

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #4

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FILED  
1990 DEC -8 PM 2:56  
OFFICE OF THE SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: Fire Commission TITLE NUMBER: 87

CITE AUTHORITY §29-3-5b

AMENDMENT TO AN EXISTING RULE: YES  NO

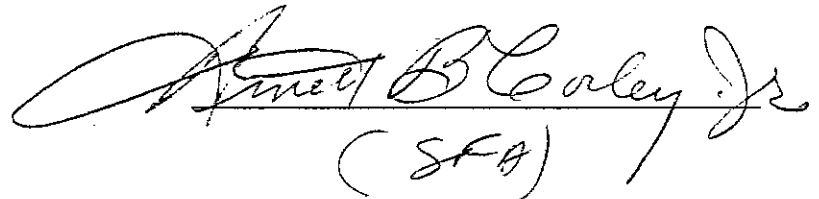
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

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

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

TITLE OF RULE BEING PROPOSED: State Building Code

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

  
(SFA)

STATE OF WEST VIRGINIA



RONALD A. KYLE  
Chairman

ARCH A. MOORE, JR.  
Governor

ARNETT B. CORLEY, JR.  
State Fire Administrator

BILL SPENCER  
Vice-Chairman

STATE FIRE COMMISSION  
Capitol Complex

WALTER SMITTLE, III  
State Fire Marshal

WILLIAM D. SITES  
Secretary

Charleston, West Virginia 25305  
Telephone (304) 348-2191

December 8, 1988

Ms. Debra A Graham  
Counsel  
LEGISLATIVE RULE MAKING REVIEW COMMITTEE  
State Capitol Building, Room M-438  
Charleston, West Virginia 25305

Dear Ms. Graham:

Enclosed are six (6) copies of Title 87, Legislative Rules, State Fire Commission, Series 4, State Fire Code, as modified and passed by the Legislative Rule Making Committee at their meeting on December 5, 1988.

A copy of this rule, as modified, has also been filed this date with the Secretary of State, Administrative Law Division.

Many thanks to you and Ms. Nickerson for all your help and assistance in this matter. It was a real pleasure to work with you both.

Should we be able to assist you in any manner, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Arnett B. Corley, Jr.".

Arnett B. Corley, Jr.  
STATE FIRE ADMINISTRATOR

ABCJR/je

Enclosure

DEC 13 1988

Legislative Rule Making  
"Comm"

TITLE 87

DEC 10 1988

LEGISLATIVE RULES

Legislative Rule Making  
Committee

STATE FIRE COMMISSION

SERIES 4

STATE BUILDING CODE

#### 87-4-1 GENERAL

1.1 Scope: These rules and regulations establish the rules and regulations considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure the quality of construction of all structures erected or renovated throughout this state.

1.2 Authority: West Virginia State Code 26-2-5b.

1.3 Filing Date:

1.4 Effective Date:

1.5 Incorporation of other Documents: This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Section 4.1 of these rules and regulations. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

#### 87-4-2 DEFINITIONS

2.1 Building code, includes all aspects of safe building construction and mechanical operations and all safety aspects related thereto.

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

2.3 Fire Commission, means the eleven (11) appointed members of the West Virginia State Fire Commission.

2.4 Local jurisdiction, means municipal or county level government.

2.5 State Building Code, means the entire contents of this rule and the referenced national codes.

2.6 BOCA refers to the "Building Officials & Code Administrators International", 1051 Flossmoor Road, Country Club Hills, Illinois, 80477-5705.

3.7. CASO refers to the "Council of American Building Officials", 5203 Lombard Pike, Suite 708, Falls Church, Virginia, 22041.

#### 87-4-3 CONFLICTS

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

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

3.3 Whenever there arises a conflict between the "state building code" and statutory laws of the State of West Virginia, the West Virginia State Code shall take precedence.

#### 87-4-4 NATIONAL STANDARDS AND CODES

4.1 The standards and requirements as set out and as published by the Building Officials & Code Administrators International and the Council of American Building Officials, as listed below, shall have the same force and effect as if set out verbatim in this rule:

The BOCA National Building Code,  
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 IBC One- and Two-Family Dwelling Code  
1986 Edition

4.2 A copy of the said respective codes as listed in Section 4.1 of this rule have been filed with the Secretary of State. These code books, collectively or separately, may be obtained by

contacting the Building Officials & Code Administrators International, 4051 West Flossmoor Road, Country Club Hills, Illinois 60477-5795, telephone 612/700-2300; OR BOCA International Regional Offices, 3392 Corporate Drive, Suite 107, Columbus, Ohio 43229, telephone 614/890-1054.

#### 87-4-5 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 Building, Room 22-64, 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 the building code as provided in West Virginia Code 7-1-3a and 8-12-13.

#### 87-4-6 EXISTING BUILDING CODES

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

#### 87-4-7 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.



FILED

1988 DEC -9 AM 9:46

WEST VIRGINIA LEGISLATURE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE  
Room M-438, State Capitol  
Charleston, West Virginia 25305  
(304) 340-3286

SECRETARY OF STATE

M. E. Mowery, Counsel  
Debra A. Graham, Associate Counsel  
Marie Nickerson, Receiving Clerk

Senator Larry A. Tucker, Co-Chairman  
Delegate Thomas A. Knight, Co-Chairman

December 6, 1988

NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register  
TO: Mr. Arnett B. Corley, Jr.  
State Fire Administrator  
State Fire Commission  
State Capitol, Room EB-64  
Charleston, WV 25305  
FROM: Legislative Rule-Making Review Committee  
PROPOSED RULE: State Building Code

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed \_\_\_\_\_
  - (b) as modified by the agency       X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. \_\_\_\_\_

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.