DHCD, DBFR 2009 Code Change Process

March 25, 2010 Workgroup Meeting Agenda Package

Workgroup 1 -Administrative and Selected Technical Issues

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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-101.2(a)

Nature of Change:

To permit single family dwelling construction to be exempt from the USBC.

Proponent: Glenn Dean, representing himself

Staff Comments:

The current law authorizing the USBC applies to the construction of all buildings and structures, therefore the law would have to be changed to exempt single family dwelling construction from the USBC. The proposal was not received in time to be considered through the workgroup process.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C - 101.2 (a)

Proponent Information (Check one): X Individual ☐ Government Entity ☐ Company

Name: Glenn A. Dean Representing: Self

Mailing Address:

Email Address: gad.pompier@yahoo.com Telephone Number: 804-720-9104

Proposal Information

Code(s) and Section(s): USBC Sections 101.2, 310.1, 310.3, 310.4, 310.6

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 101.2 to read:

101.2 Incorporation by reference. Chapters 2 – 35 of the 2006 International Building Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the USBC. The term "IBC" means the 2006 International Building Code, published by the International Code Council, Inc. Any codes and standards referenced in the IBC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference. In addition, any provisions of the appendices of the IBC specifically identified to be part of the USBC are also considered to be part of the incorporation by reference.

Note 1: The IBC references the whole family of International Codes including the following major codes:
2006 International Plumbing Code
2006 International Mechanical Code
2005 National Electrical Code
2006 International Fuel Gas Code
2006 International Energy Conservation Code
~~2006 International Residential Code~~
~~**Note 2:** The International Residential Code is applicable to the construction of detached one- and two-family dwellings and townhouses as set out in Section 310.~~

Delete Section 310.1 definition of Residential Group R-5 in its entirety without substitution.

Delete Section 310.3 in its entirety without substitution.

Change Section 310.4 to read:

Family day homes. Family day homes where program oversight is provided by the Virginia Department of Social Services shall be classified as Group R-2~~,~~ or R-3 ~~or R-5~~.

Delete Section 310.6 in its entirety without substitution.

Supporting Statement (including intent, need, and impact of the proposal):

There have been many contentious issues debated over the years concerning the construction of 1 and 2-family dwellings and townhouses not more 3-stories in height, or simply R-5 structures. The issues debated and argued over have included, lightweight construction, window sizes, sill heights, clear opening dimensions, guardrails, handrails, picket spacing, tread and riser measurements, rated separation of attached garages, rated construction and the amount of glazing based on distance from lot lines, residential sprinklers, smoke detectors, CO detectors, GFI's, and arc-fault protection just to name a few. Naturally, for the most part, building and fire inspectors have been on one side of the issue promoting the need for such features or requirements. And naturally, for the most part, the homebuilders and contractors have been on the other side of the issue noting that these features or requirements are not needed; claiming that the record of their industry has been one that shows they are more than able to build safe and affordable housing and there's a lack of justification to amend the code to require such features because these things only serve to push the price of housing upward and obstruct home ownership.

Based on our collective experience and history in Virginia, I think we've reached a point a serious decision needs to be made by taking heed and to heart what this vital industry has been telling us. I think we've reached a point on deciding the need to delete the R-5 construction code in its entirety, without substitution, and allow the homebuilders to demonstrate a commitment to constructing safe and affordable housing.

There are multiple benefits that can be realized with this action. Not only will the USBC be reduced by 581 pages, plus 57 pages of appendices that are *not part of the code*, but local governments can reap a benefit as well. The local government can shed those jobs currently held by residential inspectors which can total statewide to hundreds of millions of dollars in salaries and benefits. Taxes can be dramatically lowered. Local government won't have to expend ten's of thousands of dollars on the purchase of code books. Training costs will go down. Vehicle fleets and all its attendant costs can be reduced. Liability exposures will be reduced. Permit fees will be reduced or eliminated. Up-front costs to a builder will be reduced.

While the loss of these local government jobs could cause a short-term spike in unemployment, I would submit that after throwing off the yoke of the USBC, most, if not all of these former inspectors will find gainful employment by moving to the commercial side of building code enforcement, or in the housing construction industry because of the greater affordability because of the reduced cost to these newly constructed houses. The numbers of new homes to be constructed in Virginia could rival the post-WWII housing boom creating job opportunities to offset the previous loss of local government jobs. The benefit list could go on.

I would fully expect that some who read or hear this will vocalize how ludicrous, absurd, laughable, crazy, or down right stupid the thought is. And in many respects I agree. I also expect some, maybe just a few, would silently and seriously ponder the possibilities no matter how insane it sounds. But I think we need to hear who would support the idea and why. Equally important, we need to hear who does NOT support this proposal and why the USBC should not be amended to this extent or manner.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-101.2(b)

Nature of Change:

A rewrite of many of the provisions of the USBC.

Proponent: Dan K. Williams, representing himself

Staff Comments:

The proponent considers the proposal to be more of an errata than substantive changes to the USBC, to make editorial, grammatical and correlation corrections; however, staff identified a number of substantive changes within the proposal, such as a new inspection for fire and smoke-resistant penetrations, the deletion of a state amendment for fire and smoke dampers which differs from the IBC, etc. These should be resubmitted on individual code change forms so each issue can be vetted independently. Staff will review the editorial, grammatical and correlation suggestions in the proposal during the preparation of the final regulations as those changes may be made by staff automatically as they are not substantive in nature. The proposal was not received in time to be considered through the workgroup process.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

H:\My Documents\2009 Va-2009 International Codes\Code changes\2009 VCC Erratas.doc

Code Change Number: C-101.2(b)

Proponent Information (Check one): ☒ Individual ☐ Government Entity ☐ Company

Name: Dan K. Williams Representing: Self

Mailing Address: 12055 Government Center Parkway, Suite 316 Fairfax, VA 22035

Email Address: Dan.Williams@fairfaxcounty.gov Telephone Number: 703-324-1060

Proposal Information

Code(s) and Section(s): 2009 Virginia Construction Code Section No(s): Erratas:

VCC Sections:

101.2
103.3
109.2.1
113.3

310.6 R301.2.1
R301.2.1.1
R302.2
R303.8
R303.8.1

407.9
407.10
407.11
408.5.1
408.5.2

Chapter 7 Title
703.6
716.5.3

903.2.1.3

1007.6.2
1009.4.2
1009.11
1009.12
Table 1018.1

1405.13.2

1704.1
Table 1704.4

2701.1
2702.2.17

3002.4

3412.1
3413.15

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 101.2 to read:

101.2 Incorporation by reference. Chapters 2 – 35 of the ~~2006~~ 2009 International Building Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the USBC. The term "IBC" is an abbreviation that means the ~~2006~~ 2009 International Building Code, published by the International Code Council, Inc. Any codes and standards referenced in the IBC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference. In addition, any provisions of the appendices of the IBC specifically identified to be part of the USBC are also considered to be part of the incorporation by reference.

Note 1: The IBC references the whole family of International Codes including the following major codes (with their abbreviations as shown):

~~2006~~ 2009 International Plumbing Code ("IPC")
~~2006~~ 2009 International Mechanical Code ("IMC")
~~2005~~ 2008 NFPA 70 National Electrical Code
~~2006~~ 2009 International Fuel Gas Code ("IFGC")
~~2006~~ 2009 International Energy Conservation Code ("IECC")
~~2006~~ 2009 International Residential Code ("IRC")
2009 International Fire Code ("IFC")
2009 International Existing Building Code ("IEBC")
2009 International Property Maintenance Code ("IPMC")

Note 2: The International Residential Code is applicable to the construction of detached one- and two-family dwellings and townhouses as set out in Section 310.

Change Section 103.3 to read:

103.3 Change of occupancy. No change shall be made in the existing occupancy classification of any structure when the current USBC requires a greater degree of accessibility, structural strength, fire protection, means of egress, ventilation or sanitation. When such a greater degree is required, application for a permit shall be made to the building official as provided for in Section 108. ~~the~~The owner or the owner's agent shall make written application to the local building department for a new certificate of occupancy and shall obtain the new certificate of occupancy prior to the use of the structure under the new occupancy classification. When impractical to achieve compliance with this code for the new occupancy classification, the building official shall consider modifications upon application and as provided for in Section 106.3.

Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

109.2 Site plan. When determined necessary by the building official, a site plan shall be submitted with the application for a permit. The site plan shall show to scale the size and location of all proposed construction, including any associated wells, septic tanks or drain fields. The site plan shall also show to scale the size and location of all existing structures on the site, the distances from lot lines to all proposed construction, the established street grades and the proposed finished grades. When determined necessary by the building official, the site plan shall contain the elevation of the lowest floor of any proposed buildings. The site plan shall also be drawn in accordance with an accurate boundary line survey. When the application for a permit is for demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures that are to remain on the site.

Note: Site plans are generally not necessary for alterations, renovations, repairs or the installation of equipment.

Add Section 109.2.1 to read:

109.2.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

Change Section 113.3 to read:

113.3 Minimum inspections. The following minimum inspections shall be conducted by the building official when applicable to the construction or permit:

1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.

2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.

3. Inspection of preparatory work prior to the placement of concrete.

4. Certification of lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

~~4.~~ 5. Inspection of structural members and fasteners prior to concealment.

~~5.~~ 6. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.

~~6.~~ 7. Inspection of fire- and smoke-resistant penetrations.

8. Inspection of energy conservation material prior to concealment.

~~7.~~ 9. Final inspection.

Change Section R301.2.1 to read:

R301.2.1 Wind limitations. Buildings and portions thereof shall be limited by wind speed, as defined in ~~Figure~~ Table R301.2(1), and construction methods in accordance with this code. Basic wind speeds shall be determined from ~~Table~~ Figure R301.2(4). Where different construction methods and structural materials are used for various portions of a building, the applicable requirements of this section for each portion shall apply. Where loads for wall coverings, curtain walls, roof coverings, exterior windows, skylights, garage doors and exterior doors are not otherwise specified, the loads listed in Table R301.2(2) adjusted for height and exposure using Table R301.2(3) shall be used to determine design load performance requirements for wall coverings, curtain walls, roof coverings, exterior windows, skylights, garage doors and exterior doors. Asphalt shingles shall be designed for wind speeds in accordance with Section R905.2.6. Wind speeds for localities in special wind regions, near mountainous terrain, and near gorges shall be based on elevation. Areas at 4,000 feet in elevation or higher shall use 110 V mph (48.4 m/s) and areas under 4,000 feet in elevation shall use 90 V mph (39.6 m/s). Gorge areas shall be based on the highest recorded speed per locality or in accordance with local jurisdiction requirements determined in accordance with Section 6.5.4 of ASCE 7.

Change Section R301.2.1.1 to read:

R301.2.1.1 Design criteria. Construction in regions where the basic wind speeds from Figure R301.2(4) equal or exceed 110 miles per hour (49 m/s) shall be designed in accordance with one of the following~~:~~ methods. The elements of design not addressed by those documents in items 1 through 4 shall be in accordance with this code.

1. American Forest and Paper Association (AF&PA) Wood Frame Construction Manual for One- and Two- Family Dwellings (WFCM); or

2. ~~Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10)~~ International Code Council (ICC) ~~Standards~~ Standard for Residential Construction in High Wind Regions (ICC-600); or

3. Minimum Design Loads for Buildings and Other Structures (ASCE-7); or

4. American Iron and Steel Institute (AISI), Standard for Cold-Formed Steel Framing-Prescriptive Method for One- and Two-Family Dwellings ~~(COFS/PM) with Supplement to Standard for Cold-Formed Steel Framing- Prescriptive Method for One- and Two-Family Dwellings~~ (AISI S230).

5. Concrete construction shall be designed in accordance with the provisions of this code.

6. Structural insulated panel (SIP) walls shall be designed in accordance with the provisions of this code.

Change the exception in Section R302.2 ~~to require a common two-hour fire-resistance-rated wall instead of a one-hour fire-resistance rated wall.~~ to read:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance- rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exception: A common ~~1-hour~~ 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

Change Section R303.8 to read:

R303.8 Required heating. During the period from October 15 to May 1, ~~When the winter design temperature in Table R301.2(1) is below 60°F (16°C),~~ every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

~~Add an exception to Section R303.8 to read:~~

Exception: Seasonal structures not used as a primary residence for more than 90 days per year, unless rented, leased or let on terms expressed or implied to furnish heat, shall not be required to comply with this section.

Add Section R303.8.1 to read:

R303.8.1 Nonowner occupied required heating. Every dwelling unit or portion thereof which is to be rented, leased or let on terms either expressed or implied to furnish heat to the occupants thereof shall be provided with facilities in accordance with Section R303.8 ~~during the period from October 15 to May 1~~.

Add Section ~~407.8~~ ~~407.9~~ 407.10 to the IBC to read:

~~**407.8**~~ ~~**407.9**~~ **407.10 Special locking arrangement.** Means of egress doors shall be permitted to contain locking devices restricting the means of egress in areas in which the clinical needs of the patients require restraint of movement, where all of the following conditions are met:

1. The locks release upon activation of the sprinkler system or the fire alarm system or the loss of

power.

2. The building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1.

3. A manual release device is provided at a nursing station responsible for the area.

4. A key-operated switch or other manual device is provided adjacent to each door equipped with the locking device. Such switch or other device, when operated, shall result in direct interruption of power to the lock -- independent of the control system electronics.

5. All staff shall have keys or other means to unlock the switch or other device or each door provided with the locking device.

Add Section ~~407.9~~ ~~407.10~~ 407.11 to the IBC to read:

~~407.9~~ ~~407.10~~ 407.11 Emergency power systems. Emergency power shall be provided for medical life support equipment, operating, recovery, intensive care, emergency rooms, fire detection and alarm systems in any Group I-2 occupancy licensed by the Virginia Department of Health as a hospital, nursing home or hospice facility.

~~Add Section 408.5.1 to the IBC to read:~~

~~**408.5.1 Noncombustible shaft openings in communicating floor levels.** Where vertical openings are permitted without enclosure protection in accordance with Section 408.5, noncombustible shafts such as plumbing chases shall also be permitted without enclosure protection. Where additional stories are located above or below, the shaft shall be permitted to continue with fire and smoke damper protection provided at the fire resistance rated floor/ceiling assembly between the non-communicating stories.~~

Change Section 408.5.2 of the IBC to read:

408.5.2 Noncombustible shaft ~~Shaft~~ openings in communicating floor levels. Where a floor opening is permitted between communicating floor levels of a housing unit in accordance with Section 408.5.1, noncombustible shafts such as plumbing chases serving vertically ~~staked~~ stacked individual cells contained with the housing unit shall be permitted without a shaft enclosure. Where additional stories are located above or below, the shaft shall be permitted to continue with fire and smoke damper protection provided at the fire resistance rated floor/ceiling assembly between the non-communicating stories.

Change VCC Chapter 7 title to read:

13VAC5-63-230. Chapter 7 ~~Fire Resistance Rated Construction.~~ Fire and Smoke Protection Features.

~~Add~~ Change Section ~~701.2 to~~ 703.6 of the IBC to read:

~~**701.2 703.6 Fire-resistance assembly marking.** Concealed fire walls, vertical fire separation assemblies, fire barriers, fire partitions and smoke barriers shall be designated above ceilings and on the inside of all ceiling access doors which provide access to such fire rated assemblies by signage having letters no smaller than 1 inch (25.4 mm) in height. Such signage shall indicate and be provided at horizontal intervals of no more than 8 feet (2438 mm).~~

~~**Note:** An example of suggested formatting for the signage would be "ONE HOUR FIRE PARTITION."~~

703.6 Marking and identification. Fire walls, fire barriers, fire partitions, smoke barriers and smoke partitions or any other wall required to have protected openings or penetrations shall be effectively and permanently identified with signs or stenciling. Such identification shall:

1. Be located above ceilings and on the inside of all ceiling access doors which provide access to such fire rated assemblies in accessible concealed floor, floor-ceiling or attic spaces;

2. Be repeated at intervals not exceeding ~~30 feet (914 mm)~~ 8 feet (2438 mm) measured horizontally along the wall or partition; and

3. ~~Include~~ Indicate the fire-resistance rating of the assembly and the type of assembly, using lettering not less than ~~0.5 inch (12.7 mm)~~ 1 inch (25.4 mm) in height, incorporating the suggested wording: "ONE HOUR FIRE AND/OR SMOKE BARRIER – PROTECT ALL OPENINGS," or other wording.

Exception: Walls in Group R-2 occupancies that do not have a removable decorative ceiling allowing access to the concealed space.

~~Change Section 716.5.3 of the IBC to read:~~

~~**716.5.3 Penetrations of shaft enclosures.** Shaft enclosures that are permitted to be penetrated by ducts and air transfer openings shall be protected with approved fire and smoke dampers installed in accordance with their listing.~~

~~**Exceptions:**~~

~~1. Fire and smoke dampers are not required where steel exhaust subducts extend at least 22 inches (559 mm) vertically in exhaust shafts provided there is a continuous airflow upward to the outside.~~

~~2. Fire dampers are not required where penetrations are tested in accordance with ASTM E 119 as part of the fire-resistance rated assembly.~~

~~3. Fire and smoke dampers are not required where ducts are used as part of an approved smoke-control system in accordance with Section 909.~~

~~4. Fire and smoke dampers are not required where the penetrations are in parking garage exhaust or supply shafts that are separated from other building shafts by not less than two-hour fire-resistance rated construction.~~

~~5. Smoke dampers are not required where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.~~

Change Item 2 of Section 903.2.1.3 of the IBC to read:

2. In Group A-3 occupancies other than ~~churches~~ places of religious worship, the fire area has an occupant load of 300 or more~~.~~; or

Change Section 1007.6.2 of the IBC to read:

1007.6.2 Separation. Each area of refuge shall be separated from the remainder of the story by a smoke barrier complying with Section 709 or a horizontal exit complying with Section ~~1021~~ 1025. Each area of refuge shall be designed to minimize the intrusion of smoke.

Exceptions:

1. Areas of refuge located within ~~a vertical~~ an exit enclosure.

2. Areas of refuge where the area of refuge and areas served by the area of refuge are equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

Change Exception 4 5 of Section ~~1009.3~~ 1009.4.2 of the IBC to read:

~~4.~~ 5. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U

occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be 8.25 inches (210 mm) ; the minimum tread depth shall be 9 inches (229 mm); the minimum winder tread depth at the walk line shall be 10 inches (254 mm); and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

Change Section 1009.11 of the IBC to read:

1009.11 Ship ladders. Ship ladders are permitted to be used in ~~Group I-3~~ as a component of a means of egress to and from control rooms or elevated facility observation stations not more than 250 square feet (23 m^2) with not more than three occupants and for access to unoccupied roofs.

Ship ladders shall have a minimum tread depth of 5 inches (127 mm). The tread shall be projected such that the total of the tread depth plus the nosing projection is no less than 8½ inches (216 mm). The maximum riser height shall be 9½ inches (241 mm).

Handrails shall be provided on both sides of ship ladders. The minimum clear width at and below the handrails shall be 20 inches (508 mm).

~~Add Section 1009.12 to the IBC to read:~~

~~**1009.12 Ships ladders.** Ships ladders are permitted as an element of a means of egress to and from facility observation or control rooms not more than 250 square feet (23 m2) in area that serves not more than three occupants and for access to unoccupied roofs. Ships ladders shall have a maximum projected tread of five inches (127 mm), a minimum tread depth of 8.5 inches (216 mm), a minimum tread width of 15 inches (612 mm) and a maximum riser height of 9.5 inches (241 mm). Handrails shall be provided on both sides of ships ladders.~~

Change Table ~~1017.1~~ 1018.1 of the IBC to read:

Table ~~1017.1~~ 1018.1
Corridor Fire-Resistance Rating~~.~~

Occupancy	Occupant Load Served By Corridor	Required Fire-Resistance Rating (hours)	
		Without sprinkler system	With sprinkler system[b]
H-1, H-2, H-3	All	~~1~~ Not Permitted	1
H-4, H-5	Greater than 30	~~1~~ Not Permitted	1
A, B, E, F, M, S, U	Greater than 30	1	0
R	Greater than 10	~~1~~ Not Permitted	0.5
I-2[a], I-4	All	Not Permitted	0
I-1, I-3	All	Not Permitted	0

[a] a. For requirements for occupancies in Group I-2, see ~~Section~~ Sections 407.2 and 407.3.
[b] b. Buildings equipped throughout with an automatic sprinkler system in accordance with Sections 903.3.1.1 or 903.3.1.2 where allowed.

Change Section ~~1405.12.2~~ 1405.13.2 of the IBC to read:

~~**1405.12.2**~~ **1405.13.2 Window sills.** In Occupancy Groups R-2 and R-3, one- and two-family and multiple-family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be a ~~minimum of~~ at a height of not less than 18 inches (457 mm) above the finished floor surface of the room in which the window is located. Glazing between

the floor and a height of 18 inches (457 mm) shall be fixed or have openings ~~such that~~ through which a 4-inch (102 mm) diameter sphere cannot pass ~~through~~.

Exception: Openings that are provided with window guards that comply with ASTM F 2006 or F 2090.

Change Section 1704.1 of the IBC to read:

1704.1 General. Where application is made for construction as described in this section, the owner shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Section 1704. All individuals or agents performing special inspection functions shall operate under the direct supervision of an RDP in responsible charge of special inspection activities; also known as the "special inspector." The special inspector shall ensure that the individuals under their charge are performing only those special inspections or laboratory testing that are consistent with their knowledge, training and certification for the specified inspection or laboratory testing.

Exceptions:

1. Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official.
2. Special inspections are not required for building components unless the design involves the practice of professional engineering or architecture as defined by the laws of this Commonwealth and regulations governing the professional registration and certification of engineers or architects.
3. Unless otherwise required by the building official, special inspections are not required for residential occupancies ~~in Group R-3, R-4 or R-5~~ built in accordance with the *Virginia Residential Code*, and occupancies in Group U that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.

Change category "~~11~~ 12" of Table 1704.4 of the IBC to read:

VERIFICATION AND INSPECTION	CONTINUOUS	PERIODIC	REFERENCED STANDARD[a]	IBC REFERENCE
~~11.~~ 12. Inspect formwork for shape, location and dimensions of the concrete member being formed, shoring and reshoring.	–	X	ACI 318: 6.1, 6.2	1906

~~Change Section 2701.1 of the IBC to read:~~

~~**2701.1 Scope.** This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with this code and NFPA 70. Any reference in this code to the *ICC Electrical Code* shall be considered to be references to NFPA 70.~~

Change Section 2702.2.17 of the IBC to read:

2702.2.17 Group I-2 and I-3 occupancies. Emergency power shall be provided in accordance with Section ~~407.8~~ ~~407.10~~ 407.11 for Group I-2 occupancies licensed by the Virginia Department of Health as a hospital, nursing or hospice facility. Emergency power shall be provided for doors in Group I-3 occupancies in accordance with Section 408.4.2.

Change Section 3002.4 of the IBC to read:

3002.4 Elevator car to accommodate ambulance stretcher. Where elevators are provided in

buildings four or more stories above ~~grade plane,~~ or four or more stories below, grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate a ~~24-inch~~ an ambulance stretcher 24 inches by ~~84-inch~~ 84 inches (610 mm by 2134 mm) ~~ambulance stretcher~~ with not less than ~~five-inch~~ 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than ~~three inches~~ 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame on the designated and alternate landing floors required to be established by ASME A17.1.

Exception: Elevators in multistory dwelling units or guest rooms.

Change Section 3412.1 of the IBC to read:

3412.1 Compliance. The provisions of this section are intended to maintain or increase the current degree of public safety, health and general welfare in existing buildings while permitting repair, alteration, addition and change of occupancy without requiring full compliance with Chapters 2 through 33, or Sections ~~3401.3, and 3403 through~~ 3407 and 3409, except where compliance with other provisions of this code is specifically required in this section.

Add Section ~~3411.15~~ 3413.15 to the IBC to read:

~~**3411.15**~~ **3413.15 Posting of occupant load.** Every room or space that is an assembly~~,~~ occupancy, and where the occupant load of that room or space is 50 or more, shall have the occupant load of the room or space as determined by the building official posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.

Supporting Statement (including intent, need, and impact of the proposal):

2009 Virginia Construction Code – Erratas:

101.2 Incorporation by reference. The term, "IBC", as an abbreviation for the adopted model building code, is explicitly defined here in Section 101.2. Adding the phrase "...is an abbreviation that..." here clarifies the code.

Note 1. Similarly, abbreviations for the other adopted model codes may or may not be described sporadically elsewhere, but they are extensively used within the Virginia Construction Code (see, for example, VCC Section 310.1). Inserting their abbreviations, as shown above, clarifies the code and will help avoid ambiguities.

The term, *"National Electrical Code"*, as a point of reference by itself, appears nowhere except here in VCC Section 101.2. Wherever *"National Electrical Code"* was previously used in the *International Building Code*, *"NFPA 70"* is now employed in the 2009 IBC. Therefore, inserting *"NFPA 70"* here clarifies the code.

In addition:

- The *2009 International Fire Code* should be added to the list of model codes in VCC Section 101.2 Note 1, since it is extensively referenced in the code.
- The *2009 International Existing Building Code* (adopted by reference in the USBC Part II) should be added to the list of model codes in VCC Section 101.2 Note 1, since it is (or should be) referenced in Chapter 34 of this code.
- The *2009 International Property Maintenance Code* (adopted by reference in the USBC Part III) should be added to the list of model codes in VCC Section 101.2 Note 1, since it is referenced in Chapter 34 of this code.

