DHCD, DBFR 2009 Code Change Process

November 19, 2009 Workgroup Meeting Agenda Package

Workgroup 1 -Administrative and Selected Technical Issues

USBC: VCC, VMC and VRC

1. USBC 102.3 - hazardous materials used in equipment exempt from the USBC. Code change without consensus that would require H materials to fall under the USBC. The concept was agreed upon at the August 26th meeting with VBCOA representatives. Fixed suggested to delete "and processes". **(Page 4)**
2. USBC 102.3 #7 - code change is in the proposed regulations but needs new last sentence added in final regulations. The change was supported at the August 26th meeting with VBCOA representatives. **(Page 6)**
3. USBC 102.3 (1) - Dominion Power's code change to add "by agreement" is opposed by IAEI and VBCOA with Codes and Standards Committee also raising concerns - one being adding emergency power connection on the DP side of the main thus bypassing NEC requirements. **(Page 8)**
4. USBC 103.2: Effective date and 1-year grace redone. Work group preferred to retain current grace period. The current grace period was preferred at the August 26th meeting with VBCOA representatives. See if proponent wants to withdraw. **(Page 10)**
5. USBC 103.5 #2 - Fairfax and VBCOA administrative committee with other stakeholders will review entire section especially 1-4 and the exceptions for revisions as there are now code changes to amend #2-4 and makes more stringent. Alexandria code changes to clarify #2 and #3 add new for rated construction. Need to coordinate with the IEBC. Staff suggested as written sections 1-4 seem to be saying the opposite of each other and that trying to bring altered existing buildings up to the IBC or to become more stringent than the IEBC needs to be considered carefully. USBC VCC and VRC 103.5 need to coordinate as now is a disconnect. VBCOA and AIA need to review. **(Page 11)**
6. USBC 103.10 - Code change adds IRC so can use testing and inspections in the technical sections the same as we do for all the other ICC codes. At the August 26th meeting with VBCOA representatives there was a consensus to move forward. **(Page 15)**
7. USBC 108.2 and 1808.1 Exception - Adds carports and equipment buildings. Changes 150 to 256. Staff explained at the 8/26 VBCOA meeting that carports now exempt from permits as accessory structures and equipment buildings/tool sheds. So code change really increases from 150 to 256 square feet. At the August 26th meeting with VBCOA representatives no consensus was reached. Need to vet with builders and design professionals. Second code change from Catlett needs to be revised to address concerns on same operations and opening dimensions. No consensus. **(Page 16)**
8. USBC 109 - Code changes on what needs to be on plans for occupancy loads and egress at exit discharge. Present IBC and USBC allow to do both desired by these two code changes. At the August 26th meeting with VBCOA representatives no consensus was reached. Most didn't do or require the level of details wanting to mandate by the Thomas code change especially for B occupancies and was perhaps too broad without a problem needing to be resolved. **(Page 18)**

9. USBC 115.2 - NOV code change wants to say the BO has to issue to the responsible party, the owner, or to others if can determine legal authority. The concept was opposed at the August 26th meeting with VBCOA representatives as current language seems okay that the BO issues to the permit applicant and to others as maybe necessary upon facts of each case. **(Page 24)**
10. USBC 118 - Unsafe buildings VCC without CO but suspended, revoked, permit expired are in no-man's land? Second code change to allow BO to do any unsafe existing building where not enforcing the VMC. At the August 26th meeting with VBCOA representatives, it was decided that the Admin. Committee will review options again. Redifer code change does need to delete "suspension". Issues include: can VCC be used when the permit is revoked and the building becomes unsafe or do you need to have adopted the VMC? Can you use the VMC if adopted? Staff noted state law would need to be changed to allow the USBC VCC and the BO to enforce the VMC where the locality has not done so. **(Page 26)**
11. USBC 119. - STRB needs to hear case 90 days unless staff does 90 days or two parties agree 90 days. Currently, the STRB shall take action within 30 days but that can be staff doing the informal fact-finding and collecting data. State law would need to be changed is the opinion of DHCD staff. Most appeal cases are done around 90 days but a few complex ones take longer (6-12 months). **(Page 30)**
12. VMC 105.2, 105.3 and 105.3.1 - review unsafe not related to maintenance for clarification and intent. Catlett's VBCOA Committee to review. **(No handout)**
13. IRC and IECC - duct testing only where installed in unconditioned spaces: HBAV wants consideration for a percentage of homes to be subject to duct testing. An example from staff would be such as 100% for builders doing 25 or less homes; 50 % for builders doing 50 or less homes; and, 33% for those builders doing above 51 with HVAC contractors able to do the testing and certification. Need code change. At the August 26th meeting with VBCOA, it was felt that duct testing can be avoided if duct is in conditioned space that can be designed and done less expensively than doing duct testing cost. **(No handout)**
14. USBC NEC - Discuss NEC construction requirements and ensure can be used per the format and regulations. Fix would be to just say NEC construction related items for the equipment rooms are part of the USBC/IBC such as exit doors or any wall ratings. Code Change At the August 26th meeting with VBCOA, it was discussed that they might want to add into 1015.1. **(No handout)**
15. IBC 913 - possible loophole for big box stores so need to close and does current text work for emergency communication to provide cabling and conduits? Code change fix needs tweaking to not allow unlimited area buildings in Type 4 and 5 construction IBC 504. **(Page 32)**
16. IBC and IRC 202 - accessory occupancies at 3,000 square feet per building and not over 2 stories. Need to review for clarity and intent that it is not misinterpreted to allow 3,000 square feet per floor. **(No handout)**
17. USBC Chapter 46 – Appendices. **(Page 33)**

