



*The City of Morgantown  
West Virginia*



Fire Code Board of Appeals Hearing Minutes  
October 10, 2023

The meeting was called to order by Chair Edward Heyden at 4:10 p.m.

**Present:** Edward Heyden, Mark Lambert, Scott Frederick, Trevor Lloyd, City Clerk Christine Wade, Deputy City Clerk Heather Carl, Captain Jason Quinn, Deputy Fire Marshal Andrew Dotson, William Lyons, and Housing Inspector John Gray. Larissa Cason was absent.

**Appellants Present:** Dow Jones, Attorney Edmund J. R... and Justice Craig

**Approval of Minutes:** Motion by Mark Lambert, second by Trevor Lloyd, to approve the September 25, 2023, meeting minutes. Motion carried 4-0. Larissa Cason was absent.

**New Business:**

Chairman Heyden presented the Statement of Purpose of the appeal's hearing:

- The Fire Code Board of Appeals was established to rule on matters relating to the Fire Code and its enforcement.
- The Board of Appeals shall provide for the reasonable interpretation of the provisions of the applicable Code and issue rulings on appeals of the decisions of the AHJ (Authority Having Jurisdiction)
- The rulings of the Board of Appeals shall be consistent with the letter of the Code or when involving issues of clarity, ensuring that the intent of the Code is met with due consideration for public safety and firefighter safety.
- The Board of Appeals shall not have the authority to waive the requirements of the Code.
- The decision of the Board of Appeals shall be final, subject to such remedy as any aggrieved party may have through legal, equity, or other avenues of appeal or petition.

Rules of Order:

- a. All questions or comments directed to the board only.
- b. No direct question between appellant and Fire Marshal Officer(s).
- c. Keep verbiage to normal speaking level.

Chairman Heyden stated that Mr. Jones has come before the board to appeal against a violation from the Morgantown Fire Marshal office to install fire extinguishers at 31 Jones Avenue and 311-313 Grant Avenue, Morgantown, WV for two lodging and rooming properties he owns. The board is in receipt of the written request for appeal.

Mr. Dow Jones (Appellant) – Owner of 31 Jones Avenue and 311-313 Grant Avenue, Morgantown, WV., Is seeking relief from this appeal. For the simple fact that I've been a landlord for 20 years. We've

never enforced fire extinguishers in these apartments. The goal was to get them out as soon as possible. Also, it was never enforced by the Fire Marshals because the fraternity houses were always setting them off all the time. And now all of a sudden, an incident with a fire happens and the insurance company may have questioned where the fire extinguishers were located. He stated that Retired Captain Ken Tennant at the time, stated that they were not enforcing them because the fraternity houses were setting them off. And the goal was to get the kids out as soon as possible. So, when the insurance company asked about where the fire extinguishers were, Captain Ken Tennant decided they were going to start enforcing the fire extinguishers. His feeling is you're giving kids a.) something today that the kids have never been properly trained on how to use them and b.) It's more time that there in a burning building. He stated he had two fires. One was damaged and the other one was a total loss. The kids upstairs and downstairs gathered some of their belongings. The fire was out of control so it wouldn't have mattered if they had a fire extinguisher, they wouldn't have been able to put the fire out. The second fire on Grant Avenue, the whole house burned up. He stated that there is record of a tenant who told a fire investigator that he was downstairs laying on the couch and had seen the fire coming from the dryer. He then went upstairs to tell the other tenant there was a fire, went back downstairs, looked at the dryer again and thought that it was not a big deal. He went back upstairs, dilly dallied around until the fire department got there, which was five-minutes away. By the time they arrived, the house was a total loss. And so once again, giving these people something to have them stay in there longer in my view is not what we need to do. We need to get the people out. Once again, these tenants are 18, 19, and 20 years old and their thought process is not very logical, it's hard to put things together and not experienced with anything like that in their life. It's very easy for them to get stressed and just not do the right thing because the tenants have never been trained on the fire extinguishers.

