

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

Com. Sub. for
SENATE BILL No. 110

(By Mr. *Originating in Com.*)
on Insurance

PASSED March 11 1949

In Effect from Passage



110

ENROLLED

COMMITTEE SUBSTITUTE FOR

Senate Bill No. 110

(Originating in the Committee on Insurance)

[Passed March 11, 1949; in effect from passage.]

AN ACT to repeal sections seventeen to twenty-two, inclusive, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section four of such article; and to amend such article by adding thereto five new sections, to be designated sections four-a, four-b, four-c, four-d and four-e, all relating to the office of the state fire marshal and his powers and duties concerning fire prevention, the making of rules, orders and regulations with respect thereto, and the enforcement thereof.

Be it enacted by the Legislature of West Virginia:

That sections seventeen to twenty-two, inclusive, article three, chapter twenty-nine of the code of West Virginia, one

thousand nine hundred thirty-one, as amended, be repealed; that section four of such article be amended and reenacted; and that such article be amended by adding thereto four new sections, to be designated sections four-a, four-b, four-c, four-d and four-e, to read as follows:

Section 4. *Salary of Fire Marshal; Employment of As-*
2 *sistants and Clerks; Expenses.*—The state fire marshal
3 shall receive such salary as may be fixed by the insurance
4 commissioner and may employ a deputy fire marshal and
5 such personnel as may be necessary for the orderly en-
6 forcement of the provision of this article and may incur
7 such expenses as may be necessary in the performance of
8 the duties of his office, including necessary traveling ex-
9 penses, not to exceed such sums as may be paid into the
10 state treasury in the manner hereinafter provided, or by
11 appropriation or contribution.

Sec. 4-a. *Promulgation of Rules and Regulations; Pub-*
2 *lication and Notice Thereof.*—The state fire marshal may
3 adopt and promulgate such rules, orders and regulations
4 as may be deemed necessary as safety precautions to guard

5 against the loss of life and property by fire in connection
6 with any of the following:

7 (1). The storage, transportation and use of combusti-
8 bles, explosives, flammable liquids and liquefied petrole-
9 um gases.

10 (2). The installation of electrical wiring, equipment
11 and apparatus.

12 (3). The construction, maintenance and regulation of
13 fire escapes.

14 (4). Construction and maintenance of ingresses, egres-
15 ses, exits and fire escapes in asylums, hospitals, multiple
16 residence properties, churches, schools, halls, theatres,
17 night clubs, and all other public places where persons
18 live or congregate from time to time for any purpose, in
19 order to prevent fire and loss of life by fire in said build-
20 ings.

21 (5). Instructing teachers of public and private schools
22 and educational institutions on conducting at least two
23 fire drills each month and keeping all doors and exits un-
24 locked and unfastened during school hours.

25 (6). Regulating exits and egresses to school buildings,

26 hotels, theatres and all other public buildings, except
27 churches heretofore built, and mercantile establishments
28 and other premises open to the general public and to
29 which the general public has access.

30 (7). Require by proper order the demolition or con-
31 demnation, repair or removal, of property which for want
32 of repairs, or by reason of age, or dipalidated condition,
33 or for any other cause is especially liable to fire or which
34 may be so situated or constructed so as to endanger other
35 buildings, property or lives.

36 (8). To issue regulations or orders requiring that any
37 building or structure in this state of two or more stories
38 in height operated, used or occupied as a hotel, apartment
39 house or office building, is to be provided with one or more
40 approved, suitable and substantial metallic fire escapes
41 reaching from the top of the first story to the cornice and
42 placed on the outside of the building, and, to require me-
43 tallic balconies substantially attached to the building and
44 to the fire escape at every story above the first in such
45 number, size, capacity, design and locations as may be

46 necessary to furnish reasonable means of escape to all
47 persons in the building in case of fire.

48 (9). To subject to fire inspection as often as may be
49 deemed necessary any building as described in paragraph
50 8 of this section.

51 (10). To order and require the installation of adequate
52 fire escapes or exits, or both, on any other building or
53 structure, except private single family dwellings, which
54 by reason of its construction, use, situation or occupancy
55 is liable to cause loss of life in the event of destruction by
56 fire.

