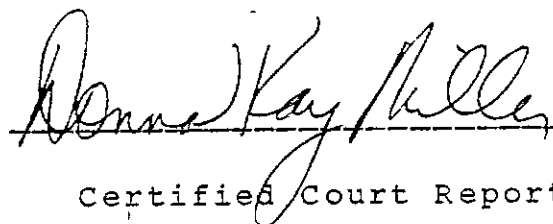
## REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to wit:

I, Donna Kay Miller, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of all the testimony adduced or proceedings had in the aforementioned case as set forth in the caption hereof.

Given under my hand this 19th day of August, 1988.

My Commission expires November 4, 1992.

  
\_\_\_\_\_  
Certified Court Reporter

Notary Public

Arch A. Moore, Jr.  
Governor

RECEIVED



David K. Heydinger, M.D.  
Director

1988 AUG 11 P 2:40

STATE FIRE ADMINISTRATION

# State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

August 10, 1988

Mr. Arnett B. Corley, Jr.  
State Fire Administrator  
West Virginia State Fire Commission  
Capitol Complex  
2000 Quarrier Street  
Charleston, West Virginia 25305

Dear Mr. Corley:

I would like to take this opportunity to comment regarding the proposed Title 87 Legislative Rules, Series 4, state building code which have been prepared by your office. The Department strongly endorses the concept of uniform building standards throughout the state and supports your efforts to achieve this by the adoption of uniform national codes. However, we have some concerns regarding specific items in the proposed rules. We request that the following changes be incorporated:

- I. Section 87-1-4-1. Delete the reference to the "BOCA Basic/National Private Sewage Disposal Code, Edition 1984." This code covers essentially the same requirements established by the Department's "Board of Health Interpretive Rule 16-1, Series VII, Part V, Individual Sewage Systems." Since permits (administered by county/local health departments) are now required for individual sewage systems, the existence of two sets of mandated standards will create undue confusion for the public, even though the standards may not significantly conflict. It should also be noted that the Department presently certifies septic tank installers and only these persons so certified are allowed to install individual sewage systems.
- II. Section 87-1-3. Add the following "Whenever there arises a conflict between the "state building code" and the rules, regulations and policies of the West

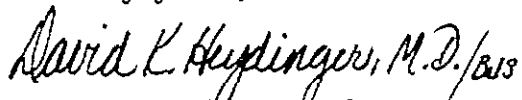
Arnett B. Corley, Jr.  
Page Two  
August 10, 1988

Virginia State Department of Health, the rules, regulations and policies of the Department of Health shall take precedent."

- III. The Department has conducted a preliminary review of the "BOCA National Plumbing Code, Seventh Edition 1987" and has determined it to be generally in conformance with existing and proposed rules and regulations of the Department. However, some conflicts have been noted, particularly separation requirements for water and sewer lines and the use of lead based solder for copper piping. It is probable that the conflicts will be covered by the incorporation of recommended change II, above. However, you should be aware that some conflicts exist and that issuance of permits or approval of loan applications is predicated upon conformance with Health Department standards.

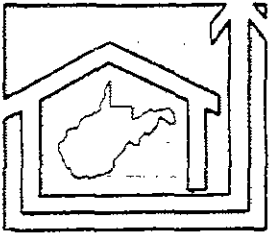
Thank you for giving us the opportunity to comment on the proposed rules. Should you have any questions or comments please contact Mr. James H. Hodges, P.E., Office of Environmental Health Services, at 348-2981. If you are unable to incorporate the Department's request, please contact me.

Sincerely yours,



David K. Heydinger, M.D.  
Director of Health

DKH:hmc



# Home Builders Association of West Virginia

700 Virginia Street, W.  
Charleston, W.Va. 25301  
Phone: (304) 342-5176  
August 11, 1988

P 2:40

002100

STATE FIRE ADMINISTRATOR

## 1988 OFFICERS

- President  
Robert W. Ritenour
- First Vice President  
Ray Johnston
- Second Vice President  
Robert L. Carvell
- Secretary  
Robert D. Snider
- Treasurer  
C. Larry Hall
- National Director  
Richard B. Yoder
- Alternate National Director  
William O. Hofmann
- National Representative  
Henry E. King
- General Counsel  
Robert T. Goldenberg

Arnett B. Corley, Jr.  
State Fire Administrator  
State Fire Commission  
Capitol Complex  
Charleston, WV 25305

Re: Statewide Building Codes

Dear Mr. Corley:

The Home Builders Association of West Virginia is very pleased to see that West Virginia is moving forward with a statewide uniform building code. We will be available for any consultation or assistance that you feel would be helpful in the future.