He has a four-bedroom house that has doors on each bedroom that automatically closes when a fire is detected. There is also pull station fire alarm systems that have been installed. They could do that but they don't think they should pull it, they have to run upstairs to tell each roommate there is a fire, because with today's technology they have earbuds jammed in their ears, so they have no idea what's going on. So, they gather up their stuff, if they have an emotional support animal, they have to run around to find them. That is more precious time that they need to do before exiting the burning building. He asked, "Why are we asking the renter", who has nothing involved to try and save a renter's investment property and all the states billions of dollars of insurance. The goal is to save the people. The only thing in fire safety is get out of the burning building. You don't ever hear anybody say well, hey I'm going to grab the fire extinguisher if you can, and spray on the way out. No, you don't hear that. We should be getting the people out. They should not be dilly dallying around with a fire extinguisher. And once again, these people have no connection to the building. He asked one of the board members, "Do they have a fire extinguisher in your house because you've lived there for ten, fifteen, to twenty years and you've got the marks on the wall where little Johnny got higher and higher, and you're willing to fight that. Because that's yours and where you made your life and the memories. That kid that lives on Grant is going to live in that 4-bedroom house for one year where roommates have a fight and then he is going to go to something else. Again, let's say that that kid now goes to his three-bedroom house, guess what? The fire code doesn't apply to that. And it doesn't apply to a duplex, and no one wants a one bedroom, two bedroom. So here again, it is certain people are getting the fire extinguisher. And why are we enabling those people to stay somewhere that is nothing but danger to them when they need to get out and call the professionals to come in and fight the fire. The guys that have thousands of hours of training on the truck. Even the volunteers everybody has to have training to know what's going on. And in my opinion, you just need to get the people out of the burning building.

**Jamie Craig:** he stated that when he had Allstate with his coverage, they had him take the fire extinguishers out of the buildings, so now he follows this policy and haven't given a ton of thought till now, but his insurance company had him remove them after inspection, because Allstate wants them out and not try to fight the fire.

**Dow Jones:** he stated that his Allstate agent Dwyane White was actually going to come to the last meeting but since it got changed, he was not able to attend due to being out of town. Allstate never wants a death to happen, as well as the landlord. There isn't a way safer house than your house because there is a pull station fire alarm system, someone who inspects it every three years, and has hinges on his bedroom door that is burn proof and closes automatically. He also stated that some of his other places have a door at the top of the steps to prevent the fire from spreading. So, they have all of these safety measures in place. But I think this safety measure is something that doesn't need to be in place because you're causing the tenants to possibly stay in there longer to fight something that they shouldn't be fighting or have the knowledge to know how to fight properly. Do they even know how to mess with a fire extinguisher or know how to pull the pin out? And so maybe they're excited to shoot half of it and don't even go on the fire, and then they're running around and come again, this is applying to something that's about four to sixteen kids living there. There will be people running around telling other people that we need to get out of the burning building and once again we have got to go and they are stuck, but first they need to get those emotional support animals and other stuff out. They're definitely going to go after that stuff. He stated that when John Gray from Code Enforcement was there, they did not train for that.

**John Gray:** explained that they were not trained, it was more of an opinion of the Code Enforcement that they would rather see the kids get out because the majority of the kids do not know how to use a fire extinguisher. So, Code Enforcement only has jurisdiction over one-and-two-family dwellings. Anything over two-family dwellings, the Fire Marshals have jurisdiction.

