

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

Form #6

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FILED  
1989 APR 28 PM 1:06  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: State Fire Commission TITLE NUMBER: 87

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

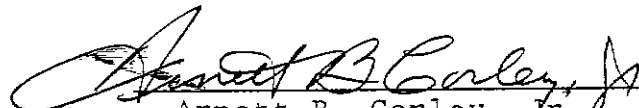
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2853

SECTION §64-2-23c, PASSED ON April 8, 1989

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON

THE FOLLOWING DATE: April 28, 1989

  
Arnett B. Corley, Jr.  
STATE FIRE ADMINISTRATOR

STATE OF WEST VIRGINIA



RONALD A. KYLE  
Chairman

BILL SPENCER  
Vice-Chairman

WILLIAM D. SITES  
Secretary

ARCH A. MOORE, JR.  
Governor

**STATE FIRE COMMISSION**  
Capitol Complex

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

FILED

1988 DEC -8 PM 2:57

OFFICE OF THE SECRETARY OF STATE  
ARNETT B. CORLEY, JR.  
State Fire Administrator

WALTER SMITTE, III  
State Fire Marshal

December 8, 1988

The Honorable Ken Hechler  
Secretary of State  
State Capitol Building  
Charleston, West Virginia 25305

Dear Secretary Hechler:

Enclosed is one (1) copy of Title 87, Legislative Rules, State Fire Commission, Series 4, State Building Code, as modified and passed by the Legislative Rule Making Review Committee at their meeting on December 5, 1988.

This document reflects modifications as agreed to by this agency, the Board of Health, and the Committee.

Please advise if any thing further is needed for this filing.

Sincerely,

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

Arnett B. Corley, Jr.  
STATE FIRE ADMINISTRATOR

ABCJR/je

Enclosure

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

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SECRETARY OF STATE

87-4-1 GENERAL

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

1.2 Authority: West Virginia State Code 29-3-5b.

1.3 Filing Date:

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", 4051 Flossmoor Road, Country Club Hills, Illinois, 60477-5795.

2:7 CABO refers to the "Council of American Building Officials", 5203 Leesburg Pike, Suite 706, 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 CABO 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 312/700-2300; OR BOCA International Regional Offices, 3592 Corporate Drive, Suite 107, Columbus, Ohio 43229, telephone 614/290-1054.

#### 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 EB-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.