VADR:

1. Zip lines and trains in malls - review for being included as amusement devices. The Amusement Device Technical Advisory Committee (ADTAC) met on October 21st and

agreed that the phrase "moved or conveyed in an unusual manner" needs clarification. The committee is working on clarifying language. **(No handout)**

2. Rock climbing testing and inspection 90 days - increase to 6 months? ASTM requires manufacturers to specify in their Manufacturers Installation Instructions, how often the climbing *ropes* need to be replaced. **(No handout)**
3. Generators should be under VADR with set fee or left under USBC that is the prevailing practice? Opposed by IAEI and VBCOA to place into VADR. ADTAC members are working on a proposal that will clarify that separate permits should not be required for generators that are used only for the operation of amusement devices. **(No handout)**
4. Open to the public is not enforced in a uniform manner. Does the regulation need to clarify or the law changed or both? At the October 21st ADTAC meeting, it was agreed that this needs clarification. The committee is working on clarifying language. **(No handout)**
5. VADR code change CEU's 32 hours for inspectors. Adds inflatables to kiddie rides and other clarifying text. Should the size be increased? ADTAC reviewed the current code change and is opposed. **(Page 34)**

IBSR\IRC:

1. Factory built sheds are unregistered buildings. Most building officials use the USBC to regulate although the sheds are built off-site. Review law and USBC regulations to ensure proper coordination and understanding what are the applicable regulations to apply. **(No handout)**

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

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: _____

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number:_____

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 or removals must 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

Code Change Form for the 2009 Code Change Cycle

Code Change Number:_____

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 public rights-of-way or private property for which the service provider has rights of occupancy and entry or by other agreements either designated by or recognized by, the Virginia State Corporation Commission; however, the structures...

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

The 2008 NEC 90.2(B)(5)b deleted the words "by other agreements" contained in the same section in the 2005 NEC. This change affects the utility exemption from the NEC. Electric utilities rely on "other agreements" to install area lighting as well as distribution facilities on State and Federal lands. The National Electrical Safety Code is the appropriate code for electric utilities.

Although the Virginia USBC does not adopt section 90 of the National Electric Code, it is necessary to revise the USBC to ensure electric distribution facilities are constructed to the National Electrical Safety Code. and to preclude any suggestion that the USBC does or should adopt the change in approach reflected in the 2008 NEC.

An ad hoc committee has been created consisting of members from IEEE(NESC) and NFPA (NEC) to harmonize the Scope and Purpose of both the NEC and NESC. Change proposals are being submitted to revise section 90 of the 2011 NEC.

Submittal Information

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

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

Address to submit to:	Last revised 4/28/2009	Document No. _____
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:	**Chuck Bajnai**
Representing:	Chesterfield County
Address:	9800 Government Parkway, Chesterfield, VA 23832
Phone No.:	(804) 717-6428
Regulation Title:	2006 IRC

VCC, Section 103.2 Application of Code

Proposed Change:

103.2. When applicable to new construction. Construction for which a permit application is submitted to the local building department after May 1, 2008, shall comply with the provisions of this code, except for permit applications submitted during a one-year period after May 1, 2008. The applicant for a permit during such one-year period shall be permitted to choose whether to comply with the provisions of this code or the provisions of the code in effect immediately prior to May 1, 2008 <u>however, if no choice is made, then the code in effect immediately prior to May 1, 2008 shall be used</u>. This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments. In addition, when a permit has been properly issued under a previous edition of this code, this code shall not require changes to the approved construction documents, design or construction of such a building or structure, provided the permit has not been suspended or revoked.