**James Craig:** it seems to be about safety, and you want to get the kid out of the apartment. My thing is to get out. I tell the kids to get your stuff and get out because the building can be replaced. It seems that the policy is not that they're trying to create this for the Fire Marshals, who do a fantastic job and they do everything with the idea of safety. Absolutely. We have to sleep at night too. But this one is put in seems like an undue burden of some false sense of security that there's someone out there to put that fire out when they need to get their pet and go. They need to get their personal belongings and go every minute of the fire doubled. I was in a fire just recently, six to eight months ago and I know what I'm doing. I had a fire extinguisher that he did not get, he threw some water on the fire, and it went quick. He looked for the cat who went back inside. It was chaos and trying to screw around with a fire extinguisher was not an option. I think we could feel good about there being one being in there, but truthfully it is another administrative burden that doesn't need to be there. He would never advise the kids to grab the fire extinguisher, but to protect insurance companies' investment I mean, that's what we're doing here, truthfully, and maybe push by the insurance lobby because they don't want to pay for the bill. He stated that Allstate has a division that doesn't want to pay for the kids' life because that's way more expensive. He has about 50 pull stations that are Non-Conforming Rooming and Lodging sites that his staff has installed. He says it looks kind of ridiculous, quite frankly, but again, this is what he thinks about it. The pull stations and fire doors are great, and the alarms allow the people who may or may not know each other in the same building, but to put a fire extinguisher and act like the kid is going to handle that or play with that or even mess with it when the fire doubles like it does. Every minute to him is an undue burden that you wouldn't want to put on the kids, and he don't know the fire department wouldn't want to put it on the kids. It seems maybe reactionary.

**Dow Jones:** stated that he has been a landlord for 22 years, since 2002 and this has never cared to be enforced. When there is a question asked by an insurance company became a reactionary knee jerk reaction, maybe not nature, and then the guy left.

**Jamie Craig:** we all want to do what is the safest for the kid that lives in the building who has no clue what he's doing, relatively. He stated that they are more regulated than New York City. He also stated quite frankly that they are regulated like no one else, more so than any big city. Nowhere else in the state this would not be occurring.

**Dow Jones:** his personal opinion is, get them out, why have them messing around while the goal is to get them out and keep them alive. That is what the landlord pays the insurance money for. And that's what the insurance company is for when the building burns, to replace the building once again that kid has no affiliation to that building so why put your life on the line because you live in that house for 20 or 30 years.

**Ed Rollo:** he apologized for being late today, he was in court. He thanked everyone for rescheduling the last meeting, he really appreciated it. When Dow contacted him about 10 days ago, he brought up the issue we were talking about, he did not mention this to Dow but his deep nature, first blush reaction was it makes sense to have fire extinguishers. You know, we talked about it more and more. And then it occurred to him, that it makes no sense to have fire extinguishers, in his judgment, and there's sound arguments on both sides. You guys can make a different decision, he would not have any beef with it, because you can make that decision, that we should have fire extinguishers. Looking into this a little bit and talking to Dow and looking into it more. It seems to make a lot of sense not to have fire extinguishers. First blush person on the street, just like it was for me when it was first presented to me that seems counterintuitive. Of course, you'd want to have fire extinguishers. And when you think about the fire extinguishers to be used in case of an emergency. And why would you want the kid to stick around in case of an emergency? What if the kid can't get out? And I hate to repeat what these fellas say but maybe I'll put it a different way. When you have an emergency, and you impose upon the tenant who in most cases will be kids, whether the building or what they feel is the responsibility to fight it. My goodness the landlord gave me a fire extinguisher perhaps I should use it without any training without and it's a pretty simple use. But when there's chaos As Jaime said, you know first you got to find it, which means you're going to be in the building a little bit longer. I have fire extinguishers in my home. I would have no idea where they are at. I think there's one by the sink and one in the garage. If I had a fire, I'd have to have a clear mind to figure out where my fire extinguishers are. But during that process I'm not going to stand around and be inside the home as the fire is growing larger and larger. First you have got to find it. Then you got to hope you know how to use it. And something they didn't mention that I think is equally as important. It's not just how to make it start working. And now we're imposing upon these kids the obligation or the self-imposed responsibility to fight the fire. Not only are they going to use it, do they use it for five minutes, ten minutes, or do they use it until the fire extinguisher goes out? If there are three fire extinguishers? Do they run to the next one? Did they go out of stairs to use the fire extinguisher? When did the kids know how to get out? We haven't trained them when they're going to get out. We haven't told them this is when you need to stop when it gets really smoky, and they succumb to smoke inhalation. I mean there's just so many issues with having the fire extinguishers where the kids believe it's their responsibility. Or they think it might be their responsibility or they want to be the hero and put the fire out. In any event, any of those kids that stick around because there's a fire extinguisher, they put themselves in harm's way and it's a heck of a lot easier to replace a building than it is to replace a child. This has caused him to think back on his two daughters who lived in an apartment. He wished he would have told them if there's a fire, get out. I don't care if there's a fire extinguisher. My kid who lives