57 (11). Prescribe protection, safe guards, or other means
58 best adapted to render any public building inherently
59 safe from the hazards of fire or the loss of life by fire as
60 required by law, ordinance, or lawful orders.

61 Every general rule or regulation promulgated under au-
62 thority of this section shall be given public notice by
63 posting copies thereof in public places having facilities for
64 the posting of notice and all other reasonable means shall
65 be employed in disseminating and distributing copies of
66 any such ruling to the owners of properties effected, in-

67 cluding newspaper publication, radio announcement, or
68 by advertisement.

Sec. 4-b. *Orders of Fire Marshal; Enforcement There-*
2 *of; Hearings Notice; Review.*—Whenever the fire marshal
3 finds, upon investigation, that the owner of any property,
4 or occupant of any structure or building has not complied
5 with the rules and regulations promulgated in the man-
6 ner provided by section four-a of this article or any statute
7 or other provision of law as provided in this chapter re-
8 lating to fire prevention, he shall order, after due notice
9 and hearing, that improvement or changes be made and
10 such equipment be provided as will comply with said
11 regulations or provision of law relating to fire prevention.
12 The fire marshal shall fix the date upon which the said
13 hearing shall be held in his office, and shall specify in the
14 notice, by registered mail, the alleged violations of the
15 regulations or provisions of the statute relating to fire
16 prevention. Within a reasonable time after such hearing,
17 the fire marshal shall enter his order in the premises and
18 shall furnish such owner or occupant with certified copies
19 of his order stating therein when his order shall take ef-
20 fect or be complied with.

21 The action of the fire marshal, as set forth in his order
22 hereinabove mentioned, shall be subject to review by the
23 circuit court of the county within which such property
24 is located. Petition for such review shall be filed by any
25 person aggrieved by such order within a period of thirty
26 days after the effective date of such order. The fire mar-
27 shal shall forthwith file a copy of all records pertaining
28 to such matter with the circuit court. An application to
29 the supreme court of appeals of West Virginia for a writ of
30 error from any final order of the circuit court in any
31 such matter shall be made within thirty days from and
32 after entry of such final order.

Sec. 4-c. *Enforcement in Circuit Court of Fire Mar-*
2 *shal's orders; Prosecuting Attorney to Represent Fire*
3 *Marshal.*—When the fire marshal has issued an order in
4 the manner provided in section four-a of this article, and
5 the same has not been complied with within the time
6 specified in said order, he shall have authority to proceed
7 by proper petition in the circuit court of the county
8 wherein the property is located for the purpose of com-
9 pelling compliance with his order or the closing of the

10 property in question, and the court shall have the au-
11 thority to hear and decide such questions and grant in-
12 junctions or other relief requested upon the evidence pro-
13 duced at a hearing before the court. The prosecuting at-
14 torney of the county in which the property is located shall
15 represent the fire marshal in any such proceedings.

Sec. 4-d. *Certain Municipalities Exempt.*—The powers
2 herein granted in sections 4-a, 4-b and 4-c, shall not be
3 exercised within any municipality which has adopted, or
4 which shall hereafter upon the request of the fire marshal
5 adopt, ordinances by which the fire chief or other appro-
6 priate municipal officer is given substantially the same
7 powers contained in said sections 4-a, 4-b and 4-c here-
8 of.

Sec. 4-e. *Separability; Repeal.*—If any provision of this
2 act, or the application thereof to any person or circum-
3 stance is held invalid, the remainder of the act and the
4 application of such provision to other persons or circum-
5 stances shall not be affected thereby.

6 All acts or parts of acts which are inconsistent with the
7 provisions of this act are hereby repealed.

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

Jack T. McMan
Chairman Senate Committee

R. M. Matthews
Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

Howard Myers
Clerk of the Senate

J. A. Smith
Clerk of the House of Delegates

Francis Pickens
President of the Senate

W. E. F. Lammie
Speaker House of Delegates

The within *APPROVED* this the *18TH*
day of *MARCH*, 1949.

Okie L. Pattison
Governor.



Filed in the Office of the Secretary of State
of West Virginia — **MAR 18 1949**
D. PITT O'BRIEN,
SECRETARY OF STATE