Reason Statement:

The suggested revision establishes the old code as the default code for twelve months while in transition period (subject to change by the BHCD). It still would allow the submitter to use the newer code if he/she finds it advantageous.

This is important. During the past twelve month transition period (May 1, 2008 to April 30, 2009), Chesterfield County had approximately 900 new house applications and only 6 used the new code – all the others were submitted under the old code. This revision stipulates that if no action is taken to the contrary, the submitter will automatically be under the old code during the transition. This will help all of the contractors, and remove the doubt from the plan reviewers.

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

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

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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, 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 material or equipment components, or both, 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. _____

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Deleted: 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

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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. _____
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): 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 the building or structure not being reconstructed, 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. Material or equipment, or both, may be replaced in the same location with material or equipment of a similar kind or capacity.

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 **the configuration and height of** handrails and guardrails.

Supporting Statement: The code change provided in the 2006 USBC was intended to improve deck safety when reconstructed. Although there are historic or aesthetic reasons to allow the configuration or height of a handrail or guardrail to remain, these elements should meet the structural loading requirements to resist failure causing injury or death. This code change would be consistent with the intent of the 2006 code change.

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. _____ Committee Action: _____ BHCD Action: _____

Submitted by: John Catlett Representing: VBCOA Administration Code Committee

Address: 301 King Street, Alexandria, Va, 22314 Phone No.: (703.746.4200)

Regulation Title: Virginia New Construction Code Section No(s): 103.5 (Revised 7/25/2009)

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 the building or structure not being reconstructed, 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. Material or equipment, or both, may be replaced in the same location with material or equipment of a similar kind or capacity.

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.
3. When a floor, wall or ceiling is replaced, and the current building code requires a fire rated assembly, that portion (and only that portion) of the assembly being replaced shall meet the current code requirements to the extent practical.

Supporting Statement: The USBC generally has protected building owner from having to comply with current regulations in an existing building when undergoing a repair or alteration. However, it has always required the use of code compliant material in those situations. Language was found in the 1981 USBC, Section 120.3 Alterations that stated, "*Subsequent reconstruction, renovation or repair of buildings may be made without requiring the remainder of the existing building to comply with the requirements of the USBC, provided such alterations shall conform to that required for a new building. Such work shall not adversely affect the performance of the building or cause it to become unsafe. Alterations which are non-structural and do not adversely affect any structural member in the building or any part of the building required to have a fire resistance rating may be made with the same materials.*"

This provision was changed in the 1984 USBC to language closer to what exist today, exempting a repair from having to comply with the current building code provision and being replaced with in kind material.

There are significant reasons to go back to the concept that floor, walls, or ceilings that now require fire rated assemblies in more modern building codes that may have not been required in buildings built before the USBC or before the USBC required them. At the point of repair or alteration, this can be accomplished at a reasonable cost. Many projects include the complete removal of a finish material that may or may not have complied with the fire resistive rating, but it is not documented. For example, many town houses will undergo a complete renovation where interior finishes are completely removed. This would be the opportune time to replace the wall finishes on the common wall between dwelling units with fire rated products meeting the current code requirements on the portion of the wall where the finish material was removed.

It should be noted that in the example above, only the portion of the wall where the wall finish is removed would be replaced with fire rated material. The opposite side of the wall that is not being disturbed would not be affected. The second part of the code change would address situations such as where the existing framing would not be adequate to meet the current requirements for a rated wall assembly. The code official could recognize the effort to improve the fire resistant rating while not meeting the exact letter of the code.

It should be noted that Level 2 alterations in the International Existing Building Code trigger similar requirements.

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 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
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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:_____

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. Detached accessory structures ~~used as~~ such as tool and storage sheds, carports, equipment buildings, playhouses, or similar uses, provided the floor area does not exceed ~~150~~ 256 square feet (14m2) 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 for guidance and was expanded to include carports and equipment buildings. The area is raised to 256 sf to match the residential foundation exemption. The residential foundation exemption was added to the IBC for consistency.

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number:_____

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.

Submittal Information

Date Submitted: April 8, 2009/ Revised June 29, 2009 (change of section number, etc).

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:_____

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number:_____

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 109.7:

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

109.7 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.

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

This statement is in 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.

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.