in another apartment outside of the city limits has been told if there's a fire get out. I don't care if there's a fire extinguisher, I don't think there is and that should be the message that we send but as soon as you start putting fire extinguishers, the messages you got to use them. I mean that's what they're there for. We put them there for you. You must use them. He thinks reasonable people can sometimes take a hardline position. He is not sure that he is right, but he feels that he is right because he thinks these two fellows are right to, I don't know where anyone else stands on it. But he don't think the fire extinguishers make a lot of sense because they will only be an invitation and a path to a kid getting hurt. When we can always replace the property, but we cannot replace the children

**Captain Jason Quinn:** gave a background of the inspections done by Deputy Fire Marshal Dave Ross, who is no longer with our division, and Deputy Fire Marshal Andrew Dotson.

On March 6, 2023, Dave Ross inspected 31 Jones Avenue. After the inspection was completed, Dow Jones was in violation for not having fire extinguishers in the apartment building.

On March 20, 2023, Deputy Fire Marshal Andrew Dotson inspected 311-313 Court Avenue. After the inspection was completed, Dow Jones was issued a violation for not having fire extinguishers in the apartment building. After receiving the violations, he had a discussion with Dow Jones regarding those violations given. After 30 calendar days later, he was still not in compliance by the NFPA 1 Standards. Dow stated that he wanted to appeal to the Fire Code Board of Appeals against the installation of fire extinguishers. The appeal procedures, set forth in NFPA 1021 Edition, the following must be answered within 30 calendar days:

**1.10.4.1.** Any person with standing shall be permitted to appeal a decision of the AHJ to the Board of Appeals when it is claimed that any one or more of the following conditions exist:

1. The true intent of the *Code* has been incorrectly interpreted.
2. The provisions of the *Code* do not apply.
3. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

**1.10.4.2.** An appeal shall be submitted to the AHJ in writing within 30 calendar days of notification of violation. The appeal shall contain one or more of the following.

1. The *Code* provision(s) from which relief is sought.
2. A statement indicating which provisions of 1.10.4.1 apply.
3. Justification as to the applicability of the provision(s) cited in 1.10.4.1.
4. A request for remedy.
5. Justification for the request for remedy stating specifically how the Code is complied with, public safety is secured and how fire fighter safety is secured.

**Captain Jason Quinn:** going back to a little more history, this predates the time before Captain Ken Tennant.

Back in November of 2019 there was a fire that occurred at the old Masonic Lodge on Willey Street. A Girl had a grease fire on her stove top, went to find a fire extinguisher, nothing was found, went out to the hallway, still no fire extinguisher. The building had a sprinkler system, but did not activate. She came back in and after not finding a fire extinguisher, and mistakenly threw water on it, which is probably the worst thing she could have. She got burned and was not told that this had happened until she filed a complaint to Captain Tennant on January 31, 2020, which was over two months since the fire happened. He stated that Captain Tennant had discussions with lawyers and insurance companies and a question

