

**VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Division of Building and Fire Regulation**

**501 North 2nd Street
Richmond, Virginia 23219-1321**

**BUILDING AND FIRE CODE RELATED LAWS PACKAGE
(For correlation with the 2000 State Building and Fire Codes)**

This package is provided to help assist persons that are using or applying Virginia's building and fire related regulations. The information contained in this package has been compiled from the Code of Virginia and other sources and is intended to be used as a quick, handy reference guide or aid. The various tables, charts and list are interpretive in nature, but are not "official interpretations" of the Board of Housing and Community Development's regulations, but are offered in a format that highlights most of the pertinent related laws for the user's greater understanding and convenience. And as such, users should consult the official versions before making any final decisions.

Also contained in this package is information about when an architect's or engineer's seal is required on construction documents (drawings) required for permits to construct buildings and structures, with regard to group classification, occupancy load and physical size and limiting criteria for design of electrical, plumbing and mechanical systems in such structures. There are contacts and telephone numbers for "Functional Design Responsibilities", a list of "Previous Adoptions and Amendments" of the Uniform Statewide Building Code (USBC) with dates and references to effective editions of model codes and standards. There is an "Index and copies of Agreements/Memorandums" for information on how various state agencies have agreed to properly apply (administration and enforcement) the Board of Housing and Community Development's regulations in certain subject areas.

USBC questions: The local building inspection department should be consulted for information and assistance regarding application of the USBC. Additional technical assistance may be obtained by contacting the Regional State Fire Marshal's office in your area or the State Building Code Administrative Office may also be contacted at (804) 371-7160.

Statewide Fire Prevention Code (SFPC) questions: The local fire prevention department should be consulted for information and assistance regarding application of the SFPC. Additional technical assistance may be obtained by also contacting the Regional State Fire Marshal's office in your area.

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EXCERPTS FROM THE CODE OF VIRGINIA

§ 2.2-3705.39. Security of certain records. - Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit that would identify specific trade secrets or other information the disclosure of which would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

Those portions of engineering and construction drawings and plans that reveal critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Codes (§ 27-94 et seq.), the disclosure of which would jeopardize the safety or security of any public or private commercial office, multi-family residential or retail building or its occupants in the event of terrorism or other threat to public safety, to the extent that the owner or lessee of such property, equipment or system in writing (i) invokes the protections of this paragraph; (ii) identifies the drawings, plans, or other materials to be protected; and (iii) states the reasons why protection is necessary.

Nothing in this subdivision shall prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.

§ 15.2-900. Abatement or removal of nuisances by localities; recovery of costs. - In addition to the remedy provided by § 48.5 and any other remedy provided by law, any locality may maintain an action to compel a responsible party to abate, raze, or remove a public nuisance. If the public nuisance presents an imminent and immediate threat to life or property, then the locality may abate, raze, or remove such public nuisance, and a locality may bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

§ 15.2-1115. Abatement or removal of nuisances. - A municipal corporation may compel the abatement or removal of all nuisances, including but not limited to the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level, fencing or protection by other means, of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; and the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. If after such reasonable notice as the municipal corporation may prescribe the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to abate or obviate the condition or nuisance, the municipal corporation may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.

§ 15.2-2201. Definitions. - As used in this chapter, unless the context requires a different meaning:

"Zoning" or *"to zone"* means the process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

§ 15.2-2283. Purpose of zoning ordinances. - Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2200. To these ends, such ordinances shall be designed to give reasonable consideration to each of the following purposes, where applicable: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers;

§ 15.2-2295. Aircraft noise attenuation features in buildings and structures within airport noise zones. - Any locality in whose jurisdiction, or adjacent jurisdiction, is located a licensed airport or United States government or military air facility, may enforce building regulations relating to the provision or installation of acoustical treatment measures in residential buildings and structures, or portions thereof, other than farm structures, for which building permits are issued after January 1, 2003, in areas affected by above average noise levels from aircraft due to

their proximity to flight operations at nearby airports. In establishing the regulations, the locality may adopt one or more noise overlay zones as an amendment to its zoning map and may establish different measures to be provided or installed within each zone, taking into account the severity of the impact of aircraft noise upon buildings and structures within each zone. Any such regulations or amendments to a zoning map shall provide a process for reasonable notice to affected property owners. Any regulations or amendments to a zoning map shall be adopted in accordance with this chapter. A statement shall be placed on all recorded surveys, subdivision plots and all final site plans approved after January 1, 2003, giving notice that a parcel of real property either partially or wholly lies within an airport noise overlay zone. No existing use of property which is affected by the adoption of such regulations or amendments to a zoning map shall be considered a nonconforming use solely because of the regulations or amendments. The provisions of this section shall not affect any local aircraft noise attenuation regulations or ordinances adopted prior to the effective date of this act, and such regulations and ordinances may be amended provided the amendments shall not alter building materials, construction methods, plan submission requirements or inspection practices specified in the Virginia Uniform Statewide Building Code.

§ 19.2-8. Limitation of prosecutions. - A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense. A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption. A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense. A prosecution for any violation of §§ 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 which involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense. Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the owner or by the building official; provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the discovery of the offense. Prosecution of nonfelonious offenses, which constitute malfeasance in office, shall commence within two years next after the commission of the offense. Prosecution of any violation of §§ 55-79.87, 55-79.88, 55-79.89, 55-79.90, 55-79.93, 55-79.94, 55-79.95, 55-79.103, or any rule adopted under or order issued pursuant to § 55-79.98, shall commence within three years next after the commission of the offense. Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense. Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed. Prosecution of violations of subsection A or B of § 3.1-796.122 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense. A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense. A prosecution for any violation of the Campaign Finance Disclosure Act (§ 24.2-900 et seq.) shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense. Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without this Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

§ 27-30. Appointment of fire marshal. - An officer, who shall be called a "fire marshal," may be appointed for each county, city or town, by the governing body thereof, whenever, in the opinion of such body, the appointment shall be deemed expedient. The term "fire marshal" as used in this chapter may include the local fire official and local arson investigator when appointed pursuant to this section.

§ 27-31. Investigation of fires and explosions. - Such fire marshal shall make an investigation into the origin and cause of every fire and explosion occurring within the limits for which he was appointed, and for any such service he shall receive such compensation as the governing body may allow.

§ 27-32. Summoning witnesses and taking evidence. - In making investigations pursuant to § 27-31, the fire marshal may issue a summons directed to a sheriff or sergeant of any county, city or town commanding the officer to summon witnesses to attend before him at such time and place as he may direct. Any such officer to whom the summons is delivered, shall forthwith execute it, and make return thereof to the fire marshal at the time and place named therein.

Witnesses, on whom the summons before mentioned is served, may be compelled by the fire marshal to attend and give evidence, and shall be liable in like manner as if the summons had been issued by a justice of the peace in a criminal case. They shall be sworn by the fire marshal before giving evidence, and their evidence shall be reduced to writing by him, or under his direction, and subscribed by them respectively.

§ 27-32.1. Right of entry to investigate cause of fire or explosion. - If in making such an investigation, the fire marshal shall make complaint under oath that there is good cause of suspicion or belief that the burning of or explosion on any land, building or vessel or of any object was caused by any act constituting a crime as defined in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2 and that he has been refused admittance to the land, building or vessel or to examine the object in or on which any fire or explosion occurred within fifteen days after the extinguishment of such, any justice of the peace of the city or county where the land, building, vessel or object is located may issue a warrant to the sheriff of the county or the sergeant of the city requiring him to enter such land, building or vessel or the premises upon which the object is located in the company of the fire marshal for the purposes of conducting a search for evidence showing that such fire or explosion was caused by any act defined in Article 1 of Chapter 5, of Title 18.2.

§ 27-32.2. Issuance of fire investigation warrant. - If, in undertaking such an investigation, the fire marshal makes an affidavit under oath that the origin or cause of any fire or explosion on any land, building, or vessel, or of any object is undetermined and that he has been refused admittance thereto, or is unable to gain permission to enter such land, building, or vessel, or to examine such object, within fifteen days after the extinguishing of such, any magistrate of the city or county where the land, building, vessel, or object is located may issue a fire investigation warrant to the fire marshal authorizing him to enter such land, building, vessel, or the premises upon which the object is located for the purpose of determining the origin and source of such fire or explosion. If the fire marshal, after gaining access to any land, building, vessel, or other premises pursuant to such a fire investigation warrant, has probable cause to believe that the burning or explosion was caused by any act constituting a criminal offense, he shall discontinue the investigation until a search warrant has been obtained pursuant to § 27-32.1, or consent to conduct the search has otherwise been given.

§ 27-33. Report of investigation. - The fire marshal shall make report to the governing body by whom he was appointed of any investigation made by him as soon thereafter as practicable, returning therewith the evidence taken by him and submitting such recommendations therein as he may think the public interest demands.

§ 27-34. Duties and powers at fires. - Whenever any fire occurs, it shall be the duty of such fire marshal or his designated representative to be present at the same and advise and act in concert with such officers of police as may be present; and, for preserving order at and during the existence of such fire, and for the protection of property, he shall have concurrent powers with the officers of police, and the chief or other officer in charge, but shall not exercise any authority which will conflict with the powers of any chief or other officer in command of any fire department in the discharge of his special duties as such.

§ 27-34.1. Power of fire marshal or fire chief to take property found at scene of fire or explosion; restitution of such property. - The fire chief, fire marshal or his designated representative is authorized to take and preserve any property found at the scene of a fire or explosion during his presence there while in the act of extinguishing such or found later with the consent of the owner or pursuant to § 27-32.1, which property indicates the fire or explosion was intentionally caused. Any person whose property is so taken and held may petition the circuit court of the county or city in which the property was taken or judge in vacation, for return of the property, and the court may order restitution upon such conditions as are appropriate for preservation of evidence, including the posting of bond.

§ 27-34.2. Power to arrest, to procure and serve warrants and to issue summons; limitation on authority.

- In addition to such other duties as may be prescribed by law, the local fire marshal and his assistants appointed pursuant to § 27-36 shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the authority to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of fire prevention and fire safety laws and related ordinances. The authority granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a training course designed specifically for local fire marshals and their assistants, which course shall be approved by the Virginia Fire Services Board.

The Department of Fire Programs in cooperation with the Department of Criminal Justice Services shall have the authority to design, establish and maintain the required courses of instruction through such agencies and institutions as the Departments jointly may deem appropriate and to approve such other courses as such Departments determine appropriate.

The authority granted in this section shall not be construed to authorize a fire marshal or his assistants to wear or carry firearms.

§ 27-34.2:1. Police powers of fire marshals. - In addition to such other duties as may be prescribed by law, the local fire marshal and those assistants appointed pursuant to § 27-36 designated by the fire marshal shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the same police powers as a sheriff, police officer or law-enforcement officer. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs shall be the responsibility of the fire marshal or his designee, if authorized by the governing body of the county, city or town appointing the local fire marshal. The police powers granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a course for fire marshals with police powers, designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which course shall be approved by the Virginia Fire Services Board.

In addition, fire marshals with police powers shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which courses shall be approved by the Virginia Fire Services Board.

§ 27-34.3. Power to order immediate compliance with law, etc., or prohibit use of building or equipment.

- The local fire marshal shall, if authorized by the governing body of the county, city or town appointing him, have the authority to exercise the powers authorized by the Fire Prevention Code. However, an order prohibiting the use of a building or equipment - issued pursuant to this section shall not be effective beyond the date of a determination made by the authorities identified in and pursuant to § 27-97, regardless of whether or not said determination overrules, modifies or affirms the order of the local fire marshal. If an order of the local fire marshal issued pursuant to this section conflicts to any degree with an order previously issued by an authority identified in and pursuant to § 27-97, the latter order shall prevail. The local fire marshal shall immediately report to the authorities identified in § 27-97 on the issuance and content of any order issued pursuant to this section.

§ 27-34.4. Inspection and review of plans of buildings under construction. - Inspection of buildings other than state-owned buildings under construction and the review and approval of building plans for these structures for enforcement of the Uniform Statewide Building Code shall be the sole responsibility of the appropriate local building inspectors. Upon completion of such structures, responsibility for fire safety protection shall pass to the local fire marshal or official designated by the locality to enforce the Statewide Fire Prevention Code (§ 27-94 et seq.) in those localities which enforce the Statewide Fire Prevention Code.

§ 27-35. Penalty for failure to discharge duty. - For his failure to discharge any duty required of him by law the fire marshal shall be liable for each offense to a fine not exceeding \$100, to be imposed by the governing body and to be collected as other fines are collected.

§ 27-36. Appointment, powers and duties of assistant fire marshals. - The governing body of any county, city or town, or its designee may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal.

§ 27-37. Oath of fire marshal and assistants. - The fire marshal and his assistants, before entering upon their duties, shall respectively take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of such office; the certificate of the oath shall be returned to and preserved by such governing body.

§ 27-37.1. Right of entry to investigate releases of hazardous material, hazardous waste, or regulated substances. - The fire marshal shall have the right, if authorized by the governing body of the county, city, or town appointing the fire marshal, to enter upon any property from which a release of any hazardous material, hazardous waste, or regulated substance, as defined in § 10.1-1400 or § 62.1-44.34:8, has occurred or is reasonably suspected to have occurred and which has entered into the ground water, surface water or soils of the county, city or town in order to investigate the extent and cause of any such release. If, in undertaking such an investigation, the fire marshal makes an affidavit under oath that the origin or cause of any such release is undetermined and that he has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate of the city or county where the property is located may issue an investigation warrant to the fire marshal authorizing him to enter such property for the purpose of determining the origin and source of the release. If the fire marshal, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by any act constituting a criminal offense, he shall discontinue the investigation until a search warrant has been obtained or consent to conduct the search has otherwise been given.

§ 27-94. Short title. - This chapter may be cited as the "Virginia Statewide Fire Prevention Code Act."

§ 27-95. Definitions. - As used in this chapter, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them:

"Board" means the Board of Housing and Community Development.

"Code provisions" means the provisions of the Fire Prevention Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated from time to time by such Board.

"Enforcement agency" means the agency or agencies of any local governing body or the State Fire Marshal charged with the administration or enforcement of the Fire Prevention Code.

"Fire Prevention Code" or *"Code"* means the Statewide Fire Prevention Code.

"Fire prevention regulation" means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents, wherever located, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions or other agencies.

"Fire Services Board" means the Virginia Fire Services Board as provided for in § 9.1-202.

"Inspection warrant" means an order in writing, made in the name of the Commonwealth, signed by any judge or magistrate whose territorial jurisdiction encompasses the building, structure or premises to be inspected or entered, and directed to a state or local official, commanding him to enter and to conduct any inspection, examination, testing or collection of samples for testing required or authorized by the Virginia Statewide Fire Prevention Code.

"Local government" means the governing body of any city, county or town in this Commonwealth.

"State Fire Marshal" means the State Fire Marshal as provided for by § 36-139.2.

§ 27-96. Statewide standards. - The purposes of this chapter are to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, including fireworks, explosives and blasting agents, wherever located.

§ 27-96.1. Chapter inapplicable to certain uses of fireworks. - Unless prohibited by a local ordinance, the provisions of this chapter pertaining to fireworks shall not apply to the sale of or to any person using, igniting or exploding permissible fireworks on private property with the consent of the owner of such property.

§ 27-96.2. Exemptions generally. - The provisions of this chapter concerning fireworks shall have no application to any officer or member of the armed forces of this Commonwealth, or of the United States, while acting within the scope of his authority and duties as such, no to any offer of sale or sale of fireworks to any authorized agent of such armed forces; nor shall it be applicable to the sale or use of materials or equipment,

otherwise prohibited by this chapter, when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

§ 27-97. Adoption of Fire Prevention Code. - The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage and use of fireworks, explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of fireworks or explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with regulations adopted by the Board. In addition to conducting criminal background checks pursuant to § 27-97.2, the Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1. The Fire Prevention Code shall prohibit any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations, that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality. The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the Southern Building Code Congress, the Building Officials and Code Administrators International, Inc., the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code. The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than seventy-five feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of § 36-99.3. The Fire Prevention Code shall also require annual fire drills in all buildings having floors used for human occupancy located more than seventy-five feet above the lowest level of fire department vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in accordance with a plan approved by the appropriate fire official and shall not affect other current occupants. The Board may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

§ 27-97.1. Reports of stolen explosives. - Any person holding a permit for the manufacture, storage, handling, use or sale of explosives issued in accordance with the provisions of the Code shall report to the office of the chief arson investigator for the Commonwealth as well as the chief local law-enforcement official any theft or other unauthorized taking or disappearance of any explosives or blasting devices from their inventory. An initial verbal report shall be made within three days of the discovery of the taking or disappearance. A subsequent written report shall be filed within such time, and in such form, as is specified by the chief arson investigator. Failure to comply with the provisions of this section shall constitute a Class 1 misdemeanor punishable by the same penalties applicable to violations of the Fire Prevention Code.