103.3 Change of occupancy. The list of features that affect change of occupancy ("accessibility" is being added to the list) imply that alterations to satisfy those "greater degree" requirements are necessary. This section needs an explicit statement that a permit is required for those mandatory alterations that are required for "change of occupancy". The additional sentence directs the user to the appropriate portion of the code.

109.2.1 Design flood elevations. Flood load or flood-resistant construction requirements of the IBC, including elevation certificates, are explicitly referenced in VCC Section 103.10 *Use of certain provisions of referenced codes, Item 5.* Design flood elevations are required by IBC Section 107.2.5.1 under site plan submission. If this requirement should also be within the VCC (VCC 109.2 is shown for reference), adding it into this new section, VCC 109.2.1, is appropriate. The language shown is that of IBC Section 107.2.5.1.

113.3 Minimum inspections. Flood load or flood-resistant construction requirements of the IBC, including elevation certificates, are explicitly referenced in VCC Section 103.10 *Use of certain provisions of referenced codes, Item 5.* Flood elevation certificates are required by VCC Section 103.10, and by IBC Section 1612.5. Submission of these flood elevation certificates to the building official are required by IBC Section 110.3.3 during the inspection process. This would be an appropriate addition into VCC 113.3, with new Item 4. The language shown is that of IBC Section 110.3.3.

2009 IBC Section 110.3.6 added "fire- and smoke-resistant penetrations" to its list of required inspections. The inspection of fire- and smoke-resistant penetrations is vital to code-compliant construction and life safety. It would be entirely appropriate to include this requirement in the list of inspections required by VCC Section 113.3, whether directly inspected by the building official or by an approved agency. The logical placement of these inspections in the list of minimum inspections is after inspections of the various "trade" components, such as wiring, piping or ductwork, which constitute the majority of such penetrations.

310.6 Amendments to the IRC.

R301.2.1 Wind limitations. In the first two sentences of VCC Section R301.2.1, correct the references to Table R302.1(1) and Figure R301.2(4), as shown, to correlate with IRC.

R301.2.1.1 Design criteria. In VCC Section R301.2.1.1 Item 2, change the word "standards" to "standard" in the title of ICC-600.

R302.2 Townhouses. This should be in code language, as shown above. The language is that of IRC Section R302.2.

R303.8 Required heating and **R303.8.1 Nonowner occupied required heating.** Should not the "heating period" of October 15 to May 1 be incorporated into Section R303.8 for all dwelling units built in accordance with the IRC, rather than only those of Section R303.8.1, as it currently is? If so, revise Section R303.8 as shown above. Also, if R303.8 is so included in the VCC, then the sentence, "Add an exception to Section R303.8 to read:" is unnecessary.

407.9 Special locking arrangement & **407.10 Emergency power systems** – The 2009 IBC has a (new) Section for hyperbaric facilities (the dictionary definition is: "hyperbaric: using oxygen at a level higher than atmospheric pressure"):

"Section 407.9 Hyperbaric facilities. Hyperbaric facilities in Group I-2 occupancies shall meet the requirements contained in Chapter 20 of NFPA 99."

The NFPA 99 standard is also listed in Chapter 35.

To add the VCC's sections for "Special locking arrangement" and "Emergency power systems", while keeping the IBC "407.9 Hyperbaric facilities" section, revise section numbering in the VCC, as shown above, to "407.10 Special locking arrangement" and "407.11 Emergency power systems". In Section 407.10 Item 1, "sprinkler system" is added, and in Item 2, "throughout" is added. (VCC deletes Section 1008.1.9.6 of the IBC.)

408.5.1 Noncombustible shaft openings in communicating floor levels. The 2009 VCC deleted this 2006 VCC section (as unnecessary)? The 2006 VCC language (italics added for emphasis; not new language) was:

> **408.5.1** ***Noncombustible*** **shaft openings in communicating floor levels.** Where vertical openings are permitted without enclosure protection in accordance with Section 408.5, *noncombustible* shafts such as plumbing chases shall also be permitted without enclosure protection. *Where additional stories are located above or below, the shaft shall be permitted to continue with fire and smoke damper protection provided at the fire resistance rated floor/ceiling assembly between the non-communicating stories.*

The 2009 IBC states:

> **408.5.2 Shaft openings in communicating floor levels.** Where a floor opening is permitted between communicating floor levels of a housing unit in accordance with Section 408.5.1, plumbing chases serving vertically staked individual cells contained with the housing unit shall be permitted without a shaft enclosure.

However, the IBC language removes the "noncombustible" provision, and also does not include the "fire/smoke damper" provision. Absent these provisions, might not such chases continue, unprotected, through other levels of the building? Revise the IBC language, as shown above, to preserve those concepts. Also, the word, "staked" seems to be incorrect, and is editorially revised to "stacked".

Chapter 7 Fire and smoke protection features. Change VCC Chapter 7 title to match new title of IBC Chapter 7.

703.6 Marking and identification. Delete the VCC language. Adopt the IBC language, with some revisions to reflect VCC requirements, as shown.

716.5.3 Shaft enclosures. Delete the VCC modifications, which are unnecessary, since the IBC language says the same thing.

903.2.1.3 Group A-3. Elsewhere in the IBC, the term, "church", is not used; the term, "place of religious worship", is preferred. Revise as shown.

1007.6.2 Separation. Revise the horizontal exit section reference to "Section 1025", and revise Exception 1 to match IBC language, as shown.

1009.4.2 Riser height and tread depth. Change the section number to "1009.4.2".

1009.11 Ship ladders. The section on ship ladders, 2006 VCC Section 1009.12, was deleted from the 2009 VCC Draft since the 2009 IBC Section 1009.11 has provisions for ship ladders. However, IBC Section 1009.11 only allows them to be used in Group I-3,

rather than any Group, as was permitted by the previous (deleted) VCC language. To use IBC 1009.11, but also to allow the use of ship ladders in other Groups, as well as in Group I-3, revise as shown above. The language is from the 2009 IBC Section 1009.11, but with "I-3" deleted. VCC Section 1009.12 is then unnecessary, and is deleted.

Table 1018.1 Corridor Fire-Resistance Rating. All Group H occupancies require a sprinkler system (see IBC Section 903.2.5.1). Therefore, the first two line entries in this table need revisions, to correlate with IBC Table 1018.1.

All Group R occupancies require a sprinkler system (see IBC Section 903.2.8). Therefore, the fourth line entry in this table needs revision, to correlate with IBC Table 1018.1.

1405.13.2 Window sills. An important word ("not") was omitted in the VCC Draft. The phrase should read: "...at a height of not less than...". Revise as shown.

1704.1 General. In previous editions of the building code, the IBC exempted Groups R-3 and U from special inspections (Virginia modification added Groups R-4 and R-5 to the exemption).

The 2009 IBC removed the exception for residential occupancies in Group R-3. As is described in *Significant Changes to the 2009 International Building Code*, published by the International Code Council, Inc., the structural systems of some residential buildings have components, such as high-strength concrete, cast-in-place elevated concrete, structural steel frames, engineered masonry, and pile or pier foundations, that are necessary to be designed by registered design professionals and that require special inspections, just as do commercial building components.

Most residential buildings, when built in accordance with the *Virginia Residential Code*, do not require any special inspections, but if such particular components are part of the design, only those components would be subject to special inspections which are necessary for the higher quality construction that is required.

Table T-1704.4 Required verification and inspection of concrete construction. Change the line item number in Table 1704.4.

2701.1 Scope. The term, "*ICC Electrical Code*", is obsolete, and not used in the 2009 IBC (*"NFPA 70"* is used directly). Therefore, it can be deleted in Section 2701.1. With that deletion, Section 2701.1 of the IBC is left unchanged, and therefore this entire portion of VCC changes is unnecessary and is deleted.

3002.4 Size for ambulance stretcher. Add a comma following the word "below" to make the phrase read "...stories above, or four or more stories below, grade plane, at least...". Also, change "five-inch" to "5-inch" and change "three inches" to "3 inches".

3412.1 Compliance. Making the indicated revisions will remove references to other IBC sections that are deleted by the VCC.

3413.15 Posting of occupant load. In first line, delete the comma after the word "assembly", but add a comma after the word "occupancy", to make the phrase read, "...that is an assembly occupancy, and where...".

Submittal Information

Date Submitted: January 25, 2010

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
Main Street Center
600 E. Main St., Suite 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-102.3(1)

Nature of Change:

To clarify that the public utility exemption applies to public and private right-of-ways and property.

Proponent: John D. Bruce, representing Dominion Virginia Power

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-102.3(1)

Proponent Information (Check one): ☐ Individual ☐ Government Entity ☒ Company

Name: John D. Bruce Representing: Dominion Virginia Power

Mailing Address: 9th floor, One James River Plaza, 701 East Cary Street, Richmond, VA 23219

Email Address: john.bruce@dom.com Telephone Number: (804) 775-5301

Proposal Information

Code(s) and Section(s): USBC 102.3(1)

Proposed Change (including all relevant section numbers, if multiple sections):
Revise the the third sentence of Section 102.3(1) of the Virginia Uniform Statewide Building Code to read as follows:

Such exempt equipment and wiring shall be located on either rights-of-way or property for which the service provider has rights of occupancy and entry; however, the structures...

Supporting Statement (including intent, need, and impact of the proposal):

The current wording of the USBC exempts utilities only for equipment and wiring located on public rights-of-way or private property. This excludes public property that is not a rights-of-way. By deleting the words "public" and "private", the intent of the USBC is clarified and ensures that electric distribution facilities are constructed to the National Electrical Safety Code.

Submittal Information

Date Submitted: May 4, 2009 Resubmitted: December 4, 20009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-102.3(2)

Nature of Change:

To clarify the exemption for manufacturing and processing machines which utilize hazardous materials.

Proponent: Ron Clements, Chesterfield County Building Department, representing VBCOA

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-102.3(2)

Proponent Information (Check one): ☒ Individual ☒ Government Entity ☐ Company

Name: Ron Clements

Representing: Virginia Building and Code Officials Association

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): 102.3

Proposed Change (including all relevant section numbers, if multiple sections):

Manufacturing and processing machines that do not produce or process hazardous materials regulated by this code, including all of the following service equipment associated with the manufacturing or processing machines.

2.1. Electrical equipment connected after the last disconnecting means.
2.2. Plumbing piping and equipment connected after the last shutoff valve or backflow device and before the equipment drain trap.
2.3. Gas piping and equipment connected after the outlet shutoff valve.

Manufacturing and processing machines that produce or process hazardous materials, regulated by this code, are only required to comply with the code provisions regulating the hazardous materials.

Supporting Statement (including intent, need, and impact of the proposal):

The IBC and IFC regulate hazardous materials used in process. Some examples are: dust collect systems, flammable finish application, organic coating processes, solvent based dry cleaning, combustible dust processes, semiconductor fabrication, woodworking processes/operations, Industrial ovens, tire rebuilding, welding, aerosol production, combustible fiber processing, compressed gases, cryogenic process, explosives and fireworks production, flammable or combustible liquid production or use, solvent dip tanks, kitchen cooking equipment.

If the code regulates storing 500 gallons of a class 1B solvent in a drum in the warehouse should not the code also regulate 500 gallons of solvent used in an industrial machine that uses the solvent to clean product? If the solvent cleaning machine creates a classified electrical location around the machine should the electrical connections be exempt? This is a big issue for industrial buildings using hazardous materials in process. This current exemption can be interpreted to exempt all of the hazardous materials provisions of the IBC and IFC whenever the hazardous material is used in or in conjunction with a manufacturing and process machine. I believe the intent is not to exempt regulating hazardous materials but to exempt regulating the machinery itself.

The intent is not to require regulation of industrial machines and processes beyond the specific code provisions regulation the hazardous materials involved, therefore, the last sentence is added to clearly state that intent.

Submittal Information

Date Submitted:

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-102.3(7)

Nature of Change:

To further clarify language approved for the proposed 2009 USBC which explicitly exempts federally-owned buildings and structures. The further amendment recognizes federal law requirements for such installations as underground storage tanks.

Proponent: Ron Clements, Chesterfield County Building Department, representing VBCOA

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-102.3(7)

Proponent Information (Check one): ☒Individual ☒Government Entity ☐Company

Name: Ron Clements

Representing: Virginia Building and Code Officials Association

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): 102.3 Exemptions

Proposed Change (including all relevant section numbers, if multiple sections):

Add the following Exemption to section 102.3:

7. Federally owned buildings and structures unless federal law specifically requires a permit from the locality. Underground storage tank installations, modifications and removals shall comply with this code in accordance with federal law.

Supporting Statement (including intent, need, and impact of the proposal):

Though it has been a widely held interpretation that buildings and structures owned by the Federal government are exempt from the building code it is not expressly stated in the VA Uniform Statewide Building code. Most federal buildings are constructed under the authority of the US Government's General Services Administration and GSA policy section 1.3 states that under federal law (Public Law 100-678 sec. 21) buildings built on federal property are exempt from state and local building codes. Other federal buildings, such as military installations, are constructed under the authority of the department or agency that owns the building.

One specific instance where a federal structure is required to comply with the VA Construction code is underground storage tank installations, modifications or removals. That is the reason the second sentence is included. The state and federal laws regarding underground storage tank permits are provided below.

State law:

§ 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.

(1987, c. 528; 1992, c. 456; 1994, c. 256.)

Federal law:
-HEAD-
Sec. 6991f. Federal facilities

-STATUTE-
(a) In general
Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any underground storage tank or underground storage tank system, or (2) engaged in any activity resulting, or which may result, in the installation, operation, management, or closure of any underground storage tank, release response activities related thereto, or in the delivery, acceptance, or deposit of any regulated substance to an underground storage tank or underground storage tank system shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting underground storage tanks in the same manner, and to the same extent, as any person is subject to such requirements, including the payment of reasonable service charges. The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local underground storage tank regulatory program.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change Nos. C-103.5(a) and C-103.5(b)

Nature of Change:

Two proposals clarifying the alteration provisions of the USBC to address whether the code permits the replacement of materials with like materials, even if there is substantial rebuilding of a building, such as when a fire occurs.

Proponent: Ray Pylant, Building Official, representing Fairfax County Building Department

Staff Comments:

The first proposal (C-103.5(a)) would require any work other than a repair to comply with new construction provisions. The second proposal (C-103.5(b)) would also require any work other than a repair to comply with new construction provisions, but in addition would limit repairs to less than 50% of the replacement value of the part of the building being repaired without having to comply with new construction provisions. The proposal was considered in one meeting of staff with representatives of the Virginia Building and Code Officials Association. While there was no consensus to recommend either proposal, most commenting at the meeting agreed that the current provision needs clarification as some read it to permit the replacement of like with like and others to require any work done to meet new requirements. There was also comment that the definition of the term "repair" in Chapter 2 of the IBC was problematic as used with this proposal as it uses the word "reconstruction" in the definition, even through the use of the term is limited to only work required for the maintenance of a building.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

(Use this form to submit changes to building and fire codes)

Address to submit to:		Document No. C-103.5(a)
DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321 Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us		Committee Action: _____ BHCD Action: _____

Submitted by: Ray Pylant — Representing: Fairfax County

Address: 12055 Govt. Ctr. Pky, Fairfax, Va. 22035 — Phone No.: 703-324-1910

Regulation Title: Virginia New Construction Code – 2009 IBC Section Section No(s): 103.5

Proposed Change:

103.5 Reconstruction, alteration or repair. The following criteria is applicable to reconstruction, alteration or repair of buildings or structures:

1. Any reconstruction, alteration or repair shall not adversely affect the performance of the building or structure, or cause the building or structure to become unsafe or lower existing levels of health and safety.
2. Parts of a building or structure being reconstructed or altered shall comply with the requirements of this code applicable to newly constructed buildings or structures. Parts of the building or structure not being reconstructed or altered ~~or repaired~~ shall not be required to comply with the requirements of this code applicable to newly constructed buildings or structures.
3. The installation of material or equipment, or both, that is neither required nor prohibited shall only be required to comply with the provisions of this code relating to the safe installation of such material or equipment.
4. Repairs to an existing building or structure shall be permitted to be made through the replacement of ~~M~~material or equipment components, or both, ~~may be replaced in the same location~~ with material or equipment components of a similar kind or capacity placed in the same location.

Exceptions:

1. This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.
2. ~~Reconstructed decks, balconies, porches and similar structures located 30 inches (762 mm) or more above grade shall meet the current code provisions for structural loading capacity, connections and structural attachment. This requirement excludes handrails and guardrails.~~

Supporting Statement: Current code language is ambiguous, leading some to believe that even a building or structure which no longer exists can be "repaired back into existence" under whatever building code standards may (or may not) have existed at the time of original construction. Replacing a rotted board in the floor of a deck is clearly a "repair," and should be allowed without building permits or the need to upgrade the deck to current building code requirements. Replacing the entire deck, on the other hand, is not a repair; it is reconstruction, and should be required to comply with current building code standards.

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

(Use this form to submit changes to building and fire codes)

Address to submit to:		Document No. C-103.5(b)
DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321 Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us		Committee Action: _____ BHCD Action: _____

Submitted by: Ray Pylant — Representing: Fairfax County

Address: 12055 Govt. Ctr. Pky, Fairfax, Va. 22035 — Phone No.: 703-324-1910

Regulation Title: Virginia New Construction Code – 2009 IBC Section Section No(s): 103.5

Proposed Change: **ALTERNATE PROPOSAL, NOVEMBER 18, 2009**

103.5 Reconstruction, alteration or repair. The following criteria is applicable to reconstruction, alteration or repair of buildings or structures:

1. Any reconstruction, alteration or repair shall not adversely affect the performance of the building or structure, or cause the building or structure to become unsafe or lower existing levels of health and safety.
2. Parts of a building or structure being reconstructed or altered shall comply with the requirements of this code applicable to newly constructed buildings or structures. Parts of the building or structure not being reconstructed or altered ~~or repaired~~ shall not be required to comply with the requirements of this code applicable to newly constructed buildings or structures.
3. The installation of material or equipment, or both, that is neither required nor prohibited shall only be required to comply with the provisions of this code relating to the safe installation of such material or equipment.
4. Repairs to an existing building or structure shall be permitted to be made through the replacement of ~~M~~material or equipment components, or both, ~~may be replaced in the same location~~ with material or equipment components of a similar kind or capacity placed in the same location. Where the scope of such material or equipment component replacement exceeds 50% of the replacement value of the structure (or part thereof) undergoing renovation, the work shall be deemed reconstruction, and the requirements of this code applicable to newly constructed buildings or structures shall apply.

Exceptions:

1. This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.
2. ~~Reconstructed decks, balconies, porches and similar structures located 30 inches (762 mm) or more above grade shall meet the current code provisions for structural loading capacity, connections and structural attachment. This requirement excludes handrails and guardrails.~~

Supporting Statement: Current code language is ambiguous, leading some to believe that even a building or structure which no longer exists can be "repaired back into existence" under whatever building code standards may (or may not) have existed at the time of original construction. Replacing a rotted board in the floor of a deck is clearly a "repair," and should be allowed without building permits or the need to upgrade the deck to current building code requirements. Replacing the entire deck, on the other hand, is not a repair; it is reconstruction, and should be required to comply with current building code standards.

The same distinction between "repair" and "replacement" should be made with respect to code regulated equipment as well. Replacing a blower motor in an existing furnace is a "repair" (the replacement of an equipment component), but if the entire furnace is being replaced, it should be with code compliant equipment installed to current code standards.

The suggested "dividing line" between "repair" and "reconstruction" of "50% of the replacement value" of whatever is being renovated (for example, a deck or a furnace) is intended to avoid unreasonable interpretations in either extreme; replacing all but one part of an existing assembly is "reconstruction," not "repair," and replacing only a few parts of an existing assembly is "repair," not "reconstruction."

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-103.10(3)

Nature of Change:

To add testing requirements in the IRC as valid administrative requirements which may be used under the USBC.

Proponent: Guy Tomberlin, Fairfax County Building Department, representing VPMIA and VBCOA's Plumbing/Mechanical/Fuel Gas Committees

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-103.10 (3)

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Guy Tomberlin

Representing: VA Plumbing and Mechanical Inspectors Association and VA Building and Code Officials Association Plumbing/Mechanical/Fuel Gas Committees

Mailing Address: 12055 Government Center Parkway, Suite 630
Fairfax, VA 22035

Email Address: guy.tomberlin@fairfaxcounty.gov Telephone Number: 703–324–1611

Proposal Information

Code(s) and Section(s): Section 103.10 item #3.

Proposed Change (including all relevant section numbers, if multiple sections):
103.10 Use of certain provisions of referenced codes. Text, including items 1,2,4, and 5, to remain unchanged.
1.
2.
3. Testing requirements and requirements for submittal of construction documents in any ICC codes referenced in Chapter 35 and the IRC.

Supporting Statement (including intent, need, and impact of the proposal): Current item #3 is included in the USBC to eliminate any confusion as to the Administrative nature of testing provisions of the referenced codes. Unfortunately the IRC provisions were inadvertently left out of the original text. This is a simple fix that is almost editorial because the intent has always included the IRC provisions. There is no impact to industry as this has been common practice and routinely applied to IRC construction.

Submittal Information

Date Submitted: July 2, 2009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-103.10(6)

Nature of Change:

To clarify the use of the IRC under the USBC.

Proponent: Chuck Bajnai, representing the Chesterfield County Building Department

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-103.10(6)

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Chuck Bajnai Representing: Chesterfield County

Mailing Address: 9800 Government Center Parkway

Email Address: bajnaic@chesterfield.gov Telephone Number: 804-717-6428

Proposal Information

Code(s) and Section(s): VUSBC Section 103.10 and VUSBC Section 310.6

Change Section 103.10 as follows:

103.10 Use of certain provisions of referenced codes. The following … (no change)

(no change to Items 1-5)

6. Section R101.2 of the International Residential Code.

Change Section 310.6 to read:

310.6 Amendments to the IRC. The following … (no change)

1. Change Section R101.2 to read:

R101.2 Scope. The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to ~~the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.~~ (i) the construction of both detached one- and two-family dwellings and townhouses, provided such dwellings and townhouses are not more than three stories above grade plane in height with a separate means of egress, and (ii) the accessory structures of such dwellings and townhouses.

Exception: Live/work units complying with… (no change)

Supporting Statement (including intent, need, and impact of the proposal):

- The scope of the IRC is not being changed by this proposal.
- The change to Section 103.10 is to recognize that the scoping provision of the IRC (Section R101.2) is intended to be used for Group R-5 construction.
- The change to Section 310.6 is to clarify the wording in the scoping provision of the IRC. While the existing language has been used historically and most code enforcers understand that the height limitation is intended to apply to both houses and townhouses, it can be misread to only be applicable to townhouses, so this change takes the ambiguity out of the sentence structure.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-108.2(2)

Nature of Change:

To clarify the permit exemption for small accessory structures.

Proponent: Ron Clements, Chesterfield County Building Department, representing VBCOA

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-108.2(2)

Proponent Information (Check one): ☒Individual ☒Government Entity ☐Company

Name: Ron Clements Representing: VBCOA

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): 108.2 Exemptions from application from permit. 1808.1 Foundations.

Proposed Change (including all relevant section numbers, if multiple sections):

Alter the following Exemption to section 108.2:

2. One story detached accessory structures used as tool and storage sheds, playhouses, or similar uses, provided the floor area does not exceed ~~150~~ 200 square feet (14m^2) ~~and the structures are not accessory to a group F or H occupancy~~.

Add the following Exemption to section 1808.1.

Section 1808
FOUNDATIONS

1808.1 General Foundations shall be designed and constructed in accordance with Sections 1808.2 through 1808.9. Shallow foundations shall also satisfy the requirements of Section 1809. Deep foundation shall also satisfy the requirements of Section 1810.

Exception: One-story detached accessory structures not exceeding 256 square feet (23.7824 m²) of building area, provided all of the following conditions are met:
1. The building eave height is 10 feet or less.
2. The maximum height from the finished floor level to grade does not exceed 18 inches.
3. The supporting structural elements in direct contact with the ground shall be placed level on firm soil and when such elements are wood they shall be approved pressure preservative treated suitable for ground contact use.
4. The structure is anchored to withstand wind loads as required by this code.
5. The structure shall be of light-frame construction with walls and roof of light weight material, not slate, tile, brick or masonry.

Supporting Statement (including intent, need, and impact of the proposal):

This change clarifies that the list of permit exempt uses is limited to singe story structures and the area is raised to 200 sf to allow more of the pre-manufactured sheds and carports to be exempted. The residential foundation exemption was added to the IBC for consistency.

Submittal Information

Date Submitted:

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change Nos. C-108.2(10)(a) and C-108.2(10)(b)

Nature of Change:

Two proposals clarifying the permit exemption for windows and doors in residential occupancies.