was brought up from what he can remember about why there was not any fire extinguishers. On March 2, 2020, fire extinguishers were ordered by the building owner, where they had asked for a 30-day extension because they had trouble getting the fire extinguishers in because it was the start of COVID, unfortunately. On March 26, 2020, all these new features were installed and inspected. So, predecessors to my position. They weren't following the code as it was written. Captain Tennant at the time saw that there was a deficiency in the way things were being enforced. A meeting was held to discuss the changes they were going to start following of the NFPA 1. Chapter 13. It has a chart that says where Fire Extinguishers are required. It starts from ambulatory departments, potential direction education, healthcare, industrial, lodging, grooming, mercantile, and special structures. The only exception is one-and two-family dwellings. So, it's not a gray area, it's black and white. It gives you the option of yes or no. It started being enforced in March of 2020, when meetings were scheduled and there were discussions about the sizes they had to be, how to install them inside a unit in a hallway. So, there's a lot to unpack with what Dow and Jamie said. But the bottom line is he doesn't have the authority to pick and choose what he's allowed to enforce unless it is emitted by the State Fire Marshal's documents that are codified by code. It doesn't state in the WV Fire Code that he can omit the fire extinguishers and does not give you the document in its entirety, which is where this requirement comes from. So once again, it's yes or no and it doesn't give him a gray area. In regard to getting them out, he agrees 100 percent with that. But let's say if someone has a stove fire, or a dryer fire. Will they have the confidence within themselves to know there is a fire extinguisher on the wall in the kitchen to grab it distinguish their location the fire. If that saves the life of somebody that lives upstairs, in the basement, or in a joint room then the codes enforced saved somebody's life. You can save a roommate who was passed out drunk in their bedroom from getting consumed by a fire. NFPA 101 is a life saving code. It doesn't say that there are requirements in apartments, and lodgings and so on. However, NFPA 101 is adopted in its entirety. So simply put, yes, if this board decides that we're not allowed to enforce fire extinguishers this occupancy, that's a burden he is not comfortable with thinking about sleeping at night like that. If there is something that's required by code that can save a life and then you all decide it's not required because of whatever reason, that would be a mistake. He doesn't have the authority to interpret what I want to enforce and what I don't. He stated that he doesn't have anything further, but this is a black and white issue and knows that it's a great burden. He has always tried to be conscious of people's abilities to make repairs. He was taught years ago to treat everybody the same. And he thinks this was written to give the tenants the occupancy in these places. The decision they want is to try and save themselves, the property they live in, their personal belongings, their pets, their roommates, and neighbors. I think that's what the code was written for.

Public Comment: (5 Minutes to speak)

**Jamie Craig:** he asked if there was any discretion over NFPA 101 codes along with are all codes in the code book enforced in the city of Morgantown?

**Captain Jason Quinn:** stated that the State Fire Code says what is adopted, what is omitted, for example, they omit every year residential sprinkler systems that might be for one to two-family dwellings.

**Jamie Craig:** So, Mr. Tennant was violating his duty at the time?

**Captain Jason Quinn:** Mr. Tennant is not here to defend himself. He was not sure how far back it dates in NFPA 101.

**Jamie Craig:** Is the city enforcing other areas of the fire code at all? Or are you using discretion in some areas of that fire code? Because you don't find that reasonable or over burdensome. Because you said you

would take that into consideration, the burden and such because there's some things that you don't enforce because you find them too burdensome.

**Captain Jason Quinn:** stated the fire code is probably 10,000 pages or more. He does not know every code in the book. But if you'd asked me to find the answer, he will find the answer. They are here today on the fire extinguisher request. And he's saying that the code doesn't give him the discretion, it says yes, or no. The code says yes, that fire extinguishers are required. That's the discretion he is talking about. There are other things that have happened, there may be an instance where something can be put in that would be safer than what is allowed by code. For example, lodging rooms, there are issues where you might have an open staircase that's enormous and it's virtually impossible to close. So instead of having to close that off between the doors, they have allowed doors on bedrooms. So there are ways to accomplish something without reducing the fire safety that is needed.

**Jamie Craig:** he stated that it's written in the code that there is no discretion to enforce it or not.

**Captain Jason Quinn:** Right. We're talking about this specific issue. I mean, in these things in the 10,000 pages that I don't know that I'm not enforcing? I'm sure there are many.

**Chair Heyden:** Opens up the floor for the board members to ask questions.

**Trevor Lloyd:** the fire regulation that is being discussed may start being enforced in March of 2020.

**Captain Jason Quinn:** yes, and he was part of the meeting where Captain Tennant said the fire extinguishers will have to start being enforced.

**Trevor Lloyd:** and since it was enforced, has the rule been deficient or the rule of inspection.

**Captain Jason Quinn:** as of now, all landlords have complied, when the Fire Marshals have said, that they need to install fire extinguishers.