§ 27-97.2. Issuance of permit; background investigations. - A. The Board or other issuing authority shall consider all permit applications for manufacturing, storage, handling, use or sales of explosives and applications for certification as a blaster, and may grant a valid permit or certification to applications who met the criteria established in the regulations of the Board. The Board shall require a background investigation, to include a national criminal history record information check, of all individual applicants and all designated persons representing an applicant

that is not an individual, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster. Each such applicant shall submit his fingerprints to the Board on a form provided by the Board and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. Any firm or company manufacturing, storing, using, or selling explosives shall provide to the enforcement agency, Board or other issuing authority the name of a representative responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits. The Board or other issuing authority shall deny any application for a permit or for certification as a blaster if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any other territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority.

B. No permit under this section shall be required of any person holding a certification or permit issued pursuant to the provisions of Title 45.1.

§ 27-98. Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies; inspection of buildings. - Any local government may enforce the Fire Prevention Code in its entirety or with respect only to those provisions of the Fire Prevention Code relating to open burning, fire lanes, fireworks, and hazardous materials. If a local governing body elects to enforce only those provisions of the Fire Prevention Code relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction. The State Fire Marshal shall also have the authority, in cooperation with any local governing body, to enforce the Code. The State Fire Marshal shall also have authority. In cooperation with any local governing body, to enforce the Code. The State Fire Marshal shall also have authority to enforce the Code in those jurisdictions in which the local governments do not enforce the Code. The local governing body may establish such procedures or requirements as may be necessary for the administration and enforcement of the Code. Appeals concerning the application of the Code by the local enforcing agency shall first lie to a local board of appeals and then to the State Building Code Technical Review Board. Appeals from the application of the Code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in § 36-108 et seq. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals.

§ 27-98.1. Inspections of buildings, structures, properties and premises. - In order to carry out the purposes of the Code and any regulations or standards adopted in pursuance thereof, the local fire official, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized, with the consent of the owner, operator, or agent in charge to enter a building, structure, property or premises for the purpose of conducting an inspection, examination, testing, or collection of samples for testing, during regular working hours and at other reasonable times, and in a reasonable manner, to determine if the building, structures, systems, machines, apparatus, devices, equipment, and materials stored, used or handled, and all pertinent conditions therein, are in compliance with the requirements, regulations or standards set forth in the Code.

§ 27-98.2. Issuance of warrant. - Search warrants for inspections or reinspection of buildings, structures, property, or premises subject to inspections pursuant to the Code, to determine compliance with regulations or standards set forth in the Code, shall be based upon a demonstration of probable cause and supported by affidavit. Such inspection warrants may be issued by any judge or magistrate having authority to issue criminal warrants whose territorial jurisdiction encompasses the building, structure, property or premises to be inspected or entered, if he is satisfied from the affidavit that there is probable cause for the issuance of an inspection warrant. No inspection warrant shall be issued pursuant to this chapter except upon probable cause, supported by affidavit, particularly describing the place, thing or property to be inspected, examined or tested and the purpose for which the inspection, examination, testing or collection of samples for testing is to be made. Probable cause shall be deemed to exist if such inspection, examination, testing or collection of samples for testing are necessary to ensure compliance with the Fire Prevention Code for the protection of life and property from the hazards of fire or explosion. The supporting affidavit shall contain either a statement that consent to inspect, examine, test or collect samples for testing has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent in order to enforce effectively the fire safety laws, regulations or standards of the Commonwealth which authorize such inspection, examination, testing or collection of samples for testing. In the case of an inspection warrant based upon legislative or administrative standards for selecting buildings, structures, property or premises for inspections, the affidavit shall contain factual allegations sufficient to justify an independent determination by the judge or magistrate that the inspection program is based on reasonable standards and that the standards are being applied to a

particular place in a neutral and fair manner. The issuing judge or magistrate may examine the affiant under oath or affirmation to verify the accuracy of any matter in the affidavit.

§ 27-98.3. Duration of warrant. - An inspection warrant shall be effective for the time specified therein, for a period of not more than seven days, unless extended or renewed by the judicial officer who signed and issued the original warrant. The judicial officer may extend or renew the inspection warrant upon application for extension or renewal setting forth the results, which have been obtained, or a reasonable explanation of the failure to obtain such results. The extension or renewal period of the warrant shall not exceed seven days. The warrant shall be executed and returned to the judicial officer by whom it was issued within the time specified in the warrant or within the extended or renewed time. The return shall list any samples taken pursuant to the warrant. After the expiration of such time, the warrant, unless executed, shall be void.

§ 27-98.4. Conduct of inspections, examinations, testing, or collection of samples. - No warrant shall be executed in the absence of the owner, operator or agent in charge of the particular building, structure, property or premises unless specifically authorized by the issuing judicial officer upon showing that such authority is reasonably necessary to effect the purposes of a statute or regulation being enforced. An entry pursuant to this warrant shall not be made forcibly, except that the issuing officer may expressly authorize a forcible entry (i) where facts are shown sufficient to create a reasonable suspicion of an immediate threat to an occupant of the particular building, structure, property, or premises, or, to the general safety and welfare of the public, or, to adjacent buildings, structures, properties or premises, or (ii) where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. If forcible entry is authorized, the warrant shall be issued jointly to the fire official and to a law-enforcement officer who shall accompany the fire official during the execution.

§ 27-98.5. Review by courts. - A. No court of the Commonwealth shall have jurisdiction to hear a challenge to the warrant prior to its return to the issuing judge or magistrate except as a defense in a contempt proceeding, unless the owner or custodian of the building, structure, property or premises to be inspected makes by affidavit a substantial preliminary showing accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in his affidavit for the inspection warrant and (ii) the false statement was necessary to the finding of probable cause. The court shall conduct such expeditious in camera view as the court may deem appropriate.

B. After the warrant has been executed and returned to the issuing judge, the validity of the warrant may be reviewed either as a defense to any citation issued by the fire official or otherwise by declaratory judgment action brought in a circuit court. In any such action, the review shall be confined to the face of the warrant and affidavits and supporting materials presented to the issuing judge unless the owner, operator, or agent in charge of whose building, structure, property or premises has been inspected makes a substantial showing by affidavit accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was made in support of the warrant and (ii) the false statement was necessary to the finding of probable cause. The review shall only determine whether there is substantial evidence in the record supporting the decision to issue the warrant.

§ 27-99. State buildings. - The Fire Prevention Code shall be applicable to all state-owned buildings and structures. Every agency, commission or institution, including all institutions of higher education, of the Commonwealth shall permit, at all reasonable hours, a local fire official reasonable access to existing structures or a structure under construction or renovation, for the purposes of performing an informational and advisory fire safety inspection. The local fire official may submit, subsequent to performing such inspection, his findings and recommendations including a list of corrective actions necessary to ensure that such structure is reasonably safe from the hazards of fire to the appropriate official of such agency, commission, or institution and the State Fire Marshal. Such agency, commission or institution shall notify, within sixty days of receipt of such findings and recommendations, the State Fire Marshal and the local fire official of the corrective measures taken to eliminate the hazards reported by the local fire official. The State Fire Marshal shall have the same power in the enforcement of this section as is provided for in § 27-98. The State Fire Marshal may enter into an agreement as is provided for in § 36-139.4 with any local enforcement agency that enforces the Fire Prevention Code to enforce this section and to take immediate enforcement action upon verification of a complaint of an imminent hazard such as a chained or blocked exit door, improper storage of flammable liquids, use of decorative materials and overcrowding.

§ 27-100. Violation a misdemeanor. - It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of any Code provisions, to violate any provisions of the Fire Prevention

Code. Any such violation shall be deemed a Class 1 misdemeanor, and any owner, or any other person, firm, or corporation convicted of such violation shall be punished in accordance with the provisions of § 18.2-11.

§ 27-101. Injunction upon application. - Every court having jurisdiction under existing or any future law is empowered to and shall, upon the application of the local enforcing agency or State Fire Marshal, issue either a mandatory or restraining injunction in aid of the enforcement of, or in prevention of the violation of, any of the provisions of this law or any valid rule or regulation made in pursuance thereof. The procedure for obtaining any such injunction shall be in accordance with the laws then current governing injunctions generally except that the enforcing agency shall not be required to give bond as a condition precedent to obtaining an injunction.

§ 36-70. Short title. - The short title of the law embraced in this chapter is the Virginia Industrialized Building Safety Law.

§ 36-71.1. Definitions. - As used in this chapter, unless a different meaning or construction is clearly required by the context:

"Administrator" means the Director of the Department of Housing and Community Development or his designee.

"Board" means the Board of Housing and Community Development.

"Compliance assurance agency" means an architect or professional engineer registered in Virginia, or an organization, determined by the Department to be specially qualified by reason of facilities, personnel, experience and demonstrated reliability, to investigate, test and evaluate industrialized buildings; to list such buildings complying with standards at least equal to those promulgated by the Board; to provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and to provide a label as evidence of compliance on each manufactured section or module.

"Department" means the Department of Housing and Community Development.

"Industrialized building" means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in § 36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this law.

"Registered" means that an industrialized building displays a registration seal issued by the Department of Housing and Community Development.

"The law" or *"this law"* means the Virginia Industrialized Building Safety Law as provided in this chapter.

§ 36-73. Authority of Board to promulgate rules and regulations. - The Board shall from time to time promulgate rules and regulations prescribing standards to be complied with in industrialized buildings for protection against the hazards thereof to safety of life, health and property and prescribing procedures for the administration, enforcement and maintenance of such rules and regulations. The standards shall be reasonable and appropriate to the objectives of this law and within the guiding principles prescribed by the General Assembly in this law and in any other law in pari materia. The standards shall not be applied to manufactured homes defined in § 36-85.3.

In making rules and regulations, the Board shall have due regard for generally accepted safety standards as recommended by nationally recognized organizations, such as the Building Officials and Code Administrators International, Inc., the Southern Building Codes Congress, the International Conference of Building Officials, the National Fire Protection Association, and the Council of American Building Officials where practical, the rules and regulations shall be stated in terms of required levels of performance, so as to facilitate the prompt acceptance of new building materials and methods. Where generally recognized standards of performance are not available, the rules and regulations of the Board shall provide for acceptance of materials and methods whose performance has been found by the Department, on the basis of reliable test and evaluation data presented by the proponent, to be substantially equal in safety to those specified.

§ 36-74. Notice and hearing on rules and regulations. - The Board shall comply with all applicable requirements of the Administrative Process Act (§ 9-6.14:1 et seq.) when adopting, amending or repealing any rules or regulations under this law.

§ 36-75. Amendment, etc., and annual review of rules and regulations. - The Board may modify, amend or repeal any rules or regulations as the public interest requires. The Administrator shall make an annual review of the

rules and regulations, considering the housing needs and supply in the Commonwealth and factors that tend to impede or might improve the availability of housing for all citizens of the Commonwealth and shall recommend to the Board such modifications, amendments or repeal as deemed necessary.

§ 36-76. Printing and distribution of rules and regulations. - The Administrator shall have printed from time to time, and keep in pamphlet form, all rules and regulations prescribing standards for industrialized buildings. Such pamphlets shall be furnished upon request to members of the public.

§ 36-77. Rules and regulations to be kept in office of Administrator. - A true copy of all rules and regulations adopted and in force shall be kept in the office of the Administrator, accessible to the public.

§ 36-78. Effective date and application of rules and regulations. - No rules or regulations shall be made effective earlier than twelve months after June 26, 1970. No person, firm or corporation shall offer for sale or rental or sell or rent any industrialized buildings which have been constructed after the effective date of such rule or regulation unless it conforms with said rules and regulations. Any industrialized building constructed before the effective date of these regulations shall remain subject to the ordinances, laws or regulations in effect at the time such industrialized building was constructed, but nothing in this chapter shall prevent the enactment or adoption of additional requirements where necessary to provide for adequate safety of life, health and property.

§ 36-79. Effect of label of compliance assurance agency. - Any industrialized building shall be deemed to comply with the standards of the Board when bearing the label of a compliance assurance agency.

§ 36-80. Modifications to rules and regulations. - The Administrator shall have the power upon appeal in specific cases to authorize modifications to the rules and regulations to permit certain specified alternatives where the objectives of this law can be fulfilled by such other means.

§ 36-81. Application of local ordinances; enforcement of chapter by local authorities. - Registered industrialized buildings shall be acceptable in all localities as meeting the requirements of this law, which shall supersede the building codes and regulations of the counties, municipalities and state agencies. The local building official is authorized to and shall determine that any unregistered industrialized building shall comply with the provisions of this law. Local requirements affecting industrialized buildings, including zoning, utility connections, preparation of the site, and maintenance of the unit, shall remain in full force and effect. All local building officials are authorized to and shall enforce the provisions of this law, and the rules and regulations made in pursuance thereof.

§ 36-82. Right of entry and examination by Administrator; notice of violation. - The Administrator shall have the right, at all reasonable hours, to enter into any industrialized building upon permission of any person who has authority or shares the use, access and control over the building, or upon request of local officials having jurisdiction, for examination as to compliance with the rules and regulations of the Board. Whenever the Administrator shall find any violation of the rules and regulations of the Board, he shall order the person responsible therefor to bring the building into compliance, within a reasonable time, to be fixed in the order.

§ 36-82.1. Appeals. - Appeals from local building officials, compliance assurance agencies, or manufacturers of industrialized buildings concerning the Department's application of the rules and regulations of the Industrialized Building Safety Law shall be heard by the State Building Code Technical Review Board established by § 36-108. The Technical Review Board shall have the power and duty to render its decision in any such appeal, which decision shall be final if no further appeal is made.

§ 36-83. Violation a Class 1 misdemeanor; penalty. - It shall be unlawful for any person, firm or corporation, on or after June 26, 1970, to violate any provisions of this law or the rules and regulations made pursuant hereto. Any person, firm or corporation violating any of the provisions of this law, or the rules and regulations made hereunder, shall be deemed guilty of a Class 1 misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.

§ 36-84. Clerical assistants to Administrator; equipment, supplies and quarters. - The Administrator may employ such permanent or temporary, clerical, technical and other assistants as is found necessary or advisable for

the proper administration of this law, and may fix their compensation and may likewise purchase equipment and supplies deemed necessary.

§ 36-85. Fee for registration seal; use of proceeds. - The Board, by rule and regulation, shall establish a fee for each approved registration seal. The proceeds from the sale of such seals shall be used to pay the costs incurred by the Department in the administration of this law.

§ 36-85.1. Refund of fee paid for registration seal. - Any person or corporation having paid the fee for an approved registration seal which it will not use may, unless and except as otherwise specifically provided, within one year from the date of the payment of any such fee, apply to the Administrator for a refund, in whole or in part, of the fee paid; provided that no payment shall be recovered unless the approved registration seal is returned, unused and in good condition, to the Administrator. Such application shall be by notarized letter.

§ 36-85.2. Short title. - The short title of the law embraced in this chapter is the Virginia Manufactured Housing Construction and Safety Standards Law.

§ 36-85.3. Definitions. - As used in this chapter, unless a different meaning or construction is clearly required by the context:

"Administrator" means the Director of the Department of Housing and Community Development or his designee.

"Any person" shall, in addition to referring to a natural person, include any partnership, corporation, joint stock company or any association whether incorporated or unincorporated.

"Board" means the Board of Housing and Community Development.

"Dealer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

"Defect" means a failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part of the home unfit for the ordinary use for which it was intended, but does not result in an imminent risk of death or severe personal injury to occupants of the affected home.

"Department" means the Department of Housing and Community Development.

"Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

"Federal Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended (42 U.S.C. § 5401 et seq.).

"Federal Regulations" means the Federal Manufactured Home Procedural and Enforcement Regulations.

