WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED
Com. Sub. for
SENATE BILL No. 110

(BY Mr. [Signature]

PASSED...March 11 1949

In Effect ...from ...Passage
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thousand nine hundred thirty-one, as amended, be repealed; that section four of such article be amended and reenacted; and that such article be amended by adding thereto four new sections, to be designated sections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 Assistants and Clerks; Expenses.—The state fire marshal shall receive such salary as may be fixed by the insurance commissioner and may employ a deputy fire marshal and such personnel as may be necessary for the orderly enforcement of the provision of this article and may incur such expenses as may be necessary in the performance of the duties of his office, including necessary traveling expenses, not to exceed such sums as may be paid into the state treasury in the manner hereinafter provided, or by appropriation or contribution.

Sec. 4-a. Promulgation of Rules and Regulations; Publication and Notice Thereof.—The state fire marshal may adopt and promulgate such rules, orders and regulations as may be deemed necessary as safety precautions to guard
against the loss of life and property by fire in connection
with any of the following:
(1). The storage, transportation and use of combustibles, explosives, flammable liquids and liquefied petroleum gases.
(2). The installation of electrical wiring, equipment and apparatus.
(3). The construction, maintenance and regulation of fire escapes.
(4). Construction and maintenance of ingresses, egresses, exits and fire escapes in asylums, hospitals, multiple residence properties, churches, schools, halls, theatres, night clubs, and all other public places where persons live or congregate from time to time for any purpose, in order to prevent fire and loss of life by fire in said buildings.
(5). Instructing teachers of public and private schools and educational institutions on conducting at least two fire drills each month and keeping all doors and exits unlocked and unfastened during school hours.
(6). Regulating exits and egresses to school buildings,
hotels, theatres and all other public buildings, except churches heretofore built, and mercantile establishments and other premises open to the general public and to which the general public has access.

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

(8). To issue regulations or orders requiring that any building or structure in this state of two or more stories in height operated, used or occupied as a hotel, apartment house or office building, is to be provided with one or more approved, suitable and substantial metallic fire escapes reaching from the top of the first story to the cornice and placed on the outside of the building, and, to require metallic balconies substantially attached to the building and to the fire escape at every story above the first in such number, size, capacity, design and locations as may be
necessary to furnish reasonable means of escape to all persons in the building in case of fire.

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

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

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

Every general rule or regulation promulgated under authority of this section shall be given public notice by posting copies thereof in public places having facilities for the posting of notice and all other reasonable means shall be employed in disseminating and distributing copies of any such ruling to the owners of properties effected, in-
Sec. 4-b. Orders of Fire Marshal; Enforcement Thereof; Hearings Notice; Review.—Whenever the fire marshal finds, upon investigation, that the owner of any property, or occupant of any structure or building has not complied with the rules and regulations promulgated in the manner provided by section four-a of this article or any statute or other provision of law as provided in this chapter relating to fire prevention, he shall order, after due notice and hearing, that improvement or changes be made and such equipment be provided as will comply with said regulations or provision of law relating to fire prevention. The fire marshal shall fix the date upon which the said hearing shall be held in his office, and shall specify in the notice, by registered mail, the alleged violations of the regulations or provisions of the statute relating to fire prevention. Within a reasonable time after such hearing, the fire marshal shall enter his order in the premises and shall furnish such owner or occupant with certified copies of his order stating therein when his order shall take effect or be complied with.
The action of the fire marshal, as set forth in his order hereinabove mentioned, shall be subject to review by the circuit court of the county within which such property is located. Petition for such review shall be filed by any person aggrieved by such order within a period of thirty days after the effective date of such order. The fire marshal shall forthwith file a copy of all records pertaining to such matter with the circuit court. An application to the supreme court of appeals of West Virginia for a writ of error from any final order of the circuit court in any such matter shall be made within thirty days from and after entry of such final order.

Sec. 4-c. Enforcement in Circuit Court of Fire Marshal’s orders; Prosecuting Attorney to Represent Fire Marshal.—When the fire marshal has issued an order in the manner provided in section four-a of this article, and the same has not been complied with within the time specified in said order, he shall have authority to proceed by proper petition in the circuit court of the county wherein the property is located for the purpose of compelling compliance with his order or the closing of the
property in question, and the court shall have the au-
authority to hear and decide such questions and grant in-
juctions or other relief requested upon the evidence pro-
duced at a hearing before the court. The prosecuting at-
torney of the county in which the property is located shall
represent the fire marshal in any such proceedings.

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

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

All acts or parts of acts which are inconsistent with the
provisions of this act are hereby repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor.

Filed in the Office of the Secretary of State of West Virginia — MAR 18, 1949 —
D. Pitt O'Brien, Secretary of State.