**Trevor Lloyd:** he was inquiring about other landlords throughout the past three years have been deficient on the inspection that was brought up as a violation. They went out, got the fire extinguishers, and put them in.

**Captain Jason Quinn:** correct.

**Mark Lambert:** he stated that the Fire Code requires you to have a smoke detector

**Captain Jason Quinn:** Yes.

**Chair Ed Heyden:** he stated that kids should get out of a burning building. But, would you agree that it's possible that a fire extinguisher could help someone to get out?

**Jamie Craig:** thinks there are probably more kids getting hurt trying to put out the fire.

**Chair Ed Heyden:** What if there was not a way for them to exit, so by picking up that fire extinguisher, because there was a fire blocking egress point to get out.

**Jamie Craig:** said that it was not practicable.

**Chair Ed Heyden:** said that it may happen. He was just saying that it could or couldn't, but it could happen.

**Jamie Craig:** the kids are more likely to hurt themselves struggling with a fire extinguisher than not. I'm following code, but he would say they are more than likely going to get hurt screwing with something

they don't know how to use. He would like to see the stats on injuries while trying to fight a fire. If that is something can be obtained.

**Chair Ed Heyden:** stated that he has that information and offered it to Jamie. He looked that up to find out what the stats are for that. You have to understand how these codes are developed. Codes are not developed because someone would like to put a bunch of big words together and develop it. You have a lot of things that you deal with in certain quarters. That's the same way that fire codes are written by insurance authorities, engineers, fire inspectors, any vote on committee based upon that. Codes are developed because sometimes bad things happen and you need to make a code to have that code enforced, so things don't happen again. And that's why NFPA 1. looks at it that way. My question to Captain Quinn; Could you ever make a more stringent requirement of a code?

**Captain Jason Quinn:** No.

**Chair Ed Heyden:** Yes, you can enforce that code. Let's say you want to make a more stringent requirement, where let's say for example, that you've got an occupancy that didn't require smoke detectors, but based upon your risk assessment of it. You say well, smoke detectors can be required.

**Captain Jason Quinn:** as you're well aware, this is actually considered the minimum standard. This is the minimum requirement.

**Chair Ed Heyden:** And that's what he's asking, you have to follow the minimum requirements of the code. Could you ever go below the minimum requirements?

**Captain Jason Quinn:** absolutely not, not without other ulterior motivation, that is as safe or safer.

**Chair Ed Heyden:** does it offer another alternative other than fire extinguisher in lodging and rooming?

**Captain Jason Quinn:** not an existing one. If there is a sprinkler requirement for new but I couldn't impose a sprinkler system installed.

**Mark Lambert:** if we're worried about safety, we would.

**Captain Jason Quinn:** I agree.

**Mark Lambert:** the safety of kids is the ultimate goal.

**Jamie Craig:** They should stay home. They shouldn't even come to campus.

**Chair Ed Heyden:** he agrees with everything that you guys have said, and it all makes sense. But our job is, as a board, to vote on what the code says which is at the minimum standard that fire extinguishers are required in that particular type of occupancy. That is not a sign of personal feeling but as a feeling based upon the code.

**Jamie Craig:** he stated that Parkersburg, and Fairmont do not follow the minimum standard. He asked Ed if he was installing fire systems in Parkersburg, Fairmont, or Wheeling? He stated Ed is who has installed his fire systems in all of his buildings.

**Chair Ed Heyden:** All of those areas have local authorities having jurisdiction and what they do there, he cannot answer that. But if they are following with the state title 87 CR 1. state fire code or any of the codes that 87 has adopted, 72, 101, 70, and NFPA 1, they should be enforcing it. He can answer for what is happening here. Yes, he has installed systems in all those areas, but I can only answer for what's happening here today.

**Jamie Craig:** That was the enforcement of the code figured it would be state wide.

**Chair Ed Heyden:** as far as the fire marshal, they need to force the minimum code requirement and by forcing the minimum code requirement, he is following out his duty and anything else would-be a degradation of his duty.