"Federal Standards" means the Federal Manufactured Home Construction and Safety Standards.

"HUD" means the United States Department of Housing and Urban Development.

"Imminent safety hazard" means a hazard that presents an imminent risk of death or severe personal injury.

"Manufactured home" means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

"Manufactured home construction" means all activities relating to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality, and safety.

"Manufactured home safety" means the performance of a manufactured home in such a manner that the public is protected against unreasonable risk of the occurrence of accidents due to the design or construction of the home, or any unreasonable risk of death or injury to the user if such accidents do occur.

"Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes.

"Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

"Secretary" means the Secretary of the United States Department of Housing and Urban Development.

"Skirting" means a weather-resistant material used to enclose the space from the bottom of the manufactured home to grade.

"State Administrative Agency" or *"SAA"* means the Department of Housing and Community Development, which is responsible for the administration and enforcement of this law throughout Virginia and of the plan authorized by § 36-85.5.

"The law" or "this law" means the Virginia Manufactured Housing Construction and Safety Standards Law as embraced in this chapter.

§ 36-85.5. Enforcement. - The Department of Housing and Community Development is designated as the agency of this State Administrative Agency plan approved by HUD. The Administrator is authorized to perform the following functions:

1. Enforce the Federal Standards with respect to all manufactured homes manufactured in Virginia;
2. Assure that no state or local standard conflicts with those Federal Standards governing manufactured housing construction and performance;
3. Enter and inspect factories, warehouses, or establishments in which manufactured homes are manufactured, stored, or offered for sale as may be required;
4. Seek enforcement of the civil and criminal penalties established by § 36-85.12 of this law;
5. Carry out the notification and correction procedures specified in the Federal Regulations, including holding such hearings and making such determinations as may be necessary and requiring manufacturers in the Commonwealth to provide such notifications and corrections as may be required by the Federal Regulations;
6. Employ such qualified personnel as may be necessary to carry out the approved plan for enforcement and otherwise administer this law;
7. Require manufacturers, distributors, and dealers in the Commonwealth to make reports to the Secretary in the same manner and to the same extent as if such plan were not in effect;
8. Participate, advise, assist, and cooperate with other state, federal, public, and private agencies in carrying out the approved plan for enforcement;
9. Provide for participation by the SAA in any interstate monitoring activities which may be carried out on behalf of HUD;
10. Receive consumer complaints and take such actions on the complaints as may be required by the Federal Regulations;
11. Give satisfactory assurance to HUD that the SAA has and will have the legal authority necessary for enforcement of the Federal Standards;
12. Take such other actions as may be necessary to comply with Federal Regulations and Standards referenced in this law.

§ 36-85.6. Federal Standards and Regulations. - The Federal Standards shall be the sole standard applicable regarding design, construction, or safety of any manufactured home as defined by this law. The Administrator shall accept manufactured home plan approvals from state or private agencies authorized by HUD to conduct plan reviews and approvals. The Administrator shall accept certifications of compliance with the Federal Standards for homes manufactured in other states when such certifications are made according to Federal Regulations.

§ 36-85.7. Authority of Board to adopt rules and regulations. - The Board shall from time to time adopt, amend, or repeal such rules and regulations as are necessary to implement this law in compliance with the Federal Act and the Federal Standards and Regulations enacted by HUD.

§ 36-85.8. Notice and hearing on rules and regulations. - The Board shall comply with all applicable requirements of the Administrative Process Act (§ 9-6.14:1 et seq.) when adopting, amending, or repealing any rules and regulations under this law.

§ 36-85.9. Printing and distribution of rules and regulations. - The Administrator shall have printed and keep in pamphlet form all rules and regulations prescribing the implementation and enforcement of this law. Such pamphlets shall be furnished to members of the public upon request.

§ 36-85.10. Rules and regulations to be kept in office of Department. - A true copy of all rules and regulations adopted and in force shall be kept in the office of the Department, accessible to the public.

§ 36-85.11. Application of local ordinances; enforcement of chapter by local authorities. - Manufactured homes displaying the certification label as prescribed by the Federal Standards shall be accepted in all localities as meeting the requirements of this law, which shall supersede the building codes of the counties, municipalities and state agencies. Local zoning ordinances and other land use controls that do not affect the manner of construction or installation of manufactured homes shall remain in full force and effect. Site preparation, utility connections,

skirting installation, and maintenance of the manufactured home shall meet the requirements of the Uniform Statewide Building Code (§ 36-97 et seq.).

§ 36-85.12. Violation; civil and criminal penalties. - It shall be unlawful for any person, firm or corporation, to violate any provisions of this law, the rules and regulations enacted under authority of this law, or the Federal Law and Regulations. Any person, firm or corporation violating any provision of said laws, rules and regulations, or any final order issued thereunder, shall be liable for civil penalty not to exceed \$1,000 for each violation. Each violation shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or to perform an act required by the legislation or regulations. The maximum civil penalty may not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation. An individual or a director, officer, or agent of a corporation who knowingly and willfully violates Section 610 of the National Manufactured Housing Construction and Safety Standards Act in a manner which threatens the health or safety of any purchaser shall be deemed guilty of a Class 1 misdemeanor and upon conviction fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 36-85.13. Staff, equipment or supplies. - The Administrator may employ permanent or temporary technical, clerical and other assistants as is necessary or advisable for the proper administration of this law. The Administrator may purchase equipment and supplies deemed necessary for the staff.

§ 36-85.14. Fees. - The Board may establish inspection fees to be paid by manufacturers to cover the costs of monitoring inspections. Such fees shall be in the amount and manner as set out in the Federal Regulations. The SAA shall participate in the fee distribution program established by HUD and is authorized to enter into and execute a Cooperative Agreement with HUD for such participation.

§ 36-85.15. Validity. - If any part or provision of this law, or the application to any person or circumstance, is held to be illegal or invalid, the validity of the remainder of this law, or the application to other persons or circumstances, shall not be affected by such ruling.

§ 36-97. Definitions. - As used in this chapter, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them, respectively:

"Board" means the Board of Housing and Community Development.

"Review Board" means the State Building Code Technical Review Board.

"Building Code" means the Uniform Statewide Building Code and building regulations adopted and promulgated pursuant thereto.

"Code provisions" means the provisions of the Uniform Statewide Building Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated by such Board from time to time.

"Building regulations" means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions, or other agencies thereof, relating to construction, reconstruction, alteration, conversion, repair, maintenance, or use of structures and buildings and installation of equipment therein. The term does not include zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

"Municipality" means any city or town in this Commonwealth.

"Local governing body" means the governing body of any city, county or town in this Commonwealth.

"Local building department" means the agency or agencies of any local governing body charged with the administration, supervision, or enforcement of the Building Code and regulations, approval of plans, inspection of buildings, or issuance of permits, licenses, certificates or similar documents.

"State agency" means any state department, board, bureau, commission, or agency of this Commonwealth.

"Building" means a combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

"Equipment" means plumbing, heating, electrical, ventilating, air-conditioning and refrigeration equipment, elevators, dumbwaiters, escalators, and other mechanical additions or installations.

"Farm building or structure" means a building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm;
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;
3. Business or office uses relating to the farm operations;
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm;
5. Storage or use of supplies and materials used on the farm; or
6. Implementation of best management practices associated with farm operations.

"*Construction*" means the construction, reconstruction, alteration, repair or conversion of buildings and structures.

"*Owner*" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, or lessee in control of a building or structure.

"*Director*" means the Director of the Department of Housing and Community Development.

"*Structure*" means an assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, storage tanks (underground and aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells. The word "structure" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

"*Department*" means the Department of Housing and Community Development.

§ 36-98. Board to promulgate Statewide Code; other codes and regulations superseded; exceptions. - The Board is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. Such building code shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. However, such Code shall not supersede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the Uniform Statewide Building Code including but not limited to: (i) public water supply systems, (ii) waste water treatment and disposal systems, and (iii) solid waste facilities. Nor shall state agencies be prevented from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of the Uniform Statewide Building Code. Such Code also shall supersede the provisions of local ordinances applicable to single-family residential construction that (a) regulate dwelling foundations or crawl spaces, (b) require the use of specific building materials or finishes in construction, or (c) require minimum surface area or numbers of windows; however, such Code shall not supersede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, conditions imposed upon a clustering of single-family homes and preservation of open space development through standards, conditions, and criteria established by a locality pursuant to subdivision 8 of §15.2-2242 or subdivision A 12 of §15.2-2286 or land use requirements in airport or highway overlay districts, or historic districts created pursuant to §15.2-2306, or local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.

§ 36-98.01. Mechanics' lien agent included on building permit for residential property at request of applicant. - In addition to any information required by the Uniform Statewide Building Code, a building permit issued for any one- or two-family residential dwelling unit shall at the time of issuance contain, at the request of the applicant, the name, mailing address, and telephone number of the mechanics' lien agent as defined in § 43-1. If the designation of a mechanics' lien agent is not so requested by the applicant, the building permit shall at the time of issuance state that none has been designated with the words "None Designated."

§ 36-98.1. State buildings. - The Building Code shall be applicable to all state-owned buildings and structures, with the exception that §§ 2.1-514 through 2.1-521.1 shall provide the standards for ready access to and use of state-owned buildings by the physically handicapped.

Any state-owned building or structure for which preliminary plans were prepared or on which construction commenced after the initial effective date of the Uniform Statewide Building Code, shall remain subject to the provisions of the Uniform Statewide Building Code that were in effect at the time such plans were completed or such construction commenced. Subsequent reconstruction, renovation or demolition of such building or structure shall be subject to the pertinent provisions of the Building Code.

Acting through the Division of Engineering and Buildings, the Department of General Services shall function as the building official for state-owned buildings. The Department shall review and approve plans and specifications, grant modifications, and establish such rules and regulations as may be necessary to implement this section. It shall provide for the inspection of state-owned buildings and enforcement of the Building Code and standards for access

by the physically handicapped by delegating inspection and Building Code enforcement duties to the State Fire Marshal's Office, to other appropriate state agencies having needed expertise, and to local building departments, all of which shall provide such assistance within a reasonable time and in the manner requested. State agencies and institutions occupying buildings shall pay to the local building department the same fees as would be paid by a private citizen for the services rendered when such services are requested by the Department of General Services. The Department of General Services may alter or overrule any decision of the local building department after having first considered the local building department's report or other rationale given for its decision. When altering or overruling any decision of a local building department, the Department of General Services shall provide the local building department with a written summary of its reasons for doing so.

§ 36-98.2. Appeals from decision of Building Official regarding state-owned buildings. - Appeals by the involved state agency from the decision of the Building Official for state-owned buildings shall be made directly to the State Building Code Technical Review Board.

§ 36-98.3. Amusement devices. - A. The Board shall have the power and duty to promulgate regulations pertaining to the construction, maintenance, operation and inspection of amusement devices. Amusement device means (i) a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion and (ii) passenger tramways. A "passenger tramway" means a device used to transport passengers uphill, and suspended in the air by the use of steel cables, chains or belts, or by ropes, and usually supported by trestles or towers with one or more spans. Regulations promulgated hereunder shall include provisions for the following:

1. The issuance of certificates of inspection prior to the operation of an amusement device;
2. The demonstration of financial responsibility of the owner or operator of the amusement device prior to the operation of an amusement device;
3. Maintenance inspections of existing amusement devices;
4. Reporting of accidents resulting in serious injury or death;
5. Immediate investigative inspections following accidents involving an amusement device that result in serious injury or death;
6. Certification of amusement device inspectors;
7. Qualifications of amusement device operators;
8. Notification by amusement device owners or operators of an intent to operate at a location within the Commonwealth; and
9. A timely reconsideration of the decision of the local building department when an amusement device owner or operator is aggrieved by such a decision.

B. In promulgating regulations, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations.

Where appropriate, the Board shall establish separate standards for mobile amusement devices and for amusement devices permanently affixed to a site.

C. To assist the Board in the administration of this section, the Board shall appoint an Amusement Device Technical Advisory Committee, which shall be composed of five members who, by virtue of their education, training or employment, have demonstrated adequate knowledge of amusement devices or the amusement industry. The Board shall determine the terms of the Amusement Device Technical Advisory Committee members. The Amusement Device Technical Advisory Committee shall recommend standards for the construction, maintenance, operation and inspection of amusement devices, including the qualifications of amusement device operators and the certification of inspectors, and otherwise perform advisory functions as the Board may require.

D. Inspections required by this section shall be performed by persons certified by the Board pursuant to subdivision 6 of § 36-137 as competent to inspect amusement devices. The provisions of § 36-105 notwithstanding, the local governing body shall enforce the regulations promulgated by the Board for existing amusement devices. Nothing in this section shall be construed to prohibit the local governing body from authorizing inspections to be performed by persons who are not employees of the local governing body, provided those inspectors are certified by the Board as provided herein. The Board is authorized to conduct or cause to be conducted any inspection required by this section, provided that the person performing the inspection on behalf of the Board is certified by the Board as provided herein.

E. To the extent they are not superseded by the provisions of this section and the regulations promulgated hereunder, the provisions of this chapter and the Uniform Statewide Building Code shall apply to amusement devices.

§ 36-99. Provisions of Code. - A. The Building Code shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein as defined in § 36-97, and shall prescribe regulations to insure that such buildings and structures are properly maintained, and shall also prescribe procedures for the administration and enforcement of such regulations, including procedures to be used by the local building department in the evaluation and granting of modifications for any provision of the Building Code, provided the spirit and functional intent of the Building Code are observed and public health, welfare and safety are assured. The provisions of the Building Code and modifications thereof shall be such as to protect the health, safety and welfare of the residents of the Commonwealth, provided that buildings and structures should be permitted to be constructed, rehabilitated and maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged. Such regulations shall be reasonable and appropriate to the objective of this chapter.

B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association. Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

C. Where practical, the Code provisions shall be stated in terms of required level of performance, so as to facilitate the prompt acceptance of new building materials and methods. When generally recognized standards of performance are not available, such provisions shall provide for acceptance of materials and methods whose performance has been found by the local building department, on the basis of reliable test and evaluation data, presented by the proponent, to be substantially equal in safety to those specified.

D. The Board, upon a finding that sufficient allegations exist regarding failures noted in several localities of performance, standards by either building materials, methods, or design, may conduct hearings on such allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health, safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the subject building material and as many other interested parties, industry representatives, and trade groups as can reasonable be identified. Following the hearing, the Board, upon finding that (i) the current technical or administrative Code provisions allow use of or result in defective or deficient building materials, methods, or designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, may issue amended regulations establishing interim performance standards and Code provisions for the installation, application, and use of such building materials, methods or designs in the Commonwealth. Such amended regulation shall become effective upon their publication in the Virginia Register of Regulations. Any amendments to regulations adopted pursuant to this subsection shall become effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24 months or until adopted, modified, or repealed by the Board.

§ 36-99.01. Provisions related to rehabilitation of existing buildings. - A. The General Assembly hereby declares that (i) there is an urgent need to improve the housing conditions of low and moderate income individuals and families, many of whom live in substandard housing, particularly in the older cities of the Commonwealth; (ii) there are large numbers of older residential buildings in the Commonwealth, both occupied and vacant, which are in urgent need of rehabilitation and which must be rehabilitated if the State's citizens are to be housed in decent, sound, and sanitary conditions; and (iii) the application of those building code requirements currently in force to housing rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

B. The General Assembly further declares that (i) there is an urgent need to improve the existing condition of many of the Commonwealth's stock of commercial properties, particularly in older cities; (ii) there are large numbers of older commercial buildings in the Commonwealth, both occupied and vacant, that are in urgent need of rehabilitation and that must be rehabilitated if the citizens of the Commonwealth are to be provided with decent, sound and sanitary work spaces; and (iii) the application of the existing building code to such rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

C. The Board is hereby directed and empowered to make such changes as are necessary to fulfill the intent of the General Assembly as expressed in subsections A and B, including, but not limited to amendments to the

Building Code and adequate training of building officials, enforcement personnel, contractors, and design professionals throughout the Commonwealth.

§ 36-99.2. Standards for replacement glass. - Any replacement glass installed in buildings constructed prior to the effective date of the Uniform Statewide Building Code shall meet the quality and installation standards for glass installed in new buildings as are in effect at the time of installation.