Submittal Information

Date Submitted: April 8, 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

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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CODE CHANGE FORM

Address to submit to:		Document No. _____
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: Douglas S. Jones Representing: Keystone – RM, LLC

Address: 1207 Roseneath Road #200 Phone No. 804-358-5768 x303 804 921 2445

Regulation Title: Part I of the Uniform Statewide Building Code, The Virginia Construction Code (2006 Edition) Section No(s): 115.2 Notice of Violations

Date: February 27, 2009

Proposed Change:

115.2 Notice of Violation. Add the following sentence after the first sentence:

"The responsible party shall be deemed to be the owner of the building or structure, unless the building official, after appropriate inquiry of all parties involved, identifies another party as the one most likely responsible for the violation and confirms that such party has legal authority to abate or remedy the condition."

Supporting Statement:

Rationale for Revision:

- Lack of clarity as to who the responsible party is under current Code.
- Tasks local building official with conducting appropriate inquiry which is not specifically required currently.
- Protection from "activist" local building officials using the Code to advocate for homeowners in warranty matters (see example below)
- Modifications made by owner after closing not the responsibility of builder.
- Natural occurrences (settling, springs, sinkholes, etc.) not the responsibility of builder.
- Violation of private property rights/trespassing implied by local official directing builder to fix violation on property builder does not own.
- Potential conflict with private contract and warranty provisions, (i.e., "as is").

Activist Local Building Officials

Generally we have found that local building officials understand that only the property owner (or tenant who controls the property) have the power to "discontinue or abate" any situation on that property. We have seen cases where a current homeowner has been issued a notice of violation and has used such notice, where appropriate, to compel their builder to honor their contractual commitments.

We recently have had an experience where a local building official deemed us the "responsible party" for a situation on property that we had sold over a year earlier. There was no violation present at the time the property was sold to the homeowner. The condition in question was related to natural occurrences far from the foundation, i.e., settling of landscaped area over time.

When questioned about the issuance of the violation to us, the building official stated that he had done an investigation with the homeowner and had determined that we were the responsible party. We were not involved in that process. The two year statute of limitations for building code violations appeared to have been expanded by the official into a two year warranty of customer satisfaction.

We were also told that the building official could get verbal permission from the owner for us to access the property and further stated that we should notify the owner of any improvements that needed to be moved in order for us to do the abatement work. He further stated that if the owner did not do so we should move it ourselves. He further stated that we would be working to his satisfaction and not the owner's.

The Building Official did not seem to be interested in hearing about liability issues, our warranty with our customer, or any reason as to why we may not be the responsible party.

Submitted by:
Keystone – RM, LLC
January, 2009

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: 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.

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

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): 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

Code Change Form for the 2009 Code Change Cycle

Code Change Number:_____

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number:_____

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

Name: Ron Clements

Representing: Chesterfield County Building Inspection Dept.

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): 913.1 Exception #2

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

913.1 General. (No change)

Exceptions:
#2 ~~Building of type IV and V construction without basements~~ Buildings that are constructed with wood framed walls, floors and roof assemblies with non-metalic sheathing materials.

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

A building can be constructed entirely of steel and still be designated type 5B. As an example the current standard Target Store design is a steel column, bar joist and metal roof deck building but to allow for very limited wood framing in some small office areas the buildings are designated as type 5B. The intent of exception #2 was to exempt wood framed buildings, regardless of construction type not exempt based on construction type designations for allowable area determination.

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number:_____

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

Name: Draft

Representing: WG 1 (For November 19, 2009 Meeting)

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): USBC Chapter 46 Retrofit Existing Buildings/Appendices

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

Delete IFC Chapter 46 in its entirety.

Delete Appendices A, B, C, D, E, F, G, H, I and J

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

There are retrofit measures when existing buildings undergo alterations or don't comply with current IBC requirements. Pages 403-412. Appendix A – Appeals; B – Fire flow; C – Fire hydrants; D – Fire access roads; E – Hazard categories; F – Hazard ranking; G – Cryogenic fluids; H – HMMP/HMIS; I – Fire protection systems; and J – Emergency communication. Code change is submitted for B, C and D to be in the SFPC. Localities can have local fire prevention ordinances for B, C and D. The BHCD could consider placing B, C and D into the SFPC in whole or an amended version. Localities could still do local ordinances more stringent but this would be a statewide uniform minimum baseline.

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number:_____

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 Kiddie Ride: passenger height is 54 inches or less, the design capacity is for 12 passengers or less and assembly time is two hours or less.

ADD IN 13VAC5-50. CERTIFICATION OF AMUSEMENT DEVICE INSPECTORS

CHANGE: B. Local building department personnel enforcing this chapter and private inspectors shall attend 32 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,

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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 be notified of any change in the liability insurance or financial responsibility during the period covered by the permit.

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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."

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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.

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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.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
501 N. 2nd Street

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092