**Captain Jason Quinn:** To answer Jamie's question, so this is the West Virginia State Fire Code, it's not the city of Morgantown, Monongalia County, it is the state law. Municipalities have people who deal with this. If they're not enforcing the fire code, then they're breaking state law. The state fire marshals, but there might be 20 inspectors for the entire state of West Virginia for 55 counties. He thinks that if fire safety was taken for real in the state, it would be addressed if the Municipality, because of the people in place to enforce it, than the county should also step in and provide some type of fire inspection. Everything they are doing is what everyone should be doing in the state of West Virginia should be doing because it's state law, it's not city law, it's not a city ordinance, it is the law for whole state of West Virginia. But not all municipalities have people to do this. He does not think Cranberryville, or Westover does. He stated that the city is a little unique and are one of the few cities in the state that have a major student population with a lot of rental properties. Unfortunately, that's where the fire code kicks in on the rental properties. Everyone should be doing this across the state of West Virginia because it is the state law.

Ed Rollo: stated that he was super uncomfortable when you want something if in fact it's not the safest alternative that you and your employees and the board here would like as the safest thing to do with respect to the fire extinguishers, just because it's in the state code. I understand you're saying we got to force it, push that aside. I'm curious if we think irrespectively of what that says, if the decision that we would make we had to start from square one. If we would have fire extinguishers in all of the apartments, or whatever apartments are required as the code says, because you know, you mentioned, there's a lot of revisions, omissions, and changes. And as you indicated, there's a lot of different forces, some political and put together codes in our state laws. You'll get lobbyists who have vested, Financial, and potential interest and some altruistic interest, but there's a lot of different reasons why these codes were put together. And some of them are for personal self-interest. So, what he is wondering is if fire extinguishers in these apartments are having them protecting the life and safety more than not having them. He stated that there was a compelling argument, you may have a drunk roommate, or those that are upstairs that do not know how to use fire, and they do not hear any screams. It's a pretty compelling argument on both sides. But if we were to start from scratch, would there be a requirement for fire extinguishers? Because if they decide on balances best decided to not have fire extinguishers, that there are good arguments on both sides, but if they decide on balances, it is a better decision not to have fire extinguishers. When someone needs to contact our legislators and talk to the state. If they think that that date is perfect alternative to fire extinguishers, then you would have to enforce the law, at your discretion. Jamie made a good point to the previous Fire Marshal perhaps they didn't think it was a good idea because they're not here to defend themselves to state their opinions, but some of the laws are forced and some are not. It sounds like perhaps the previous Fire Marshals used their discretion and decided that you can only enforce so many of the provisions of that code. And that's just not one. And maybe this was because you know what I noticed in the code, but I just don't think it makes sense to enforce that provision, because they put fire extinguishers in there. And the balance is more of a risk that kids will get hurt, maybe not, but I'm just wondering as a body here, where do we stand on that? That's not the issue for us today, but I am curious if anyone wanted to way. Do we think that fire extinguishers in each of the units on balance is the best way to protect life, or not?

**Scott Frederick:** stated that if he didn't have fire extinguishers in his shop, his shop would not be there. He currently has 14 fire extinguishers between both his house and shop. He stated a very compelling argument was made.

**Trevor Lloyd:** stated that he knows, he has been in the same place. Where Jamie told the story about the two fires that he had, and I know both of you have had a whole range of kids and bring them in, right? Everybody's different. This discussion seems to be focused on just one small demographic of the kid who's got the ear buds jammed in his ears, someone who is all drunk, smoking dope and passed out. So, wherever it's chaos, and they've never been trained on the fire extinguisher and the issue around that is major. And he thinks that the certain demographic that we as a board and as a society, they can be forced to idiot proof everything and, and he is not saying that idiot proof is not the right descriptive. But we can't focus on that tip of demographic. He had fire extinguisher training in high school and then when he got to college, he had a small fire in his apartment, I knew where the fire extinguisher was, and I knew there was a grease fire and to use a fire extinguisher. There is a certain demographic of people that aren't going to panic, and are confident with a fire extinguisher. He doesn't think that they should eliminate the option altogether. Just because there's a certain subset that doesn't know what you're doing because the person is the person that doesn't know what they're doing.