We would like to express our desire to see that the BOCA CODE is the model code that is adopted for the statewide code. It is our understanding that all surrounding states have BOCA and that the majority of West Virginia municipalities which have a building code are currently using BOCA. We, therefore, request that BOCA be selected as the model code for West Virginia.

We understand that if BOCA is selected as the model code that the initial implementation will consist of the following:

- BOCA National Building Code, 10th edition, (1987)
- BOCA National Plumbing Code, 7th edition, (1987)
- BOCA National Mechanical Code, 5th edition, (1987)
- BOCA National Existing Structural Code, 2nd edition, (1987)
- BOCA National Energy Conservation Code, 5th edition (1987)
- CABO One and Two Family Dwelling Code, 1986 edition
- BOCA Basic National Private Sewage Disposal Code, 1984 edition

We are basically in support of the implementation of the above codes. However, we are concerned with two of the above codes. Our first concern is with the Existing Structural Code. We understand that the purpose of this code is to ensure that additions and alterations to existing homes comply with safe building practices and that mechanical systems may be required to upgrade along with an addition or alteration. We also understand that this code does not give authority to force someone to upgrade an existing home to current standards. If our understanding of the purpose of this code is correct, we would not have any objections to its implementation.

(more)



Arnett B. Corley, Jr.  
State Fire Commission  
August 11, 1988  
Page 2

Our second and major area of concern is the BOCA Basic National Private Sewage Disposal Code. The state law that authorizes implementation of this code places inspection authority with the local municipalities. The State Health Department is currently inspecting private sewage disposal systems. We very strongly feel that this should remain with the Health Department and not be the responsibility of the local municipalities. Since the State Health Department is currently inspecting these facilities, we do not feel that it is necessary to implement this particular code.

We hope you find our comments helpful. If we can be of any further assistance in the future, please feel free to contact us. If possible, please place us on your mailing list for any future meetings or information concerning this issue.

Sincerely,

*Robert W. Ritenour*  
Robert W. Ritenour  
President

RWR/bt



## Cobb County Fire Dept.

W. D. HILTON, CHIEF

1596 County Farm Road  
Marietta, GA 30060  
(404) 427-8159

H. K. NIXON, ASSISTANT CHIEF

N. K. ARRINGTON, ASSISTANT CHIEF

August 4, 1988

Chief Jim Fife, Commissioner  
West Virginia Fire Commission  
503 East Main Street  
White Sulphur Springs, WV 24986

Dear Chief Fife:

I am writing to respectfully ask your consideration in a very important matter relative to the adoption of codes for the State of West Virginia. On November 21, 1986 I was appointed as liaison between the Southeastern Division of the International Association of Fire Chiefs and the Southern Building Code Congress International. My responsibility was to begin negotiations with SBCCI to request that our Division assume the responsibility for the control, operation and maintenance of the Standard Fire Prevention Code. Our proposal was graciously accepted by the SBCCI Board and was confirmed by their membership in October of last year.

Effective January 1, 1988 only fire officials from the South have the power to vote to change our fire prevention code. This is very important since we now have an opportunity to begin to make important changes that directly affect the safety of our citizens. We also have an opportunity to begin to build a rapport with our building officials in order to influence the Building Codes more positively. A good example of this was the passing last week of a new provision to mandate sprinkling of all R-1 and R-2 dwellings over two stories. With this background I will get directly to the intent of my letter.

I have just been advised that the State of West Virginia is in the process of making a decision on which codes to adopt for your state. By no means do I want to convey a message that I'm meddling in your state's affairs, but I think it's extremely important that you be aware of what's happening with the Southern Standard Family of Codes since you are a member of the State Fire Commission and/or the Southeastern Division.

*"Don't gamble with fire; you're betting your life."*

It is my understanding that the State Legislature gave the State Fire Marshal authority to adopt and enforce a single statewide building code, and a companion fire code. The Building Code Advisory Committee met on July 15, 1988 in Charleston, West Virginia. I understand that their recommendation to the State Fire Commission will be the adoption of the BOCA Codes as a mandate for the entire state. I have also been made aware of a series of public hearings. The first two will be held on August 8 in Martinsburg and Morgantown; I assume at the same time. Another public hearing is scheduled in Charleston on August 11. As a result of those public hearings, your Fire Commission will meet on August 12 in Charleston to make a final determination and recommendation to the Fire Marshal. It appears to the membership of our Association that we as fire officials could have a lot more positive impact on the Standard Fire Prevention Code than we could with any other code.