Proponent: John Catlett, Building Official for the City of Alexandria, representing the VBCOA Admin Committee

Staff Comments:

The first proposal (C-108.2(10)(a)) would limit the replacement of doors and windows without a permit to only those with similar characteristics and no changes to the framed openings. The second proposal (C-108.2(10)(b)) would limit the replacement of doors and windows without a permit to only those with the exact same operation and dimensions. The proposals were in reaction to issues over egress windows being replaced coming to the attention of DHCD staff. The issues were discussed at two workgroup meetings and was forwarded to the VBCOA Admin Committee which developed the proposals. The proposals were considered in two meetings of staff with representatives of the Virginia Building and Code Officials Association. Both proposals were generally found acceptable. Earlier editions of the USBC (2000 and 2003) contained language limiting ordinary repairs to not include the rearranging of any parts of a building affecting the egress requirements, but that language was dropped with the VBCOA rewrite of the permit exemption provision in the 2006 USBC. The first proposal (C-108.2(10)(a)) contains language more similar to the prior language in the USBC limiting ordinary repairs.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

(Use this form to submit changes to building and fire codes)

Address to submit to:	Revised 11/16/09	Document No. C-108.2(10)(a)
DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321 Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us		Committee Action: _____ BHCD Action: _____

Submitted by: John Catlett Representing: VBCOA Administration Committee

Address: 301 King Street, Alexandria, Va, 22314 Phone No.: (703.838.4360)

Regulation Title: Virginia New Construction Code Section No(s): 108.2

Proposed Change:

108.2 Exemptions from application for permit. Notwithstanding the requirements of Section 108.1, application for a permit and any related inspections shall not be required for the following; however, this section shall not be construed to exempt such activities from other applicable requirements of this code. In addition, when an owner or an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and any related inspections shall be required. . . .

10. Ordinary repairs that include the following.

10.1. Replacement of windows and doors with similar operation and opening dimensions that do not require changes to the existing framed opening, and that are not required to be fire rated in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5. . . .

Supporting Statement: This code change should provide clarity as to that application of this exemption from permits. Many code officials have asked if emergency egress windows or replacement to a different material type window would require permits. This would clarify that as long as the window operates the same and has the same size opening, it would be exempt from permits. This would not exempt from permit requirements the change to a different window type such as changing a sliding casement window to a double hung window as the opening size may be decreased. This shall maintain the premise of Section 103 to not lower existing levels of health and safety.

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

(Use this form to submit changes to building and fire codes)

Address to submit to:		Document No. C-108.2 (10)(b)
DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321 Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us		Committee Action: _____ BHCD Action: _____

Submitted by: John Catlett Representing: City of Alexandria

Address: 301 King Street, Alexandria, Va, 22314 Phone No.: (703.838.4360)

Regulation Title: Virginia New Construction Code Section No(s): 1

Proposed Change:

108.2 Exemptions from application for permit. Notwithstanding the requirements of Section 108.1, application for a permit and any related inspections shall not be required for the following; however, this section shall not be construed to exempt such activities from other applicable requirements of this code. In addition, when an owner or an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and any related inspections shall be required. . . .

10. Ordinary repairs that include the following.

10.1. Replacement of windows and doors with same operation and opening dimensions, and that are not required to be fire rated in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5. . . .

Supporting Statement: This code change should provide clarity as to that application of this exemption from permits. Many code officials have asked if emergency egress windows or replacement to a different material type window would require permits. This would clarify that as long as the window operates the same and has the same size opening, it would be exempt from permits. This would not exempt the change to a different window type such as changing a sliding casement window to a double hung window as the opening size may be decreased. This shall maintain the premise of Section 103 to not lower existing levels of health and safety.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change Nos. C-109.3.1(a) and C-109.3.1(b)

Nature of Change:

Two proposals adding requirements for the construction documents to show the nature of all portions of the means of egress.

Proponent: David J. Thomas, PE, representing himself and J. Kenneth Payne, Jr., AIA, representing VSAIA

Staff Comments:

The first proposal (C-109.3.1(a)), by Mr. Thomas, would require construction documents to show the location, construction, size and number of occupants in all areas, including the path of exit discharge, which is typically the area outside of the building. The second proposal (C-109.3.1(b)), by Mr. Payne, would only require details on exit construction and would provide only the location of exit access corridors and the occupant load of rooms and spaces required to have assigned occupant loads. Both proposals were vetted through the workgroup process and there was general sentiment that the current USBC permits appropriate flexibility in dictating the specificity of construction documents for the means of egress. The second proposal was submitted only as a less restrictive alternative to the first proposal and would be withdrawn if it is determined that no action is necessary on the first proposal as the proponent shared the general sentiment that the current USBC is adequate.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-109.3.1(a)

Proponent Information (Check one): X Individual ☐ Government Entity ☐ Company

Name: David J. Thomas, PE Representing: Self

Mailing Address: Fire Prevention Division, 10700 Page Ave, Fairfax Va 22030

Email Address: david.thomas@fairfaxcounty.gov Telephone Number: 703-246-4819

Proposal Information

Code(s) and Section(s): USBC, Volume 1, Section 109. Add the following Section 109.3.1

Proposed Change (including all relevant section numbers, if multiple sections):

109.3.1 Means of egress: The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress, including the path of exit discharge to the public way, in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Supporting Statement (including intent, need, and impact of the proposal):

This statement is taken from IBC 2006 at Section 106.1.2, and was deleted by the USBC when Chapter 1 of IBC was replaced by Chapter 1 of the USBC. It formerly, under the BOCA codes, resided in Chapter 10. Since the paragraph was lost in the transition to IBC, it needs to be reinstated in the proper place in the USBC, under Construction Documents. It provides both the designer and the reviewer of the documents with the necessary guidance to have on the drawings the basis of egress calculations and egress capacity sizing. Placement of these numbers on the drawings removes ambiguity and formerly, under the BOCA Codes, was there to ensure completeness and fair and equitable review of the designer's intent. It should be restored to the code, since it provides clarity for all parties in the construction documents. Summary sheets are sometimes found in current documents, but the aggregate data can cause confusion unless supported by actual numbers of occupants for which the spaces are designed. Since the designer already compiles the aggregate data, this will merely involve placing the basic data on the plans as well as the aggregate numbers. The addition of reference to the exit discharge was made to ensure its portrayal on the drawings; it is normally an item to be shown on the architectural site plan/key plan.

It is not anticipated that any basic changes in either design procedures or costs will be affected by this proposal, which is a restoration of a clause long present in the codes which was inadvertently left out when the transition to IBC was accomplished. (continued)

The above code change is identical to ICC ADM 11-09/10, recently considered in Baltimore at the ICC Hearings, and it was passed by the committee as submitted. I believe that the passage of this item by the ICC committee on administration constitutes a firm conclusion supporting this change, which needs to be in the USBC Chapter 1 in the form shown above.

Submittal Information

Date Submitted: April 8, 2009/ Revised Nov. 18, 2009 in recognition of ICC Committee action at ICC hearings in Baltimore.

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-109.3.1(b)

Proponent Information (Check one): ☐ Individual ☐ Government Entity ☒ Company

Name: J. Kenneth Payne, Jr., AIA Representing: VSAIA

Mailing Address: 3200 Norfolk Street, Richmond, Virginia 23230

Email Address: kpayne@moseleyarchitects.com Telephone Number: 804-794-7555

Proposal Information

Code(s) and Section(s): 2006 VCC Section 109.5 – Approval of construction documents

Proposed Change (including all relevant section numbers, if multiple sections):

Add the following new subparagraphs:

109.5.1 Arrangement of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all *exits*, together with the arrangement of *aisles*, *corridors*, passageways and hallways leading thereto in compliance with the provisions of this code.

109.5.2 Number of occupants. In other than occupancies in Use Groups R-2, R-3 and I-1, the *construction documents* and the application for a permit shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces that are required to have assigned *occupant loads* in accordance with Section 1004. Unless otherwise specified, the minimum number of occupants to be accommodated by the *exits* shall be determined by the occupant load prescribed in Section 1004. The occupant load of the building shall be limited to that number. The fire prevention code official shall be informed in *writing* of the calculated occupant load.

Supporting Statement (including intent, need, and impact of the proposal):

A code change was submitted (included below for reference) requesting "means of egress" be reintroduced into the VCC. The BOCA model code included similar language in Chapter 10. The BOCA requirements were relocated to Chapter 1 when the IBC was introduced. Virginia replaced Chapter 1 of the IBC with our own Chapter 1 in the VCC. These requirements did not make the transition and were not included in Chapter 1 of the VCC.

2009 IBC Chapter 1 text and previously submitted code change:

> **107.2.3 Means of egress.** The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Although egress information should be included in the Construction Documents, the 2009 version leaves too much to be interpreted, and extends to spaces that otherwise Section 1004 does not require an occupant load be assigned. As written in the 2009 IBC, "all portions of the means of egress" [emphasis added] must be addressed. By definition, *means of egress* includes exit access, exits, and exit discharge. It is the exit access (within *every* room and space) and exit discharge (which terminates at a *public way*) that causes concern and opens the door for the potential of different interpretations as to how a LAHJ would interpret showing "construction, size and character" of an office, classroom, sidewalk, curb, parking area, or street.

The second sentence in the 2009 IBC version requires the A/E to indicate occupant loads "in all rooms and spaces" [emphasis added]. LAHJ could interpret this to require every single room and space in the entire building be assigned an occupant load. However, not all rooms or spaces require an occupant load be assigned to them (e.g., corridors, toilets, janitor's closets, stairs, attics, crawl spaces, etc.).

If we had to provide an occupant load everywhere, we would also be required to provide more plumbing fixtures ($$$), wider and more egress elements ($$$), greater HVAC requirements ($$$), more parking ($$$)...or more of everything tied to the building occupancy loads.

This proposed change more closely parallels that of the original BOCA model code that Virginia used for many years (included below for reference).

1996 BOCA version:

> **1003.1 Arrangement of egress.** The *construction documents* shall show in sufficient detail the location, construction, size and character of all *exits*, together with the arrangement of *aisles*, *corridors*, passageways and hallways leading thereto in compliance with the provisions of this code.
>
> **1003.2 Number of occupants.** In other than occupancies in Use Groups R-2, R-3 and I-1, the *construction documents* and the application for a permit shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces as required by the code official. Unless otherwise specified, the minimum number of occupants to be accommodated by the *exits* shall be determined by the occupant load prescribed in Section 1008.0 [Occupant Load]. The posted occupant load of the building shall be limited to that number. The fire prevention code official shall be informed in *writing* of the calculated occupant load.

Rather than create an entirely new paragraph in the VCC (109.7), this proposed change becomes a subparagraph related to the *approval* of the construction documents.

Submittal Information

Date Submitted: May 6, 2009 (revised May 28, 2009)

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-116.4

Nature of Change:

To add requirements addressing different scenarios for providing a certificate of occupancy or related records for existing buildings.

Proponent: John Catlett, Building Official for the City of Alexandria, representing the VBCOA Admin Committee

Staff Comments:

The current USBC provides that a certificate of occupancy may be issued for an existing building after an inspection is performed and no violations of the Virginia Maintenance Code or Statewide Fire Prevention Code exist. The current USBC does not differentiate between when a locality has records that a certificate was issued but no certificate can be produced, or when a locality has no record that a certificate was ever issued. This proposal addresses both scenarios and would not require an inspection or an actual certificate to be produced if records were present indicating one had been issued. The proposal strikes the language "or as otherwise determined necessary by the building official" which is language that has been in the USBC for a number of editions and permits a bank or a state agency such as the Department of Social Services to request that a certificate be issued. While the proposal came in too late to go through the workgroup process, an earlier simpler version of the proposal was considered at a meeting with staff and representatives of VBCOA and the comments received prompted the submittal of the current proposal.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-116.4

Proponent Information (Check one): ☐ Individual ☐ Government Entity ☐ Company

Name: John Catlett

Representing: VBCOA Administration Code Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: John.Catlett@alexandriava.gov

Telephone Number: 703.746.4200

Proposal Information

Code(s) and Section(s): USBC Construction Code (revised 1/13/2010)

Proposed Change (including all relevant section numbers, if multiple sections):

116.4 Issuance of Certificate of Occupancy or documentation of code compliance for existing buildings or structures. Upon written request, the owner or owner's agent may request in writing a copy of a Certificate of Occupancy for an existing building or structure. When there is no copy of the certificate on file, but other official records substantiate for the building official that an approved certificate existed, the building official shall either produce written documentation that records demonstrate that a certificate existed or provide a certificate based on the official records. In the event records provide no evidence that a certificate exist, the owner or owner's agent may request written documentation from the building official that a certificate does not exist and that continued occupancy may continue. ~~upon written request from the owner or the owner's agent,~~

116.4.1 Issuance of a Certificate of Occupancy when no records exist supporting that one was issued for an existing building or structure. If the building official has no record that a Certificate of Occupancy was produced for an existing building or structure, and the owner or owner's agent request that one be created, ~~or as otherwise determined necessary by~~ a certificate of occupancy shall be issued for an existing building or structure provided that the building official verifies by inspection that there are no current violations of the Virginia Maintenance Code or the Virginia Statewide Fire Prevention Code (13 VAC 5-51) and the occupancy classification of the building or structure has not changed. ~~An inspection shall be performed prior to the issuance of the certificate and~~ Such buildings and structures shall not be prevented from continued use.

Supporting Statement (including intent, need, and impact of the proposal):

The current provisions were intended to offer direction when there was no record that a certificate of occupancy existed for a building or structure. However, the current language does not indicate that a lack of an existing C of O is the trigger for these provisions. The new language clarifies that a building owner cannot request a new certificate of occupancy if one currently exists. It also allows the practice that has generally been acceptable for the local building official to provide documentation of records regarding existing buildings that continue legal uses without requiring the inspections necessary to produce a new certificate of occupancy.

The provision allows the building official to produce a certificate of occupancy if one currently does not exist in archived

records, but other official records provide enough information to verify that a certificate of occupancy did exist.

The previous language that allows a building owner to request that a certificate be produced if no records or copies exist that one was produced would remain the same. The building owner can request that one be produced, the building is then inspected for compliance with the Virginia Maintenance Code and Virginia Fire Prevention Code (or basically the building has been maintained and is in accordance with the existing approved use

Submittal Information

Date Submitted: 11/16/2009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-118.1

Nature of Change:

The add clarification that the unsafe provisions under the Virginia Construction Code apply to partially constructed buildings where the permit has been revoked.

Proponent: Michael Redifer, Building Official, representing the City of Newport News

Staff Comments:

The proposal was vetted through the workgroup process but no consensus reached to recommend its approval. Discussion ranged from the language being problematic to the current code already addressing the issue. Staff notes that adding the term "demolition" is unnecessary as demolition is a form of construction and the reference to a permit being suspended is inappropriate as the USBC now only provides for a permit to be revoked.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-118.1

Proponent Information (Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Michael Redifer Representing: City of Newport News

Mailing Address: 2400 Washington Avenue 3rd flr Newport News, VA 23607

Email Address: mredifer@nngov.com Telephone Number: 757-926-8861

Proposal Information

Code(s) and Section(s): VCC 118.1 and VCC 118.2

Proposed Change (including all relevant section numbers, if multiple sections):

Revise 118.1 and 118.2 as follows:

118.1 Applicability. This section applies to buildings and structures for which a ~~construction~~ permit has been issued under this code and construction has not been completed or a certificate of occupancy has not been issued, or both including any building or structure for which the construction permit has expired or has been suspended or revoked. In addition, this section applies to any building or structure that is under construction or demolition or that was constructed or demolished without obtaining the required permits under this edition or any edition of the USBC.

118.2 Repair or removal of unsafe buildings or structures. Any building or structure subject to this section that is either deteriorated, improperly maintained, of faulty construction, deficient in adequate exit facilities, a fire hazard or dangerous to life or the public welfare, or both, or that is under construction or has been constructed without obtaining permits or for which the construction permit authorizing construction has expired or has been suspended or revoked or any combination of the foregoing, is an unsafe building or structure and shall be made safe through compliance with this code or shall be taken down and removed if determined necessary by the building official.

Supporting Statement (including intent, need, and impact of the proposal):

This change is intended to clarify that until a building or structure has been completed and approved for the occupancy for which it was designed, it cannot be held subject to the Virginia Maintenance Code. Among other issues, until the building or structure is completed, it most likely will lack many of the components to which maintenance provisions apply. For example, the VMC cannot require retrofit of exterior siding that was never there to begin with. This proposal is intended to close the loop on how to deal with structures which may be left unfinished for a variety of reasons including the expiration of a permit on which the 3-year time limit of 110.7 is imposed or revocation for abandonment or some other reason.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-118.6

Nature of Change:

To add a provision to the authorize a building official to enforce the unsafe structure provisions of the Virginia Maintenance Code (VMC) when there is a natural disaster or vehicle impact to an existing building.

Proponent: John Catlett, Building Official for the City of Alexandria, representing the VBCOA Admin Committee

Staff Comments:

The proposal was discussed at the workgroup meetings and the proponent was advised that a statutory change was necessary to implement the proposal. The only authority currently existing for a building official to enforce any portion of the VMC is for elevators and complaints from the tenants of a residential rental unit.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-118.6

Proponent Information (Check one): X Individual ☐ Government Entity ☐ Company

Name: John Catlett

Representing: VBCOA Admin Code Committee

Mailing Address: 301 King Street, # 4200, Alexandria, Virginia 22314

Email Address: jcatlett@alexandriava.gov

Telephone Number: 703.746.4200

Proposal Information

Code(s) and Section(s): Virginia Construction Code (new) Section 118.6

Proposed Change (including all relevant section numbers, if multiple sections):

(New) 118.6 **Unsafe Structures Not Related to New Construction.** In localities that do not elect to adopt the Virginia Maintenance Code, the building official may enforce the provisions of VMC Section 105, Unsafe Structures or Structures Unfit for Human Habitation when a building or structure is damaged as the result of actions such as fire, weather related events and vehicle impacts, or when the building official is made aware of conditions that if not corrected could cause structural failure and collapse of the building or structure. The building official shall not have authority to address conditions noted in VMC Section 105 related to maintenance of a building or structure that may fall outside the scope of damage or imminent threat of structural failure. The building official shall only direct such actions to render the building or structure safe.

Supporting Statement (including intent, need, and impact of the proposal):

The Virginia Construction Code currently addresses unsafe conditions as they relate to buildings under construction. However, in many localities that do not enforce the Virginia Maintenance Code, the building official is called upon to deal with buildings that become damaged and/or unsafe as the result of a fire, explosion, vehicle strike, tree in to a house, other storm damage, and snow accumulations. In localities that have not adopted the Maintenance Code, the local building official has no authority or direction to address code concerns resulting from these events.

In addition, a building or structure that has already been approved for use may become unsafe due to conditions not directly related to maintenance. In the past year, one Maryland locality became aware that structural beams and columns in an existing public parking garage became unsafe due to failure of the concrete over a long period of time. The conditions rendered the building unsafe. Should a scenario such as this develop in a Virginia locality that does not enforce the Maintenance Code, the building official would not have the authority to address the unsafe condition as it would not be related to a building under construction.

This code change provides a clear path to code language that has already been approved in Virginia to deal with such conditions. It is narrow and focused as to its application, not allowing the building official full powers vested under the Maintenance Code to address all unsafe provisions. There should be no fiscal impact.

Submittal Information

Date Submitted: August 4, 2009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-119.9

Nature of Change:

To add a provision to the require the State Technical Review Board to hear appeals within 90 days unless a continuance is agreed upon by the parties.

Proponent: John Catlett, Building Official, representing the City of Alexandria Building Department

Staff Comments:

The proposal was discussed at the workgroup meetings and the proponent was advised that a statutory change was necessary to implement the proposal. The authority currently existing for appeals under state law gives the Review Board 30 days to act upon an appeal and does not contain a maximum time for scheduling a hearing. The proposal was discussed with the Review Board and it was agreed and is reflected in the minutes of the Review Board meeting that 90 days is an appropriate timeframe to process an appeal and the Review Board staff was directed to make every attempt to adhere to those timeframes.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-119.9

Proponent Information (Check one): Individual X Government Entity ☐ Company

Name: John Catlett Representing: City of Alexandria

Mailing Address: 301 King Street, #4200, Alexandria, Virginia 22314

Email Address: jcatlett@alexandriava.com Telephone Number: 703.746.4200

Proposal Information

Code(s) and Section(s): USBC New Construction (new) 119.9, Maintenance Code (new) 106.9, Fire Prevention Code (new) 112.10

Proposed Change (including all relevant section numbers, if multiple sections):

119.9 (and other as noted) State Review Board Meetings and postponements. The SRB shall hear an appeal from the LBBCA within 90 calendar days after the date of receipt of the application for appeal, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal. In addition, the DHCD staff may extend the hearing date by not more than 90 calendar days when necessary to complete the preliminary fact finding associated with the case. A notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal.

(Editorial note: The three codes noted above utilize different terminology for the State Review Board. The Fire Prevention Code calls it the Technical Review Board, while the other two codes refer to it as the State Review Board. An editorial change should be made to provide consistency between the codes when making reference to the state appeal process.)

Supporting Statement (including intent, need, and impact of the proposal): The above referenced codes have established the time period for when an appeal must be filed at each level and the amount of time the local board has to hear a case. No such expectations are established for the State Review Board.

In the 2006 codes, the amount of time a person has to appeal a local official's decision was reduced. The supporting statements for those changes referred to the recognition that some of the items appealed were related to unsafe conditions, some of which required immediate action to remediate. Extended periods of an appeal complicate a process and do not allow either party the right to a fast resolution of a code issue.

The code change author's locality underwent an appeal the originated in January of 2008, but was not taken up by the SRB until July of 2009. While preparing this code change, the author received feed back from other localities indicating that appeal cases have extended many months before the hearing date is established.

As noted above, extended periods not only complicate the process, but negate both parties from receiving a reasonably timely resolution of the dispute causing the appeal. Extended time periods can also be complicated as the facts in the case become difficult to recollect. Even with the code change submitted, an appeal process for the Construction Code can take nearly 9 months to resolve (30 days to file an appeal; 30 days to hear the appeal on a local level; 21 days to file an appeal to the SRB; 90 days to a hearing; up to 90 days postponements by DHCD staff.)

As an expectation of time is established in the code for the local appeals process. It is not unreasonable to establish a time frame for an appeal at the state level as well.

Submittal Information

Date Submitted: July 30, 2009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-202

Nature of Change:

To add a definition of "existing building" and "existing structure" to the Virginia Construction Code.

Proponent: Dan K. Williams, representing himself

Staff Comments:

Currently the definition of "existing structure" in the IBC has been deleted in the Virginia Construction Code. The reason the term was deleted was that it is not used anywhere in the Virginia Construction Code. The definition in the IBC refers only to Chapter 16 and Chapter 34. In Chapter 16, the definition is only to recognize that the term is synonymous with the term "existing construction" for the floodproofing provisions, which uses language from the federal government's National Flood Insurance Program. In Chapter 34 of the IBC, the term is only used in Sections 3403, 3404 and 3405. The Virginia Construction Code deletes all three of those sections of the IBC in the proposed 2009 regulations. Therefore there is no need whatsoever for the definition in the Virginia Construction Code. The Virginia Rehabilitation Code is a separate stand-alone code (Part II of the USBC) and uses its own set of definitions, including a definition of "existing building" for use with the ICC International Existing Building Code, the ICC code used with the Virginia Rehabilitation Code. The proposal was not received in time to be vetted through the workgroup process.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

H:\My Documents\2009 Va-2009 International Codes\Code changes\2009 VCC 202 and 1612.2 and 3401.1 and 3402.1.doc

Code Change Number: C - 202

Proponent Information (Check one): ☒ Individual ☐ Government Entity ☐ Company

Name: Dan K. Williams Representing: Self

Mailing Address: 12055 Government Center Parkway, Suite 316 Fairfax, VA 22035

Email Address: Dan.Williams@fairfaxcounty.gov Telephone Number: 703-324-1060

Proposal Information

Code(s) and Section(s): 2009 Virginia Construction Code Section No(s): VCC Sections 202, 1612.2, Chapter 34 Title, Sections 3401.1, 3402.1

Proposed Change (including all relevant section numbers, if multiple sections):

In Chapter 2 (under "Add the following definitions to Section 202 of the IBC to read:"), add

Existing building. A building for which a legal certificate of occupancy has been issued under any edition of the USBC and that has been occupied for its intended use; or, a building built prior to the initial edition of the USBC.

In Chapter 2 (under "Change the following definitions in Section 202 of the IBC to read:"), add

Existing structure. A structure for which a legal certificate of occupancy has been issued under any edition of the USBC, where applicable, and that has been occupied or used for its intended use; or, a structure built prior to the initial edition of the USBC.

In Chapter 2 (under "Delete the following definitions from Section 202 of the IBC:"), change to read:

~~Existing building structure.~~

In Chapter 16,

Delete the following definition from Section 1612.2 of the IBC:

Existing structure.

In Chapter 34,

Change the title of Chapter 34 of the IBC to read:

Chapter 34 Existing Buildings and Existing Structures

Change Section 3401.1 of the IBC to read:

3401.1 Scope. The provisions of this chapter and the applicable requirements of Chapter 1 shall control the alteration, repair, addition and change of occupancy of existing buildings and existing structures.

Delete the following definition from Section 3402.1 of the IBC:

Existing structure.

Supporting Statement (including intent, need, and impact of the proposal):

"Existing Building" and "Existing Structure" definitions. The USBC Draft deletes the definition from Section 202 of the IBC, without any replacement. Without a clear, specific definition, the code is subject to misinterpretation, misapplication and misenforcement.

Note that the term "existing structure" is defined also in IBC Section 1612.2 and in IBC Section 3402.1 (but with other definitions in those Sections). For that matter, Chapter 34 itself is entitled "Existing Structures".

However, "Existing building" is already clearly defined by Virginia in the 2006 Virginia Rehabilitation Code (VRC), which will also be in the 2009 VRC, since it is not marked as modified from the 2006 VRC:

> "Change the following definition in Section 202 of the IEBC to read:"
>
> **"Existing building ~~structure~~.** A building for which a legal certificate of occupancy has been issued under any edition of the USBC and that has been occupied for its intended use; or, a building built prior to the initial edition of the USBC."

