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unsafe provisions under the Virginia Construction Code apply to partially constructed buildings where the permit has been revoked.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

COMMENT RECEIVED

Beginning on Page No. 158

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

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~~ authorized work 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 revoked. In addition, this section applies to any building or structure that is under construction or that was constructed 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 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. The unsafe provisions of the Virginia Maintenance Code may be applied to such buildings or structures in localities that have taken official action to enforce the Virginia Maintenance Code.

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

This change is intended to provide a remedy for conditions recognized by the Virginia Maintenance Code as unsafe but not rising to levels detailed in 118.2. For example, the vacant and unsecured buildings are considered unsafe under the VMC but not under the VCC. 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. The VMC cannot require retrofit of exterior siding that was never initially installed. 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. Although no action may be taken to compel completion, minimal steps may be taken such as requiring the openings into vacant buildings to

be secured.

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

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

Hodge, Vernon (DHCD)

From: Jack, Steven P. [sjack@oag.state.va.us]
Sent: Monday, December 07, 2009 8:10 AM
To: Rodgers, Emory (DHCD); Hodge, Vernon (DHCD)
Cc: Eubank, Paula (DHCD)
Subject: RE: Regulatory Proposals

Vernon,

I do agree with your analysis for all three proposals. Each would require a statutory change.

Steve

Steven P. Jack
Assistant Attorney General - I
Commerce and Finance Law Section
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
804-786-3237/direct dial
804-786-1904/fax
email: sjack@oag.state.va.us

From: Rodgers, Emory (DHCD) [mailto:Emory.Rodgers@dhcd.virginia.gov]
Sent: Friday, December 04, 2009 9:41 AM
To: Hodge, Vernon (DHCD); Jack, Steven P.
Cc: Eubank, Paula (DHCD)
Subject: RE: Regulatory Proposals

Thanks and couldn't have said it better.

From: Hodge, Vernon (DHCD)
Sent: Friday, December 04, 2009 9:31 AM
To: 'sjack@oag.state.va.us'
Cc: Rodgers, Emory (DHCD); Eubank, Paula (DHCD)
Subject: Regulatory Proposals

Steven,

As we recently discussed, we have received three proposals to amend the Uniform Statewide Building Code which we believe would require changes to state law to implement. While we have informed the proponent of this, he requested that we discuss it with our legal counsel prior to deciding whether to withdraw the proposals. The proposals are attached and a brief description of each is below. We would appreciate your taking a look at them to see if you concur that the proposals could not move forward due to statutory conflicts.

Proposal #1: Unsafe conditions in buildings arising from other than construction activities and enforcement of the USBC construction code versus enforcement of the USBC maintenance code (adding new § 118.6 to the USBC construction code).

This proposal is to authorize the building official enforcing the USBC construction code to enforce provisions of the USBC maintenance code in localities that have not chosen to enforce the USBC maintenance code when a structure is damaged by fire, weather events or a vehicle impact. Section 36-105(C)(1) of the Code of Virginia very clearly requires a local government to chose whether to enforce the USBC maintenance code. The legislature has carved out two exceptions to this rule in §§ 36-105 (C)(2) and (C)(5), where the local building official is required to enforce the USBC maintenance code for tenants complaints in residential rental units and for elevators. Since the proposal contains subject matter outside of those two carve-outs, we believe

the proposal lacks statutory authority.

Proposal #2: Requiring a local building official to enforce the USBC maintenance code in localities that have not chosen to enforce the code when receiving complaints from other than a tenant and in dwelling units other than rental units (amending § 104.1 of the USBC construction code).

As discussed above, one of the carve-outs in state law (§ 36-105(C)(2)) for a local building official to be required to enforce the USBC maintenance code in localities that have not chosen to enforce it is when there is a complaint from a tenant of a residential rental unit that the building is unsafe. We have copied this provision of state law verbatim in the USBC construction code in § 104.1 for the benefit of building officials. This proposal is to require the building official to enforce the USBC maintenance code when a complaint is received by an occupant or a third party rather than a tenant and in all dwelling units, not just tenant-occupied dwelling units. Since the proposal is broader reaching than current state law, we believe the proposal lacks statutory authority.

Proposal #3: To require the State Building Code Technical Review Board to hear appeals within 90 days (adding new § 119.9 to the USBC construction code, etc.).