§ 36-99.3. Smoke detectors and automatic sprinkler systems in colleges and universities. - A. College or university buildings containing dormitories for sleeping purposes shall be provided with battery or AC powered smoke detector devices installed therein in accordance with the Uniform Statewide Building Code. All public or private college and university dormitories shall have installed and use due diligence in maintaining in good working order such detectors regardless of when the building was constructed.

B. The Board of Housing and Community Development shall promulgate regulations pursuant to item (ii) of subdivision C5 of section 9-6.14:4.1 establishing standards for automatic sprinkler systems throughout all public or private college or university buildings which are (i) more than seventy-five feet or more than six stories high and (ii) used, in whole or in part, as dormitories to house students. Such buildings shall be equipped with automatic sprinkler systems by September 1, 1999, regardless of when such buildings were constructed.

C. The chief administrative office of the college or university shall obtain a certificate of compliance with the provisions of this section from the building official of the locality in which the college or university is located or in the case of state-owned buildings, from the Director of the Department of General Services.

D. The provisions of this section shall not apply to any dormitory at a state-supported military college or university which is patrolled twenty-four hours a day by military guards.

§ 36-99.4. Smoke detectors in certain juvenile care facilities. - Battery or AC-powered smoke detector devices shall be installed in all local and regional detention homes, group homes, and other residential care facilities for children or juveniles which are operated by or under the auspices of the Department of Juvenile Justice, regardless of when the building was constructed, in accordance with the provision of the Uniform Statewide Building Code by July 1, 1986. Administrators of such homes and facilities shall be responsible for the installation and maintenance of the smoke detector devices.

§ 36-99.5. Smoke detectors for the deaf and hearing-impaired. - Smoke detectors providing an effective intensity of not less than 100 candela to warn a deaf or hearing-impaired individual shall be provided, upon request by the occupant to the landlord or proprietor, to any deaf or hearing-impaired occupant of any of the following occupancies, regardless of when constructed:

1. All dormitory buildings arranged for the shelter and sleeping accommodations of more than twenty individuals;
2. All multiple-family dwellings having more than two dwelling units, including all dormitories, boarding and lodging houses arranged for shelter and sleeping accommodations of more than five individuals; or
3. All buildings arranged for use of one-family or two-family dwelling units.

A tenant shall be responsible for the maintenance and operation of the smoke detector in the tenant's unit.

A hotel or motel shall have available no fewer than one such smoke detector for each seventy units or portion thereof, except that this requirement shall not apply to any hotel or motel with fewer than thirty-five units. The proprietor of the hotel or motel shall post in a conspicuous place at the registration desk or counter a permanent sign stating the availability of smoke detectors for the hearing-impaired. Visual detectors shall be provided for all meeting rooms for which an advance request has been made.

The proprietor or landlord may require a refundable deposit for a smoke detector, not to exceed the original cost or replacement cost, whichever is greater, of the smoke detector. Rental fees shall not be increased as compensation for this requirement.

Landlords shall notify hearing-impaired tenants of the availability of special smoke detectors; however, no landlord shall be civilly or criminally liable for failure to so notify. New tenants shall be asked, in writing, at the time of rental, whether visual smoke detectors will be needed.

Failure to comply with the provisions of this section within a reasonable time shall be punishable as a Class 3 misdemeanor.

This law shall have no effect upon existing local law or regulation which exceeds the provisions prescribed herein.

§ 36-99.5:1. Smoke detectors in adult care residences, adult day care centers and nursing homes and facilities. - A. Battery- or AC-powered smoke detector devices shall be installed in all adult care residences and adult day care centers licensed by the Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke detectors shall be determined by the Uniform Statewide Building Code.

The licensee shall obtain a certificate of compliance from the building official of the locality in which the residence or center is located, or in the case of state-owned buildings, from the Department of General Services.

The licensee shall maintain the smoke detector devices in good working order.

B. The Board of Housing and Community Development shall promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) establishing standards for requiring smoke detectors in nursing homes and nursing facilities. All nursing homes and nursing facilities which are already equipped with sprinkler systems shall comply with these regulations.

§ 36-99.6. Underground and aboveground storage tank inspections. - A. The Board of Housing and Community Development shall incorporate, as part of the Building Code, regulations adopted and promulgated by the State Water Control Board governing the installation, repair, upgrade and closure of underground and aboveground storage tanks.

B. Inspections undertaken pursuant to such Building Code regulations shall be done by employees of the local building department or another individual authorized by the local building department.

§ 36-99.6:2 Installation of in-building emergency communication equipment for emergency public safety personnel. -

The Board of Housing and Community Development shall promulgate regulations as part of the Building Code requiring such new commercial, industrial, and multifamily buildings as determined by the Board be (i) designed and constructed so that emergency public safety personnel may send and receive emergency communications from within those structures or (ii) equipped with emergency communications equipment so that emergency public safety personnel may send and receive emergency communications from within those structures.

For the purposes of this section: "Emergency communications equipment" includes, but is not limited to, two-way radio communications, signal boosters, bi-directional amplifiers, radiating cable systems or internal multiple antenna, or any combination of the foregoing. "Emergency public safety personnel" includes firefighters, emergency medical services personnel, law-enforcement officers, and other emergency public safety personnel routinely called upon to provide emergency assistance to members of the public in a wide variety of emergency situations, including, but not limited to, fires, medical emergencies, violent crimes, and terrorist attacks.

§ 36-99.7. Asbestos inspection in buildings to be renovated or demolished; exceptions. - A. A local building department shall not issue a building permit allowing a building for which an initial building permit was issued before January 1, 1985, to be renovated or demolished until the local building department receives certification from the owner or his agent that the affected portions of the building have been inspected for the presence of asbestos by an individual licensed to perform such inspections pursuant to § 54.1-503 and that no asbestos-containing materials were found or that appropriate response actions will be undertaken in accordance with the requirements of the Clean Air Act National Emission Standard for the Hazardous Air Pollutant (NESHAPS) (40 CFR 61, Subpart M), and the asbestos worker protection requirements established by the U.S. Occupational Safety and Health Administration for construction workers (29 CFR 1926.1101). Local educational agencies that are subject to the requirements established by the Environmental Protection Agency under the Asbestos Hazard Emergency Response Act (AHERA) shall also certify compliance with 40 CFR 763 and subsequent amendments thereto.

B. To meet the inspection requirements of subsection A except with respect to schools, asbestos inspection of renovation projects consisting only of repair or replacement of roofing, floorcovering, or siding materials may be satisfied by a statement that the materials to be repaired or replaced are assumed to contain friable asbestos and that asbestos installation, removal, or encapsulation will be accomplished by a licensed asbestos contractor.

C. The provisions of this section shall not apply to single-family dwellings or residential housing with four or fewer units, unless the renovation or demolition of such buildings is for commercial or public development purposes. The provisions of this section shall not apply if the combined amount of regulated asbestos-containing material involved in the renovation or demolition is less than 260 linear feet on pipes or less than 160 square feet on other facility components or less than thirty-five cubic feet off facility components where the length or area could not be measured previously.

D. An abatement area shall not be reoccupied until the building official receives certification from the owner that the response actions have been completed and final clearances have been measured. The final clearance levels

for reoccupancy of the abatement area shall be 0.01 or fewer asbestos fibers per cubic centimeter if determined by Phase Contrast Microscopy analysis (PCM) or 70 or fewer structures per square millimeter if determined by Transmission Electron Microscopy analysis (TEM).

§ 36-99.8. Skirting. - Manufactured homes installed or relocated pursuant to the Building Code shall have skirting installed within sixty days of occupancy of the home. Skirting materials shall be durable, suitable for exterior exposures, and installed in accordance with the manufacturer's installation instructions. Skirting shall be secured as necessary to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Each manufactured home shall have a minimum of one opening in the skirting providing access to any water supply or sewer drain connections under the home. Such openings shall be a minimum of eighteen inches in any dimension and not less than three square feet in area. The access panel or door shall not be fastened in a manner requiring the use of a special tool to open or remove the panel or door. On-site fabrication of the skirting by the owner or installer of the home shall be acceptable, provided that the material meets the requirements of the Building Code.

As used in this section, "skirting" means a weather-resistant material used to enclose the space from the bottom of the manufactured home to grade.

§ 36-99.9. Standards for fire suppression systems in certain facilities. - The Board of Housing and Community Development shall promulgate regulations by October 1, 1990, in accordance with the Administrative Process Act, Chapter 1.1:1 (§ 90-6.14:1 et seq.) of Title 9, establishing standards for fire suppression systems in nursing facilities and nursing homes, regardless of when such facilities or institutions were constructed. In the development of these standards, the Board shall seek input from relevant state agencies.

Units consisting of certified long-term care beds described in this section and § 32.1-126.2 located on the ground floor of general hospitals shall be exempt from the requirements of this section.

§ 36-99.9:1. Standards for fire suppression systems in hospitals. - The Board of Housing and Community Development shall promulgate regulations, to be effective by October 1, 1995, in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.), establishing standards for automatic sprinkler systems in hospitals, regardless of when such facilities were constructed. In the development of these standards, the Board shall seek input from relevant state and local agencies as well as affected institutions.

For the purposes of this section and § 32.1-126.3, "automatic sprinkler system" means a device for suppressing fire in patient rooms and other areas of the hospital customarily used for patient care.

§ 36-99.10:1. Standards for installation of acoustical treatment measures in certain buildings and structures. - The Board of Housing and Community Development shall promulgate regulations by October 1, 1994, for installation of acoustical treatment measures for construction in areas affected by above average noise levels from aircraft due to their proximity to flight operations at nearby airports. Such regulations shall provide for implementation at the option of a local governing body pursuant to the provisions of § 15.2-2295.

§ 36-99.11. Identification of disabled parking spaces by above grade signage. - A. All parking spaces reserved for the use of persons with disabilities shall be identified by above grade signs, regardless of whether identification of such spaces by above grade signs was required when any particular space was reserved for the use of persons with disabilities. A sign or symbol painted or otherwise displayed on the pavement of a parking space shall not constitute an above grade sign. Any parking space not identified by an above grade sign shall not be a parking space reserved for the disabled within the meaning of this section.

B. All above grade disabled parking space signs shall have the bottom edge of the sign no lower than four feet nor higher than seven feet above the parking surface. Such signs shall be designed and constructed in accordance with the provisions of the Uniform Statewide Building Code.

C. Building owners shall install above grade signs identifying all parking spaces reserved for the use of persons with disabilities in accordance with this section and the applicable provisions of the Uniform Statewide Building Code by January 1, 1993.

D. Effective July 1, 1998, all disabled parking signs shall include the following language: PENALTY, \$100-500 Fine, TOW-AWAY ZONE. Such language may be placed on a separate sign and attached below existing above grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.

§ 36-100. Notice and hearings on adoption of Code, amendments and repeals. - The Board shall adopt, amend, or repeal any Code provisions in accordance with the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9. Before any such action, the Board shall hold at least one public hearing. In addition to the notice requirement contained therein, the Board shall notify in writing the building official or, where none, the local governing body of every city or county in the Commonwealth. At any such hearing all persons desiring to do so shall be afforded an opportunity to present their views.

§ 36-101. Effective date of Code; when local codes may remain in effect. - No Code provisions shall be made effective prior to January 1, 1973, or later than September 1, 1973; provided that the initial Building Code shall not become effective earlier than 180 days after the publication thereof.

It is further provided that where, in the opinion of the Review Board, local codes are in substantial conformity with the State Code the local code may, with the concurrence of the Review Board remain in effect for two years from the effective day of the State Code for transition to implementation of the State Code.

§ 36-102. Modification, amendment or repeal of Code provisions. - The Board may modify, amend or repeal any Code provisions from time to time as the public interest requires, after notice and hearing as provided in § 36-100 of this chapter. No such modification or amendment shall be made effective earlier than thirty days from the adoption thereof.

§ 36-103. Buildings, etc., existing or projected before effective date of Code. - Any building or structure, for which a building permit has been issued or on which construction has commenced, or for which working drawings have been prepared in the year prior to the effective date of the Building Code, shall remain subject to the building regulations in effect at the time of such issuance or commencement of construction. However, the Board may adopt and promulgate as part of the Building Code, building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare. Subsequent reconstruction, renovation, repair or demolition of such buildings or structures shall be subject to the pertinent construction and rehabilitation provisions of the Building Code. The provisions of this section shall be applicable to equipment. However, building owners may elect to install partial or full fire alarms or other safety equipment that was not required by the Building Code in effect at the time a building was constructed without meeting current Building Code requirements, provided the installation does not create a hazardous condition. Permits for installation shall be obtained in accordance with the Uniform Statewide Building Code.

§ 36-104. Code to be printed and furnished on request; true copy. - The Department shall have printed from time to time and keep available in pamphlet form all Code provisions. Such pamphlets shall be furnished upon request to members of the public. A true copy of all such provisions adopted and in force shall be kept in the office of the Department, accessible to the public. The Department may charge a reasonable fee for distribution of the Building Code bases on production and distribution costs.

§ 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings. - Enforcement of the Building Code for construction and rehabilitation shall be the responsibility of the local building department. There shall be established within each local building department a local board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the Building Code. Appeals from the local building department concerning application of the Building Code or refusal to grant a modification to the provisions of the Building Code shall first lie to the local board of appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals. Whenever a county or a municipality does not have such a building department or board of Building Code appeals, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by the Department for such enforcement and appeals resulting therefrom. For the purposes of this section, towns with a population of less than 3,500 may elect to administer and enforce the Building Code; however, where the town does not elect to administer and enforce the Building Code, the county in which the town is situated shall administer and enforce the Building Code for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the Building Code for that portion of the town which is situated within their respective boundaries. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals.

Any building or structure may be inspected at any time before completion, and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than \$2,500, however, the inspection may, in the discretion of the inspecting authority, be waived. The building official shall coordinate all

reports of inspections for compliance with the Building Code, with inspections of fire and health officials delegated such authority, prior to issuance of an occupancy permit.

The local governing body may also inspect and enforce the provisions of the Building Code for existing buildings and structures, whether occupied or not. The local governing body, however, shall inspect and enforce the Building Code for elevators except for elevators in single and two-family homes and townhouses. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body. However, upon a finding by the local building department, following a complaint by a tenant of a residential rental unit that is the subject of such complaint, that there may be a violation of the unsafe structures provisions of the Building Code, the local building department shall such provisions. If the local building department receives a complaint that a violation of the Building Code exists that is an immediate and imminent threat to the health or safety of the owner or tenant of a residential dwelling unit or a nearby residential dwelling unit, and the owner or tenant of the residential dwelling unit that is the subject of the complaint has refused to allow the local building official or his agent to have access to the subject dwelling, the local building official or his agent may present sworn testimony to a court of competent jurisdiction and request that the court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject dwelling for the purpose of determining whether violations of the Building Code exist. The local building official or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section. The local governing body may, upon an affirmative finding of the need to protect the public health, safety and welfare, require the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts designated by the local governing body, or in other areas designated as blighted pursuant to § 36-49.1:1, after inspections of such buildings upon termination of the rental tenancies or when such rental property is sold, or at specific time intervals, for a specific property, but not more than once each calendar year upon a separate finding that such additional inspections are necessary to protect the public health, safety or welfare. If, however, an inspection has been conducted within the last 12-month period, no inspection shall occur upon the termination of a rental tenancy or upon a change in ownership. The provisions of this section shall not in any way alter the rights and responsibilities of landlords or tenants pursuant to applicable provisions of Chapters 12 (§ 55-217 et seq.) or 13.2 (§55-248.2 et seq.) of Title 55. Such certificate of compliance shall be issued in accordance with the administrative provisions of the Uniform Statewide Building Code.

§ 36-105.01. Elevator inspections by contract. - The inspection of elevators in existing buildings and the enforcement of the Building Code for elevators shall be in compliance with the regulations adopted by the Board. The building department may also provide for such inspection by an approved agency or through agreement with other local certified elevator inspectors. An approved agency includes any individual, partnership or corporation who has met the certification requirements established by the Board. The Board shall establish such qualifications and procedures as it deems necessary to certify an approved agency. Such qualifications and procedures shall be based upon nationally accepted standards.

§ 36-105.1. Inspection and review of plans of buildings under construction. - Inspections of buildings other than state-owned buildings under construction and the review and approval of building plans for these structures for enforcement of the Uniform Statewide Building Code shall be the sole responsibility of the appropriate local building inspectors. Upon completion of such structures, responsibility for fire safety protection shall pass to the State Fire Marshal pursuant to the Statewide Fire Prevention Code in those localities which do not enforce the Statewide Fire Prevention Code (§ 27-94 et seq.).