The VCC modifications shown above use the VRC language verbatim, placing a single, concise definition for "Existing building", and a precise, similar definition for "Existing structure", into Chapter 2 of the VCC. This will aid in proper application of the code.

In Chapter 16 and in Chapter 34, the chapter-specific definitions are removed as extraneous. Also, Chapter 34 Title is revised, since this chapter applies to both existing buildings and existing structures. Similarly, Section 3401.1 is revised for clarity of application of the code.

Submittal Information

Date Submitted: January 25, 2010

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
Main Street Center
600 E. Main St., Suite 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Rehabilitation Code
Code Change No. R-705.3.1.1(4)

Nature of Change:

To lower the occupant load permitted for portions of Group R-2 buildings undergoing Level 2 alterations without providing an additional exit from 12 to 10 occupants.

Proponent: Dan K. Williams, representing the Fairfax County Building Department

Staff Comments:

The proposal was not received in time to be considered through the workgroup process. The state amendment to the International Existing Building Code (IEBC), which was in the original Virginia Rehabilitation Code, is to recognized that Virginia approves a family day home licensed by the Virginia Department of Social Services which may have up to 12 children and still be in a dwelling unit. The proposal attempts to keep the allowance for family day homes, but to lessen the occupant load for other dwelling units in Group R-2 to the number ten established by the IEBC. The original drafters of the Virginia Rehabilitation Code recognized that the number twelve established under Virginia law for family day homes should also be applied to other dwelling units to be consistent and non-discriminatory. It was not believed that the additional two occupants permitted raised the hazard level significantly.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

H:\My Documents\2009 Va-2009 International Codes\Code changes\2009 VRC 705.3.1.1.doc

Code Change Number: R-705.3.1.1(4)

Proponent Information (Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Dan K. Williams Representing: Fairfax County

Mailing Address: 12055 Government Center Parkway, Suite 316 Fairfax, VA 22035

Email Address: Dan.Williams@fairfaxcounty.gov Telephone Number: 703-324-1060

Proposal Information

Code(s) and Section(s): 2009 Virginia Rehabilitation Code Section No(s): VRC Section 705.3.1.1 Items 4 and 7

Proposed Change (including all relevant section numbers, if multiple sections):

Change Item 4 of Section 705.3.1.1 of the IEBC to read:

4. In community residences for the developmentally disabled, and in family day homes, the maximum occupant load excluding staff is 12.

~~Change Item 7 of Section 705.3.1.1 of the IEBC to read:~~

~~7. In Group R-2, H-4, H-5 and I occupancies and in rooming houses and childcare centers, a single exit is permitted in a one-story building with a maximum occupant load of 10 and the exit access travel distance does not exceed 75 feet (22 860 mm). In dwelling units within Group R-2 buildings, an occupant load of 12 shall be permitted to be substituted for the occupant load established above and, in addition, staff of such family day homes shall not be counted for the purposes of establishing occupant loads.~~

Supporting Statement (including intent, need, and impact of the proposal):

705.3.1.1 Single exit buildings.

Occupant load for family day home.

The 2009 IEBC Section 705.3.1.1 Item 7 currently reads:

> 7. In Group R-2, H-4, H-5 and I occupancies and in rooming houses and child care centers, a single exit is permitted in a one-story building with a maximum occupant load of 10 and the exit access travel distance does not exceed 75 feet (22 860 mm).

(Note that the occupant load for the entire building is limited to10 occupants.)

However, the VRC added a second sentence, so this Item 7 now reads (italics added for emphasis):

Change Item 7 of Section 705.3.1.1 of the IEBC to read:

7. In Group R-2, H-4, H-5 and I occupancies and in rooming houses and child care centers, a single exit is permitted in a one-story building with a maximum occupant load of 10 and the exit

access travel distance does not exceed 75 feet (22 860 mm). *In dwelling units within Group R-2 buildings, an occupant load of 12 shall be permitted to be substituted for the occupant load established above and, in addition, staff of such family day homes shall not be counted for the purposes of establishing occupant loads.*

The intent of the added language seems to be that an occupant load of 12 (rather than 10) is to be allowed for family day homes (which are licensed by, and under the oversight of, the Virginia Department of Social Services). Note that in the Virginia Construction Code, "family day home" (see VCC 310.4) is differentiated from "child care center", with specific definitions for each.

But here, as written, the second sentence seems to merge the two ("family day home" and "child care center") with no limits on the number of "family day homes", nor number of dwelling units in an R-2 occupancy, one exit building, for which this Section applies. The sentence also seems to allow every dwelling unit within R-2 occupancies to have an (independent) occupant load of 12, which would contradict the overall intent of the entire section, which is to limit occupant loads in single exit buildings.

Suggest revision as shown, to keep the occupant load exception for a family day home, but to remove the implication that any and every dwelling unit has an individual occupant load which, in total, would exceed the allowable total occupant load for the entire building.

Upon reflection, this exception could, and should, be added into Section 705.3.1.1 Item 4, which already has an identical exception for community residences for the developmentally disabled, rather than into Item 7, since a family day home might be in Group R-2, R-3 or R-5 (see VCC 310.4). With that relocation (from Item 7 to Item 4) by adding the phrase "and in family day homes" to Item 4, there are no VRC revisions to Item 7, and therefore that change is deleted.

Submittal Information

Date Submitted: January 25, 2010

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
Main Street Center
600 E. Main St., Suite 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Rehabilitation Code
Code Change No. R-705.3.1.1(7)

Nature of Change:

To retain the existing state amendments to the International Existing Building Code relating to the use of existing corridor walls when undergoing a change of occupancy to a higher hazard category.

Proponent: Dan K. Williams, Fairfax County Building Department, representing himself

Staff Comments:

The proposal was not received in time to be considered through the workgroup process. The state amendment to the International Existing Building Code (IEBC), which specified that existing corridor construction had to be of good plaster or gypsum construction on both sides, was taken to ICC with other state amendments to the IEBC to attempt to obtain approval of the state amendments at the national level. Staff success rates were very high in obtaining approval of state amendments for the IEBC. This particular state amendment was considered by the IEBC committee and determined not to be necessary as the general language inherently included "both" sides of the wall. Therefore, as the attempt to obtain approval for the state amendment at the national level was deemed unnecessary, the state amendment is being dropped from the Virginia Rehabilitation Code.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

H:\My Documents\2009 Va-2009 International Codes\Code changes\2009 VRC Erratas.doc

Code Change Number: R-705.3.1.1(7)

Proponent Information (Check one): ☒ Individual ☐ Government Entity ☐ Company

Name: Dan K. Williams Representing: Self

Mailing Address: 12055 Government Center Parkway Suite 316 Fairfax, VA 22035

Email Address: Dan.Williams@fairfaxcounty.gov Telephone Number: 703-324-1060

Proposal Information

Code(s) and Section(s): 2009 Virginia Rehabilitation Code Section No(s): Erratas
VRC Section
705.3.1.1
912.4.1

Proposed Change (including all relevant section numbers, if multiple sections):

Change Item 7 of Section 705.3.1.1 of the IEBC to read:

7. In Group R-2, H-4, H-5 and I occupancies and in rooming houses and ~~childcare~~ child care centers, a single exit is permitted in a one-story building with a maximum occupant load of 10 and the exit access travel distance does not exceed 75 feet (22 860 mm). In dwelling units within Group R-2 buildings, an occupant load of 12 shall be permitted to be substituted for the occupant load established above and, in addition, staff of such family day homes shall not be counted for the purposes of establishing occupant loads.

As shown in the 2009 VRC Draft:

~~**13 VAC 5-63-437 Chapter 9 Change of occupancy.**~~ **(Repealed.)**

~~Change Exception 4 of Section 912.4.1 of the IEBC to read:~~

~~4. Existing corridor walls constructed on both sides of wood lath and plaster in good condition or 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted. Such walls shall either terminate at the underside of a ceiling of equivalent construction or shall extend to the underside of the floor or roof next above.~~

Modification: restore this portion of the VRC (i.e., do not delete it):

13 VAC 5-63-437 Chapter 9 Change of occupancy. ~~**(Repealed.)**~~

Change Exception 4 of Section 912.4.1 of the IEBC to read:

4. Existing corridor walls constructed on both sides of wood lath and plaster in good condition or 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted. Such walls shall either terminate at the underside of a ceiling of equivalent construction or shall extend to the underside of the floor or roof next above.

Supporting Statement (including intent, need, and impact of the proposal):

2009 Virginia Rehabilitation Code – Erratas:

705.3.1.1 Single exit buildings. Change "childcare" to "child care" as shown.

912.4.1 Means of egress for change to higher hazard category. The 2006 VRC modified the 2006 IEBC to include the words, "on both sides" in the first sentence:

> "Existing corridor walls constructed on both sides of wood lath and plaster in good condition or 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted."

Should not the 2009 VRC do the same (i.e., do not delete this modification) since the 2009 IEBC seemingly does not contain that language? This "un-deletion", in turn, would then mean that 13 VAC 5-63-437 is not repealed.

Submittal Information

Date Submitted: January 25, 2010

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
Main Street Center
600 E. Main St., Suite 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Maintenance Code
Code Change No. M-101.2

Nature of Change:

A number of editorial and substantive changes to the Virginia Maintenance Code and the 2009 edition of the International Property Maintenance Code.

Proponent: Dan K. Williams, Fairfax County Building Department, representing himself

Staff Comments:

The proposal was not received in time to be considered through the workgroup process. Staff will review the editorial suggestions for inclusion in the final regulations for the 2009 Virginia Maintenance Code were appropriate. Many were already made in the proposed regulations for the 2009 code. With respect to Section 201.3, the state amendment was purposefully referencing the ICC Electrical Code rather than NFPA 70 to correlate with the Virginia Construction Code, Chapter 27, which also uses the ICC Electrical Code and its definitions.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

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Code Change Number: M - 101.2

Proponent Information (Check one): ☒Individual ☐Government Entity ☐Company

Name: Dan K. Williams Representing: Self

Mailing Address: 12055 Government Center Parkway, Suite 316 Fairfax, VA 22035

Email Address: Dan.Williams@fairfaxcounty.gov Telephone Number: 703-324-1060

Proposal Information

Code(s) and Section(s): 2009 Virginia Maintenance Code Section No(s): Erratas:

VMC Sections:

101.2
201.3
302.3
304.2.1
305.3.1
305.7
309 Title

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 101.2 to read:

Section 101.2 Incorporation by reference. Chapters 2 – 8 of the ~~2006~~ 2009 International Property Maintenance Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the Virginia Maintenance Code. The term "IPMC" is an abbreviation that means the ~~2006~~ 2009 International Property Maintenance Code, published by the International Code Council, Inc. Any codes and standards referenced in the IPMC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference.

Change Section 201.3 of the IPMC to read:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or ~~the ICC Electrical Code~~ NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes, except that terms defined in the Virginia Construction Code shall be used for this code and shall take precedence over other definitions.

Change Section 302.3 of the IPMC to read:

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the Virginia Construction Code shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of

Sections 304 and 305~~ and 702~~.

Add Section 304.2.1 to the IPMC to read:

304.2.1 Lead-based paint. Exterior painted surfaces of dwellings and child care facilities, including fences and outbuildings, that contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50% lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warning as to the lead content of such surface.

Add Section ~~305.7~~ 305.3.1 to the IPMC to read:

~~305.7~~ 305.3.1 Lead-based paint. Interior ~~and exterior~~ painted surfaces of dwellings and child care facilities~~, including fences and outbuildings,~~ that contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50% lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warning as to the lead content of such surface.

Change the title of Section 309 of the IPMC to read:

Section 309 ~~Extermination~~ Pest Elimination

Supporting Statement (including intent, need, and impact of the proposal):

2009 Virginia Maintenance Code – Erratas:

101.2 Incorporation by reference. The term, "IPMC", as an abbreviation for the adopted model building code, is explicitly defined here in Section 101.2. Adding the phrase "...is an abbreviation that..." here clarifies the code.

201.3 Terms defined in other codes. The term "*ICC Electrical Code*" is not used in the 2009 IPMC (*"NFPA 70"* is used directly). Therefore, inserting *"NFPA 70"* here clarifies the code.

302.3 Stairways and driveways. In the last sentence, update the section numbers. Sections 304 and 305 cover exterior and interior stairs, respectively.

305.7 Lead-based paint. Since the requirement applies for both exterior and interior surfaces, it might be appropriate to relocate these requirements to each of those pertinent sections of the VMC that are related to painted surfaces (as shown above) in VMC Sections 304.2.1 and 305.3.1. (Section 305.7 is renumbered to Section 305.3.1.) This would assist in uniform enforcement of the code.

309 Pest elimination. The title of VMC Section 309 should match the section title in the IPMC.

Submittal Information

Date Submitted: January 25, 2010

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Maintenance Code
Code Change No. M-105.1

Nature of Change:

To remove unnecessary terminology from the unsafe structure provisions and to delete a requirement for an unsafe notice to require acceptance or rejection of the terms of the notice, as simply assuring that the notice is properly handled and delivered is adequate notification.

Proponent: Sean Farrell, Prince William County Building Department, representing the VBCOA Property Maintenance Committee

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: M - 105.1

Proponent Information (Check one): ☐ Individual ☐ Government Entity ☒ Company

Name: Sean P. Farrell Representing: VBCOA Property Maintenance Committee

Mailing Address: 5 County Complex Court, Prince William VA 22192

Email Address: sfarrell@pwcgov.org Telephone Number: 703-792-5998

Proposal Information

Code(s) and Section(s): International Property Maintenance Code - Modification of 105

Proposed Change (including all relevant section numbers, if multiple sections):

SECTION 105
UNSAFE STRUCTURES OR STRUCTURES UNFIT FOR HUMAN HABITATION

105.1 General. This section shall apply to existing ~~buildings or~~ structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed or removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

Note: ~~Buildings or s~~Structures which become unsafe during construction are regulated under the Virginia Construction Code.

105.2 Inspection of unsafe or unfit structures. The code official shall inspect any structure reported or discovered as unsafe or unfit for human habitation and shall prepare a report to be filed in the records of the local enforcing agency and a copy issued to the owner. The report shall include the use of the structure and a description of the nature and extent of any conditions found.

105.3 Unsafe conditions not related to maintenance. When the code official finds a condition that constitutes a serious and dangerous hazard to life or health in a building or structure constructed prior to the initial edition of the USBC and when that condition is of a cause other than improper maintenance or failure to comply with state or local building codes which were in effect when the building or structure was constructed, then the code official shall be permitted to order those minimum changes to the design or construction of the building or structure to remedy the condition.

105.3.1 Limitation to requirements for retrofitting. In accordance with Section 103.2, this code does not generally provide for requiring the retrofitting of any ~~building or~~ structure. However, conditions may exist in ~~buildings or~~ structures constructed prior to the initial edition of the USBC because of faulty design or equipment that constitute a danger to life or health or a serious hazard. Any changes to the design or construction required by the code official under this section shall be only to remedy the serious hazard or danger to life or health and such changes shall not be required to fully comply with the requirements of the Virginia Construction Code applicable to newly constructed buildings or structures.

105.4 Notice of unsafe structure or structure unfit for human occupancy. When a ~~building or~~ structure is determined to be unsafe or unfit for human occupancy by the code official, a written notice of unsafe structure or

structure unfit for human occupancy shall be issued ~~in person~~ by personal service to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 104.5.4 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section. ~~In addition, the notice shall contain a statement requiring the person receiving to notice to either accept or reject the terms of the notice.~~
Note: Whenever possible, the notice should also be given to any tenants of the affected building.
105.5 Posting of notice. If the notice is unable to be issued ~~in person~~ by personal service as required by Section 105.4, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.
105.6 Posting of placard. In the case of a structure unfit for human habitation, at the time the notice is issued, a placard with the following wording shall be posted at the entrance to the ~~building~~ structure: "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." In the case of an unsafe structure, if the notice is not complied with, a placard with the above wording shall be posted at the entrance to the ~~building~~ structure. After a ~~building~~ structure is placarded, entering the ~~building~~ structure shall be prohibited except as authorized by the code official to make inspections, to perform required repairs or to demolish the ~~building~~ structure. In addition, the placard shall not be removed until the ~~building~~ structure is determined by the code official to be safe to occupy, nor shall the placard be defaced.

Supporting Statement (including intent, need, and impact of the proposal):
This change is considered general cleanup and provides consistency in language and intent of the clode. The change allows for Code Officials to take a proactive approach to dealing with unsafe and unfit structures lieu of them being reported. This change futher removes a requirement that is not controlable by the Code Official. This change provides further flexibility regarding determining portions of a structure as unsafe or unfit for human habitation as opposed to the entire structure. Lastly, this allows the code official to deem and placard structures other than buildings.

Submittal Information

Date Submitted: 10/19/09 - revised 11/19/09

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Maintenance Code
Code Change No. M-105.1.1

Nature of Change:

To add specific criteria for when a structure is unsafe or unfit for human occupancy.

Proponent: Sean Farrell, Prince William County Building Department, representing the VBCOA Property Maintenance Committee

Staff Comments:

The proposal was not received in time for review by the workgroups; however, it was discussed at one meeting of staff with representatives of VBCOA. The original proposal was not correlated with the current definitions of unsafe structure and structure unfit for human occupancy in the Virginia Maintenance Code. The proposal was modified to make the necessary correlations with the current definitions. One public comment concerning the proposal was received for the January 25, 2010 public hearing and is included with the proposal.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

(Use this form to submit changes to building and fire codes)

Address to submit to:
DHCD, the Jackson Center
501 North Second Street
Richmond, VA 23219-1321
Tel. No. (804) 371 – 7150
Fax No. (804) 371 – 7092
Email: bhcd@dhcd.state.va.us

Document No. M-105.1.1
Committee Action: _____
BHCD Action: _____

Submitted by: Property Maintenance Committee Representing: VBCOA
Address: _____ Phone No.: _____
Regulation Title: Unsafe or Unfit Conditions Section No(s): 105

Proposed Change:

Insert 105.1.1: **Unsafe or Unfit Conditions:**

For the purpose of this code, any structure that has any of the conditions or defects described below shall be considered unsafe and/or unfit for human habitation:

1. A door, emergency escape window, aisle, passageway, stairway, exit or other means of egress element not maintained as originally constructed.

2. A walking surface, guard, railing, or enclosing element of any aisle, passageway, stairway, exit or other means of egress element that is warped, worn, decayed, dilapidated, loose, torn, blocked, or otherwise deficient so as to not provide a safe and adequate means of egress.

3. Damage from fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that a structure is likely to partially or completely collapse, or to cause the structure's components to become detached or dislodged.

4. Any interior or exterior claddings, wall or ceiling finish materials, structural members, appurtenances or ornamentations where the attachment, anchorage, strength or stability of which is not sufficient to resist normally expected live or dead loads and is determined by the Code Official to be a threat to life or health, or a hazard for injury.

5. Structural elements including foundations that because of damage, dilapidation, deterioration, decay, faulty construction, the removal or movement of any bearing capacity, or for any other reason is likely to partially or completely collapse, fail or give way.

6. Failure to maintain or the removal of habitable space requirements, building systems, electrical systems, plumbing systems, mechanical systems, fuel/gas systems, and fire protection or detection systems to such an extent that it is determined by the Code Official to be a threat to life or health, or a hazard for injury or fire, or is likely to cause sickness or disease.

7. Any portion of a structure remaining on a site after the demolition or destruction of the structure.

8. A structure that is vacant, abandoned and unsecured against public entry or open to the elements.

9. Any conditions that, as determined by the Code Official, may exist as specifically described in

Sections 304.1.1, 305.1.1, or 306.

10. Where any other conditions exist that, as determined by the Code Official, pose a threat to the health, safety, or welfare of the occupants or public.

Modify Chapter 2 definitions as follows:

Structure unfit for human occupancy. An existing structure meeting criteria in Section 105.1.1 such that due to the degree to which the structure is unsafe, must be vacated and placarded and which cannot be occupied until the degree to which it is unsafe is corrected.

Unsafe structure. An existing structure meeting criteria in Section 105.1.1 that is determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public.

Delete Chapter 2 definitions as follows:

Unsafe equipment

Supporting Statement:

By inserting these provisions we are able to capture very clear unsafe language contained in Chapter 1 of the IPMC which would have otherwise been deleted as part of the administrative deletion of Chapter 1. This language brings much clarity of the meaning of unsafe and in most cases identifies thresholds for making determinations. These provisions also provide a necessary link to the new Unsafe Conditions section contained in Chapter 3 of the IPMC which otherwise might not be enforceable due to a lack of reference from VMC §105 to the IPMC. Secondly, all of this language gives the Maintenance Official the ability to more clearly explain, define and specify what is an Unsafe/Unfit structure and therefore provides for greater uniformity in application of these provisions across the State – a stated goal of DHCD and VBCOA.

Changing the definitions by removing the technical justification for making determinations of unsafe / unfit conditions removes any potential conflicts to the actual above provision. The technical justification is captured in the provisions above.

Unsafe Equipment is only used in the current definition of Unsafe structure and is therefore no longer needed as the concept is addressed in Section 105.1.1.6 of the listed unsafe provisions above.

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

GREGORY H. REVELS, CBO
Building Official

H. BOLMAN BOWLES, P.E.
Deputy Building Official

January 25, 2010

Thomas Fleury, Chairman
Board of Housing &
Community Development
Main Street Center
600 E. Main St., Suite 300
Richmond, Va. 23219
Fax: 804/371-7092

Re: Virginia Maintenance Code
VBCOA Unsafe Buildings Proposal
(Section 105.1.1)

Dear Mr. Fleury:

The proponent of this change indicates that the new text will bring clarity and uniformity to the enforcement of the code across the Commonwealth. The reality is that enforcement of any provision requires the code official to exercise discretion and judgment when evaluating whether a building or structure is unsafe. The use of discretion and judgment will not be substantially improved by the addition of this proposal. The proposal promotes enforcement decisions that contradict the legal basis for citing and prosecuting violations as criminal misdemeanors in accordance with State law. Lacking clear examples of the problem that this proposal is supposed to correct (other than to indicate that the proposed language implements text from the International Property Maintenance Code), and given the successful and long tenure of the unsafe provisions contained in the current and prior editions of the Virginia Maintenance Code, this proposal should not be approved.

The following examples are provided to describe a few of the specific concerns that exist with the proposed revisions submitted on behalf of the VBCOA Property Maintenance Committee.

4301 E. PARHAM ROAD, HENRICO, VA 23228 / P.O. BOX 90775 / HENRICO, VIRGINIA 23273-0775
Telephone (804) 501-4374 • Fax (804) 501-4984

1) Some provisions are written to eliminate any judgment as to whether a specific element is unsafe. For example, item 1 of Section 105.1.1 states that any egress door (i.e. any door that leads to or from a habitable space) is deemed unsafe if it is not maintained as originally installed. Thus even minor imperfections in a door (peeling paint, a small hole, etc.) are cause to declare a door unsafe rather than citing the defect as a maintenance violation.
2) The lead statement of Section 105.1.1 indicates that when ***any*** condition contained in the list exists then the structure shall be deemed unfit for human habitation.
3) Other provisions combine subjective and ambiguous phrases with statements similar to the example noted above. For example, at item 2 of section 105.1.1 any walking surface that is "worn" or "loose" or is "otherwise deficient" so as to not provide an "adequate" means of egress is deemed unsafe. This implies that 1 "worn" or "loose" floor tile along the edge of a wide corridor must be declared unsafe. Item 3 of Section 105.1.1 states that "damage....to such an extent that a structure is *likely* to ...collapse...". The term "likely" implies that a collapse also may not occur. The current Virginia Maintenance Code adequately addresses these conditions with text that is more appropriate to resolve immediate and imminent hazards founded on evidence that proves beyond a reasonable doubt that a violation exists rather than the basis that it may exist.
4) The text at item 6 of Section 105.1.1 requires the code official to declare unsafe "failure to maintain.....habitable space requirements.....to such an extent that it....is likely to cause sickness...". This provision brings into question whether the Virginia Maintenance Code intends to regulate mold or other similar substances. Mold occurs naturally throughout the environment (both inside and outside of buildings). To date, the USBC has not regulated mold but rather addresses the maintenance of building components that can result in mold growth and propagation (e.g. plumbing leaks, wall leaks, roof leaks, HVAC condensate leaks, etc.). Given the natural occurrence of mold this substance should not be regulated per the USBC.
5) Item 7 of Section 105.1.1 declares any portion of the building that remains on a site after demolition as unsafe. Section 105.1 of the current Virginia Maintenance Code already provides for the removal of demolished buildings and structures. This proposal offers no added benefit.

6) Item 9 of Section 105.1.1 authorizes the local code official to declare any conditions that "may" exist as described in Sections 304.1.1, 305.1.1 and 306 to be unsafe. Examples of items from these sections that "shall be determined as unsafe" include: an open joint between a window and siding that leaks air or water; a foundation that has a crack; a hole in an exterior wall; a roof leak; flooring with defects that affect serviceability; concrete garage floor slabs that have cracks or are spalling; rusted aluminum siding or flashing; joint cracks between bricks, etc. While these items can represent maintenance violations, the text provides no guidance to explain the extent of any discretion or judgment the code official should use to determine when such violations become "unsafe". The text is confusing at best and excessive at worst.
7) Localities that do not choose to enforce the Virginia Maintenance Code are obligated to enforce the unsafe building provisions upon the filing of a complaint by a tenant of a rental property. How will these proposed changes be uniformly administered in those communities that only used the Virginia Maintenance Code intermittently to address unsafe conditions?
8) Item 10 authorizes the code official to declare any condition whether previously listed or not, to be declared unsafe. This item provides far less clarity than the current Virginia Maintenance Code and provides the code official a blank check to declare anything unsafe on a whim.

