

SB 635

FILED

2010 MAR 31 PM 4:49

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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ENROLLED

Senate Bill No. 635

(BY SENATOR PREZIOSO)

[Passed March 13, 2010; in effect ninety days from passage.]

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Senate Bill No. 635

(BY SENATOR PREZIOSO)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §29-3-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-3-5 of said code, relating to the State Fire Code; clarifying the State Fire Commission's process for updating the State Fire Code upon adoption of revised codes or standards by the National Fire Protection Association; requiring review and approval of county and municipal fire ordinances and agency regulations which impose more stringent standards than those required by the State Fire Code by the West Virginia State Fire Commission; and effective date.

Be it enacted by the Legislature of West Virginia:

That §29-3-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5. Promulgation of rules and State Fire Code.

1 (a) The State Fire Commission may propose rules for
2 legislative approval in accordance with the provisions of

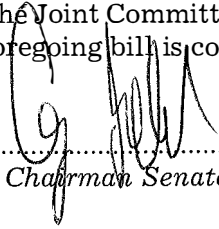
3 article three, chapter twenty-nine-a of this code for the
4 safeguarding of life and property from the hazards of fire
5 and explosion. The rules, amendments or repeals thereof
6 shall be in accordance with standard safe practice as
7 embodied in widely recognized standards of good practice
8 for fire prevention and fire protection and have the force
9 and effect of law in the several counties, municipalities
10 and political subdivisions of the state.

11 (b) Pursuant to the provisions of chapter twenty-nine-a
12 of this code, the State Fire Commission shall propose and
13 promulgate comprehensive rules for the safeguarding of
14 life and property from the hazards of fire and explosion to
15 be known as the State Fire Code. Rules embodied in the
16 State Fire Code shall be in accordance with standard safe
17 practice as embodied in widely recognized standards of
18 good practice for fire prevention and fire protection and
19 have the force and effect of law in the several counties,
20 municipalities and political subdivisions of the state.
21 Whenever any new or revised code or standard is adopted
22 by the fire codes published by the National Fire Protection
23 Association, the State Fire Commission may propose and
24 promulgate revised rules reflecting such updated codes
25 and standards: *Provided*, That the rules shall be effective
26 as emergency rules when so promulgated until acted upon
27 by the Legislature: *Provided, however*, That the State Fire
28 Marshal shall provide compliance alternatives for historic
29 structures as provided for in section five, article one of this
30 chapter, which compliance alternatives shall take into
31 account the historic integrity of the historic structures;
32 and shall coordinate with the Director of the Archives and
33 History Division the application of the rules of that
34 division.

35 (c) In interpretation and application, the State Fire Code
36 shall be held to be the minimum requirements for the
37 safeguarding of life and property from the hazards of fire
38 and explosion: *Provided*, That the State Fire Marshal shall

39 provide compliance alternatives for historic structures and
40 sites as provided in section five, article one of this chapter,
41 which compliance alternatives shall take into account the
42 historic integrity of the historic structures and sites.
43 Whenever any other state law, county or municipal
44 ordinance or regulation of any agency thereof is more
45 stringent or imposes a higher standard than is required by
46 the State Fire Code, the provisions of the state law, county
47 or municipal ordinance or regulation of any agency
48 thereof governs, if they are not inconsistent with the laws
49 of West Virginia and are not contrary to recognized
50 standards and good engineering practices: *Provided*, That,
51 on and after July 1, 2010, if a municipal or county fire
52 ordinance or regulation of any agency thereof is more
53 stringent or imposes a higher standard than is required by
54 the State Fire Code, it must be presented for review and
55 approval and sanctioned for use by the West Virginia State
56 Fire Commission. In any question, the decision of the
57 State Fire Commission determines the relative priority of
58 any such state law, county or municipal ordinance or
59 regulation of any agency thereof and determines compli-
60 ance with state fire rules by officials of the state, counties,
61 municipalities and political subdivisions of the state.

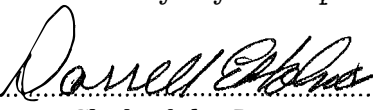
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

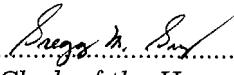

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Chairman Senate Committee

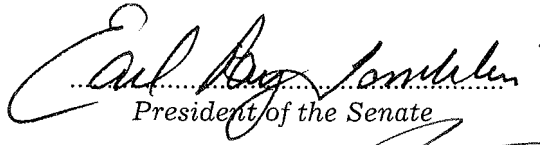

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Chairman House Committee

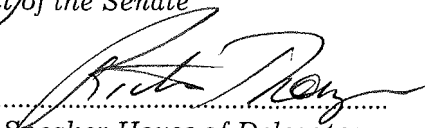
Originated in the Senate.

In effect ninety days from passage.

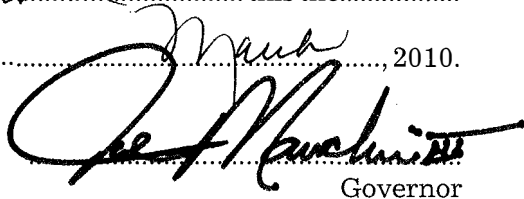

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 3/8th
Day of March 2010.


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Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2010

Time 3:45 pm