§ 36-105.3 Security of certain records. - Building Code officials shall institute procedures to ensure the safe storage and secure handling by local officials having access to or in the possession of engineering and construction drawing and plans containing critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment of systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.).

§ 36-106. Violation a misdemeanor; civil penalty. - A. It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a fine of not more than \$2,500. In addition, each day the violation continues after

conviction or the court-ordered abatement period has expired shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by a fine of not less than \$1,000 nor more than \$2,500. Any person convicted of a second offense committed within a period of five to ten years of a first offense under this chapter shall be punished by a fine of not less than \$500 nor more than \$2,500. Any person convicted of a third or subsequent offense involving the same property committed within ten years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than ten days and a fine of not less than \$2,500 nor more than \$5,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within ten years of an offense under this chapter shall be suspended.

B. Any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the Code which are not abated or remedied promptly after receipt of notice of violation from the local enforcement officer.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$100 for the initial summons and not more than \$150 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facets shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$3,000. Designation of a particular Code violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator shall agree in writing to abate or remedy the violation within six months after the date of payment of the civil penalty.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of the assessment of the civil penalty.

C. Any owner or any other person, firm or corporation violating any Code provisions relating to the removal or the covering of lead-base paint which poses a hazard to the health of pregnant women and children under the age of six years who occupy the premises shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than \$2,500. If the court convicts pursuant to this subsection and sets a time by which such hazard must be abated, each day the hazard remains unabated after the time set for the abatement has expired shall constitute a separate violation of the Uniform Statewide Building Code. Upon a reasonable showing to the court by a landlord as defined in § 55-248.4, that such landlord is financially unable to abate the lead-base paint hazard, the court shall order any rental agreement related to the affected premises terminated effective thirty days from the entry of the court order. For the purposes of the preceding sentence, termination of the rental agreement shall not be deemed noncompliance by the landlord pursuant to § 55-248.21.

D. Any prosecution under this section shall be commenced within two years as provided in § 19.2-8.

§ 36-107. Employment of personnel for administration of chapter. - Subject to the provisions of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1, the Director may employ such permanent and temporary clerical, technical and other assistants as are necessary or advisable for the proper administration of the provision of this chapter.

§ 36-107.1. Sale of residential structure with lead-based paint levels exceeding Code standards; penalty. -

Whenever any property owner has been notified by local building officials or representatives of local health departments that any residential premise has levels of lead-based paint in violation of this chapter, such property owner shall notify prospective purchasers in writing of the presence of unacceptable levels of lead-based paint in such premises and the requirements concerning the removal of the same. Such notification shall include a copy of any notice the property owner received from local building officials or representatives of local health departments advising of the presence of unacceptable levels of lead-based paint in such premises.

The notice required herein shall be provided to prospective purchasers prior to the signing of a purchase or sales agreement or, if there is no purchase or sales agreement, prior to the signing of a deed. The requirements shall not apply to purchase and sales agreements or deeds signed prior to July 1, 1991. Transactions in which sellers have accepted written offers prior to July 1, 1991, but have not signed a purchase or sales agreement or a deed prior to July 1, 1991, shall be subject to the notice requirements.

Any person who fails to comply with the provisions of this section shall be liable for all damages caused by his failure to comply and shall, in addition, be liable for a civil penalty not to exceed \$1,000.

§ 36-108. Board continued; members. - There is hereby continued, in the Department, the State Building Code Technical Review Board, consisting of 14 members, appointed by the Governor subject to confirmation by the General Assembly. The members shall include one member who is a registered architect, selected from a slate presented by the Virginia Society of the American Institute of Architects; one member who is a professional engineer in private practice, selected from a slate presented by the Virginia Society of Professional Engineers; one member who is a residential builder, selected from a slate presented by the Home Builders Association of Virginia; one member who is a general contractor, selected from a slate presented by the Virginia Branch, Associated General Contractors of America; two members who have had experience in the field of enforcement of building regulations, selected from a slate presented by the Virginia Building Officials Conference; one member who is employed by a public agency as a fire prevention officer, selected from a slate presented by the Virginia Fire Chiefs Association; one member whose primary occupation is commercial or retail construction or operation and maintenance, selected from a slate presented by the Virginia chapters of Building Owners and Managers Association, International; one member whose primary occupation is residential, multifamily housing construction or operation and maintenance, selected from a slate presented by the Virginia chapters of the National Apartment Association; one member who is an electrical contractor who has held a Class A license for at least ten years; one member who is a plumbing contractor who has held a Class A license for at least ten years and one member who is a heating and cooling contractor who has held a Class A license for at least ten years, both of whom are selected from a slate presented by the Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America; and two members from the Commonwealth at large who may be members of local governing bodies. The members shall serve at the pleasure of the Governor.

§ 36-109. Officers; secretary. - The Review Board, under rules adopted by itself, shall elect one of its members as chairman, for a term of two years, and may elect one of its members as vice-chairman. The Review Board may also elect a secretary, who may be a nonmember.

§ 36-111. Oath and bonds. - Before entering upon the discharge of his duties, each member of the Review Board shall take an oath that he will faithfully and honestly execute the duties of his office during his continuance therein; and shall give bond with corporate surety in such penalty as may be fixed by the Governor, conditioned upon the faithful discharge of his duties. The premiums on such bonds shall be paid for as other expenses of the Department are paid.

§ 36-112. Meetings. - The Review Board shall meet at the call of the chairman, or at the written request of at least three of its members; provided that it shall act within thirty days following receipt of any appeal made under the provisions of this chapter.

§ 36-113. Offices. - The Review Board shall be furnished adequate space and quarters in the suite of the Department, and such Board's main office shall be herein.

§ 36-114. Board to hear appeals. - The Review Board shall have the power and duty to hear all appeals from decisions arising under application of the Building Code, the amusement device regulations, the Fire Prevention Code adopted under the Statewide Fire Prevention Code Act (§ 27-94 et seq.), the Industrialized Building Safety Law (§ 36-70 et seq.), the Virginia Manufactured Housing Construction and Safety Standards Law (§ 36-85.2 et

seq.), and the Virginia Certification Standards adopted by the Board of Housing and Community Development, and to render its decision on any such appeal, which decision shall be final if no appeal is made therefrom. Proceedings of the Review Board shall be governed by the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), except that an informal conference pursuant to § 2.2-4019 shall not be required.

§ 36-115. Subpoenas; witnesses; designation of subordinates. - In any matter before it on appeal for hearing and determination, the Review Board, or its designated subordinates, may compel the attendance of all needed witnesses in like manner as a circuit court, save the Review Board shall not have the power of imprisonment. In taking evidence, the chairman or any member of the Review Board, or its designated subordinates, shall have the power to administer oaths to witnesses. Where a designated subordinate of the Review Board presides over hearings on appeals, such subordinate shall submit recommended findings and a decision to the Review Board pursuant to § 9-6.14:12.

§ 36-117. Record of decisions. - A record of all decisions of the Review Board, properly indexed, shall be kept in the office of such Board. Such record shall be open to public inspection at all times during business hours.

§ 36-118. Interpretation of Code; recommendation of modifications. - The Review Board shall interpret the provisions of the Building Code, and the Fire Prevention Code, and shall make such recommendations, which it deems appropriate, to the Board for modification, amendment or repeal of any of such provisions. A record of all such recommendations, and of the Board's actions thereon, shall be kept in the office of the Review Board. Such record shall be open to public inspection at all times during business hours.

§ 36-119. Rules and regulations under § 36-73 not superseded. - This chapter shall not amend, supersede, or repeal the rules and regulations prescribing standards to be complied with, in industrialized building units and mobile homes promulgated under § 36-73.

§ 36-119.1. Existing buildings. - This chapter shall not supersede provisions of the Fire Prevention Code promulgated by the Board under § 27-97, that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the Building Code.

§ 36-131. Definitions. - As used in this chapter, the following words and terms have the following meanings, unless a different meaning clearly appears from the context:

"Board" means the Board of Housing and Community Development.

"Consolidated Plan" means a document setting forth various housing and community development goals, objectives, and strategies to be followed by the Commonwealth in addressing housing and community development conditions in the Commonwealth and serving as the strategic plan for the programs established by the Department and, to the extent and in the manner determined in accordance with § 36-55.27:1, for the programs established by the Virginia Housing Development Authority. The Consolidated Plan will identify housing and community development needs in the Commonwealth; the level of investment and charges to state housing programs and community development necessary to address the need; the availability of state, local, federal and nongovernmental sources of funds; and the appropriate mix of loans, grants, and other alternative funding methods for implementing the strategy.

"Department" means the Department of Housing and Community Development.

"Director" means the Director of the Department of Housing and Community Development.

§ 36-132. Creation of Department; appointment of Director. - There is hereby created in the executive department the Department of Housing and Community Development. The Department shall be headed by a Director who shall be appointed by the Governor, subject to confirmation by the General Assembly, to serve at the pleasure of the Governor for a term coincident with his own.

§ 36-133. Director to supervise Department. - The Director of the Department of Housing and Community Development shall, under the direction and control of the Governor be responsible for the supervision of the Department and shall exercise such other powers and perform such other duties as may be required of him by the Governor.

§ 36-134. General powers of Director. - The Director shall have the following general powers: - A. To employ such personnel as may be required to carry out the purposes of this chapter.

B. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this chapter, including, but not limited to, contracts with the United States, other states, agencies and governmental subdivisions of this Commonwealth.

C. To accept grants from the United States government and agencies and instrumentalities thereof and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable.

D. To do all acts necessary or convenient to carry out the purposes of this chapter.

§ 36-135. Board of Housing and Community Development; members; terms; chairman; appointment of ad hoc committee. - A. The Board of Housing and Community Development within the Department of Housing and Community Development shall consist of thirteen members as follows: 11 members, one representing each congressional district in the Commonwealth, who are appointed by the Governor, subject to confirmation by the General Assembly, the Executive Director of the Virginia Housing Development Authority as an ex officio nonvoting member and a member of the Virginia Fire Services Board, to be appointed by the chairman of that Board. Members shall serve for four-year terms and no member shall serve for more than two full successive terms. A chairman of the Board shall be elected annually by the Board.

B. Whenever the Board of Housing and Community Development proposes a change to statewide building and fire regulations, the Board may convene an ad hoc committee, including but not limited to representatives of those industry groups directly affected by such change, to advise the Board on such matters.

§ 36-136. Meetings of Board. - The Board shall meet at least once every three months, and on the call of the chairman, when, in his opinion, additional meetings are necessary.

§ 36-137. Powers and duties of Board; appointment of Building code Academy Advisory Committee. - The Board shall exercise the following powers and duties, and such others as may be provided by law:

1. Provide a means of citizen access to the Department.

2. Provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities.

3. Monitor the policies and activities of the Department and have the right of access to departmental information.

4. Advise the Governor and the Director on matters relating to housing and community development.

5. Make such rules and regulations as may be necessary to carry out its responsibilities and repeal or amend such rules when necessary.

6. Issue a certificate of competence concerning the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board to present or prospective personnel of local governments and to any other persons seeking to become qualified to perform inspections pursuant to Chapter 6 (§ 36-97 et seq.) of this title, Chapter 9 (§ 27-94 et seq.) of Title 27 and any regulations adopted thereunder, who have completed training programs or in other ways demonstrated adequate knowledge.

7. Levy by regulation up to two percent of building permit fees authorized pursuant to § 36-105 to support training programs of the Building Code Academy established pursuant to § 36-139. Local building departments shall collect such levy and transmit it quarterly to the Department of Housing and Community Development. Localities that maintain, individual or regional, training academies accredited by the Department of Housing and Community Development shall retain such levy. However, such localities may send employees to training programs of the Building Code Academy upon payment of a fee calculated to cover the cost of such training. Any unspent balance shall be reappropriated each year for the continued operation of the Building Code Academy.

The Board shall appoint a Building Code Academy Advisory Committee (the Committee) comprised of representatives of code enforcement personnel and construction industry professions affected by the provisions of the building and fire prevention regulations promulgated by the Board. Members of the Committee shall receive no compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in accordance with § 2.2-2813. The committee shall advise the Board and the Director on policies, procedures, operations and other matters pertinent to enhancing the delivery of training services provided by the Building Code Academy.

8. Establish general policies, procedures, and programs for the Virginia Housing Partnership Revolving Fund established in Chapter 9 (§ 36-141 et seq.) of this title.

9. Determine the categories of housing programs, housing sponsors and persons and families of low and moderate income eligible to participate in grant or loan programs of the Virginia Housing Partnership Revolving Fund and designate the proportion of such grants or loans to be made available in each category.

10. Advise the Director of the Department on the program guidelines required to accomplish the policies and procedures of the Virginia Housing Partnership Revolving Fund.

11. Advise the Virginia Housing Development Authority on matters relating to the administration and management of loans and grants from the Virginia Housing Partnership Revolving Fund.

12. Establish the amount of the low-income housing credit, the terms and conditions for qualifying for such credit, and the terms and conditions for computing any credit recapture amount for the Virginia income tax return.

13. Serve in an advisory capacity to the Center for Housing Research established by § 23-135.7:14.

14. Advise the Department in the development of the Consolidated Plan Strategy to guide and coordinate the housing programs of the Department, the Virginia Housing Development Authority, and other state agencies and instrumentalities.

15. Advise the Governor and the Department on the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.

§ 36-139. Powers and duties of Director. - The Director of the Department of Housing and Community Development shall have the following responsibilities:

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.

2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.

3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.

4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.2-4216.

5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.

6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.

7. Developing a Consolidated Plan to guide the development and implementation of housing programs and community development in the Commonwealth for the purpose of meeting the housing and community development needs of the Commonwealth and, in particular, those of low-income and moderate-income persons, families and communities.

8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Consolidated Plan, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.

9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.

10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

13. Administering the provisions of the Statewide Fire Prevention Code (§ 27-94 et seq.).

14. Establishing and operating a Building Code Academy for the training of persons in the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board of Housing and Community Development.

15. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

16. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.

17. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.

18. Advising the Board on matters relating to policies and programs of the Virginia Housing Partnership Revolving Fund.

19. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Partnership Revolving Fund and to carry out the policies and procedures established by the Board.

20. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Partnership Revolving Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be made from such fund; directing the Virginia Housing Development Authority as to the closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing the Virginia Housing Development Authority as to the regulation and monitoring of the ownership, occupancy and operation of the housing developments and residential housing financed or assisted by such loans and grants; and providing direction and guidance to the Virginia Housing Development Authority as to the investment of moneys in such fund.

21. Advising the Board on matters relating to policies for the low-income housing credit and administering the approval of low-income housing credits as provided in § 36-55.63.

22. Establishing and administering program guidelines for a statewide homeless intervention program.

23. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP) Block Grant and any contingency funds awarded and carry over funds, furnishing home winterization and associated services to low-income households within the Commonwealth in accordance with applicable federal law and regulations.

24. Developing a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.

25. Servicing as the Executive Director of the Commission on Local Government as prescribed in § 15.2-2901 and to perform all other duties of that position as prescribed by law.

26. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department.

§ 36-139.1. Sale of real property for housing demonstration projects. - The Director is authorized to sell surplus real property belonging to the Commonwealth which is placed under the control of the Department for the purpose of establishing owner-occupied residential housing demonstration projects, with the prior written approval of the Governor or his designee, who shall first consider the written recommendation of the Director of the Department of General Services. The methods, terms and conditions of sale shall be developed in cooperation with the Department of General Services. Any contract of sale or deed of conveyance shall be approved as to form by the Attorney General or one of his deputies or assistant attorneys general. The proceeds from all such sales shall be handled in the manner prescribed in subsection C of § 2.1-512.

§ 36-139.2. Appointment of State Fire Marshal; qualifications; powers and duties; power to arrest, to procure and serve warrants and to issue summonses; limitation on authority. - The Director shall appoint a State Fire Marshal and other personnel necessary to carry out the provisions of the Statewide Fire Prevention Code (§ 27-94 et seq.). The State Fire Marshal and other personnel appointed pursuant to this section shall be selected upon the basis of education or experience in administering laws and regulations designed to prevent and eliminate hazards to life and property arising from fire.