Clearly, the BHCD has never intended such extreme and burdensome application of the Virginia Maintenance Code as written into this proposal. I would urge that the BHCD retain the unsafe building provisions as they currently exist within the Virginia Maintenance Code.

Please call me at 804/501-4374 if you have any questions regarding this matter.

Sincerely,

Gregory H. Revels
Building Official

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Maintenance Code
Code Change No. M-105.4.1

Nature of Change:

To permit immediate action to require the vacating of an unsafe structure when conditions warrant.

Proponent: Mark Bridgman, City of Richmond Building Department, representing the VBCOA Property Maintenance Committee

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: M-105.4.1

Proponent Information (Check one): ☐ Individual ☐ Government Entity ☒ Company

Name: Mark Bridgman

Representing: VBCOA Property Maintenance Committee

Mailing Address: 900 East Broad Street, Room G-12, Richmond VA 23219

Email Address: mark.bridgman@richmondgov.com

Telephone Number: 703-792-5998

Proposal Information

Code(s) and Section(s): USBC Section 105.4.1

Proposed Change (including all relevant section numbers, if multiple sections):
Add new section as follows:
105.4.1 Vacating unsafe structures. If the Code Official determines there is actual and immediate danger to the occupants or public or when life is endangered by the occupancy of an unsafe structure, the Code Official shall be authorized to order the occupants to immediately vacate the unsafe structure. When an unsafe structure is ordered to be vacated, the Code Official shall post a notice at each entrance that reads as follows:

"This Structure is Unsafe and its Occupancy (or Use) is Prohibited by the Code Official."

After posting, occupancy or use of the unsafe structure shall be prohibited except when authorized to enter to conduct inspections, make required repairs or as necessary to demolish the building or structure.

Supporting Statement (including intent, need, and impact of the proposal):
The current usafe structure determination requires the code official to locate and serve the owner with notice providing a reasonable amount of time for the owner to correct the deficiencies or conditions that warrants the unsafe determination. This does not provide the Code Official the ability to vacate and placard the sructure immediately if the condition warrants the termination of occupancy under the Unsafe provisions of the code. This proposal permits this action to ensure the public health, safety and welfare.

Submittal Information

Date Submitted: 10/15/09 – modified 11/19/09

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-106.3

Nature of Change:

To add administrative language to the SFPC for conditions which constitute a clear and distinct threat or hazard.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. The language proposed is somewhat nebulous and open-ended instead of specifically identifying conditions which are considered to be violations of the code. In addition, Section 111.1 (for violations of the SFPC) already provides that if any violation is discovered, the required abatement is necessary to render the structure or premises safe and secure. In addition, the matters not provided for provision appears to equate lack of maintenance with unsafe conditions or fire hazards. Typically, and especially under the Virginia Maintenance code, the lack of maintenance of a building is a lesser category of violation not rising to the level of an unsafe situation. In the SFPC, there is already a specific provision for unsafe conditions and fire hazards, in Section 110.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-106.3

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): SFPC Sections 106.3 and 110.2

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 106.3 and add Section 110.2 to read:

Section 106.0. Duties and powers of the fire official.

106.1. General: The fire official shall enforce the provisions of the SFPC as provided herein and as interpreted by the State Building Code Technical Review Board (TRB) in accordance with § 36-118 of the Code of Virginia.

106.2. Delegation of duties and powers: The fire official may delegate duties and powers subject to any limitations imposed by the local governing body. The fire official shall be responsible that any powers and duties delegated are carried out in accordance with this code.

106.3. Inspections: The fire official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections by approved agencies and individuals shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues in accordance with local policies. <u>If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and distinct threat to human life, safety or health, the fire official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary for compliance with the intent of this code.</u>

106.3.1. Observations: When, during an inspection, the fire official or an authorized representative observes an apparent or actual violation of another law, ordinance or code not within the official's authority to enforce, such official shall report the findings to the official having jurisdiction in order that such official may institute the necessary measures.

106.4. Alternatives: The SFPC provisions are not intended to prevent the use of any safeguards used to protect life and property from the hazards of fire or explosion that are not specifically prescribed by the SFPC, provided that such alternative safeguards comply with the intent of the SFPC. The alternative safeguard offered shall be, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fireresistance, durability and safety.

Add new Section 110.2 to read:

110.2 Maintenance of safeguards and matters not provided for. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature or condition is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards. When in the opinion of the fire official, failure to maintain any device, equipment, system, condition, arrangement, level of protection, or any other feature or condition required for compliance with the provisions of this code, that creates conditions that constitute a clear and distinct hazard to building, structures or occupants thereof may be deemed a fire hazard and unsafe within the meaning of this code.
(Renumber subsequent sections.)

Supporting Statement (including intent, need, and impact of the proposal):

The objective is based upon evolving technology that sometimes results in a situation or circumstance that the code does not readily address. The reasonable application of the code to such hazardous, unforeseen conditions is provided for through this change. Clearly, such a section is needed and the fire code official's experience and judgment must be used. The section, however, does not override requirements that may be preferred when the code provides alternative methods. Additionally, the section can be used to better implement or enforce the code's intention and any general performance-oriented language contained in the code when specificity is absent from the code.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-106.6

Nature of Change:

To authorize the use of other nationally recognized fire safety standards when public safety concerns exist.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. The proposed language would authorize the use of standards which are not part of the SFPC. This would essentially extend the scope of the SFPC without the benefit of going through the regulatory process to accept comment on the incorporation of standards for use with the code. Staff would have to check with legal counsel to see if there is statutory authority to add a provision of this nature to the SFPC.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CODE CHANGE FORM

Address to submit to:		Document No. F-106.6
DHCD, The Jackson Center 501 North Second Street Richmond, VA 23219-1321		Committee Action: _____ BHCD Action: _____
Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.virginia.gov		

Submitted by: Robby Dawson Representing: Fire Services Board

Address: 1005 Technology Park Drive, Glen Allen, VA 23059 Phone No. 804-717-6838

Regulation Title: SFPC Section No(s): 106.6

Proposed Change:

106.6 Notices and orders. The fire official shall issue all necessary notices and orders to ensure compliance with the SFPC. Requirements, notices and orders that are essential for the public safety of an existing or proposed activity, substances or products, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official and may be based upon other nationally recognized fire safety standards.

Supporting Statement:

The objective for changing Section 106.6 and is based upon evolving technology that sometimes results in a situation or circumstance that the code does not readily address. The reasonable application of the code to such hazardous, unforeseen conditions is provided for in this section. Clearly, such a section is needed and the fire code official's experience and judgment must be used. However, this would not override requirements that may be preferred when the code provides alternative methods. Additionally, the section can be used to better implement or enforce the code's intention and any general performance-oriented language contained in the code when specificity is absent from the code.

Submitted: 12/16/09

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-107.6

Nature of Change:

To clarify when permits are required by the State Fire Marshal's Office by reference to the two specific provisions setting out state permit requirements.

Proponent: Ed Altizer, State Fire Marshal, representing the State Fire Marshal's Office

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F - 107.6

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Ed Altizer Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov Telephone Number: 804-371-7170

Proposal Information

Code(s) and Section(s): SFPC Section 107.6

Proposed Change (including all relevant section numbers, if multiple sections):

Change SFPC Section 107.6 to read:

107.6 State Fire Marshal: Permits will not be required by the State Fire Marshal except for ~~the manufacturing, storage, handling, use, and sale of explosives in localities not enforcing the SFPC, and for the display of fireworks on state owned property~~those permits listed in Sections 107.13 and 107.14 of this code.

Exception: Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the State Fire Marshal is made annually by the Chief Arson Investigator listing all storage locations within areas where enforcement is provided by the State Fire Marshal's office.

Supporting Statement (including intent, need, and impact of the proposal):

This change is to correct an omission from previous editions of the code. The SFMO issues permits beyond those named in Section 107.6. This change proposes a remedy by simply by referencing those sections where the required permits are enumerated and fees set.

Submittal Information

Date Submitted:

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-107.12

Nature of Change:

To limit the fees authorized to be collected by the local governing body under the SFPC to include any cost of appeals.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. Apparently stemming from an appeal decision by the State Building Code Technical Review Board where this provision of the SFPC was read to permit the local governing body to charge separate fees for appeals, this proposal would require any fees for appeals to be included as part of the fees for permits. State law clearly permits a separate fee to be charged for appeals as the language in the SFPC law is identical to the language in the USBC law and states "Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals." The proposed regulation took the term "permit" out of the catchline of the provision to reflect the statutory language. It is unclear why the proponent would want to limit the fee for appeals or make it have to be part of a permit fee when state law clearly authorizes a separate fee and the question could also be raised as to even if the regulation prohibited a separate fee, localities may be able to charge one anyway since the law provides that they may. In that case, limiting it in the regulation would actually create a conflict.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-107.12

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): SFPC 107.12

Proposed Change (including all relevant section numbers, if multiple sections):

107.12. Local permit fees: Permit ~~F~~fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC.

Supporting Statement (including intent, need, and impact of the proposal):

This change is to clarify the intent that it's the required permit that's used as the mechanism by which the cost of enforcement and appeals is defrayed. Notwithstanding statutory language, current SFPC language can be interpreted as a means to establish and require a separate fee to file an appeal and that fee could be an amount or viewed as an obstacle to filing an appeal.

This language is preferable to the current Proposed Regulation language in that it clearly states the fees for permits are included and permitted to have a fee attached rather then the proposed language that arbitrarily indicates a fee may be charged.

Submittal Information

Date Submitted: 12/16/09

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-107.13

Nature of Change:

To increase the fees charged by the State Fire Marshal's Office for explosives and fireworks.

Proponent: Ed Altizer, State Fire Marshal, representing the Virginia State Fire Marshal's Office

Staff Comments:

The proposal was not received in time to be considered by the workgroups. Substantiation has been provided by the State Fire Marshal's Office in the supporting statement; however no revenue or cost data/history is provided. It is not clear what the new "theatrical flame effects" permit is for and why a separate permit is necessary for this.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-107.13

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Ed Altizer Representing: VDFP, State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: Telephone Number: 804-371-7170

Proposal Information

Code(s) and Section(s): SFPC Section 107.13

Proposed Change (including all relevant section numbers, if multiple sections):

Send Section 107.13 to read:

107.13. State explosives, blasting agents theatrical flame effects and fireworks permit fees. Applications for firework or pyrotechnic displays shall be submitted to and received by the State Fire Marshal's Office not less than 15 days prior to the planned event. Fees for permits issued by the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks and flame effects on state-owned property shall be as follows:

1. $~~100~~125 per year per magazine to store explosives and blasting agents.
2. $~~150~~200 per year per city or county to use explosives and blasting agents.
3. $150 per year to sell explosives and blasting agents.
4. $200 per year to manufacture explosives, blasting agents and fireworks.
5. $~~300~~350 ~~per day for~~the first day of fireworks, pyrotechnics or proximate audience displays conducted in any state-owned building and $150 per day for each ~~subsequent~~consecutive day for identical multi-day events. If an application is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be $450 per day and $150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be $550 per day and $150 per day for each consecutive day for identical multi-day events.
6. $~~200~~250 ~~per event for~~ the first day of fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and $150 per day for each ~~subsequent~~consecutive day for identical multi-day events. If an application is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be $450 per day and $150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be $550 per day and $150 per day for each consecutive day for identical multi-day events.
7. $~~75~~100 per event for the use of explosives in special operations or emergency conditions.
8. $300 the first day for flame effects conducted in accordance with Section 308.3.6 indoors of any state-owned building or outdoors on state-owned property and $150 per day for each consecutive day for identical multi-day events, or, if conducted as part of a firework (pyrotechnic) display, $100 the first day and $75 per day for each consecutive day for identical multi-day events. If an application for flame effects is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be $450 per day and $150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be $550 per day and $150 per day for each consecutive day for identical multi-day events.

Supporting Statement (including intent, need, and impact of the proposal):

This change is to accomplish several objectives.

First, based on the experience gained over the past several years as it relates to firework (pyrotechnic) displays, personnel costs have been proven to exceed the amounts collected under the current fee structure. In fact, it was stated in the previous code change that "...estimated cost for one technical staff with administrative support exceeds $300 per day." Additionally, the Code of Virginia provides that "...the State Fire Marshal may charge a fee to recover the actual cost of administering and enforcing the Code...". Coupled with the present "zero" overtime budget provisions, the SFMO is not recovering the full costs incurred.

Second, the 15 day provision to have applications submitted is proposed to allow the SFMO personnel to better schedule its time for processing and site inspections. The 15 day timeframe was at one time a SFPC requirement and is simply being re-instituted so that (1) the SFMO may review the qualifications and determine the competence of the operator performing the display; (2) to allow the review of the operator's proof of insurance or other evidence of indemnification (not all insurance policies are the same); (3) to allow the inspection of the proposed discharge site and viewing area; and (4) to allow the review of the operator's fire protection and crowd control provisions. Too often, not always, applications are received within two weeks of the event leaving SFMO personnel rapidly adjusting work hours at the cost of forgoing other scheduled work that may be of equal importance. With a multi-tiered permit fee for applications received after or within the 15 day timeframe, hopefully it will cause applications to be submitted in a timely basis in order to avoid the increased fees and allow the SFMO to better schedule its work load.

Third, the change from "subsequent" days to "consecutive" days avoids potential and conflicting interpretations. According to the dictionary cited in SFPC Section 201.4, "subsequent" means "following in time" or "coming or being later than something else." By example, while the first day of the month is followed by the second day and the third day and so on, it's equally true to say the 15th day of the month follows the first day of the month – it is subsequent. How that lends itself to the present code language is that it can be argued if an outdoor fireworks display is conducted on the first day of the month and repeated in an identical fashion on the 15th day of the same month, it's a "subsequent" day and therefore, using the present fee structure, the total permit fee would be $350. By changing and using the word "consecutive", which means, "having no interval or break; continuous", it better reflects the intent of the code's provision and the permit fee in the above example would be $400.

Fourth, the increased permit fee for explosive storage, use and for special operations is also reflective of the amount of staff time and office resources given in need of cost recovery.

Sixth, in addition to fireworks (pyrotechnics), the SFMO has experienced a notable increase in the use of flame effects for theatrical performances. These flame effects use flammable gases and/or liquids in close proximity to performers and audience members for the desired effect and are not categorized as pyrotechnics. A separate and specific standard is used to regulate all aspects and equipment used for flame effects.

The permit fee level for flame effects is coordinated to be approximately the same as the inspection and monitoring of pyrotechnic displays but it involves a different approach and level of knowledge as compared to pyrotechnics. The permit fee would be reduced when the flame effects are incorporated into the same event as fireworks since SFMO staff would not be investing significantly more time on the review, inspection and monitoring of the same event.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-107.14

Nature of Change:

To establish a fee for inspections conducted by the State Fire Marshal's Office for state regulated care facilities.

Proponent: Ed Altizer, State Fire Marshal, representing the Virginia State Fire Marshal's Office

Staff Comments:

The proposal was not received in time to be considered by the workgroups. Staff will consult with legal counsel to assure statutory authority exists for this proposal. Currently, state law appears to only provide for fees to be charged by the State Fire Marshal's Office for enforcement activities in areas where there is no local enforcement of the SFPC. This proposal would authorize the State Fire Marshal's Office to charge fees in both areas where there is local enforcement and areas where there is no local enforcement. In addition, staff believes the term "state regulated care facilities" or "SRCF," which is already a defined term in the SFPC, encompasses the facilities listed in the proposal, so either the term SRCF should be deleted, or the list of facilities should be replaced with the term "SRCF."

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-107.14

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Ed Altizer Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov Telephone Number: 804-371-7170

Proposal Information

Code(s) and Section(s): SFPC Section 107.14

Proposed Change (including all relevant section numbers, if multiple sections):

Add #'s 5 and 6 to Section 107.14 to read:

107.14 State annual inspection permit fees. Annual fees for inspection permits issued by the State Fire Marshal's Office for the inspection of buildings shall be as follows:

5. Child Day Care Centers, SRCF, Assisted Living Facilities and Adult Day Care Centers licensed by the Virginia Department of Social Services based on licensed capacity.
   - 5.1. $50 for 1 to 8 licensed occupants.
   - 5.2. $75 for 9 to 20 licensed occupants.
   - 5.3. $100 for 21 to 50 licensed occupants.
   - 5.4. $200 for 51 to 100 licensed occupants.
   - 5.5. $400 for 101 or more licensed occupants.

Supporting Statement (including intent, need, and impact of the proposal):

Given its current staffing and fiscal resources, statutory responsibility and direction, the SFMO is no longer able to sustain the present inspection program without supplemental or augmented revenue support.

Workload assignments, SFMO regional boundaries, travel time, administrative time, re-prioritization of what is inspected, inspection frequencies are among some of the aspects the SFMO has examined towards maximizing efficiency given what little resource and staffing remains; all with an eye towards avoiding the implementation of additional permits and fee schedule and still meet its responsibility and direction. Through its most recent review none of the above items, singularly or in combination, have yielded sufficient means or opportunity to avoid the introduction of this code change for additional permits and permit fees and still continue its current service level. Even with the implementation of these permits and fees, the SFMO is not going to be able to increase its current service level or the number of inspections being performed. This change is to help ensure the maintenance of current levels and numbers.

The authority to institute such permits and fees is found in § 27-98 of the Code of Virginia allowing the SFMO to "...charge a fee to recover the actual cost of administering and enforcing of the Code in jurisdictions for which he serves

as the enforcing authority."

As an aside, through a coordinated effort based on statutory directives, these inspections are required by other state agencies such as the Virginia Department of Mental Health and Behavioral Services, formerly known as the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Virginia Department of Social Services.

While all inspections performed by the SFMO are important and of high priority, these facilities contain some of the Commonwealth's most vulnerable occupants and helps ensures the SFMO continues to be positioned to meet all its statutory responsibilities and direction for ensuring these fire safe facilities continue to exist.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-112.2

Nature of Change:

To add a requirement for the local board of appeals to meet at least once annually to receive training and assure a properly constituted board. This requirement was added to the USBC in the proposed 2009 regulations and the Review Board members believed it would be beneficial to have it in the SFPC also.

Proponent: State Building Code Technical Review Board

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CODE CHANGE FORM

Address to submit to:

DHCD, Main Street Centre
600 E. Main Street, Suite 300
Richmond, VA 23219

Tel. No. (804) 371 – 7150
Fax No. (804) 371 – 7092
Email: bhcd@dhcd.virginia.gov

Document No. F-112.2

Committee Action: _____

BHCD Action: _____

Submitted by: State Building Code Technical Review Board

Address: _____ Phone No. _____

Regulation Title: Virginia Statewide Fire Prevention Code Section No(s): 112.2

Date Submitted: November 20, 2009

Proposed Change:

Change Section 112.2 to read:

112.2 Membership. The BFPCA shall consists of at least five members appointed by the local governing body and having terms of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members maybe reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the local government body. In order to provide continuity, the terms of the members may be a different length so that less than half will expire in any one-year period. The BFPCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary and receive such training on the code as may be appropriate or necessary from staff of the locality.

Supporting Statement:

The Board of Housing and Community Development approved a proposal to add this language to the Virginia Uniform Statewide Building Code. The Review Board also recommends the addition of this language to the Virginia Statewide Fire Prevention Code.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-304.1.2

Nature of Change:

To adopt to International Wildland Urban Interface Code.

Proponent: Ed Altizer, State Fire Marshal, representing the Virginia State Fire Marshal's Office

Staff Comments:

The proposal was not received in time to be considered by the workgroups. This International Wildland Urban Interface Code (WUIC) was considered during the 2006 code change cycle from a proposal from Loudoun County to incorporate parts of the WUIC into the SFPC. It was determined at that time that only limited provisions of the WUIC would fit into the regulatory scheme of the codes in Virginia as the WUIC contained construction requirements, zoning restrictions and fire prevention requirements. This proposal does not indicate how the WUIC would be used or under which regulation it would be placed. There is no statutory authority for the WUIC to be adopted as a stand-alone code.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-304.1.2

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Ed Altizer, State Fire Marshal

Representing: VDFP, State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, Va 23059

Email Address: ed.altizer@vdfp.virginia.gov

Telephone Number: 804-371-7170

Proposal Information

Code(s) and Section(s): International Wildland-Urban Interface Code (IWUIC)

Proposed Change (including all relevant section numbers, if multiple sections):

Adoption of the model IWUIC, 2009 edition in its entirety.

Supporting Statement (including intent, need, and impact of the proposal):

While areas west of the Mississippi River garner a lot of attention when wildland fires occur, it is on the east side of the Mississippi River that more fires occur consuming more acreage, damaging more homes, injuring more people, and has a higher total dollar loss than the west of the Mississippi River.

Officials with the Virginia Department of Forestry (VDOF) reveal that 2008 saw a 130 percent increase in acres burned across the state as the number of fires decreased 12.4 percent. The agency logged 1,322 fires that burned 25,704 acres. Records show 1,509 fires burned 11,200 acres during 2007. Sixteen homes were damaged last year. Virginia saw the worst fire day in memory Sunday, Feb. 10, 2008. High winds across the state whipped up 354 fires that burned more than 16,000 acres.

Since January 1, 2009 the VDOF has reported not less than 810 fires covering 6,847 acres with 32 structures damaged.

With the construction of housing to meet the demand of an increased population, with the movement of population to forested and rural areas, it's only prudent to use the IWUIC model code to mitigate the risk of a structure's exposure to wildland fires and the spread of fire from structures to wildland fuels itself.

The Virginia Fire Service Board Code Committee has indicated it is doing additional revenue of the IWUIC towards the support of this proposal.

Submittal Information

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change Nos. F-311.5(a) and (b)

Nature of Change:

Two proposals to authorize the use of the placarding provisions of the International Fire Code when an existing structure is dangerous to fire-fighting operations.

Proponent: David J. Thomas, P.E., representing the Fairfax County Fire Prevention Department (for F-311.5(a)) and Robby Dawson, representing the Fire Services Board Code Committee (for F-311.5(b))

Staff Comments:

The proposals were not received in time to be considered by the workgroups; however, the issue was discussed at several workgroup meetings and there were no objections to a proposal being submitted. Both proposals are similar with just some minor language differences. Staff believes both proposals would authorize the use of the placarding provisions, which under the 2006 SFPC was questionable as it addressed unsafe buildings, which are typically regulated by the USBC.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F- 311.5 (a)

Proponent Information (Check one): X Individual ☐ Government Entity ☐ Company

Name: David J. Thomas, P.E. Representing: Self, FXCO FPD, FX,VA

Mailing Address: Fairfax County Fire Prevention division, 10700 Page Ave, Fairfax, VA 22030

Email Address: david.thomas@fairfaxcounty.gov Telephone Number: 703-246-4819

Proposal Information

Code(s) and Section(s): SFPC (IFC) 311.5 and 311.5.5

Proposed Change (including all relevant section numbers, if multiple sections):

311.5 Placards. Any building or structure that is vacant or abandoned and is ~~Any vacant or abandoned buildings or structures~~ determined by the fire official to be ~~unsafe pursuant to Section 110 of this code relating~~ unduly dangerous to firefighting operations due to structural or interior hazards shall be marked as required by Sections 311.5 through 311.5.5 or marked as required by the local fire official.

311.5.5 Informational use. The use of these symbols shall be informational only and shall not in any way limit the discretion of the on-scene incident commander, nor supplant the fire official's responsibility to report unsafe structures in accordance with Section 110.4 of this code.

Supporting Statement (including intent, need, and impact of the proposal):
The placarding provisions were first in the 2006 IFC but had the use of the term "unsafe", which has been removed from 311.5 in this change. There was a question whether or not the SFPC Section 110.4 referencing the USBC prevented the use of the placarding provisions. This change clarifies that the placarding is for a different purpose and does not create any conflict with the USBC.

The phrase "unduly dangerous to firefighting operations" has been used above to clarify that the intent goes to extraordinary situations. Firefighting is inherently dangerous. The use of the term "unduly dangerous" gives recognition to the higher levels of danger that may be encountered when a building or structure is involved in fire, given a set of peculiarities found at a given location. These include prior fire damage, significant code violations, no water to the structure, unsound conditions beyond the ordinary, and other factors which can render interior firefighting beyond the capabilities of the field forces available. The placard serves the purpose of informing those coming upon the incident that there are extraordinary conditions present that may influence their decisions regarding risk to their response forces.

The fire official under 311.5.5 must also act in accord with SFPC Section 110.4 in reporting unsafe conditions which demand reporting to the building or building maintenance official. This is a reporting duty which is now clarified by the included reference.

It is noted that Norfolk has for some time been using placarding in accord with Section 311.5, and coordinates its placarding to provide information to the fire service, to the health department (different placard), and to special police

officers in their jurisdiction. The inclusion of this clarification to 311.5 will not affect their current practice and will hopefully help to encourage others throughout the commonwealth to adopt procedures similar to those already being successfully used in Norfolk. It is in the spirit of recognition of their work and in an effort to render the SFPC phrasing clear and explicit that the above changed is proposed.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-311.5(b)

Proponent Information (Check one): ☐Individual ☐Government Entity ☐Company

Name: Robby Dawson Representing: FSBCC

Mailing Address: PO Box 40 Chesterfield, VA 23832

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): SFPC (IFC) 311.5 and 311.5.5

Proposed Change (including all relevant section numbers, if multiple sections):

311.5 Placards. Any building or structure that is vacant or abandoned and is ~~Any vacant or abandoned buildings or structures~~ determined by the fire official to be ~~unsafe pursuant to Section 110 of this code relating~~ dangerous to fire-fighting operations due to structural or interior hazards shall be marked as required by Sections 311.5.1 through 311.5.5 or marked in a manner approved by the local fire official.