I respectfully encourage you to carefully review the materials presented at your meeting and give serious consideration to the Standard Codes which we now have a very important part in. I guess the bottom line is let your conscience be your guide, and if you have any questions please contact me.

Sincerely,



W. D. Hilton

WDH/dbl

MICHAEL SHUNNEY  
RT 3 BOX 78R  
BERKELEY SPRINGS  
WEST VIRGINIA 25411

BUILDING CODE COMMITTEE  
STATE FIRE COMMISSION  
STATE OF WEST VIRGINIA  
2000 QUARRIER ST.  
CHARLESTON, W.V. 25305

DEAR SIR,

I STRONGLY OPPOSE THE PROPOSED NEW STATEWIDE BUILDING CODES.  
I OPPOSE THEM FOR THREE IMPORTANT REASONS.

FIRST, THE PROPOSED CODES MAKE NO ALLOWANCE FOR THOSE OF US WHO ARE ABLE AND WANT TO BUILD OUR OWN HOMES ON OUR OWN LAND. THIS IS CONTRARY TO THE VERY PURPOSE OF THE BUILDING CODES, AS STATED BY THE FOUNDER OF B.O.C.A. HIMSELF, RUDOLPH MILLER. MILLER STATED THE PURPOSE OF A BUILDING CODE AS FOLLOWS:

The building laws should provide only for such requirements with respect to building construction and closely related matters as are absolutely necessary for the protection of persons who have no voice in the manner of construction or the arrangement of buildings with which they involuntarily come in contact. Thus, when buildings are comparatively small, are far apart, and their use is limited to the owners and builders of them, so that, in case of failure of any kind they are not a source of danger to others, no necessity for building restriction would exist.

THERE NEEDS TO BE A RECOGNITION OF THIS WRITTEN INTO THE STATE CODE. OTHER STATES HAVE ADDRESSED THIS AREA BY INCLUDING LANGUAGE IN THE CODE EXEMPTING:

1) Buildings to be constructed by the property owner or his

agent for the owner's use or for people related by blood or law.

2) Structures that have a limited projected lifespan of ten to twenty years.

AND ALLOWING THAT:

1) Permits shall be required only for initial construction or major structural alterations, not for minor alternations or repair.

2) Permit fees will be waived entirely or based upon actual value of the structure.

MY SECOND REASON FOR OPPOSING THE PROPOSED STATE CODES IS THAT THERE HAS NOT BEEN SUFFICIENT PUBLIC INPUT TO THE PROCESS OF WRITING THE NEW CODES. I WAS TOLD BY THE STATE FIRE COMMISSION REPRESENTATIVE AT THE PUBLIC HEARING IN MARTINSBURG ON AUGUST 8, THAT YOUR COMMITTEE HAS BEEN HEARING INPUT FROM VARIOUS BUILDING TRADE REPRESENTATIVES, CODE ADMINISTRATORS, INSURANCE COMPANY REPRESENTATIVES AND COUNTY PLANNERS FOR TWO YEARS. UNFORTUNATELY MOST OF THE GENERAL PUBLIC IS STILL UNAWARE THAT THE BUILDING CODES HAVE EVEN BEEN PROPOSED AND SO HAVE NOT HAD AN OPPORTUNITY TO REVIEW THEM AND MAKE THEIR VIEWS KNOWN. AT THE MEETING IN MARTINSBURG, THERE WERE ONLY TWO OF US THAT DID NOT REPRESENT A BUILDING CONTRACTOR OR SOME OTHER FIRM THAT HAS A PROFIT MOTIVE FOR SEEING THE B.O.C.A. CODES ADOPTED. IF THE CODES ARE ADOPTED WITHOUT THE PEOPLE'S INPUT AND REVIEW IT WILL AMOUNT TO THE BIG BUSINESS INTERESTS DICTATING TO ALL THE PEOPLE OF WEST VIRGINIA HOW THEIR OWN HOUSES AND OTHER BUILDINGS WILL BE BUILT. WHEN THE