The State Fire Marshal shall have the powers and duties prescribed by the Statewide Fire Prevention Code (§ 27-94 et seq.), by § 27-61, by Board regulation and by the Director. The State Fire Marshal and those persons duly authorized to enforce the Statewide Fire Prevention Code shall have the authority to arrest, to procure and serve warrants of arrests and to issue summonses in the manner authorized by general law for violation of the Statewide Fire Prevention Code. The authority granted in this section shall not be construed to authorize the State Fire Marshal to wear or carry firearms. All personnel appointed pursuant to this section shall meet the training requirements set forth for local fire marshals in § 27-34.2.

§ 36-139.3. Inspection of certain state-owned, state-operated or state-licensed facilities; enforcement of safety standards. - Notwithstanding any other provisions of this chapter, the State Fire Marshal, upon presenting appropriate credentials, shall make annual inspections for hazards incident to fire in all (i) residential care facilities operated by any state agency, (ii) assisted living facilities licensed or subject to licensure pursuant to Chapter 18 (§ 63.2-1800 et seq.) of Title 63.2 which are not inspected by a local fire marshal, (iii) student-residence facilities owned or operated by the public institutions of higher education in the Commonwealth, and (iv) public schools in

the Commonwealth which are not inspected by a local fire marshal. In the event that any such facility or residence is found to be nonconforming to the Statewide Fire Prevention Code (§ 27-94 et seq.), the State Fire Marshal or local fire marshal may petition any court of competent jurisdiction for the issuance of an injunction.

§ 36-139.4. Agreements between Department and other agencies. - The Department is hereby authorized to enter into agreements with federal agencies, other state agencies and political subdivisions for services directly related to enforcement and administration of laws, rules, or regulations, or ordinances of such agencies affecting fire safety in public buildings.

§ 54.1-400. Definitions. - As used in this chapter unless the context requires a different meaning:

“Architect” means a person who, by reason of his knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the Board through licensure as an architect.

The *“practice of architecture”* means any service wherein the principles and methods of architecture are applied, such as consultation, investigation, evaluation, planning and design, and includes the responsible administration of construction contracts, in connection with any private or public buildings, structures or projects, or the related equipment or accessories.

“Board” means the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.

“Certified interior designer” means a design professional who meets the criteria of education, experience, and testing in the rendering of interior design services established by the Board through certification as an interior designer.

“Certified landscape architect” means a person who, by reason of his special knowledge of natural, physical and mathematical science, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board through certification as a landscape architect.

The *“practice of landscape architecture”* by a certified landscape architect means any service wherein the principles and methodology of landscape architecture as applied in consultation, evaluation, planning (including the preparation and filing of sketches, drawings, plans and specifications) and responsible supervision or administration of contracts relative to projects principally directed at the functional and aesthetic use of land.

“Improvements to real property” means any valuable addition or amelioration made to land and generally whatever is erected on or affixed to land which is intended to enhance its value, beauty or utility, or adapt it to new or further purposes. Examples of improvement to real property include, but are not limited to, structure, buildings, machinery, equipment, electrical systems, mechanical systems, roads and water and wastewater treatment and distribution systems.

“Interior design” by a certified interior designer means any service rendered wherein the principles and methodology of interior design are applied in connection with the identification, research, and creative solution of problems pertaining to the function and quality of the interior environment. Such services relative to interior spaces shall include the preparation of documents for nonload-bearing interior construction; furnishings, fixtures, and equipment in order to enhance the land protect the health, safety, and welfare of the public.

“Land surveyor” means a person who, by reason of his knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested by the Board through licensure as a land surveyor.

The *“practice of land surveying”* includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external land boundaries, or the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof. The term “planning of land and subdivisions thereof” shall include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and sidewalks, grading, drainage on the surface, culverts and erosion control measures, with reference to existing state or local standards.

“Professional engineer” means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Board through licensure as a professional engineer.

The “*practice of engineering*” means any service wherein the principles and methods of engineering are applied to, but are not necessarily limited to, the following areas: consultation, investigation, evaluation, planning and design of public or private utilities, structures, machines, equipment, processes, transportation systems and work systems, including responsible administration of construction contracts. The term “practice of engineering” shall not include the service or maintenance of existing electrical or mechanical systems.

“*Responsible charge*” means the direct control and supervision of the practice of architecture, professional engineering, or land surveying.

§ 54.1-402. Further exemptions from license requirements for architects and professional engineers. - A. No license as an architect or professional engineer shall be required pursuant to § 54.1-406 for persons who prepare plans, specifications, documents and designs for the following, provided any such plans, specifications, documents or designs bear the name and address of the author and his occupation:

1. Single- and two-family homes, townhouses and multi-family dwellings, excluding electrical and mechanical systems, not exceeding three stories; or

2. All farm structures used primarily in the production, handling or storage of agricultural products or implements, including, but not limited to, structures used for the handling, processing, housing or storage of crops, feeds, supplies, equipment, animals or poultry; or

3. Buildings and structures classified with respect to use as business Use Group B and mercantile Use Group M, as provided in the Uniform Statewide Building Code and churches with an occupant load of 100 or less, excluding electrical and mechanical systems, where such building or structure does not exceed 5,000 square feet in total net floor area, or three stories; or

4. Buildings and structures classified with respect to use as factory and industrial Use Group F and storage Use Group S as provided in the Uniform Statewide Building Code, excluding electrical and mechanical systems, where such building or structure does not exceed 15,000 square feet in total net floor area, or three stories; or

5. Additions, remodeling or interior design without a change in occupancy or occupancy load and without modification to the structural system or a change in access or exit patterns or increase in fire hazard; or

6. Electric installations which comply with all applicable codes and which do not exceed 600 volts and 800 amps, where work is designed and performed under the direct supervision of a person licensed as a master's level electrician or Class A electrical contractor by written examination, and where such installation is not contained in any structure exceeding three stories or located in any of the following categories:

a. Use Group A-1, Theaters which exceeds assembly of 100 persons;

b. Use Group A-4, Except churches;

c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems; or

7. Plumbing and mechanical systems using packaged mechanical equipment, such as equipment of catalogued standard design which has been coordinated and tested by the manufacturer, which comply with all applicable codes. These mechanical systems shall not exceed gauge pressures of 125 pounds per square inch, other than refrigeration, or temperatures other than flue gas of 300° F (150° C) where such work is designed and performed under the direct supervision of a person licensed as a master's level plumber, master's level heating, air conditioning and ventilating worker, or Class A contractor in those specialties by written examination. In addition, such installation may not be contained in any structure exceeding three stories or located in any structure which is defined as to its use in any of the following categories:

a. Use Group A-a, Theaters which exceed assembly of 100 persons;

b. Use Group A-4, Except churches;

c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems; or

8. The preparation of shop drawings, field drawings and specifications for components by a contractor who will supervise the installation and where the shop drawings and specifications (i) will be reviewed by the licensed professional engineer or architect responsible for the project or (ii) are otherwise exempted; or

9. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted but which are of standard design, provided they bear the certification of a professional engineer or architect registered or licensed in another state, and provided that the design is adapted for the specific location and for conformity with local codes, ordinances and regulations, and is so certified by a professional engineer or architect licensed in Virginia; or

10. Construction by a state agency or political subdivision not exceeding \$75,000 in value keyed to the January 1, 1991, Consumer Price Index (CPI) and not otherwise requiring a licensed architect, engineer, or land surveyor by an adopted code and maintenance by that state agency or political subdivision of water distribution, sewage collection, storm drainage systems, sidewalks, streets, curbs, gutters, culverts, and other facilities normally and customarily constructed and maintained by the public works department of the state agency or political subdivision.

B. No person shall be exempt from licensure as an architect or engineer who engages in the preparation of plans, specifications, documents or designs for:

1. Any unique design of structural elements for floors, walls, roofs or foundations; or
2. Any building or structure classified with respect to its use as high hazard (Use Group H).

C. Terms used in this section, and not otherwise defined in this chapter, shall have the meanings provided in the Uniform Statewide Building Code in effect on July 1, 1982, including any subsequent amendments.

§ 54.1-402.1. State and local government employees; license exemptions for persons employed prior to March 8, 1992. - Any person engaged in the practice of engineering, architecture, or land surveying as those terms are defined in § 54.1-400 as a regular, full-time, salaried employee of the Commonwealth or any political subdivision of the Commonwealth on March 8, 1992, who remains employed by any state agency or political subdivision shall be exempt until June 30, 2010, from the licensure requirements of § 54.1-406 provided the employee does not furnish advisory service for compensation to the public or as an independent contracting party in this Commonwealth or any political subdivision thereof in connection with engineering, architectural, or land surveying matters. The chief administrative officer of any agency of the Commonwealth or political subdivision thereof employing persons engaged in the practice of engineering, architecture, or land surveying as regular, full-time, salaried employees shall have the authority and responsibility to determine the engineering, architecture, and land surveying positions which have responsible charge of engineering, architectural, or land surveying decisions.

§ 54.1-410. Other building laws not affected; duties of public officials. - A. Nothing contained in this chapter or in the regulations of the Board shall be construed to limit the authority of any public official authorized by law to approve plans, specifications or calculations in connection with improvements to real property. This shall include, but shall not be limited to, the authority of officials of local building departments as defined in § 36-97, to require pursuant to the Uniform Statewide Building Code, state statutes, local ordinances, or code requirements that such work be prepared by a person licensed or certified pursuant to this chapter.

B. Any public body authorized by law to require that plans, specifications or calculations be prepared in connection with improvements to real property shall establish a procedure to ensure that such plans, specifications or calculations be prepared by an architect, professional engineer, land surveyor or landscape architect licensed, certified or authorized pursuant to this chapter in any case in which the exemptions contained in §§ 54.1-401, 54.1-402 or § 54.1-402.1 are not applicable.

Drafting of permits, reviewing of plans or inspection of facilities for compliance with an adopted code or standard by any public body or its designated agent shall not require the services of an architect, professional engineer, land surveyor or landscape architect licensed or certified pursuant to this chapter.

§ 63.2-1705. Compliance with Uniform Statewide Building Code. - A. Building licensed as assisted living facilities, adult day care centers and child welfare agencies shall be classified by and meet the specifications for the proper Use Group as required by the Virginia Uniform Statewide Building Code.

B. Buildings used for assisted living facilities or adult day care centers shall be licensed for ambulatory or nonambulatory residents or participants. Ambulatory means the condition of a resident or participant who is physically and mentally capable or self-preservation by evacuating in response to an emergency to a refuge area as defined by the Uniform Statewide Building Code without the assistance of another person, or from the structure itself without the assistance of another person if there is no such refuge area within the structure, even if such resident or participant may require the assistance of a wheelchair, walker, cane, prosthetic device, or a single verbal command to evacuate. Nonambulatory means the condition of a resident or participant who by reason of physical or mental impairment is not capable of self-preservation without the assistance of another person.

A/E SEAL ON DRAWINGS

The purpose of these charts and notes is for quick reference to determine in accordance with § 54.1 - 402 of the Code of Virginia if an architect's or engineer's (A/E) seal is required on documents for proposed construction.

CHART A - GENERAL DESIGN

A proposed structure which is classified within any of the categories marked "Yes" requires an A/E seal on the documents. Separate requirements apply as to when the electrical, plumbing or mechanical systems in such structures require an A/E seal (see Charts B and C).

GROUP	BRIEF DESCRIPTION	AREA (SQ. FT.)			HEIGHT (STORIES)	
		5,000 OR LESS	5,001 TO 15,000	OVER 15,000	3 OR LESS	OVER 3
A ¹	ASSEMBLY	YES	YES	YES	YES	YES
B	BUSINESS	–	YES	YES	–	YES
E	SCHOOLS & DAY CARE CENTERS	YES	YES	YES	YES	YES
F	FACTORY & INDUSTRIAL	–	–	YES	–	YES
H	HIGH HAZARD	YES	YES	YES	YES	YES
I	INSTITUTIONAL	YES	YES	YES	YES	YES
M	MERCANTILE	–	YES	YES	–	YES
R-1	HOTEL, MOTEL & DORMITORY	YES	YES	YES	YES	YES
R-2 ⁷	MULTI-FAMILY RESIDENTIAL	–	–	YES	YES	YES
R-3	2 FAMILY ATTACHED	–	–	YES	–	YES
R-4	RESIDENTIAL ASSISTED LIVING	–	–	YES	–	YES
R-5	1 & 2 FAMILY DWELLINGS	–	–	YES	–	YES
S	STORAGE (NON-FARM)	–	–	YES	–	YES
U	UTILITY & MISCELLANEOUS	–	–	YES	–	YES
ALL	INTERIOR DESIGN	SEE NOTE NUMBER 4				

Notes: (Apply the following notes to all categories as applicable.)

1. Churches are exempt if building does not exceed 5,000 square feet or three stories, and the occupant load does not exceed 100.
2. A local building code official may require an A/E seal even if not required to do so by this chart.
3. The law requires that, where an A/E seal is not present, the plans must be signed by the individual (not company) responsible for the design, including the individual's occupation and address.
4. Additions, remodeling or interior design defined under § 54.1-400 of the Code of Virginia might not require an A/E seal. For construction, additions or remodeling resulting in a change in occupancy, occupancy load, modification to the structural system, change in access or egress or an increase in fire hazard an A/E seal is required in accordance with § 54.1-400, although notes 1 and 2 still apply.
5. Any unique design of structural elements for floors, walls, roofs or foundations requires an A/E seal, regardless of whether or not the remainder of the plans require such certification.
6. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted but which are of standard design, provided they bear the certification of a professional engineer or architect registered or licensed in another state, and provided that the design is adapted for the specific location and conformity with local codes, ordinances and regulations, and is so certified by a professional engineer or architect licensed in Virginia may not require an A/E seal.
7. One exit and three stories or less Group R-2 buildings would normally be exempted from an A/E seal except where required by Note 2. Most all other three stories or less Group R-2 multi-family buildings are required by the building officials to have A/E seals for the construction documents.

CHART B - ELECTRICAL DESIGN (cont.)

A proposed electrical system which is classified within any of the categories marked "Yes" requires an A/E seal on the construction documents. Those NOT marked "Yes" may not require an A/E seal only if designed by a licensed master electrician or Class A electrical contractor (see Notes 2 and 3). Separate requirements apply as to whether the mechanical systems or the general design of such structures require an A/E seal (see Charts A and C).

GROUP	BRIEF DESCRIPTION	HEIGHT (STORIES)		OCCUPANT LOAD		VOLTS		AMPS	
		3 OR LESS	OVER 3	100 OR LESS	OVER 100	600 OR LESS	OVER 600	800 OR LESS	OVER 800
A-1	THEATERS	–	YES	–	YES	–	YES	–	YES
A-2	RESTAURANTS, NIGHTCLUBS	–	YES	–	–	–	YES	–	YES
A-3	DANCE HALLS, CHURCHES	–	YES	–	–	–	YES	–	YES
A-5	GRANDSTANDS, ETC.	–	YES	–	–	–	YES	–	YES
B	BUSINESS	–	YES	–	–	–	YES	–	YES
E	SCHOOLS	YES	YES	YES	YES	YES	YES	YES	YES
F	FACTORY & INDUSTRIAL	–	YES	–	–	–	YES	–	YES
H	HIGH HAZARD	YES	YES	YES	YES	YES	YES	YES	YES
I	INSTITUTIONAL (I-1, I-2 & I-3)	YES	YES	YES	YES	YES	YES	YES	YES
I-4	DAY CARE/NURSERIES	–	YES	–	YES	–	YES	–	YES
M	MERCANTILE	–	YES	–	–	–	YES	–	YES
R	RESIDENTIAL	–	YES	–	YES	–	YES	–	YES
S	STORAGE	–	YES	–	–	–	YES	–	YES
U	UTILITY & MISCELLANEOUS	–	YES	–	–	–	YES	–	YES

Notes: (Apply the following notes to all categories as applicable.)

1. A local building official may require an A/E seal for electrical work even if not required to do so by this chart.
2. The law requires that, where an A/E seal is not present, the plans must be signed by the individual (not company) responsible for the design, including the individual's occupation and address.
3. The above chart applies both to new construction and to additions or remodeling.
4. The exemption for electrical contractors and electricians is applicable only when both design and installation are under their direction or control.

CHART C - PLUMBING AND MECHANICAL DESIGN (cont.)