311.5.5 Informational use. The use of these symbols shall be informational only and shall not in any way limit the discretion of the on-scene incident commander, nor supplant the fire official's responsibility to report unsafe structures as required by Section 110.4 of this code.

Supporting Statement (including intent, need, and impact of the proposal):

The placarding provisions were first in the 2006 IFC but due to the use of the term "unsafe", **which is proposed for deletion in this change,** there was a question of whether SFPC state amendment Section 110.4 referencing the USBC prevented the use of the placarding provisions. This change clarifies that the placarding is for a different purpose and does not create a conflict with the USBC.

The phrase "dangerous to fire-fighting operations" is a relative term. Without question, fire fighting is an inherently dangerous activity. But the use of the phrase in this change gives recognition to the higher levels of danger that may be encountered when a building or structure is involved in fire given a set of peculiarities that may be common or unique to buildings or structures. It gives recognition that not all vacant or abandoned buildings and structures are equal in the set of dangers they may individually or collectively present. While a vacant or abandoned building not involved in fire may pose a somewhat benign level of danger, the fire official and/or local fire chief are best situated to assess the degrees of danger a building or structure may pose to suppression forces in the event of fire and the level of fire involvement. As Section 311.5.5 states, the placard is "informational".

This is an additional change concurrent with the change submitted by Dave Thomas which addresses the question of local enforcement of the Maintenance code.

DRAFT

Submittal Information

Date Submitted: 12/16/09

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

DRAFT

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-315.1

Nature of Change:

To clarify a provision of the International Fire Code (IFC) for the storage of materials.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. The proposal appears to extend the current IFC provision from only regulating combustible materials in Section 315.3 to regulating any type of material stored. The reason given is that other stored materials may interfere with sprinkler systems. Staff notes that storage interfering with a sprinkler system would be a separate violation of the SFPC and this section is not necessary to cite that situation. Staff would further note that the addition of a provision requiring an operational permit will cause confusion as Section 107.2 (and Table 107.2) is the sole provision in the SFPC for addressing permits. Similar provisions in the IFC (such as in Section 501.2) are not usable as part of the SFPC as they are administrative in nature and superseded by Section 107. Therefore, staff would not recommend the use of Section 315.2 if this proposal is approved.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F - 315.1

Proponent Information (Check one): ☐ Individual ☐ Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): SFPC Section 315

Proposed Change (including all relevant section numbers, if multiple sections):

Revise Section Title and Sections as follows:

Section 315
~~Miscellaneous Combustible Materials~~ General Storage

Revise SFPC 315.1 as follows:

315.1 General. Storage~~, use and handling of miscellaneous combustible materials~~ shall be in accordance with this section.

315.2 Permit required. A permit for miscellaneous combustible storage shall be ~~obtained in accordance with~~ required as set forth in Table 107.2 (Miscellaneous combustible storage).

Renumber SFPC 315.2 and revise as follows:

~~**315.2**~~ **315.3 Storage in buildings.** Storage of ~~combustible~~ materials in buildings shall be orderly and stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

(Renumber following sections…)

Supporting Statement (including intent, need, and impact of the proposal):

This proposal will modify this section covering storage in buildings in several different ways.

This proposal is intended to clarify that this section contains requirements which apply to storage in general, not just storage of combustible materials. Specifically, Section 315.2.1 requires that a separation be maintained between the top of storage and ceilings or sprinklers. This requirement applies to all storage, whether combustible or not, and providing a clearance from sprinklers and ceilings is critical whether the materials are combustible or not.

The first sentence of Section 315.1 is revised to delete the reference to "use and handling". As stated in the title of the section, this section applies to "storage". Sections 315.1 and 315.2 deal with storage and there are no requirements

for use or handling.

The second sentence of Section 315.1 is separated and creates a new Section 315.2 dealing with permits. This follows standard format throughout the rest of the fire code. The new Section 315.2 is also revised to specify that a permit is required only for storage of combustible materials. Even though this section regulates storage of both combustible and noncombustible materials, only combustible materials are required to obtain a permit when the storage exceeds 2500 cubic feet. The quantity limit is specified in the permit requirements in Table 107.2 (Miscellaneous combustible storage).

Section 315.2 is renumbered to 315.3 and revised to specify that the first sentence applies to ALL storage, and the second sentence applies to combustible storage. This will then state that all storage, whether combustible or not, is regulated and should be orderly. This means that the stored materials, whether combustible or not, are orderly, and that the stacks of stored materials need to be stable. These requirements allow for aisles being maintained, and the reduction of injury or blocking of exit during a seismic event or even when materials are hit with a hose stream during fire operations.

Hazards specific to 'combustible' materials have been more clearly identified. The second sentence in 315.3 is revised to specify that only combustible materials need to be separated from ignition sources. It is not necessary to separate non-combustible materials from ignition sources because there is no hazard.

Submittal Information

Date Submitted: 12/16/2009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-408.5.5

Nature of Change:

To lessen the requirements in the International Fire Code for fire drills in Group I-1 occupancies.

Proponent: DHCD Staff

Staff Comments:

The proposal is the result of discussions at the sub-workgroup for assisted living facilities and at the Fire Services Board Code Committee. The proposal would also be in conjunction with a proposal under the USBC to require a smoke compartment in a Group I-2 facility. Under this proposal, instead of having to evacuate to the outside, movement to a protected interior location would be sufficient for all but two fire drills within a one year period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-408.5.5

Proponent Information (Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Emory Rodgers, DHCD

Representing: Workgroup 2 - 12/1/09

Mailing Address:

Email Address:

Telephone Number:

Proposal Information

Code(s) and Section(s): SFPC 408.5.5 Group I-1 Occupancies Resident Participation & 408.10.5 Group R-4 Occupancies Resident Participation relative to Emergency Evacuation and Fire Drills

Proposed Change (including all relevant section numbers, if multiple sections):

408.5.5 Resident participation. Emergency evacuation drills shall involve the actual evacuation of residents to a selected exterior assembly point a minimum of two times per year while the other required evacuation drills shall be to a selected interior assembly point.
408.10.5 Resident participation. Emergency evacuation drills shall involve the actual evacuation of residents to a selected exterior assembly point a minimum of two times per year while the other required evacuation drills shall be to a selected interior assembly point. All required exits shall be utilized during emergency evacuation drills and shall provide residents with experiences in exiting through all required exits. ~~All required exits shall be used during emergency evacuation drills.~~

Supporting Statement (including intent, need, and impact of the proposal):

Assisted living facility operators support the frequency of fire drills. Operators believe that to have all fire drills require building evacuation each time poses risks and possible harm to their residents by exposing residents to extreme weather conditions and other hazards. The following changes would allow two exterior fire drills to a selected exterior assembly point with the remaining drills evacuating to a selected interior assembly point.

Submittal Information

Date Submitted:

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
Main Street Center
600 E. Main St., Suite 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-506.1

Nature of Change:

To require key boxes to comply with a national standard.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. This proposal was accepted in the first round of hearings for the 2012 International Fire Code. It is not known whether any public comment or challenges were received at the national level for this change. The proponent did not provide a copy of the new standard in the proposal. In addition, staff notes that operational provisions of the SFPC are retroactive; therefore without some limiting language, if this change were approved, it would apply to all existing key boxes.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-506.1

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): SFPC Section 506

Proposed Change (including all relevant section numbers, if multiple sections):

Change existing and add new text as follows:

SECTION 506
KEY BOXES

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037 and shall contain keys to gain necessary access as required by the fire code official.

506.1.1 Locks. An approved lock shall be installed on gates or similar barriers when required by the fire code official.

506.1.2 Non-standard fire service elevator keys. Key boxes provided for non-standard fire service elevator keys shall comply with Section 506.1 and items 1 through 6 of this section.

Add new standard to Chapter 47

ANSI/UL 1037 Standard for Antitheft alarms and devices.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is a companion to a proposal calling for the standardization of fire service elevator keys to provide for rapid access to fire service access elevators and elevators with Phase I or Phase II emergency recall operation. That proposal includes a provision to allow placement of a non-standard fire service elevator key in a key box if there is a practical difficulty in providing a standardized key.

This proposal sets outs standards for the key boxes intended to be used for the elevator key and provides for compatibility with existing rapid entry systems; labeling of the key box; height and location of the key box(s); use of the key box for other items; and an exception to use a key box installed near a fire command center or for other purposes.

The proposal also provides for a level of security for the key box. The fire code currently provides the fire code official with the authority to require a key box within which will be keys that will provide access to secured facilities and/or locations at those facilities. There is an obligation to make sure the key box required by (or approved by) the fire code official is secure to prevent the key box from becoming a security threat.

This proposal addresses this issue of security by requiring an approved key box to be listed in accordance with UL standard 1037, The Standard for Antitheft alarms and devices. The major key box manufacturers have their rapid entry devices listed under this standard.

In preparing this proposal, statewide regulations requiring standardized fire service elevator keys (or Master Elevator Keys) from Florida, Louisiana and New Jersey were reviewed. Since some states and local jurisdictions have already begun to address this issue with the adoption of regulations and other states and jurisdictions are considering this topic it is beneficial to building owners and code officials to have a standard set of requirements contained within the model codes.

This proposed change, designated as F19-09/10, was accepted (modified) by the ICC Fire Code Committee at the recent Code Change hearings held in Baltimore. The Committee vote was 12 to 0 in favor of "As Modified".

Submittal Information

Date Submitted: 12/16/2009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-506.3

Nature of Change:

To require elevator fire service keys to be standardized.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. This proposal was accepted in the first round of hearings for the 2012 International Fire Code. It is not known whether any public comment or challenges were received at the national level for this change. It should be noted that operational provisions of the SFPC are retroactive; therefore without some limiting language, if this change were approved, it would apply to all existing elevator keys.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-506.3

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): New SFPC Section 506.3 and New USBC Section 3003.2.1

Proposed Change (including all relevant section numbers, if multiple sections):

Add Section 506.3 to read

SECTION 506
KEY BOXES AND ELEVATOR FIRE SERVICE KEYS

506.3 Standardized fire service elevator keys. All buildings with elevators equipped with Phase I Emergency Recall, Phase II emergency in-car operation, or a Fire Service Access or an Occupant Evacuation Elevator shall be equipped to operate with a standardized fire service key approved by the fire code official.

Exception: Where there is a practical difficulty to providing a standardized key the owner shall place the building's non-standardized fire service elevator keys in a key box installed in accordance with Section 506.1.

506.3.1 Requirements for Standardized fire service keys.

1. All fire service elevator keys within the jurisdiction shall be uniform and specific for the jurisdiction. Keys shall be cut to a uniform key code.
2. Fire service elevator keys shall be a patent protected design to prevent unauthorized duplication.
3. Fire service elevator keys shall be factory restricted by the manufacturer to prevent the unauthorized distribution of key blanks. No uncut key blanks shall be permitted to leave the factory
4. Fire service elevator keys subject to these rules shall be engraved with "DO NOT DUPLICATE".

506.3.2 Access to standardized fire service keys. Access to standardized fire service elevator keys shall be restricted to the following:

1. Elevator owners or their authorized agents;
2. Elevator contractors.
3. Elevator Inspectors of the jurisdiction.
4. Fire code officials of the jurisdiction.
5. The fire department and other emergency response agencies designated by the fire code official.

506.3.3 Duplication or distribution of keys. No person may duplicate a standardized fire service elevator key or issue, give, or sell a duplicated key unless in accordance with this code.

506.3.4 Responsibility to provide keys. The building owner shall provide up to three (3) standardized fire service keys if required by the fire code official, upon installation of a standardized fire service key switch or switches in the building.

Add new USBC text as follows:

3003.2.1 Standardized fire service keys. Where a key is required to operate the emergency function of an elevator, the key shall be a standardized fire service key in accordance with the Statewide Fire Prevention Code.

Supporting Statement (including intent, need, and impact of the proposal):

When fire departments and other public agencies respond to emergencies the ability to quickly access the location of the emergency can be the deciding factor of a successful response. Elevators are increasingly being relied upon for emergency operations and their importance has been highlight by recent additions to the International Building Code requiring the installation of fire service access elevators and providing requirements for the installation of occupant evacuation elevators.

One of the difficulties the fire service and other emergency response agencies have when accessing facilities and attempting to use elevators is the increasing number of non-standardized keys which may not be available at the time of response. Even when emergency responders are provided the necessary keys in case of response, the correct key may have to be identified from a large collection of keys for any one building. In larger jurisdictions the shear number of keys makes the possession of the keys unwieldy for the emergency responders.

The purpose first part of this proposal is to provide for a standardized fire service elevator key to reduce the number of keys necessary for accessing elevators in an emergency. As drafted this section will only apply to those buildings that have elevators with Phase I or Phase II emergency service or to those buildings with a fire service access elevator.

The proposal also provides for a level of security for the standardized key. Access to the key that can take control of an elevator is an existing area of vulnerability for buildings and one that was not addressed in the past with simple key designs being utilized. Since this proposal will create a standardized key, it also includes rules for the safeguarding of that key.

The second part in adding language to the USBC included and intended to simply place a pointer in the USBC should the first part is approved.

In preparing this proposal, statewide regulations requiring standardized fire service elevator keys (or Master Elevator Keys) from Florida, Louisiana and New Jersey were reviewed. Since some states and local jurisdictions have already begun to address this issue with the adoption of regulations and other states and jurisdictions are considering this topic it is beneficial to building owners and code officials to have a standard set of requirements contained within the model codes.

This proposed change, designated as F20-09/10, was accepted by the ICC Fire Code Committee at the recent Code Change hearings held in Baltimore. The Committee vote was 13 to 0 in favor of "As Submitted".

Submittal Information

Date Submitted: 12/16/2009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-605.10.1

Nature of Change:

To require portable electric space heaters to comply with a national standard.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. A copy of the standard referenced was not provided along with the proposal. The proposal would apply to all existing portable electric space heaters.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F - 605.10.1

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number:

Proposal Information

Code(s) and Section(s): SFPC Section 605.10.1

Proposed Change (including all relevant section numbers, if multiple sections):

605.10 Portable, electric space heaters. Where not prohibited by other sections of this code, portable, electric space heaters shall be permitted to be used in all occupancies other than Group I-2 and in accordance with Sections 605.10.1 through 605.10.4.
Exception: The use of portable, electric space heaters in which the heating element cannot exceed a temperature of 212°F (100°C) shall be permitted in nonsleeping staff and employee areas in Group I-2 occupancies.
605.10.1 Listed and labeled. Only ~~*listed* and *labeled*~~ portable, electric space heaters listed and labeled in accordance with UL 1278 shall be used.
605.10.2 Power supply. Portable, electric space heaters shall be plugged directly into an *approved* receptacle.
605.10.3 Extension cords. Portable, electric space heaters shall not be plugged into extension cords.
605.10.4 Prohibited areas. Portable, electric space heaters shall not be operated within 3 feet (914 mm) of any combustible materials. Portable, electric space heaters shall be operated only in locations for which they are *listed.*

Add referenced UL standard to Chapter 47 as follows:
1278-00 Standard for Movable and Wall- or Ceiling Hung Electric Room Heaters.....605.10.1

Supporting Statement (including intent, need, and impact of the proposal):

This code change is to answer the question, "to what standard is the listing and labeling is a portable, electric space heater to comply with?" It is in that standard the subject of safety switches and the performance "tip-over test" is dealt with.

This provides an objective criteria for the "approval" of portable heaters rather than an arbitrary undefined and subjective criteria which results in vague and inconsistent enforcement of this provision of the SFPC.

Submittal Information

Date Submitted: 1/11/10

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-609.3.3.2

Nature of Change:

To require owners and operator of restaurants to have a schedule and records for cleaning grease hoods..

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

An original proposal was received in time to be considered by the workgroups and was considered by the Codes and Standards Committee for the proposed 2009 regulations. Questions concerning the possible burden on small operators and the necessity of the proposal were raised and the proposal was tabled for processing after the proposed regulations. The proposal was revised based on comments received and discussions at subsequent workgroup meetings and the revised proposal submitted for consideration.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-609.3.3.2

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): **'09** IFC/SFPC Section 609.3.3.2 (Amended 6/22/09)

Proposed Change (including all relevant section numbers, if multiple sections):

609.3.3.2 ~~Grease accumulation~~Cleaning. ~~If during the inspection it is found that hoods, grease-removal devices, fans ducts or other appurtenances have an accumulation of grease, such components shall be cleaned.~~Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease based upon a written and approved cleaning schedule that shall be established and maintained on the premises by the owner or operator of the ventilation system. The approved schedule shall be originated by the owner or operator of the ventilation system based upon criteria particular to the cooking operation and submitted to the fire official for acceptance and approval. Future cleaning schedule modifications may be made or required based upon a demonstrated need for such modification. Cleanings shall be recorded~~,~~ and the records shall state the extent, time and date of cleaning.

Supporting Statement (including intent, need, and impact of the proposal):

Having a pre-approved and mutually agreed upon cleaning schedule removes subjective criteria. While it can be claimed the proposed language is vague or nebulous, it is purposefully so due to the wide range of cooking operations that precludes the development of a more rigid schedule using other criteria such as the number of seats, square footage, cooking arrangements, etc. This preclusion is necessary to accommodate the small take-out restaurant that fries or broils hundreds of greasy hamburgers in a single day versus a larger full service restaurant that in reality demonstrates the production of grease-ladened vapors is of a lesser amount than the small take-out restaurant.

Submittal Information

Date Submitted:

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-907.9.5

Nature of Change:

To add specific requirements for the testing and maintenance of fire alarm systems.

Proponent: Ron Reynolds, Deputy State Fire Marshal, representing the Virginia State Fire Marshal's Office

Staff Comments:

The proposal was not received in time to be considered by the workgroups. The proponent states that the information required in the proposal is already required by NFPA 72, which is the standard referenced in the SFPC for the testing and maintenance of fire alarm systems, with the exception of requiring documentation of the physical location of the device being tested. Staff reviewed the 2009 International Fire Code (IFC) provisions and it appears that the proponent based on the proposal on the 2006 IFC provisions. The 2009 provisions are much more complete and specifically require compliance with NFPA 72. If any change is necessary, staff would suggest that only Section 907.9.2 of the 2009 IFC be modified as follows:

907.9.2 Testing. Testing shall be performed in accordance with the schedules in NFPA 72 or more frequently where required by the fire code official. <u>In addition to the requirements of NFPA 72, documentation of the location of devices and appliances tested shall be provided.</u>

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-907.9.5

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Ron Reynolds Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ron.reynolds@vdfp.virginia.gov Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): SFPC Section 907.20.5

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 907.20.5 (907.9.5 in the '09 edition) to read as follows:

907.20.5 Maintenance, inspection and testing. The building owner shall be responsible for ensuring that the fire and life safety systems are maintained in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official. In addition to all applicable information contained in NFPA 72, Figure 10.6.2.3, the written record of inspections, testing and maintenance shall contain the following minimum information.

1. Date
2. Test frequency
3. Name of property
4. Address
5. Name of person performing inspection, maintenance, tests, or combination thereof, and affiliation, business address, and telephone number.
6. Name, address, and representative of approving agency(ies)
7. Designation of the detector(s) tested, for example, "Tests performed in accordance with Section _____."
8. By physical location (e.g., heat detector in main kitchen; horn-strobe in Room 115), a list of all initiating and notification devices and appliances tested.
9. Functional test of detectors.
10. Functional test of required sequence of operations.
11. Check of all smoke detectors.
12. Loop resistance for all fixed-temperature, line-type heat detectors.
13. Other tests as required by the equipment manufacturer's published instructions.
14. Other tests as required by the authority having jurisdiction.
15. Signature tests as required by the authority having jurisdiction
16. Disposition of problems identified during test (e.g., owner notified, problem corrected/successfully retested, device abandoned in place).

Supporting Statement (including intent, need, and impact of the proposal):

Building owners and Fire Prevention Code inspectors often do not have enough information from a typical fire alarm inspection report to determine if all of the devices and appliances have been tested. Contractors will list the quantity of the items tested, but there is no assurance that the horns, bells, smoke detectors, heat detectors, duct detectors, pull stations, and similar devices and appliances were actually tested. A listing of each device by location gives the owner and inspector a better sense of what was tested, and it can be easily determined if items were missed during the inspection.

For example, the owner will be better informed and better able to tell if a remote mechanical room fire alarm devices were missed if they don't show up on the list by location on the fire alarm test report. The Fire Prevention Code inspector will also be better able to tell if the required report is complete.

Fire Prevention Code inspectors typically look in every room of a building. The typical inspector often finds fire alarm devices in remote locations that appear to not have been tested, but because the report doesn't have a device/appliance listed by location, it becomes impossible to determine from mere observation of the report.

This code change will result in better and more thorough inspections with minimal or no impact on inspection companies. They will be assured that everything has been tested, reducing their liability in the case where items are missed. Some companies are already providing a list by location of what they tested.

When a pull station hasn't been tested in a long time, it can become difficult to activate in a fire situation. Smoke detectors which haven't been tested can either lose their sensitivity or become overly sensitive. If these detectors are missed on the report, a fire can burn longer without being detected in the former case resulting in more damage or possible deaths and injuries, and in the latter false alarms can result.

The only difference between what is contained and required in NFPA 72 and the above proposed change is item #8. All other items are repeated from NFPA 72.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-2205.4

Nature of Change:

To specify a distance from gas pumps where smoking is prohibited.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. The only staff suggestion is that to facilitate a greater distance is necessary, the proposal could be modified to read as follows:

2205.4 Sources of ignition. Smoking and open flames shall be prohibited in areas where fuel is dispensed. <u>If not marked otherwise, the area shall extend at least 25 feet (7620 mm) away from any dispensing device.</u> (Remainder unchanged)

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-2205.4

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): SFPC Section 2205.4

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 2205.4 to read:

2205.4 Sources of ignition. Smoking and open flames shall be prohibited in areas where fuel is dispensed and shall not be allowed within 25 feet of a dispensing device. The engines of vehicles being fueled shall be shut off during fueling. Electrical equipment shall be in accordance with the ICC *Electrical Code*.

Supporting Statement (including intent, need, and impact of the proposal):

The current language is subjective and is not quantifiable. Since this section applies to a variety of fueling operations that involve gasoline, LPG, CNG or hydrogen, the proposed change is to provide a measurable distance but still retain the subjective language aspect for the various circumstances based on the particular fuel to be dispensed.

As it may apply to smoking, open flames and the selected 25-foot distance, the common distances expressed in the fire code are 10, 25 and 50-foot separation from flammables and combustibles with 25-feet viewed as the most reasonable minimum distance from dispensers.

In recognition of the various circumstances that a 25-foot may be an insufficient distance, no attempt is being made to coordinate a change on how the proposed 25-foot distance would be conveyed to those using the fuel dispensers. Section 2205.6 currently requires signage to be "conspicuously posted with sight of each dispenser". It is up to the operator of the fueling facility on how to best comply with that requirement and can range from the most common scheme at public retail sites of posting signage on the dispensing unit itself or, very large free standing signs on the perimeter of a private fleet fueling area.

Submittal Information

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-2209.2.1

Nature of Change:

To update to new requirements for hydrogen dispensing and generating operations.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. The proponent states that the proposal was approved in the first round of hearings at ICC for the 2012 IFC. The supporting statement also indicates that a companion proposal is necessary to Chapter 35 of the IFC. It is unknown whether this action will be challenged at the national level and the Chapter 35 modifications appear to be missing from the proposal. Staff would suggest that it may be premature to consider this proposal for the 2009 SFPC.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F - 2209.2.1

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): SFPC Chapter 22

Proposed Change (including all relevant section numbers, if multiple sections):

Revise 2209.2.1 as follows:

2209.2.1 Approved equipment. Cylinders, containers and tanks; pressure relief devices, including pressure valves; hydrogen vaporizers; pressure regulators; and piping used for gaseous hydrogen systems shall be designed and constructed in accordance with ~~Section 3003, 3203 or NFPA 55~~ Chapters 30, 32 and 35.

Revise 2209.3 as follows:

2209.3 Location on property. In addition to the requirements of Section 2203.1, ~~Generation, compression, storage and~~ dispensing equipment shall be located in accordance with Sections 2209.3.1 through Section 2209.3.3.

Delete the following sections:

~~**2209.3.1 Separation from outdoor exposure hazards.**~~
~~**Table 2209.3.1 MINIMUM SEPARATION FOR GASEOUS HYDROGEN DISPENSERS, COMPRESSORS, GENERATORS AND STORAGE VESSELS**~~
~~**2209.3.1.1 Barrier wall construction-gaseous hydrogen.**~~
~~**2209.3.1.2 Location of equipment.**~~

Add new 2209.3.1 text:

2209.3.1 Location of dispensing devices. Dispensing devices shall be located above ground. In addition to the requirements of Section 2203.1, dispensing shall be located in accordance with the following:

1. Ten feet (3048 mm) or more from the nearest public street or sidewalk.
2. Ten feet (3048 mm) from the nearest rail of any railroad main track.
3. Dispensing equipment shall be allowed under weather protection in accordance with the requirements of Section 2704.13 and constructed in a manner that prevents the accumulation of hydrogen gas.