The USBC now has provisions for appeals, but only for the local appeals boards under the authority in state law in § 36-105(A), where the law provides that the USBC set the "composition, duties and responsibilities" of the local appeals boards. The only reference to the Review Board in the USBC is a section comporting with state law that provides that appeals from the local appeals boards may be further appealed to the Review Board (§ 119.8). As you know, the Review Board has its own law, which is in a separate article in the chapter of state law dealing with the USBC, and that law sets out the procedures for the Review Board to follow in appeals. The proponent of the code change thought that because the USBC sets out requirements for the local boards, that the USBC could also set out requirements for the Review Board. He was informed that state law does provide for the USBC to set out requirements for the local boards, but not for the Review Board, since they have their own separate law. In addition, as we both are aware, adding timeframes for the Review Board to hear appeals could potentially cause due process issues as the Review Board's proceedings are subject to the Virginia Administrative Process Act. Due to the above, we believe the proposal lacks statutory authority.

Please let me know whether you need additional information, or if I may be of assistance in your review of these proposals for us.

Vernon Hodge, Technical Services Manager
Technical Assistance Services Office (TASO)
Division of Building and Fire Regulations
Va. Department of Housing and Community Development
Direct Dial: (804) 371-7174
Email: Vernon.Hodge@DHCD.virginia.gov
Blackberry: (804) 382-2973

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

Hodge, Vernon (DHCD)

From: Jack, Steven P. [sjack@oag.state.va.us]
Sent: Monday, December 07, 2009 8:10 AM
To: Rodgers, Emory (DHCD); Hodge, Vernon (DHCD)
Cc: Eubank, Paula (DHCD)
Subject: RE: Regulatory Proposals

Vernon,

I do agree with your analysis for all three proposals. Each would require a statutory change.

Steve

Steven P. Jack
Assistant Attorney General - I
Commerce and Finance Law Section
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
804-786-3237/direct dial
804-786-1904/fax
email: sjack@oag.state.va.us

From: Rodgers, Emory (DHCD) [mailto:Emory.Rodgers@dhcd.virginia.gov]
Sent: Friday, December 04, 2009 9:41 AM
To: Hodge, Vernon (DHCD); Jack, Steven P.
Cc: Eubank, Paula (DHCD)
Subject: RE: Regulatory Proposals

Thanks and couldn't have said it better.

From: Hodge, Vernon (DHCD)
Sent: Friday, December 04, 2009 9:31 AM
To: 'sjack@oag.state.va.us'
Cc: Rodgers, Emory (DHCD); Eubank, Paula (DHCD)
Subject: Regulatory Proposals

Steven,

As we recently discussed, we have received three proposals to amend the Uniform Statewide Building Code which we believe would require changes to state law to implement. While we have informed the proponent of this, he requested that we discuss it with our legal counsel prior to deciding whether to withdraw the proposals. The proposals are attached and a brief description of each is below. We would appreciate your taking a look at them to see if you concur that the proposals could not move forward due to statutory conflicts.

Proposal #1: Unsafe conditions in buildings arising from other than construction activities and enforcement of the USBC construction code versus enforcement of the USBC maintenance code (adding new § 118.6 to the USBC construction code).

This proposal is to authorize the building official enforcing the USBC construction code to enforce provisions of the USBC maintenance code in localities that have not chosen to enforce the USBC maintenance code when a structure is damaged by fire, weather events or a vehicle impact. Section 36-105(C)(1) of the Code of Virginia very clearly requires a local government to chose whether to enforce the USBC maintenance code. The legislature has carved out two exceptions to this rule in §§ 36-105 (C)(2) and (C)(5), where the local building official is required to enforce the USBC maintenance code for tenants complaints in residential rental units and for elevators. Since the proposal contains subject matter outside of those two carve-outs, we believe

the proposal lacks statutory authority.

Proposal #2: Requiring a local building official to enforce the USBC maintenance code in localities that have not chosen to enforce the code when receiving complaints from other than a tenant and in dwelling units other than rental units (amending § 104.1 of the USBC construction code).