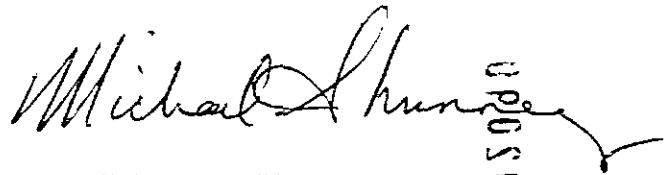
CODES ACTUALLY GO INTO EFFECT AND THE PEOPLE OF THIS STATE BECOME AWARE OF THE MAGNITUDE AND SCOPE OF THE CODES AS THEY ARE NOW WRITTEN, THERE WILL BE SOME CHANGES MADE. IT WOULD BE MUCH EASIER TO ACTIVELY SOLICIT THE PUBLIC'S INPUT NOW. I WANT TO STRESS 'ACTIVELY' BECAUSE, ALTHOUGH THE ANNOUNCEMENTS MADE TO DATE MAY MEET STATE REQUIREMENTS FOR NOTIFICATION AND PUBLIC HEARINGS, THE PUBLIC IS STILL VERY MUCH UNAWARE OF THE PROPOSED LAW.

MY THIRD MAJOR OBJECTION TO THE PROPOSED CODES IS THAT THEY ARE MUCH MORE EXTENSIVE AND COMPLICATED THAN IS NECESSARY TO ACCOMPLISH THE STATED 'SCOPE' OF THE STATE BUILDING CODE, WHICH IS TO ESTABLISH RULES AND REGULATIONS NECESSARY FOR THE SAFEGUARDING OF LIFE AND PROPERTY AND ENSURE THE QUALITY OF CONSTRUCTION OF STRUCTURES ERECTED OR RENOVATED IN WEST VIRGINIA. THERE IS A GREAT DEAL OF LANGUAGE IN THE B.O.C.A. CODES THAT HAS NOTHING TO DO WITH SAFETY OR QUALITY, LANGUAGE WHICH IS ABOUT DICTATING 'UNIFORMITY' IN BUILDING DESIGN AND CONSTRUCTION. I DON'T THINK ANYONE COULD BELIEVE THAT WE WEST VIRGINIANS ARE REALLY INTERESTED IN LEGISLATING UNIFORMITY IN ANY PHASE OF OUR LIVES. I REALIZE IT IS MUCH SIMPLER TO JUST ADOPT SOME ALREADY EXISTING 'NATIONAL STANDARD' FOR OUR OWN, BUT THESE B.O.C.A. NATIONAL CODES ARE WRITTEN BY BUILDING INDUSTRY REPRESENTATIVES WITH THEIR INTERESTS PRIMARILY IN MIND AND MANY TIMES THOSE INTERESTS HAVE NOTHING TO DO WITH SAFETY AND QUALITY. WE MUST DETERMINE FOR OURSELVES, AS A COMMUNITY OF WEST VIRGINIA CITIZENS, WHAT REGULATIONS WE REALLY MUST HAVE TO PROMOTE SAFETY AND QUALITY.

I ALSO BELIEVE THAT TWO OF THE LARGEST CAUSES OF STRUCTURE

FIRES ARE NOT BEING ADDRESSED IN THESE PROPOSED CODES. THERE SHOULD BE ENCOURAGEMENT FROM THE LOCAL AND STATE GOVERNMENTS TO RENOVATE OLD, UNSAFE STRUCTURES. THE ENCOURAGEMENT SHOULD TAKE THE FORM OF GRANTS OR LOW INTEREST LOANS AND FREE PLANNING AND DESIGN ASSISTANCE. COORDINATION WITH COMMUNITY VOCATIONAL OR TECHNICAL SCHOOLS COULD PROVIDE HANDS-ON TRAINING AND FREE LABOR FOR RENOVATION AT THE SAME TIME. JUST IMPOSING SEVEN VOLUMES OF RESTRICTIONS ON RENOVATIONS IS ONLY GOING TO DISCOURAGE, IF NOT RULE OUT, LOTS OF RENOVATIONS. THE SECOND BIG AREA THAT NEEDS ATTENTION IS ARSON. I THINK THESE TWO AREAS REALLY ACCOUNT FOR MOST OF THE SAFETY PROBLEMS IN WEST VIRGINIA STRUCTURES TODAY.

THANK YOU FOR TAKING THE TIME TO READ MY COMMENTS.

  
MICHAEL SHUNNEY

020500



CITY OF CHARLESTON  
P.O. Box 2749  
CHARLESTON, WEST VIRGINIA  
25330

CHARLES R. GARDNER, MAYOR

RECEIVED

1988 AUG 11 A 8:53

002091

~~STATE FIRE ADMINISTRATOR~~

August 9, 1988

State Fire Commission  
State Capitol  
Charleston, WV 25305

Gentlemen:

As a member of the Southeastern Division of the International Association of Fire Chief's, I recommend the adoption of the Southern Building Code for the State of West Virginia. The Southern Building Code Congress International (SBCCI) is dedicated to public safety.