Revise 2209.3.2 and 2209.3.2.1 text as follows:

2209.3.2 Location of ~~dispensing~~ operations and equipment. Generation, compression, storage and dispensing equipment shall be located in accordance with Sections 2209.3.2.1 through 2209.3.2.6.3.

2209.3.2.1 Outdoors. Generation, compression, or storage ~~or dispensing~~ equipment shall be allowed outdoors in accordance with ~~Section 2209.3.1~~ Chapter 35.

Delete section:

~~**2209.3.2.2 Weather protection.**~~
(Renumber remaining sections 2029.3.2.3 through 2209.3.2.5)

Delete the following sections:

~~**2209.3.2.5.1 Location on property.**~~
~~**2209.3.2.5.1.1 Barrier wall construction-liquefied hydrogen.**~~
~~**2209.3.2.5.1.2 Location of equipment.**~~

Delete the following sections:

~~**2209.5.4 Venting of hydrogen systems.**~~
~~**2209.5.4.1 Location of discharge.**~~
~~**2209.5.4.2 Pressure relief devices.**~~
~~**2209.5.4.2.1 Minimum rate of discharge.**~~
~~**2209.5.4.3 Vent pipe.**~~
~~**2209.5.4.3.1 Materials of construction.**~~
~~**2209.5.4.3.2 Structural support.**~~
~~**2209.5.4.3.3Obstructions.**~~
~~**2209.5.4.3.4 Height of vent and separation.**~~
~~**TABLE 2209.5.4.3.4**~~
~~**FIGURE 2209.5.4.3.4**~~
~~**2209.5.4.3.5 Maximum flow rate.**~~
~~**2209.5.4.3.6 Alternative venting systems.**~~
~~**TABLE 2209.5.4.3.6(1)**~~
~~**TABLE 2209.5.4.3.6(2)**~~

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is intended to provide correlation with changes to Chapter 35 contained within a separate proposal that will update references to NFPA 55 to apply updated separation distances tables added to that standard. When the separation distances were added to Chapter 22 the proponents at the ICC level of code development indicated in the written reason and testimony that the distances provided were the best that could be developed at that time and that once better distances were determined through research and analysis the fire code would be updated. This proposal will assist in fulfilling that intent.

Section 2209 addresses issues specific to dispensing operations.

The change to 2209.2.1 eliminates an incorrect "or" phrase in applicability and replaces the language with references

to the relevant chapters to correlate with references to each of the chapters found in the remaining portions of 2209.

Deleting the struck text from Section 2209.3 and 2209.5.4 clarifies applicability of Section 2209.

Replacing the current section 2209.3.1 with the proposed text clarifies that the separation required is from the dispensing equipment and not from the storage system. The storage system separation distances are addressed in Chapter 35. The weather protection for equipment found at Section 2209.3.2.2 has been added to the new 2209.3.1 language for the dispenser.

Deleting Table 2209.3.1 and replacing it with the text proposed for 2209.3.1 correlates the fire code with NFPA 52 Table 9.3.1.4 in the 2010 edition per approved ROP-81. The two separation distances listed in the proposed text for 2209.3.1 are the only ones that need to be added to the requirements of 2203.1 in order to achieve correlation with NFPA 52 Table 9.3.1.4 (2010 edition per ROP-81). See below for an image of the draft NFPA 52 Table 9.3.1.4 for convenience. The 1st row in table establishes a separation distance requirement between dispensing equipment and buildings. This NFPA 52 requirement corresponds to the existing text in Section 2203.1. The next two items are not currently in the fire code and are added to 2209.3.1 by this proposal.

The remaining deletions are of language that is no longer required due to the application of modifications to Chapter 35 of the fire code and the updated reference to NFPA 55.

The change at 2209.3.2.5 is a terminology correlation that has already been made to Chapter 32,

Approval of this proposal will simplify the application of the SFPC to the outdoor storage of hydrogen and continue the efforts of providing improved levels of safety in the application of new hydrogen technology and hydrogen as an alternative fuel.

This proposed change, designated as F174-09/10, was accepted (modified) by the ICC Fire Code Committee at the recent Code Change hearings held in Baltimore. The Committee vote was 12 to 0 in favor of "As Modified".

52–30 VEHICULAR GASEOUS FUEL SYSTEMS CODE

Table 9.3.1.4 Separation Distances for Outdoor Gaseous Hydrogen Dispensing Systems [ROP-81]

System Component	Exposure	Required Separation ft	Required Separation m	
Dispensing equipment	Nearest important building or line of adjoining property that can be built upon or from any source of ignition	10	3.1	Addressed by IFC 2203.1.
Dispensing Equipment	Nearest public street or public sidewalk	10	3.1	Added correlation text to IFC 2209.3.1
Dispensing equipment	Nearest rail of any railroad main track	10	15.2	
Point of transfer	Any important building other than buildings of Type I or Type II construction with exterior walls having a fire resistance rating of not less than not less than 2 hours	10	3.1	
Point of transfer	Buildings of Type I or II construction with exterior walls having a fire resistance rating of not less than 2 hours or walls constructed of concrete or masonry or of other material having a fire resistance rating of not less than 2 hours	No limit		
Point of transfer	Storage containers	3	1.0	

[[ROP

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-3301.2.2

Nature of Change:

To specifically prohibit the sale of permissible fireworks on sidewalks, public property or in assembly or educational buildings.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. Staff will need to consult with legal counsel concerning this proposal as state law currently states that the SFPC does not apply to the sale of permissible fireworks or the use of permissible fireworks on private property with the consent of the owner. There has been some debate over whether the "sale" provision in the law also applies to private property with the consent of the owner, but an opinion of the Attorney General under the former law indicated that it did not. When the law was moved to the SFPC area of state law, there was no indication that there was any intent to change or limit the wording concerning the sale of permissible fireworks or to tie it into the use provision.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-3301.2.2

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): SFPC Section 3301.2.2

Proposed Change (including all relevant section numbers, if multiple sections):

3301.2.2 Sale and retail display. Except for the Armed Forces of the United States, Coast Guard, National Guard, federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities, explosives shall not be sold, given, delivered, or transferred to any person or company not in possession of a valid permit. The holder of a permit to sell explosives shall make a record of all transactions involving explosives in conformance with Section 3303.2 and include the signature of any receiver of the explosives. No person shall construct a retail display nor offer for sale explosives, explosive materials, permissible fireworks, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies.

Supporting Statement (including intent, need, and impact of the proposal):

This is to correct an un-intended omission that has occurred over the years and is based on the model code provisions. Where allowed, a negative impact is not expected and no changes will occur for present and future vendors of permissible fireworks. It simply formalizes where retail sales are already occurring, which is typically in a parking lot of a department store or from roadside stands. It's not been offered or identified where permissible fireworks are being sold from schools, from stands located on land of the local library or government complex. This change will preclude that from happening.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-3301.2.3.1

Nature of Change:

To establish standards for the certification of fireworks display personnel by the State Fire Marshal's Office

Proponent: Ed Altizer, State Fire Marshal, representing the Virginia State Fire Marshal's Office

Staff Comments:

The proposal was not received in time to be considered by the workgroups. At the current time, there is no statutory authority for implementing this proposal. However, there is pending legislation before the 2010 General Assembly to authorize it. Should the legislation pass and become effective, this proposal could be considered. If the law is not effective in time for the final regulations for the 2009 SFPC, a interim code change cycle could be initiated to implement the proposal before the 2012 code change cycle begins.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-3301.2.3.1

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Ed Altizer Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): SFPC Chapter 33

Proposed Change (including all relevant section numbers, if multiple sections):

3301.2.3.1 Permit applicants. The fire official shall not issue a permit to manufacture, store, handle, use or sell explosives or blasting agents to any individual applicant who is not certified by the SFMO as a blaster in accordance with Sections 3301.4.1, or who is not in the possession of a Background Clearance Card or to designated persons representing an applicant that is not an individual and who is not in possession of a Background Clearance Card issued in accordance with Section 3301.2.3.1.1. The SFMO shall process all applications for a Background Clearance Card for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of Background Clearance Cards.

A permit to conduct a fireworks display shall not be issued to any applicant without the applicant identifying the pyrotechnician who will be in responsible charge of the fireworks display and who is certified in accordance with Section 3301.4.1.

3301.2.4.2 Fireworks display. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the legal department of the jurisdiction for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors but in no case shall the value of the coverage be less than $500,000.

3301.4 Qualifications. *Persons* in charge of magazines, blasting, fireworks display or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and shall ~~possess~~demonstrate knowledge of all safety precautions related to the storage, handling or use of *explosives*, *explosive materials* or fireworks.

3301.4.1 Certification of blasters and Pyrotechnicians. Certificates as a Restricted Blaster, ~~or~~ Unrestricted Blaster, or Pyrotechnician will be issued upon proof of successful completion of an examination commensurate to the certification sought and approved by the SFMO and a background investigation for compliance with § 27-97.2 of the Code of Virginia. The applicant for certification shall submit proof to the SFMO of the following experience:

1. For certification as a Restricted Blaster, at least one year under direct supervision by a certified unrestricted blaster, certified restricted blaster or other person(s) approved by the SFMO.

2. For certification as an Unrestricted Blaster, at least one year under direct supervision by a certified unrestricted blaster or other person(s) approved by the SFMO.
3. For certification as a Pyrotechnician, has assisted in the documented design, setup and conducting of a fireworks display on at least 3 occasions within the 12 months immediately preceding the application for certification.

The SFMO shall process all certification applicants for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of blaster and pyrotechnician certifications.

Exception: The use of explosives by the owner of real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § 58.1-3230 of the Code of Virginia when blasting on such real estate.

3301.4.2 Certification issuance. The issuance of a certification as a blaster or pyrotechnician shall be denied if the 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 territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority, or has not provided proof or evidence of the experience required in Section 3301.4.1, or has not provided proof or evidence of the continued training or education required in Section 3301.4.5.

3301.4.3 Fee for certification. The fee for obtaining a certificate or renewal of a certificate for unrestricted blaster, ~~or~~ restricted blaster, or pyrotechnician from the SFMO shall be $150 plus any additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

3301.4.4 Revocation of a blaster or pyrotechnician certification. After issuance of a blaster or pyrotechnician certification, subsequent conviction of a felony will be grounds for immediate revocation of a blaster or pyrotechnician certification, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof. The certification card shall be returned to the SFMO immediately. An individual may subsequently reapply for his blaster or pyrotechnician certification if his civil rights have been restored by the Governor or other appropriate authority.

3301.4.5 Expiration and renewal of a blaster or pyrotechnician certification. A certificate for an unrestricted or restricted blaster, or pyrotechnician, shall be valid for three years from the date of issuance. A background clearance card shall be valid for three years from the date of issuance. Renewal of the unrestricted blaster certificate will be issued upon proof of at least 16 accumulated hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with §27-97.2 of the Code of Virginia. Renewal of the restricted blaster certificate will be issued upon proof of at least ~~eight~~8 accumulated hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with §27-97.2 of the Code of Virginia. Renewal of the pyrotechnician certificate will be issued upon proof of at least 8 accumulated hours of continued training or education in the subject areas of explosives storage, the design, setup, or conduct of a fireworks display within three consecutive years and a background investigation for compliance with §27-97.2 of the Code of Virginia. The continued training or education required for renewal of a blaster or pyrotechnician certificate shall be obtained during the three years immediately prior to the certificate's published expiration date. Failure to renew a blaster or pyrotechnician certificate in accordance with this section shall cause an individual to obtain another ~~blaster~~ certificate upon compliance with Section 3301.4.1 to continue engaging in the unsupervised use of explosives or fireworks displays.

SECTION 3302
DEFINITIONS

3302.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

"Pyrotechnician" (Firework Operator) means any person supervising or engaged in the design, setup or conducting of any fireworks display, either inside a building or outdoors.

SECTION 3308
FIREWORKS DISPLAY

3308.3 Approved fireworks displays. *Approved* fireworks displays shall include only the *approved* fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles, 1.4G, which shall be ~~handled by an *approved*, competent operator~~conducted only by persons certified by the SFMO as a pyrotechnician (firework operator) or shall be supervised on-site by a person properly certified by the SFMO as a pyrotechnician. The *approved* fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

Supporting Statement (including intent, need, and impact of the proposal):

There are multiple objectives to this proposal. One objective is to make those changes needed to carry out the intent of pending legislation (Senate bill 8) directing that pyrotechnicians be certified by the SFMO. A second objective is to coordinate existing SFPC provisions with changes made to the IFC model code. A third objective is take the opportunity to made some changes that would parallel, be editorial or housekeeping, or provide clarification that's reflective of how the certifications and permits have been administered over the years.

First objective.
Recent legislation provides that the SFMO will certify pyrotechnicians or fireworks operators. To accomplish this, the SFMO is employing a program that parallels that which is used to certify blasters. It's a combination of documented or confirmed experience with a demonstration of knowledge of the code and standards that form the regulatory perimeters by which firework displays are to designed, setup and operated. The SFMO will undergo the development of a minimum competency exam for the demonstration of knowledge. And like with Blasters, a criminal history records check will be incorporated into the certification process.
For this first objective, the definition of "pyrotechnician" is proposed for Section 3302.1; a proof of experience component inserted in Section 3301.4.1 (new item #3); for the renewal of a certification, a continuing education requirement is inserted in Section 3301.4.5; a statement that only certified persons may operate or supervise the design, setup or conduct firework displays is proposed for Section 3301.2.3.1 and 3308.
On the last point, for Section 3301.2.3.1, it's proposed and worded generically as a separate paragraph within that section to accommodate the authority granted in § 15.2-947 of the Code of Virginia for localities to issue permits for firework displays outside the provisions of the SFPC. A distribution of information will be provided to affected localities letting them know the certification is a minimum statewide requirement.

Second (minor) objective.
The word change from "possess" to "demonstrate" within Section 3301.4 is to revert to model code language. The examination to certify pyrotechnicians allows this change since the successful completion of the exam is the knowledge demonstration *"of all safety precautions related to the storage, handling or use of explosives, explosives materials or fireworks."*

Third objective.
The bond or insurance requirement of Section 3301.2.4.2 brings the firework permit holder inline with the same requirements as blasting operations; the pyrotechnician certification fee in Section 3301.4.2 equals that of Blasters since the process is essentially the same SFMO administrative path; the proposed language in Section 3301.4.2 for denying of a certification based on the lack of educational requirement codifies what has been in practice for the past 15 years for Blaster and would apply to pyrotechnicians.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-3308.4

Nature of Change:

To specify distances away from spectators for fireworks displays.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups; however, the proposal has been vetted with the fire service representatives and fireworks operators and was submitted at the end of the 2006 code change cycle to be carried over to this cycle and appears to be a consensus proposal.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-3308.4

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): SFPC Section 3308.4

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 3308.4 to read:

3308.4 Clearance. Spectators, spectator parking areas, and dwellings, buildings or structures shall not be located within the display site. The site for the outdoor land or water display shall have at least 100-ft/in. (31-m/2.5 mm) radius of internal mortar diameter of the largest shell to be fired as shown in Table 3308.4.

Table 3308.4 Distances for Outdoor Fireworks Display Sites: Minimum Separation Distances from Mortars to Spectators for Land or Water Displays

Mortar Size[1]		Minimum Secured Diameter of Site		Vertical Mortars[2]		Angled Mortars[3] 1/3 offset		Mortars to Special Hazards[4]	
in.	mm	ft	m	ft	m	ft	m	ft	m
<3	<76	300	92	150	46	100	31	300	92
3	76	600	183	300	92	200	61	600	183
4	102	800	244	400	122	266	81	800	244
5	127	1000	305	500	152	334	102	1000	305
6	152	1200	366	600	183	400	122	1200	366
7	178	1400	427	700	213	467	142	1400	427
8	203	1600	488	800	244	534	163	1600	488
10	254	2000	610	1000	305	667	203	2000	610
12	305	2400	732	1200	366	800	244	2400	732
>12	Requires the approval of the fire official.								

1 Aerial shells, mines, and comets shall be classified and described only in terms of the inside diameter of the mortar from which they are fired [e.g., 3-in. (76-mm) aerial shells, mines, and comets are only for use in 3-in. (76-mm) mortars].

2 Where the mortars are positioned vertically, the mortars shall be placed at the approximate center of the display site.

3 Mortars shall be permitted to be angled during a display to allow for wind and to carry shells away from the main spectator viewing areas. For angled mortars, the minimum secured diameter of the display site does not change. Only the location of the mortars within the secured area changes when the mortars are angled.

4 Note that this is only the distance to the special hazards. The minimum secured diameter of the display site does not change.

Exceptions:

1. This provision shall not apply to pyrotechnic special effects and displays using Division 1.4G materials before a proximate audience in accordance with NFPA 1126.
2. This provision shall not apply to unoccupied dwellings, buildings and structures with the approval of the building owner and the fire code official.

Supporting Statement (including intent, need, and impact of the proposal):

This change was originally submitted by a Virginia based, professional fireworks display vendor for inclusion in the '06 editions of the SFPC. The original submission was declared to late in arriving for inclusion in the '06 code adoption cycle. Regardless, at the time broad based support was realized within Virginia's Fire Service and is reflective of what many localities require or encourage as a matter of routine. Therefore it's found to be valuable enough for submission again but with some additional quasi-technical justification.

Firework displays are fired from elevated sites and/or from intentionally angled mortars. Aside from that, there are other ballistic factors to be considered. These additional considerations are not necessarily addressed in the field. Reliance is placed upon the minimum table of distances in the referenced standard, NFPA 1123 which do not necessarily accommodate the added ballistic factors. These factors include shell shape (spherical or cylindrical), shell mass or weight, air density, humidity, temperature, altitude, etc.

To expand on how some of these factors, singularly or in combination, may affect performance for the given minimum required distances contained in the standard, the following are offered:

1. High humidity and low altitude (at the beach) seems to prevent a shell from reaching its full desired height above the mortar tube while at a mountain ski resort experiencing less humidity, the shell obtains a greater height above the mortar tube. Conversely, a shell fired at low altitude and low humidity may obtain the same height above the mortar tube as the shell fired at high altitude and high humidity.
2. A cylindrical shell will not fly the same way as a spherical shell. The cylindrical shell is more apt to tumble or fly crooked. A spherical shell has a lower drag coefficient and therefore has a greater range than do cylindrical shells of the same mass and weight. For purposes of the required minimum distance, if the cylindrical shells are viewed as the lowest common denominator, and 90% of the shells fired are spherical, then it stands to reason the current minimum distance requirement may not be adequate for the greater range of the spherical shells.
3. Given an equal amount of propellant, a light weight 3-inch shell may obtain a greater height above the mortar tube as compared to a heavy weight 3-inch shell. Muzzle velocity could be as little as 330 feet per second and up to 400 feet per second.
4. The higher the temperature the less dense the air is and is less resistant to the shell passing through.

The standard contains language that requires consideration and adjustment based on wind speed and direction. There are two basic ways this can be addressed. The first is to have the mortar tubes located at the center of the display site but angled slightly into the wind. The second also involves angling the mortar tubes slightly into the wind but also moving them upwind (off-center) within the display site to a point that the tubes are now one-third of the required distance closer to the spectators. The desired result either way is to still have the shell burst over the center point of the firing site.

Having stated that, now bring into play the other ballistic factors. Will any of the above factors allow the shell to travel towards the spectators? What if there's a reduction in wind speed? More importantly, what if a shell does not function? Ballistics may allow it to travel all the way to the spectator area.

Currently the minimum distance between spectators and the firing site is 70 feet per 1-inch diameter of the largest shell to be fired. Increasing the minimum distance to 100 feet is a 42% increase in the safety zone without a significant reduction in a spectator's field of view. The proposed table is based on the values contained in NFPA 1123, the current standard for setting up and conducting aerial firework displays.

Submittal Information

Date Submitted: _____

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-3809.15

Nature of Change:

To add new, specific requirements for the exchange of LP-gas cylinders at locations accessible to the public.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be considered by the workgroups. The proposal was accepted at the first round of hearing at ICC for the 2012 IFC. It is not known whether any challenges have been submitted to the proposal at the national level. The supporting statement indicates the new requirements are an alterative to the outright banning of unsupervised exchange systems and that the LP-gas industry has been consulted with and is in agreement with the proposal.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-3809.15

Proponent Information (Check one): ☐ Individual X Government Entity ☐ Company

Name: Robby Dawson Representing: Virginia Fire Services Board

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: dawsonj@chesterfield.gov Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): New SFPC Section 3809.15 thru 3809.15.1

Proposed Change (including all relevant section numbers, if multiple sections):

3809.15 LP-Gas Cylinder Exchange for Resale. In addition to other applicable requirements of this chapter, facilities operating cylinder exchange stations for LP-gas that are accessible to the public shall comply with the following requirements.

1. Cylinders shall be secured in a lockable, ventilated metal cabinet or other approved enclosure.
2. Cylinders shall be accessible only by authorized personnel or by use of an automated exchange system in accordance with Section 3809.15.1.
3. A sign shall be posted on the entry door of the business operating the cylinder exchange stating "DO NOT BRING LP-GAS CYLINDERS INTO THE BUILDING" or similar approved wording.
4. An emergency contact information sign shall be posted within 10 feet of the cylinder storage cabinet. The content, lettering, size, color and location of the required sign shall be as required by the fire code official.

3809.15.1 Automated Cylinder Exchange Stations. Cylinder exchange stations that include an automated vending system for exchanging cylinders shall comply with the following additional requirements:

1. The vending system shall only permit access to a single cylinder per individual transaction.
2. Cabinets storing cylinders shall be designed such that cylinders can only be placed inside when they are oriented in the upright position.
3. Devices operating door releases for access to stored cylinders shall be permitted to be pneumatic, mechanical or electrically powered.
4. Electrical equipment inside of or within 5 feet of a cabinet storing cylinders, including but not limited to electronics associated with vending operations, shall comply with the requirements for Class 1, Division 2 equipment in accordance with the Electrical Code.
5. A manual override control shall be permitted for use by authorized personnel. On newly installed cylinder exchange stations, the vending system shall not be capable of returning to automatic operation after a manual override until the system has been inspected and reset by authorized personnel.
6. Inspections shall be conducted by authorized personnel to verify that all cylinders are secured, access doors are closed and the station has no visible damage or obvious defects, which necessitate placing the station out of service. The frequency of inspections shall be as specified by the fire code official.

Supporting Statement (including intent, need, and impact of the proposal):

The proposed change is the result of a collaborative effort between the ICC Joint Fire Service Review Committee (JFSRC) and the National Propane Gas Association to replace a proposed JFSRC change to the IFC (F218-09/10) that would have banned the placement and use of automated, unsupervised cylinder exchange systems. As a result of the collaboration, the IFC Code Committee accepted the modification at the recent code change hearings held in Baltimore with a unanimous 13 to 0 vote.

As opposed to waiting for the change to appear in the 2012 edition of the IFC, this early appearance in the '09 edition of the SFPC would provide consistent application and guidance across the state for both fire officials and the propane gas industry.

This change also addresses a technology currently being used, and will provide consistent guidance to local officials in dealing with this new product.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

SFPC – Virginia Statewide Fire Prevention Code
Code Change No. F-4601

Nature of Change:

To delete a chapter in the International Fire Code which sets out construction/retrofit requirements for existing buildings as the SFPC is a maintenance and operation code and cannot have any provisions relating to construction.

Proponent: DHCD Staff

Staff Comments:

This proposal was tentatively approved at the Codes and Standards Committee meeting of December 14, 2009 unless public comment is received during the Compilation Document comment period.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: F-4601

Proponent Information (Check one): ☐ Individual ☐ Government Entity ☐ Company

Name: Emory Rodgers, DHCD Staff Representing:

Mailing Address:

Email Address: Telephone Number:

Proposal Information

Code(s) and Section(s): Statewide Fire Prevention Code (SFPC) – Chapter 46

Proposed Change (including all relevant section numbers, if multiple sections):

Delete Chapter 46 of the International Fire Code (IFC) in its entirety.

Supporting Statement (including intent, need, and impact of the proposal):

Chapter 46 of the IFC is entitled, "Construction Requirements for Existing Buildings." It was added to the IFC in the 2009 edition at the national level for those states and localities which use the IFC as both a maintenance/operation code and a construction code. In Virginia, our statutory arrangement does not permit the use of this chapter under the SFPC as all construction requirements are covered by the Virginia Uniform Statewide Building Code. Even though enforcers of the SFPC are aware of Virginia's statutory scheme, since Chapter 46 of the IFC contains all construction provisions, it is recommended that it be deleted just to remove any ambiguity about misuse of the chapter.

Submittal Information

Date Submitted: 12/2/09

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
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VIRGINIA DHCD

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

IBSR – Virginia Industrialized Building Safety Regulations
Code Change No. I-260

Nature of Change:

To slightly increase seal fees to offset the cost of administering the program.

Proponent: DHCD Staff

Staff Comments:

The proposed regulation changed the fee structure to charge by module rather than charging by building, although in practice most modular manufacturers were paying separate seal fees voluntarily for multiple module buildings. Staff has reviewed the costs of administering the program and requests a modest increase in the seal fees (from $50 to $75) to offset the administrative costs. More information on the program is provided in the supporting statement for the proposal.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number:_____

Proponent Information (Check one): ☐Individual ☒Government Entity ☐Company

Name: Staff

Representing: Division of Building and Fire Regulation

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov

Telephone Number: (804) 371-7150

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, **13 VAC 5-91-260**, Registration seal for industrialized buildings

Proposed Change (including all relevant section numbers, if multiple sections):

13 VAC 5-91-260. Registration seal for industrialized buildings.

A. Registered industrialized buildings shall be marked with ~~an~~ approved registration ~~seal~~ seals issued by the SBCAO. The ~~seal~~ seals shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture.