A proposed plumbing or mechanical system which is classified within any of the categories marked "Yes" requires an A/E seal on the construction documents. Those NOT marked "Yes" may not require an A/E seal only if designed by a person licensed as a master plumber, master mechanical worker, or Class A contractor in those specialties by written examination (see Notes 3 and 5). Separate requirements apply as to whether the electrical system or the general design of such structures requires an A/E seal (see Charts A and B).

GROUP	BRIEF DESCRIPTION	HEIGHT (STORIES)		OCCUPANT LOAD		THRESHOLD LEVEL ¹	
		3 OR LESS	OVER 3	100 OR LESS	OVER 100	BELOW	ABOVE
A-1	THEATERS	-	YES	-	YES	-	YES
A-2	RESTAURANTS, NIGHTCLUBS	-	YES	-	-	-	YES
A-3	DANCE HALLS, CHURCHES	-	YES	-	-	-	YES
A-5	GRANDSTANDS, ETC.	-	YES	-	-	-	YES
B	BUSINESS	-	YES	-	-	-	YES
E	SCHOOLS	YES	YES	YES	YES	YES	YES
F	FACTORY & INDUSTRIAL	-	YES	-	-	-	YES
H	HIGH HAZARD	YES	YES	YES	YES	YES	YES
I	INSTITUTIONAL (I-1, I-2 & I-3)	YES	YES	YES	YES	YES	YES
I-4	DAY CARE	-	YES	-	YES	-	YES
M	MERCANTILE	-	YES	-	-	-	YES
R	RESIDENTIAL	-	YES	-	YES	-	YES
S	STORAGE	-	YES	-	-	-	YES
U	UTILITY & MISCELLANEOUS	-	YES	-	-	-	YES

Notes: (Apply the following notes to all categories as applicable.)

1. The "Threshold Level" is defined in the law as "Plumbing and mechanical systems using packaged mechanical equipment, such as equipment of cataloged standard design which has been coordinated and tested by the manufacturer, which comply with all applicable codes. These mechanical systems shall not exceed gauge pressures of 125 pounds per square inch, other than refrigeration, or temperatures other than flue gas of 300° F (150° C)"
2. A local building official may require an A/E seal for plumbing and mechanical systems even if not required to do so by this chart.
3. The law requires that, where an A/E seal is not present, the plans must be signed by the individual (not company) responsible for the design, including the individual's occupation and address.
4. The above chart applies to both new construction and to additions or remodeling.
5. The exemptions for plumbers, HVAC workers, and mechanical contractors are applicable only when both design and installation are under his/her direction or control.

STATE AGENCIES WITH FUNCTIONAL DESIGN RESPONSIBILITIES

Although the USBC supersedes building regulations of state agencies, § 36-98 of the Code of Virginia provides it shall not supersede state agency regulations, which require and govern the functional design and operation of building related activities not covered by the USBC. The building official may require building permit applicants to submit evidence of compliance with functional design requirements prior to issuance of a permit. Functional design activities include but are not limited to: public water supply systems, wastewater treatment and disposal systems, and solid waste facilities. State agencies may also require, when authorized by other state law, buildings be maintained in accordance with the USBC under which constructed.

The following list is intended as a guide to users of the USBC. In a few cases, a memorandum of agreement exists between DHCD or the BHCD and the affected state agency. An * in the listing indicates an agreement exists and is contained in the documents or may be obtained from DHCD.

RELATED ACTIVITIES	PHONE	ADDRESS		
*Adult homes and day care centers, child care facilities, group homes for children and family day care homes	(804) 692-1787	Division of Licensing Programs, DSS 730 E. Broad St. Richmond, VA 23219-1849		
Signs for outdoor advertising	(804) 371-6826	VDOT, Environmental Division 1401 E. Broad St. Richmond, VA 23219		
Utilities affected by highway	(804) 786-2979	VDOT 1401 E. Broad St. Richmond, VA 23219		
Driveways entering State highways, VDOT District Engineer at the following:				
870 Bonham Rd. Bristol, VA 24203 (540) 669-6151	731 Harrison Ave. Salem, VA 24153 (540) 387-5320	1601 Orange Rd. Culpeper, VA 22701 (540) 829-7500	87 Deacon Rd. Fredericksburg, VA 22404 (540) 899-4288	
4219 Campbell Ave. Lynchburg, VA 24506 (804) 947-6599	1401 E. Broad St. Richmond, VA 23219 (804) 786-2801	3975 Fair Bridge Rd. Fairfax, VA 22033 (703) 934-7300	P. O. Box 1070 Suffolk, VA 23434 (757) 925-2500	P. O. Box 2249 Staunton, VA 24401 (540) 332-9075
Historic buildings and landmarks, preservation regulations	(804) 786-3143	Department of Historic Resources 221 Governor St. Richmond, VA 23219		
Hospitals and nursing homes	(804) 367-2102	Div. of Lic. and Certification, VDH 3600 W. Broad St. , Suite 215 Richmond, VA 23219		
Hotels, motels, restaurants, camps, swimming pools and tourist areas	(804) 786-1750	Office of Environmental Health, VDH 1500 E. Main St. , Suite 117 Richmond, VA 23219		
Mental health facilities (providing psychological care, drug, alcohol and mental treatment)	(804) 786-1747	Office of Licensing DMHMRSAS 1220 Bank St. Richmond, VA 23219		
School buildings (public) and training schools for juveniles and adults	(804) 225-2035	Department of Education P. O. Box 2120 Richmond, VA 23218		
*Sewage treatment, septic tanks and sanitation; * Waterworks and public water supply	(804) 786-1750	Office Environmental Health, VDH 1500 E. Main St. Richmond, VA. 23219 or Local Public Health Office		
Toilet facilities for construction workers; * Boilers and pressure vessels; Occupational safety	(804) 786-2376 (804) 786-3169 (804) 786-2391	Department of Labor and Industry 13 S. Thirteenth St. Richmond, VA 23219-1747		
Architects & Engineers Asbestos & Lead based paint Contractors & Tradesman	(804) 367-8506 (804) 367-2648 (804) 367-8511	DPOR 3600 W. Broad St. Richmond, VA 23230		
Detention Facilities	(804) 674-3102	Dept. of Correction – Arch. And Eng. 6900 Atmore Drive Richmond, VA 23225		

PREVIOUS ADOPTIONS and AMENDMENTS of the USBC

The Virginia Uniform Statewide Building Code (USBC) was first adopted in 1973 by the State Board of Housing. Responsibility for the USBC passed to the State Board of Housing and Community Development on July 1, 1978. The initial adoption and subsequent amendments by these Boards are indicated below:

1973 Edition

Effective date: September 1, 1973
Title: Virginia Uniform Statewide Building Code, Administrative Amendments, 1973 Edition
Major reference standards:
BOCA Basic Building Code/1970, with 1972 Accumulative Supplement
BOCA Basic Mechanical Code/1971
BOCA Basic Plumbing Code/1970, with 1972 Accumulative Supplement
NFPA National Electrical Code/1971
One and Two Family Dwelling Code/1971

1974 Accumulative Supplement

Effective date: April 1, 1974
Title: 1974 Accumulative Supplement to Virginia Uniform Statewide Building Code
Major reference standards:
BOCA Basic Building Code/1970, with 1972 Accumulative Supplement
BOCA Basic Mechanical Code/1971
BOCA Basic Plumbing Code/1970, with 1972 Accumulative Supplement
NFPA National Electrical Code/1971

1975 Accumulative Supplement

Effective date: February 7, 1976
Title: 1975 Accumulative Supplement to Virginia Uniform Statewide Building Code
Major reference standards:
BOCA Basic Building Code/1975
BOCA Basic Mechanical Code/1975
BOCA Basic Plumbing Code/1975
NFPA National Electrical Code/1975
One and Two Family Dwelling Code/1975

1978 Accumulative Supplement

Effective date: August 1, 1978
Title: 1978 Accumulative Supplement to Virginia Uniform Statewide Building Code
Major reference standards:
BOCA Basic Building Code/1978
BOCA Basic Mechanical Code/1978
BOCA Basic Plumbing Code/1978
NFPA National Electrical Code/1978
One and Two Family Dwelling Code/1975

1978 Accumulative Supplement (First Amendment)

Effective date: January 1, 1981
NOTE: The 1978 Accumulative Supplement to the Virginia Uniform Statewide Building Code was continued, but with a few changes to the previously referenced BOCA Basic Building Code/1978.

1981 Edition

Effective date: July 16, 1982
Title: Virginia Uniform Statewide Building Code, 1981 Edition
Major reference standards:
BOCA Basic Building Code/1981
BOCA Basic Mechanical Code/1981
BOCA Basic Plumbing Code/1981
NFPA National Electrical Code/1981
One and Two Family Dwelling Code/1979 with 1980 Amendments

1981 Edition (First Amendment)

Effective date: June 20, 1984
Title: Sections 515.4 and 515.5 of Article 5 of the 1981 Edition, Virginia Uniform Statewide Building Code

1984 Edition

Effective date: April 1, 1986
Title: Virginia Uniform Statewide Building Code, Volume I - New Construction Code, 1984 Edition
Major reference standards:
BOCA Basic Building Code/1984
BOCA Basic Mechanical Code/1984
BOCA Basic Plumbing Code/1984
NFPA National Electrical Code/1984
One and Two Family Dwelling Code/1983 with 1984 Amendments

1987 Edition

Effective date: March 1, 1988
Title: Virginia Uniform Statewide Building Code, Volume I - New Construction Code, 1987 Edition
Major reference standards:
BOCA Basic Building Code/1987
BOCA Basic Mechanical Code/1987
BOCA Basic Plumbing Code/1987
NFPA National Electrical Code/1987
One and Two Family Dwelling Code/1986 with 1987 Amendments

1987 Edition (First Amendment)

Effective date: March 1, 1989
Title: Virginia Uniform Statewide Building Code, Volume I - New Construction Code, 1987 Edition
Major reference standards:
Same as 1987 Edition

1987 Edition (Second Amendment)

Effective date: March 1, 1990
Title: Virginia Uniform Statewide Building
Code, Volume I - New Construction Code,
1987 Edition
Major reference standards: Same as 1987 Edition

1987 Edition (Third Amendment)

Effective date: October 1, 1990
Title: Virginia Uniform Statewide Building
Code, Volume I - New Construction Code,
1987 Edition
Major reference standards: Same as 1987 Edition

1990 Edition

Effective date: March 1, 1991
Title: Virginia Uniform Statewide Building
Code, Volume I - New Construction Code,
1990 Edition
Major reference standards:
BOCA National Building Code/1990
BOCA National Mechanical Code/1990
BOCA National Plumbing Code/1990
NFPA National Electrical Code/1990
CABO One & Two Family Dwelling
Code/1989 with 1990 Amendments

1990 Edition (First Amendment)

Effective date: November 1, 1991
Title: Virginia Uniform Statewide Building
Code, Volume I - New Construction Code,
1990 Edition - First Amendment
Major reference standards: Same as 1990
Edition.

1990 Edition (Third Amendment)

Effective date: March 1, 1993
Title: Virginia Uniform Statewide Building
Code, Volume I - New Construction Code,
1990 Edition - Third Amendment
Major reference standards: Same as 1990 Edition

1993 Edition

Effective date: April 1, 1994
Title: Virginia Uniform Statewide Building
Code, Volume I - New Construction Code,
1993 Edition
Major reference standards:
BOCA National Building Code/1993
BOCA National Mechanical Code/1993
BOCA National Plumbing Code/1993
NFPA National Electrical Code/1993
CABO One & Two Family Dwelling
Code/1992 with 1993 Amendments

1996 Edition

Effective date: April 15, 1997 with minor
revision August 20, 1997
Title: Virginia Uniform Statewide Building
Code, 1996 Edition
Major reference standards:
BOCA National Building Code/1996
International Mechanical Code/1996
International Plumbing Code/1995 with
1996 Supplement
NFPA National Electrical Code/1996
CABO One & Two Family Dwelling
Code/1995

1996 Edition w/2000 Amendments

Effective date: September 15, 2000
Title: Virginia Uniform Statewide Building
Code, 1996 Edition with 2000 Amendments
Major reference standards:
Same as 1996 edition except with
1997 International Fuel Gas Code

MEMORANDUM OF AGREEMENT
between the
Board of Housing and Community Development
and the
Virginia Department of Health

In accordance with Section 36-97 "et seq." Code of Virginia, the Virginia Department of Health (hereafter referred to as the "Department") and the Board of Housing and Community Development (hereafter referred to as the "BHCD") on this June 28, 2002, agrees to coordinate the Uniform Statewide Building Code (hereafter referred to as the "USBC") and the Virginia Waterworks Regulations (hereafter referred to as the "Regulations"). The parties agree to the following.

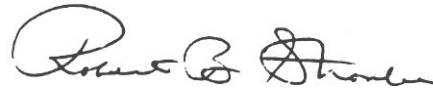
1. That adoption and promulgation of the USBC is the responsibility of the BHCD; that enforcement of the USBC is the responsibility of the local building department; and that adoption, promulgation and enforcement of the Regulations is the responsibility of the Department.
2. That the jurisdiction of the USBC includes all buildings and structures and their internal service plumbing, up to the point of connection to the water meter; and that the jurisdiction of the Regulations includes the meter, all public water supply transmission mains, treatment facilities, and raw water collection and transmission facilities. Where no meter is installed, the point of demarcation between the jurisdiction of the USBC and of the Regulations is the point of connection to the public water supply main; or, in the case of an owner of both public water supply system and the building served, the point of demarcation is the point of entry into the building;
3. That both the USBC and the Regulations will include a clear reference to jurisdiction of the other document.
4. That the Regulations will require each waterworks owner to have a cross-connection prevention program consistent with the Regulations. The regulations will require, as a minimum, a containment device at each service connection where a health, pollution or system hazard to the waterworks exists. It is recognized that in lieu of such containment devices, point of use devices shall comply with the provisions of the USBC. Point of use devices approved by the waterworks owner/Department shall be deemed to be in compliance with the USBC.
5. That wherever public water supply and/or water treatment equipment or facilities are located in a building or structure, the Regulations apply to all such equipment and the USBC applies to the structure and all of its incidental utilities (i.e. heating, electrical, house plumbing, etc.).
6. That the building official is required by the USBC to be assured that the water supply to a building is safe and of adequate capacity before issuing a building permit. Building permits involving a new water connection or extension of an existing connection to a public water supply main shall not be issued when the Department has notified the building official in writing that the water supply system is at or above its permitted capacity.

7. That appropriate amendments, additions, or deletions will be made to the Regulations and to the USBC to insure that there is no jurisdictional conflict between the two documents.
8. That it is the intention of both the BHCD and the Department to cooperate with each other in resolving any technical conflicts between the Regulations and the USBC, and in developing and implementing operational procedures to insure and promote a constructive working relationship between building and health officials.
9. That, except in matters of imminent danger to public health or safety, whenever conflicts or disagreements arise between the two agencies or their staffs, all appropriate regulatory procedures will be exhausted prior to any judicial action.
10. This Agreement may be amended or terminated by mutual consent of the parties.

The undersigned agree to the conditions of this Agreement.



William C. Shelton
Director, Department of Housing and
Community Development
for the Board of Housing and
Community Development



Dr. Robert B. Stroube
State Health Commissioner,
Virginia Department of Health

MEMORANDUM OF AGREEMENT
between the
Board of Housing and Community Development
and the
Virginia Department of Labor and Industry

(Revised November 2001)

In accordance with Sections 36-98 et seq. and 40.1-51.6 et seq. of the Code of Virginia, the Virginia Department at Labor and industry (hereinafter referred to as the "Department") and the Board of Housing and Community Development (hereinafter referred to as the "Board") on this Nov. 1, 2001 agree to coordinate the Virginia Uniform Statewide Building Code (hereinafter referred to as the "Code") and the Boiler and Pressure Vessel Safety Regulations (hereinafter referred to as the "Regulations"). The parties agree to the following:

1. That enforcement of the Code is the responsibility of the local building department, and that enforcement of the Regulations is the responsibility of the Department.
2. That this agreement covers boilers and water heaters except:
 - A Boilers used in private residences or apartment houses of less than four apartments.
 - B. Hot water supply boilers and water heaters when the following limitations are not exceeded:
 - a) heat input of 200,000 BTU per hour
 - b) water temperature of 210 Fahrenheit
 - c) water-containing capacity of 120 gallons
3. That the local building department shall notify, in writing, the chief boiler inspector when a building, mechanical or plumbing permit is issued for any boiler or water heater that is subject to the Department's inspection. The local building department may provide computer generated disks in e-mail attachments listing owners/users addresses of boilers and water heaters.
4. That inspection and certification of boilers shall be the responsibility of the Department; however, the Department may authorize and accept inspection reports from approved special inspectors and owner-user inspection agencies in accordance with sections 40.1-51.9 and 40.1-51.11:1 of the Code of Virginia.
5. That the Department shall assure new and existing boilers and water heaters are in compliance with the Regulations.