**Jamie Craig:** This is other people's property. Are they really going to protect my property? Protecting you and your own woodshop in your home?

**Trevor Lloyd:** He was talking about when he rented while he was in college in Morgantown. He stated that if this was him and his apartment was on fire he would grab his guitar and get out. He stated that even if a fire extinguisher was there, he would not stop to grab it.

**Jamie Craig:** what would make you want to save my property? Get your cat and go. Why are you putting the fire out of the building? My house because these are houses. So, when we put these fire extinguishers in, us as landlords will have to train the kids on how to use them. From what Mr. Rollo said you're saying here it is, it's not to be here and now we're offering it, and it has to be up to date. Now we can say hey, we want you to do is I don't want them. If a kid asked me. I would say, don't touch the fire extinguisher, get out. He stated that he doesn't want that. It's his property, not theirs. To think that someone would grab a fire extinguisher to try and save his personal property is crazy.

**Mark Lamb:** asked the Fire Marshal's if they were still training the Resident Assistants at towers.

**Deputy Fire Marshal Andrew Dotson (Fire Prevention Coordinator):** He takes care of the fire extinguisher training, which is free to anyone. They were just recently at the October 3<sup>rd</sup> city council meeting to accept the Fire Prevention Month proclamation. He spoke about Fire Prevention and stated that over the last year average 900 fire extinguisher trainings have been given. All of the fire safety training classes given to fraternities, civic groups, and anybody else who would like to have it, is free to them.

**Chair Ed Heyden:** addressed Mr. Rollo on his background. He teaches Code throughout the country Fire Code, Electrical Code, and Life Safety Code. He has been doing this anywhere from 15 to 18 years and he has come to the conclusion that there's some codes that just don't make sense. Based upon that, I guess it's really not us to question if we're to enforce these codes. But look at the code and see exactly what the code is stating. The code is staying based upon these Fire extinguishers, there is something must have taken place someplace along the line. Not just for the fire extinguishers, but for smoke detectors, pull stations, placing of strobes, sound pressure levels, so on and so forth throughout occupancies big or small high rises, and single-family dwellings. They're all different. And sometimes we'll come to a code that

just doesn't make sense. That is not for us to make that decision to stick with the minimum code requirement and to enforce it. When he installs a firewall system for a customer that comes to him, they ask, what do you need and based upon the type of occupancy, he gives them the minimum code requirement. Now they can always make more stringent requirements. They can always ask for smoke detectors everywhere, which is not required. And I can give them that. But they can tell me no, I don't want smoke detectors here, where I know they are required. You have to meet the minimum code requirement. That's what he does as a professional. And that's what the authority having jurisdiction is going to look at me and say why didn't you do that?

**Mark Lambert:** is the landlord or the tenant required to put batteries in smoke detectors?

**Captain Jason Quinn:** the landlord is to provide them a working smoke detector, and past practice was the tenant is required to maintain it. Or they can probably call their landlord and say hey, my smoke detector is chirping.

**Chair Ed Heyden:** Now that everyone has voiced their opinion, he would like to thank everyone for coming today.

**Fire Code Board of Appeals Decision:**

All those in favor of the appeal request by Mr. Jones say yes. Motion 3-4 denied, with Larissa Cason absent.

All not in favor of the appeal request, say no. Motion carried 4-0, with Larissa Cason absent.

**Chair Ed Heyden:** Mr. Jones, this appeal has been denied based upon the evidence that was presented.

The Fire Marshals office needs to be directed that the appeal is being denied and the enforcement of the Fire Marshal's office to the extinguisher installation at 31 Jones Avenue and 311-313 Grant Avenue should be made aware of that immediately.

**Adjournment:** There being no other business for discussion, motion by Scott Frederick, second by Trevor Llyod, to adjourn the meeting.

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Deputy City Clerk

\_\_\_\_\_  
Chair