Effective January 1, 1988, the SBCCI Board granted fire officials the power to change the fire prevention code. I believe this is a major step in developing closer rapport between building officials and fire officials. I believe that with greater unity and cooperation between building and fire officials, this nation could improve on our dismal record of leading the world in fire deaths and property loss.

Respectively,

Ira C. Gunter, Fire Chief  
Charleston Fire Department

IG/lp

TIMOTHY GREETHER, President  
E. F. CUSICK, JR., Vice President  
KENNETH D. MENTZER, Executive Vice President



Mineral Insulation Manufacturers Association

1420 King Street  
Alexandria, VA 22314  
(703) 684-0084

July 15, 1988

Ronald A. Kyle, Chairman  
State Fire Commission  
State Capitol Complex  
Charleston, West Virginia 25305

Dear Mr. Kyle:

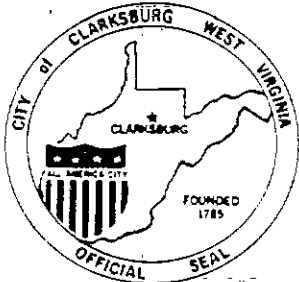
The enclosed copy of the Council of American Building Officials (CABO), Model Energy Code, is provided for your consideration for inclusion into your new state building code. The Model Energy Code was prepared with input from Building Officials and Code Administrators International, Inc. (BOCA), National Conference of States on Building Codes and Standards (NCSBCS), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). If I can be of any assistance please feel free to call me.

Sincerely,

A handwritten signature in cursive script that reads "Stephen G. Braun". The ink is dark and the signature is fluid and legible.

Stephen G. Braun  
Manager of Materials and Standards

Enclosure



OFFICE OF  
CITY MANAGER

## CITY OF CLARKSBURG

WEST VIRGINIA

August 11, 1988

Chairman  
West Virginia State Fire Commission  
Charleston, West Virginia

Dear Sir:

I am writing in support of the work you have achieved over the last couple of years in developing a state building code. I know this has been a complex project involving many different interests and concerns.

Please know, though, that the City of Clarksburg strongly endorses and supports the recommendation of the Building Code Committee that the BOCA Building Codes be adopted for the State. By way of this action, the City believes that the greater interests of West Virginia residents and businesses will best be served.

Thank you for consideration of this matter and please advance the health, safety and welfare of the State through the adoption of the BOCA Building Codes.

Respectfully,



Dan Boroff  
City Manager

DB/jf



# CITY OF LEWISBURG

*National Register Historic District*

*Incorporated 1782*

LEWISBURG, WEST VIRGINIA

24901-0548

P.O. BOX 548  
119 W. WASHINGTON ST.  
304/645-2080

July 19, 1988

State Fire Commission  
2000 Quarrier Street  
Charleston, WV 25305

RE: State Building Code

Gentlemen:

I wholeheartedly support your efforts to implement a state-wide building code for the safety and protection of our citizens.

Lewisburg has adopted the BOCA Code for its use, and I would recommend BOCA for your consideration as the official code for the State.

Sincerely,

P. L. Gainer  
Mayor

PLG/jhj

666100

1988 JUL 20 A 10:01

RECEIVED

PRESERVATION ALLIANCE OF WEST VIRGINIA  
PO BOX 1135  
CLARKSBURG WV 26302

August 19, 1988

State Fire Administrator  
State Fire Commission  
State Capitol Complex  
Charleston, WV 25305

Re: Proposed State Building Code

Dear Sir:

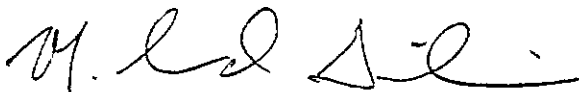
We are writing in support of adoption of Title 87  
Legislative Rules Series 4 regarding the State Building Code.  
Preservation Alliance has always promoted the adoption of  
comprehensive statewide building codes as a means of  
protecting our built environment.

The proposed adoption of the BOCA code is also supported, as  
there are provisions in this code for Historic Structures and  
Rehabilitation of existing structures, Sec. 513.1 and Article  
32 respectively.

We also urge that the State Fire Commission and the West  
Virginia Department of Culture and History develop adequate  
procedures to implement provisions included in Senate Bill  
267, passed this year, to coordinate reviews on historic  
structures.

Thank you for the opportunity to comment.

Sincerely,



Michael Gioulis  
President

cc: West Virginia Department of Culture and History

002136

1988 AUG 24 A 9:44

CLARKSBURG