MEMORANDUM OF AGREEMENT
PAGE 2 OF 2

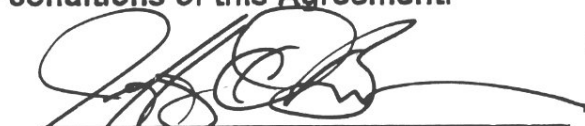
6. That the local building department shall accept the inspection certificate of compliance from the Department as evidence of compliance with the Regulations. The Department shall notify, in writing, the local building department of the issuance of certificate of compliance.
7. That appropriate amendments, additions, or deletions will be made to the Regulation. and to the Code to insure that there is no jurisdictional conflict between the two documents.
8. That it is the intention of both the Board and the Department to cooperate with each other in resolving any technical conflicts between the Regulations and the Code, and in developing and implementing operational procedures to insure and promote a constructive working relationship between building officials and boiler inspectors.
9. That, except in matters of imminent danger to public health or safety, whenever conflicts or disagreements arise between the two agencies or their staffs or localities, all appropriate regulatory procedures will be exhausted prior to any judicial action. That the local building official may require appropriate corrective actions in accordance with the Code, where unsafe conditions exist and there is an imminent danger to the public health or safety.
10. That this Agreement may be amended or terminated by mutual consent of the parties.

The undersigned agree to the conditions of this Agreement.



**Director,
Department of Housing and
Community Development**

**For the Board of Housing and
Community Development**



**Commissioner,
Department of Labor and
Industry**



VIRGINIA BOILER AND PRESSURE VESSEL GUIDE*
2000 USBC Section 2801.1

<u>OBJECT</u>	<u>APPLICATION</u>	<u>EXEMPTION</u>
Boiler	Residence	All
Boiler	Apartment Building	Less than 4 units
Boiler	Heating/Process	None
Boiler	Hot Water Supply	Less than 120 gal./ 200,000 BTU/hr input
Water Heater	Hot Water Supply	Less than 120 gal/ 200,000 BTU/hr input
Pressure Vessel	Storage, Air	Less than 8 ft. ³ (60 gal.)/ 175 psi set pressure
Pressure Vessel	Potable Water	No steam coil/ Less than 300 psi
Pressure Vessel	Air & Water	Less than 120 gal.
Pressure Vessel	AC/Refrigeration	Less than 5ft. ³ /250 psi

* See Exemptions listed in § 40.1-51.8 of the Code of Virginia for the specific wording.

SWCB REGULATIONS ON TANKS

The USBC section on flammable and combustible liquids indicates that regulations governing the installation, repair, upgrade, and closure of underground and aboveground storage tanks under the Virginia State Water Control Board (SWCB) regulation(s) 9 VAC 25-580-10 et seq. and 9 VAC 25-91-10 et seq. are adopted and incorporated by reference to be an enforceable part of this code.

The purpose of these charts is for quick reference to determine when and how tanks are regulated by these SWCB regulations. Tanks exempt or excluded by SWCB regulations are not exempt from meeting USBC requirements.

CHART A - UNDERGROUND STORAGE TANKS (USTs)

A UST within any of the categories marked "YES" indicates that the SWCB regulations (<http://www.deq.state.va.us/tanks/dwnllib.html#tankregs>) contain requirements that the UST must comply with. Regulations do not apply to underground storage tanks that are not part of the definition^a, or are excluded^b by the regulations. In certain instances UST's may be partially regulated.^{c,d} The SWCB regulations define an UST as any one or a combination of tanks (including underground pipes) that is used to contain an accumulation of regulated substances and the volume of which (including underground pipes) is 10% or more below the surface of the ground.

BRIEF DESCRIPTION	UST REG APPLY
UST Technical Regulations (9 VAC 25-580-10 et seq.) address "regulated substances" that is defined in Article 9 of the State Water Control Law to mean any one of the following: ^e <ul style="list-style-type: none"> a.) Any substance listed in §101(14) of CERCLA (42 USC § 9601 <i>et seq.</i>) Available on the Web at: http://www.epa.gov/swrust1/fedlaws/cfr.htm#40cfr302.4; b.) Petroleum, including crude oil or any fraction thereof, that is liquid at standard conditions of temperature and pressure (60°F and 14.7 psia); or c.) Petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through a process of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils. 	YES
Any UST ≤ 110 gallons	NO
Farm or residential tank ≤ 1,100 gallons used for storing <u>motor fuel</u> for noncommercial purposes	NO
All underground tanks used for storing <u>heating oil</u> for consumption on the premises where stored	NO

Note a. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes; Tanks used for storing heating oil for consumption on the premises where stored; Septic tanks; Pipeline facilities regulated under the Natural Gas Pipeline Safety Act of 1968, the Hazardous Liquid Pipeline Safety Act of 1979, or an intrastate pipeline; Surface impoundment, pit, pond, or lagoon; Storm water or wastewater collection systems; Flow-through process tanks; Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; Storage tank situated in an underground area (such as a basement, cellar, mine-working, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor is regulated as an AST; Pipes connected to any of these tanks.

Note b. UST systems holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances; Wastewater treatment tank system that is part of a wastewater treatment facility regulated under §402 or §307(b) of the Clean Water Act; Equipment of machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks; Any UST system whose capacity is 110 gallons or less; UST systems containing de minimis concentration of regulated substances; Emergency spill or overflow containment UST system that is expeditiously emptied after use.

Note c. Wastewater treatment tank systems; UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954; UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50, Appendix A; Airport hydrant fuel distribution systems; UST systems with field-constructed tanks.

Note d. Release detection does not apply to any UST system that stores fuel solely for use by emergency power generators.

Note e. Wording has been abbreviated. For complete definition see "regulated substance" in 9 VAC 25-580-10.

CHART B - ABOVEGROUND STORAGE TANKS (ASTs)

A AST within any of the categories marked "YES" indicates that the SWCB regulations (<http://www.deq.state.va.us/tanks/dwnllib.html#tankregs>) contain requirements that the AST must comply with. Regulations do not apply to aboveground storage tanks that are not part of the definition(s)^a, or are excluded^{b,e} by the regulations. In certain instances AST's may be partially excluded by the regulations.^{c,d}

BRIEF DESCRIPTION ^e	AST REG APPLY
<p>AST Technical Regulations (9 VAC 25-91-10 et seq.) address tanks and connected piping containing "oil" at atmospheric pressure. "Oil" as defined means oil of any kind and in any form, including, but not limited to, petroleum and petroleum by-products, fuel oil, lubricating oils, sludge, oil refuse, oil mixed with other wastes, crude oils, and all other liquid hydrocarbons regardless of specific gravity.</p> <p>Unless otherwise specified, regulations contain requirements for an individual AST with storage capacity greater than 660 gallons of oil. <u>Applicability of each of the part(s) of the SWCB regulation are identified within the regulation (e.g., Pollution prevention requirements does not apply for facilities with an AST storage capacity of < 25000 gallons but ASTs must be registered with DEQ).</u></p> <p>The term "pipes" or "piping" includes piping and associated piping utilized in the operation of an AST, or emanating from or feeding ASTs or transfers oil from or to an AST (e.g., dispensing systems, including airport hydrant fueling systems, supply systems, gauging systems, auxiliary systems, etc.).</p>	YES
An AST ≤ 660 gallons of oil	NO
An AST located on a farm or residence used for storing <u>motor fuel</u> for noncommercial purposes with an aggregate storage capacity ≤ 1,100 gallons	NO
An AST storing <u>heating oil</u> > 660 gallons for consumption on premises where stored (must be registered with DEQ)	(YES) ^c
An AST > 660 gallons storing <u>asphalt or asphalt compounds that are liquid (60°F at 14.7 psia)</u>	(YES) ^d
An AST used to store <u>propane gas, butane gas or other liquid petroleum gases</u>	NO
An AST regulated by Depart. of Mines, Minerals and Energy (Chap 22.1, § 45.1-361.1) COV	NO
AST used less than 120 days when: used in containment & cleanup; used by a federal, state or local entity in responding to an emergency; or used temporarily to replace permanent storage	NO
Licensed motor vehicles, unless used solely for the storage of oil	NO

Note a. AST definition does not include line pipe and breakout tanks of an interstate pipeline regulated under the federal Accountable Pipeline Safety and Partnership Act of 1996 (49 USC § 60101 *et seq.*). Tank definition does not include flow-through process tanks as defined in 40 CFR Part 280.

Note b. Vessels; Licensed motor vehicles, unless used solely for the storage of oil; An AST with a storage capacity of 660 gallons or less of oil; An AST containing petroleum, including crude oil or any fraction thereof, which is liquid at standard temperature and pressure (60^o F at 14.7 psia) subject to and specifically listed or designated as a hazardous substance under the federal CERCLA; A wastewater treatment tank system that is part of a wastewater treatment facility regulated under the federal Clean Water Act; An AST that is regulated by the Depart. of Mines, Minerals and Energy under Chapter 22.1 (§ 45.1-361.1 *et seq.*) of the Code of VA; An AST used for the storage of products that are regulated pursuant to the federal Food, Drug, and Cosmetic Act; An AST that is used to store hazardous wastes listed or identified under Subtitle C of the RCRA (Solid Waste Disposal Act), or a mixture of such hazardous wastes and other regulated substances; An AST that is used to store propane gas, butane gas or other liquid petroleum gases; An AST used to store nonpetroleum hydrocarbon-based animal and vegetable oils; A liquid trap or associated gathering lines directly related to oil or gas production, or gathering operations; A surface impoundment, pit, pond, or lagoon; A stormwater or wastewater collection system; Equipment or machinery that contains oil for operational purposes, including but not limited to lubricating systems, hydraulic systems, and heat transfer systems; An AST used to contain oil for less than 120 days when: (i) used in connection with activities related to the containment and cleanup of oil; (ii) used by a federal, state or local entity in responding to an emergency; or (iii) used temporarily on-site to replace permanent capacity storage; Oil-filled electrical equipment, including, but not limited to, transformers, circuit breakers or capacitors; A flow-through process tank; Oily water separators; An AST containing dredge spoils; An AST located on a farm or residence used for storing motor fuel for noncommercial purposes with an aggregate storage capacity of 1,100 gallons or less; or Pipes or piping beyond the first valve from the AST that connects an AST with production process tanks or production process equipment.

Note c. At facilities with an aggregate AST storage capacity of 25000 gallons or greater of oil, an AST with a capacity of 5,000 gallons or less used for storing heating oil for consumptive use on the premises where stored is excluded from complying with Pollution Prevention Requirements (9 VAC 25-91-130 et seq.) but AST must be registered with DEQ.

Note d. Partial exclusions from portions of AST regulations for certain asphalt and asphalt compounds and for certain line pipe and breakout tanks of an interstate pipeline are identified in AST regulations.

Note e. Wording has been abbreviated. For complete wording, see AST regulations.

**CHART C - PARTIAL LIST OF KEY DIFFERENCES^{a, b, c}
ICC CODES vs SWCB REGULATIONS**

The USBC section on flammable and combustible liquids indicates where differences occur between the provisions of this code and the incorporated provisions of the SWCB regulations, the provisions of the SWCB regulations shall apply. The purpose of this Chart is to identify a partial list of key differences.

SWCB Regulation Requirements UST = 9 VAC 25-580-10 et seq. AST = 9 VAC 25-91-10 et seq.	ICC 2000 Building/Fire Applicable Codes and/or Referenced Standards	Key Differences Noted
9 VAC 25-580-10 - Definition of UST- The definition of UST in SWCB UST regulations only requires 10% of tank & pipe to be underground to be a UST.	NFPA 30 requires tank to be completely covered to be an UST.	This is not considered a conflict since SWCB regulations indicate their definitions have meanings when used in their chapter. Therefore, use SWCB definition in applying their tank regulations and NFPA 30 requirements in applying building or fire code requirements.
9 VAC 25-580-310 – UST Temporary Closure <u>Note:</u> For AST, see footnote c	IFC 2000 Section 3404.2.13.1.3 - UST out of use for 1 yr. requires: "Removal or Abandonment in Place (which is considered permanent closure by SWCB regulations)"	* <u>For upgraded systems:</u> SWCB regulation provides for UST temporary closure indefinitely for upgraded systems and therefore SWCB does not require removal or abandonment in place. * <u>For substandard systems:</u> SWCB regulation provides for extensions of UST temporary closure, at the option of the building official. DEQ policy recommended all substandard UST systems temporarily closed for the 12/22/98 deadline be permanently closed by 12/22/99. ** Therefore, SWCB regulations govern.

Note a: Tanks exempt or excluded by SWCB regulations are not exempt from meeting USBC requirements. For example, SWCB regulations exclude all USTs with heating oil consumed on premises stored, but USBC still has requirements for permits, installation, repairs, abandonment, removal, etc; and IRC has requirements for permits, installation, etc.

Note b: Tank closure per IRC: IRC, Chapter 22, has requirements for installation, but has no requirements for tank closure. The owner would still have to comply with SWCB regulations for tank closure on tanks not excluded from SWCB regulations.

Note c: Even though SWCB regulations do not address temporary closures of ASTs, the ICC out of service requirements in IFC Section 3404.2.13.2 shall apply.

FUEL STORAGE TANK PERMIT, CONSTRUCTION DOCUMENT, AND INSPECTION INFORMATION

Product In The Tank	Where The Tank Is Being Placed	Activity	Fire Prevention Code			Virginia Uniform Statewide Building Code		
			Permit	Construction Documents	Insp.	Permit	Construction Documents	Insp.
Liquefied Petroleum Gas LPG (NFPA 58)	Commercial	Installation	Yes single tanks greater than 30 gallons, and multiple tanks greater than 60 gallons	Yes	Yes	Yes	Yes	Yes
	Commercial	Abandonment/removal/closure	No	No	No	No	No	No
	Residential	Installation	No	No	No	Yes	No	Yes
	Residential	Abandonment/removal/closure	No	No	No	No	No	No
Diesel Fuel or Gasoline	Commercial ^{4,5}	Installation	Yes if greater than 60 gallons	Yes	Yes	Yes	Yes	Yes
	Commercial ^{1,4,5}	Abandonment/removal/closure	No	No	Yes	Yes	No	Yes
	Residential ^{2,5}	Installation	No	No	No	Yes	No	Yes
	Residential ^{1,2,5}	Abandonment/removal/closure	No	No	No	Yes	No	Yes
Fuel Oil	Commercial ^{5,6}	Installation	Yes if greater than 60 gallons	Yes	Yes	Yes	Yes	Yes
	Commercial ^{1,4,5}	Abandonment/removal/closure	Yes	No	Yes	Yes	No	Yes
	Residential ⁵	Installation	No	No	No	Yes	No	Yes
	Residential ^{1,3,5}	Abandonment/removal/closure	No	No	No	Yes	No	Yes

- 1 Owner is required to submit the results of soil sample(s) to the Dept. of Environmental Quality (DEQ) for evaluation after the abandonment /removal /closure of the registered tank(s). Owner must report sample results greater than 100ppm TPH within 24 hours of release discovery to the Regional DEQ Office (DEQ Telephone # 800-592-5482).
- 2 Above ground/ below ground storage tanks greater than 1100 gallons: Department of Environmental Quality regulations shall also apply.
- 3 Above ground tanks greater than 660: Department of Environmental Quality regulations shall also apply.
- 4 Above ground storage tanks greater than 660 gallons and below ground storage tanks greater than 110 gallons: Department of Environmental Quality regulations shall also apply.
- 5 Above ground tanks greater than 660 gallons shall be registered in accordance with the State Water Control Board regulations.
- 6 Department of Environmental Quality regulations shall not apply to underground storage tanks where the stored fuel oil is consumed on the premises where stored.