B. Registered industrialized buildings shall bear ~~a~~ one registration seal ~~for~~ on each ~~dwelling unit in residential occupancies. For nonresidential occupancies, a~~ manufactured section or module, or, as an alternative, the registration seal ~~is required for each registered~~ for each manufactured section or module may be placed in one location in the completed building.

C. Approved registration seals may be purchased from the SBCAO in advance of use. The fee for each registration seal shall be ~~$75~~ [$~~50~~ $75] . ~~Checks~~ Fees shall be submitted by checks made payable to "Treasurer of Virginia" or shall be submitted by electronic means.~~"~~ Payment for the seals must be received by the SBCAO before the seals can be sent to the user.

D. To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the compliance assurance agency.

E. The compliance assurance agency or the manufacturer under the supervision of the compliance assurance agency shall maintain permanent records of the disposition of all Virginia registration seals obtained by the compliance assurance agency or manufacturer.

Supporting Statement (including intent, need, and impact of the proposal):

The registration seals for each modular unit are increasing from $50 to $75. The fee hasn't been increased for more than a decade. These funds support staff resources to review plans, to inspect industrialized manufacturing plants and to process and resolve complaints. The number of seals issued for the past 5 years has averaged around 4,000, but dropped to just 1600 for 2009. The program has to sustain its operations by seal fees. Industry has been consulted and has voiced no objections. Surrounding states charge higher fees. A typical home has 4 modules so the fee would increase from $200 to $300.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

VADR – Virginia Amusement Device Regulations
Code Change No. A-20

Nature of Change:

To clarify when a device is an amusement device.

Proponent: Virginia Amusement Device Technical Advisory Committee

Staff Comments:

The Committee offers clarifying language for the phrase "open to the public" which is the statutory trigger for when a device falls under the definition of an amusement device. The issue of when something is open to the public has been a long-standing controversy which needed clarification. The Committee believes the language offered is in keeping with the legislative intent.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: A - 20

Proponent Information (Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Amusement Device Technical Advisory Committee, DHCD

Proposal Information

Code(s) and Section(s): Virginia Amusement Device Regulations (VADR)

Proposed Change (including all relevant section numbers, if multiple sections):

Change VADR Section 13 VAC 5-31-20 (definition of "Amusement device" only) as shown:

"Amusement device" means (1) 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. For the purpose of this definition, the phrase "open to the public" means that the public has full and unrestricted access to an event, irrespective of whether a fee is charged. Private events are not considered to be open to the public.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to add clarity to the phrase "open to the public" to facilitate a more uniform application of the VADR

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

VADR – Virginia Amusement Device Regulations
Code Change No. A-40

Nature of Change:

To incorporate the newest available ASTM standards into the regulation.

Proponent: Virginia Amusement Device Technical Advisory Committee

Staff Comments:

Generally when updating the regulation to a new edition, staff will determine whether any new ASTM standards are available and if so, those will be incorporated into the regulation.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: A-40

Proponent Information (Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Amusement Device Technical Advisory Committee, DHCD

Proposal Information

Code(s) and Section(s): Virginia Amusement Device Regulations (VADR)

Proposed Change (including all relevant section numbers, if multiple sections):

Change VADR Section 13 VAC 5-31-40 A as shown:

A. The following standards are hereby incorporated by reference for use as part of this chapter:

1. (no change)

2. American Society for Testing and Materials (ASTM) Standard Nos. F698-94 (Reapproved 2000), F747-06, F770-06a, F846-92 (Reapproved 2003), F853-05 F893-05a; F1159-03a, F1193-06, F1305-94 (Reapproved 2002), F1950-99, F1957-99 (Reapproved 2004), F2007-06, F2137-04 (Reapproved 2009) , ~~F2291-06a~~ F2291-09b , F2374-07a, F2376-06 and F2460-06 for the regulation of amusement devices.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal incorporates the newest available ASTM standards into the regulation.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

VADR – Virginia Amusement Device Regulations
Code Change No. A-50

Nature of Change:

A general rewrite of many provisions of the regulation with substantive changes.

Proponent: Danny Barges, representing the Culpeper County Building Department

Staff Comments:

The increase in continuing education hours for amusement device inspectors aspect of this proposal was considered at workgroup meetings, by the Department's Training and Certification Office, the Building Code Academy Advisory Committee and the Amusement Device Technical Advisory Committee and is not recommended at this time. That aspect of the proposal was tentatively disapproved by the Codes and Standards Committee at its December 14, 2009 meeting, unless public comment is received during the Compilation Document comment period.

Other changes in the proposal were considered by the Amusement Device Technical Advisory Committee and are not recommended for approval. Staff notes that the suggestion in the proposal to create a definition of a "kiddie ride" was actually already done in the proposed regulation. But other substantive changes in the proposal were viewed as problematic, too restrictive or unjustified.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: A-50

Proponent Information (Check one): ☒Individual ☐Government Entity ☐Company

Name: Danny Bartges Representing: Culpeper County Building Department

Mailing Address: 302 NORTH MAIN STREET CULPEPER VIRGINIA 22701

Email Address: dbartges@culpepercounty.gov Telephone Number: (540) 727-3444 ext: 280

Proposal Information

Code(s) and Section(s): Virginia Amusement Device Regulations, VADR 13VAC5-31-20 DEFINITIONS, 13VAC5-31-75 LOCAL BUILDING DEPARTMENT, 13VAC5-31-50 CERTIFICATION OF AMUSEMENT DEVICE INSPECTORS, 13VAC5-31-200 GENERAL REQUIREMENTS

Proposed Change (including all relevant section numbers, if multiple sections):

ADD IN 13VAC5-31-20 DEFINITIONS ~~Not withstanding the provisions of subsection C of this section, a permit application is not required for a~~ ~~K~~kiddie ~~R~~ride~~-~~: ~~in which the~~ passenger height is 54 inches or less, the design capacity is for 12 passengers or less and assembly time ~~which can be assembled in~~ is two hours or less. ~~, provided the kiddie ride has an unexpired certificate of inspection issued by any local building department in this Commonwealth. In such cases, the local building department shall be notified prior to the operation of the kiddie ride and the information required on a permit application as listed in subsection C of this section shall be provided to the local building department.~~

ADD IN 13VAC5-50, CERTIFICATION OF AMUSEMENT DEVICE INSPECTORS

CHANGE: B. Local building department personnel enforcing this chapter and private inspectors shall attend 32 ~~16 hours~~ every two years, of continuing education and periodic training courses, approved or required by DHCD, which directly correlates to Amusement Device inspections. Additional continuing education hours shall not be required if more than one certificate is held.

ADD: C. 3rd Party Amusement device Inspectors shall be required to maintain the 32 hours of continuing education, directly related to amusement devices, and shall be verified by the jurisdiction, through DHCD, prior to granting permission for the 3rd party to conduct amusement device inspections in a jurisdiction.

ADD, 13VAC5-31-75;

1. **$25 for each Kiddie ride covered by the permit;**
   a. To be considered as a kiddie ride the inflatable must not exceed the area and containment height requirements of 13VAC5-31-200
   b. EXCEPTION: Inflatable amusement devices that exceed the requirements of 13VAC5-31-

200 shall not be incure a fee as a kiddie ride but will incur fees as follows,

i. $35 for each inflatable 20 feet in height or less

ii. $55 for each inflatable in excess of 20 feet

C. A permit application shall be made to the local building department at least five business days prior ~~before the~~to the date in which the applicant intends to operate an amusement device. The application shall include the name of the owner, operator or other person assuming responsibility for the device or devices, a general description of the device or devices including any serial or identification numbers available, the location of the property on which the device or devices will be operated and the length of time of operation. The permit application shall indicate whether a private inspector will be utilized. If a private inspector is not utilized, the applicant shall give reasonable notice when an inspection is sought and may stipulate the day such inspection is requested provided it is during the normal operating hours of the local building department. In addition to the information required on the permit application, the applicant shall provide proof of liability insurance of an amount not less than $100,000 per person and $1,000,000 in the aggregate for each amusement device insuring the owner or operator against liability for injury suffered by persons riding the amusement device or by persons in, on, under or near the amusement device; or proof of equivalent financial responsibility. The proof of liability insurance shall identify by name and serial number, if applicable, each amusement device covered under the policy. The local building department in the jurisdiction in which they are operating must ~~shall~~ be notified of any change in the liability insurance or financial responsibility during the period covered by the permit.

D. Notwithstanding the provisions of subsection C of this section, a permit application is not required for a kiddie ride in which the passenger height is 54 inches or less, the design capacity is for 12 passengers or less and which can be assembled in two hours or less, provided the kiddie ride has an unexpired certificate of inspection issued by any local building department in this Commonwealth. In such cases, the local building department shall be notified prior to the operation of the kiddie ride and the information required on a permit application as listed in subsection C of this section shall be provided to the local building department.

1. Exception: Inflatable Amusement devices that exceed the square footage and containment height provided in 13VAC5-31-200 shall not be considered a "kiddie ride."

13VAC5-31-200. General requirements.

In addition to other applicable requirements of this chapter, inflatable amusement devices shall be operated, maintained and inspected in accordance with ASTM F2374, and any other applicable ASTM related to amusement devices~~.~~

Notwithstanding any requirements of this chapter to the contrary, a permit to operate an inflatable amusement device that is less than 150 square feet and in which the height of the patron containment area is less than 10 feet need not be obtained if the device has an unexpired certificate in the current calendar year of inspection issued by a local building department in this Commonwealth, regardless of whether the device has been disassembled or moved to a new site.

1. All inflatable amusement devices exceeding these requirements must be inspected at each set-up.

13VAC5-31-260. Operational and Site Requirements.

Change all paragraph designations to reflect adding the following paragraph as "A." The owner/operator will have on site ready for review a current copy of the Virginia Amusement Device Regulations, the specific manufacturer's instructions for the device/s being inspected which provide requirements for set-up of the device to include hold down stake minimum size for set-up on grassy areas, requirements for set-up on asphalt or hard surfaces where stakes cannot be utilized. Specifications must provide detailed requirement for the type weights to be used, i.e. sandbag or drums with water, to include the specific weight required at each location based on sice of the device. In addition the owner/operator shall have all applicable ASTM's

available for review by the inspector. Additionally information related to blower size to include minimum/maximum CFM and horsepower will be available.

Item: I. 13VAC5-31-20, While a definition of a kiddie ride is provided in the base document, would it not clarify things if the definition actually were in the "definition" section of the VADR. The intent, need and impact would be one in the same, provide immediate clarification as to a definition without having to go to section D of 13VAC5-31-75.
Item: II. 13VAC5-50, The need for specific amusement industry training is paramount in the continuing education requirement for amusement device Inspector's. This is particularly relevant for amusement device inspectors who fall in the 3rd Party inspectors sometimes used. Two years running I have had a request from a traveling carnival to utilize a 3rd party inspector. We require a copy of his certification card and we check his status through DHCD to ensure he is in the system or have them submit a current history on training completed from the DHCD web site. The person being used received his certification in 1991. The individual had attended code updates as required however I can't recall ever seeing any information related to carnivals/amusement devices in any of the code updates I have attended. It is not realistic to believe that an amusement device inspector obtaining 16 hours of CEU's in mechanical, building, and legal training would have a well rounded knowledge of issues that are industry specific such as amusements. The intent is to have the best trained inspectors out there inspecting devices that may be potentially death traps to our children and loved ones, if a well trained inspector who has the right kind of continuing education is not performing the inspection. The impact would be a reduction in amusement device incidents where injuries occur. A proactive stance rather than reactive one is paramount on this issue.
Item: III. A.13VAC5-31-75 the intent here is to expand and clarify fees related to actually what is out there in today's climate. The need is to be able to break the mould that all inflatable amusement devices should be charged as a kiddie ride. The manufacturer's instructions clearly allow an adult rider, which clearly violates current VADR regulations to be considered a kiddie ride. We currently see inflatable amusement devices that are in excess of twenty feet in height. Since the addition of the square footage and containment height requirements of 13VAC5-31-200 the requirement to further clarify the fee schedule is clearly needed. The impact would be that customers have a clear and concise fee schedule from which they can compute their total fees.
Item: III C. 13VAC5-31-75, the intent, need and impact here is purely clarification of what has been addressed briefly already. By adding the "business days" into the requirement it alleviates issues with the customer showing up on a Thursday for a show on Tuesday, and Friday and Monday are holidays. The additional issue of adding the requirement that their proof of liability insurance specifically must identify each unit, with serial number, on the document.
Item III D. 13VAC31-75, The intent is to clarify the differences between what a kiddie ride is and other type devices as it pertains to inflatable amusement devices. The need comes form the confusion factor of amusement device owners who can clearly state that they can meet all the stipulations under Item D of this same section. Most times they fail to read the amplifying information on containment area height and square footage and believe that their device only requires an annual inspection. The impact is you would have less confusion in the field pertaining to inflatable amusement devices.
Item IV 13VAC31-260, The intent, need and impact of requiring owner's or operators to have this information readily available for review by the inspector is to promote a better awareness of how these devices are to be set-up, operated, reports of accidents and the permitting process. It is the rule rather than the exception that operators/owners do not have this material and a lot of time have never even looked at the VADR. Often times owners tell us that the company that they purchased or leased the amusement device from informed them they did not need any of these items. Education, both on the inspector and owner/operator side is paramount to promoting life safety.

Submittal Information

Date Submitted: 07-09-2009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

VADR – Virginia Amusement Device Regulations
Code Change No. A-75 A

Nature of Change:

To add a minimal fee for the inspection of generators associated with amusement devices.

Proponent: Virginia Amusement Device Technical Advisory Committee

Staff Comments:

This change is to clarify that generators which are associated with amusement devices are subject to the VADR and not the USBC. Some local building department are charging electrical permit fees under the USBC for these generators, which can be excessive. This proposal permits a reasonable minimal fee and keeps the regulation of generators associated with amusement devices within the VADR.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: A - 75A

Proponent Information (Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Amusement Device Technical Advisory Committee, DHCD

Proposal Information

Code(s) and Section(s): Virginia Construction Code (VCC) and Virginia Amusement Device Regulations (VADR)

Proposed Change (including all relevant section numbers, if multiple sections):

Change VCC Section 102.3 as shown:

102.3 Exemptions. The following are exempt from this code:

(no change to Items 1-6)

7. Generators used exclusively for amusement devices.

Change VADR Section 13 VAC 5-31-75 A as shown:

A. In accordance with … the fees shall be reduced by 50%:

(no change to Items 1-4)

5. $25 for each generator associated with an amusement device covered by the permit, except that no fee shall be charged for portable generators which are not required to be connected to a grounding electrode.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to recognize that generators used exclusively for amusement devices are regulated by the VADR, not the USBC. It includes language to permit the both the USBC and the VADR to be applicable if a generator is used for both amusement devices and other purposes such as lighting, etc. The proposal also sets a fee cap of $25 for each generator covered by the permit and exempts the fee for the small portable generators used typically with inflatables and kiddie rides.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

VADR – Virginia Amusement Device Regulations
Code Change No. A-75 C

Nature of Change:

To add a generic permit application form as an appendix to the regulation for guidance to local building departments.

Proponent: Virginia Amusement Device Technical Advisory Committee

Staff Comments:

While every locality may develop its own form for applications for amusement device permits, some localities do not have forms and are attempting to use building permit application forms under the USBC for amusement devices. This generic form will assist those localities which may not have a standardized form and give guidance on what minimum information is necessary to issue a permit for an amusement device.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: A-75C

Proponent Information (Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Amusement Device Technical Advisory Committee, DHCD

Proposal Information

Code(s) and Section(s): Virginia Amusement Device Regulations (VADR)

Proposed Change (including all relevant section numbers, if multiple sections):

Change VADR Section 13 VAC 5-31-75 C as shown:

C. A permit application shall be made to the local building department … during the period covered by the permit.

Note: A generic permit application is provided in Appendix A.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal would provide a typical permit application as a model for local building departments.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

Appendix A. – Model Permit Application

Date _____ Permit # _____

Name of owner/agent _____ T/A _____

Address _____ Telephone #s _____

_____ _____

Location of device(s) covered by permit _____

Insurance carrier _____ Expiration date of policy _____

Amount of coverage per occurrence _____ Duration of event _____

Date and time inspection is sought _____ Third party inspector being used? _____

List of devices covered by permit

Name of device and serial/ID number	Name of device and serial/ID number

(submit additional devices on separate paper if necessary)

Certification

I hereby acknowledge that I have read this application and affirm the statements made herein are true and correct to the best of my knowledge.

_____ _____

Date Signature of applicant

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

VADR – Virginia Amusement Device Regulations
Code Change No. A-80

Nature of Change:

To create a minor ride category to replace the kiddie ride category and extend the kiddie ride concept to such rides without a limitation on the passenger height.

Proponent: Edward Seyller, representing the Amusement Rental Business Association

Staff Comments:

The proposal was not received in time to be reviewed by the Amusement Device Technical Advisory Committee, however, it was send individually to the members of the Committee for individual comment. Several members voiced concern at removing the height restriction and indicated it could permit more complicated rides to be set up without an inspection. In addition, the proposal is not correlated with the current provisions in the VADR permitting yearly inspection of small inflatable rides and 90 day inspection of artificial climbing walls.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: A-80

Proponent Information (Check one): ☐ Individual ☐ Government Entity ☒ Company

Name: Edward Seyller

Representing: **ARBA** - Amusement Rental Business Association

Mailing Address: PO Box 41689 Arlington, VA 22203

Email Address: eddie@Mid-AtlanticAdventures.com Telephone Number: 703-248-0031

Proposal Information

Code(s) and Section(s): **13 VAC 5-31-20. Definitions. 13 VAC 5-31-40. Incorporated standards. 13 VAC 5-31-80. Owner or operator responsibilities. 13 VAC 5-31-100. Local building department.**

Proposed Change (including all relevant section numbers, if multiple sections):

13 VAC 5-31-20. Definitions.
~~"Kiddie ride"~~ Minor Ride means and amusement device where ~~the passenger or patron is limited to 54 inches or less,~~ the design capacity of passengers is 12 or less, and the assembly time for the device is two hours or less.

13 VAC 5-31-40. Incorporated standards.
C. The following requirements supplement the provisions of the ASTM standards incorporated by reference in this chapter:

1. The operator of an amusement device shall be at least 16 years of age, except when the person is under the supervision of a parent or guardian and engaged in activities determined not to be hazardous by the Commissioner of the Virginia Department of Labor and Industry;
2. The amusement device shall be attended by an operator at all times during operation except that (i) one operator is permitted to operate two or more amusement devices provided they are within the sight of the operator and operated by a common control panel or station and (ii) one operator is permitted to operate two ~~kiddie rides~~ Minor Rides with separate controls provided the distance between controls is no more than 35 feet and the controls are equipped with a positive pressure switch; and

3. The operator of an amusement device shall not be (i) under the influence of any drugs which may affect the operator's judgment or ability to assure the safety of the public or (ii) under the influence of alcohol.

13 VAC 5-31-80. Owner or operator responsibilities.
4. Obtaining a permit to operate from the responsible local building department prior to operation or obtaining the renewal of a permit to operate when necessary prior to continued operation. Notwithstanding the above, a permit for a ~~kiddie ride~~ Minor Ride in which ~~(i) the passenger height is limited to 54 inches or less; (ii)~~ (i) the design capacity is 12 passengers or less; and ~~(iii)~~ (ii) the assembly time is two hours or less need not be obtained if the device has an unexpired certificate of inspection issued by a local building department in this Commonwealth, regardless of whether the ride has been disassembled or moved to a new site. However, in such cases, the responsible local building department shall be notified prior to operation and such notification shall include the information required on a permit application as stipulated in subdivision 1 of this subsection;

7. Obtaining a certificate of inspection from the responsible local building department (i) prior to initial operation; (ii) prior to operation following a major modification; (iii) prior to each seasonal operation; (iv) at least once a year if operated more than seasonally; and (v) prior to resuming operation following an order from the local building department to cease operation. Notwithstanding the above, a certificate of inspection for a ~~kiddie ride~~ Minor Ride in which ~~(i) the passenger height is limited to 54 inches or less; (ii)~~ (i) the design capacity is 12 passengers or less; and ~~(iii)~~ (ii) the assembly time is two hours or less need not be obtained if the device has an unexpired certificate of inspection issued by a local building department in this Commonwealth, regardless of whether the ride has been disassembled or moved to a new site; and

13 VAC 5-31-100. Local building department.

1. Collect fees for a permit to operate, renewal of a permit to operate and inspections conducted by staff to issue a certificate of inspection. The total for fees associated with one permit to operate and any associated inspections or one renewal of a permit to operate and any associated inspections shall not exceed the following:
   a. $25 for each ~~kiddie ride~~ Minor Ride under the permit;
   b. $35 for each circular ride or flat-ride less than 20 feet in height under the permit;
   c. $55 for each spectacular ride under the permit which cannot be inspected as a circular ride or flat-ride in (b) above due to complexity or height; and
   d. $150 for coasters which exceed 30 feet in height.

Supporting Statement (including intent, need, and impact of the proposal):
The change in the language from "kiddie ride" to "Minor Ride" provides a more representative description of the current era of minor manufactured rides. The current era of rides meet or exceed ASTM standards as well as require very little setup and an inspection each time the rides are setup is not necessary as the operational aspects of the ride and safety features remain intact from operating site to operating site. For example the setup of a Minor Ride at a new site may be as simple as unhooking the ride from the hitch ball on a truck and dropping a jack.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
Main Street Centre
600 E. Main St., Ste. 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

VADR – Virginia Amusement Device Regulations
Code Change No. A-85

Nature of Change:

To require notification of DHCD as well as the local building department when there has been an accident involving serious injury or death.

Proponent: Virginia Amusement Device Technical Advisory Committee

Staff Comments:

The proposal would permit DHCD to play a more active role in trying to coordinate safety bulletins and recalls statewide and to be a clearinghouse for sharing information with other localities concerning accidents.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: A-85

Proponent Information (Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: Amusement Device Technical Advisory Committee, DHCD

Proposal Information

Code(s) and Section(s): Virginia Amusement Device Regulations (VADR)

Proposed Change (including all relevant section numbers, if multiple sections):

Change VADR Section 13 VAC 5-31-85 A as shown:

A. If an accident involving the serious injury or death of a patron occurs, the operation of an amusement device shall cease and the local building department and DHCD shall be notified as soon as practicable, … (remainder unchanged).

Supporting Statement (including intent, need, and impact of the proposal):

This proposal would require the notification of DHCD as well as the local building official when a serious accident occurs. Earlier editions of the VADR had this requirement. DHCD will make every attempt to have staff available to assist in the coordination of responses, whether it would be to contact other localities, owners, operators or safety agencies.

Submittal Information

Date Submitted: _____

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

2009 Code Change Cycle – Code Change Evaluation Form

VADR – Virginia Amusement Device Regulations
Code Change No. A-280

Nature of Change:

To add provisions for accessibility for permanent park amusement rides.

Proponent: DHCD Staff

Staff Comments:

The proposal is a result of efforts of the Department to submit the Virginia Uniform Statewide Building Code to the U.S. Department of Justice (DOJ) for certification as being equal to or exceeding the requirements of the Americans with Disabilities Act (ADA). The U.S. Access Board has issued new regulations for accessibility which are anticipated to be incorporated into the ADA and which do address the accessibility of new permanent amusement rides in theme parks. This proposal comport with the federal requirements to assist the Department in obtaining certification from DOJ. The Amusement Device Technical Advisory Committee has reviewed the proposal and supports its approval.

Codes and Standards Committee Action:

_____ Approve as presented. _____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle. _____ Other (specify):

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: A-280

Proponent Information (Check one): ☐ Individual ☒ Government Entity ☐ Company

Name: DHCD Staff

Proposal Information

Code(s) and Section(s): Virginia Amusement Device Regulations (VADR)

Proposed Change (including all relevant section numbers, if multiple sections):

Add new Part IX to the VADR as shown:

Part IX
Accessibility Requirements for Amusement Devices

13 VAC 5-31-280. Scope. This part shall apply to newly designed and constructed amusement devices for permanent installation and does not apply to amusement devices regularly assembled or dissembled. This part also does not apply to mobile, portable or temporary amusement devices set up for short periods of time such as at traveling carnivals, state and county fairs and festivals. For the purposes of this part, newly designed and constructed amusement devices are those which are new upon first use by patrons and the first permanent installation of the ride and would not include a ride which was moved within a park or to another park after several seasons of use.

13 VAC 5-31-290. Requirements.

Amusement devices subject to this part shall comply with applicable requirements of 36 CFR Part 1191 – Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines, 69 FR 44151-44455 (July 23, 2004).

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to comport with new federal requirements for accessibility in permanent park rides based on the new ADA/ABA Guidelines published by the U. S. Access Board. The VADR needs to have this requirement as part of the submittal by DHCD to the U. S. Justice Department to have our state building regulations certified by DOJ as meeting or exceeding the requirements of the ADA. While the change is submitted by DHCD staff as part of the DOJ certification efforts, the Amusement Device Technical Advisory Committee supports this change to the VADR.

Submittal Information

Date Submitted: December 8, 2009

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.