As discussed above, one of the carve-outs in state law (§ 36-105(C)(2)) for a local building official to be required to enforce the USBC maintenance code in localities that have not chosen to enforce it is when there is a complaint from a tenant of a residential rental unit that the building is unsafe. We have copied this provision of state law verbatim in the USBC construction code in § 104.1 for the benefit of building officials. This proposal is to require the building official to enforce the USBC maintenance code when a complaint is received by an occupant or a third party rather than a tenant and in all dwelling units, not just tenant-occupied dwelling units. Since the proposal is broader reaching than current state law, we believe the proposal lacks statutory authority.

Proposal #3: To require the State Building Code Technical Review Board to hear appeals within 90 days (adding new § 119.9 to the USBC construction code, etc.).

The USBC now has provisions for appeals, but only for the local appeals boards under the authority in state law in § 36-105(A), where the law provides that the USBC set the "composition, duties and responsibilities" of the local appeals boards. The only reference to the Review Board in the USBC is a section comporting with state law that provides that appeals from the local appeals boards may be further appealed to the Review Board (§ 119.8). As you know, the Review Board has its own law, which is in a separate article in the chapter of state law dealing with the USBC, and that law sets out the procedures for the Review Board to follow in appeals. The proponent of the code change thought that because the USBC sets out requirements for the local boards, that the USBC could also set out requirements for the Review Board. He was informed that state law does provide for the USBC to set out requirements for the local boards, but not for the Review Board, since they have their own separate law. In addition, as we both are aware, adding timeframes for the Review Board to hear appeals could potentially cause due process issues as the Review Board's proceedings are subject to the Virginia Administrative Process Act. Due to the above, we believe the proposal lacks statutory authority.

Please let me know whether you need additional information, or if I may be of assistance in your review of these proposals for us.

Vernon Hodge, Technical Services Manager
Technical Assistance Services Office (TASO)
Division of Building and Fire Regulations
Va. Department of Housing and Community Development
Direct Dial: (804) 371-7174
Email: Vernon.Hodge@DHCD.virginia.gov
Blackberry: (804) 382-2973

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-310.6(R302.1(6))

Nature of Change:

To permit exterior walls of new houses closer than five feet from a property line to be or normal construction as opposed to having to have a fire-resistance rating due to zoning, land use or deed restrictions which will prevent another dwelling on an adjacent lot from being too close.

Proponent: Chris Snidow, representing the Henrico County Building Department

Staff Comments:

While the proponent states that the purpose of the proposal is to lessen the paperwork necessary when modifications under the USBC have to be issued for every house in a subdivision when proffered conditions exist which would prevent houses on adjacent lots from being close enough together to cause a fire hazard, the model codes (the IBC and IRC in particular) have historically used the distance to the lot line to establish when exterior walls must have a fire-resistance rating. The reason for the historical use of the lot line is that zoning restrictions, proffers and even deed restrictions may change over time, but lot lines are typically more permanent. This 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

Code Change Number: C-310.6 (R302.1(6))

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

Name: L. Christian Snidow, P. E.

Representing: Henrico County Building Inspections Dept., Plan Review Office

Mailing Address: P O Box 90775 Henrico, VA 23273-0775

Email Address: sni@co.henrico.va.us

Telephone Number: 804-501-4363

Proposal Information

Code(s) and Section(s): Virginia Residential Code (IRC) R302.1, add new exception #6

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

R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1.

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
2. Walls of dwellings and accessory structures located on the same lot.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.
6. **A fire resistance rating for exterior walls shall not be required where local ordinances, land use regulations or deed restrictions require such exterior walls or accessory structures to be separated for a distance of not less than 10 feet.**

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

A number of localities in the Commonwealth have adopted zoning or subdivision ordinances or accept proffered conditions that incorporate the concept of "zero lot line" development. Using the "zero lot line" concept, the usual minimum side-yard set-back (typically required by local zoning ordinances and measured from the property line) is waived and in its place a minimum distance between dwellings is established.

Typically, the exterior wall of one dwelling is permitted to be located on or near the property line and the side wall of the dwelling on the adjoining lot is required to be a specified minimum distance away. The resulting minimum separation distances may be any distance acceptable to the locality however, 15 to 20 feet between dwellings with a dedicated maintenance easement are fairly typical. However, this condition creates a code compliance issue in that R302.1 requires the exterior wall of the dwelling located at the property line to be fire-resistance rated and openings, overhangs and penetrations limited. This is in spite of the fact that the applicable "zero lot line" rules may not permit a dwelling on the adjoining lot to be any closer than

would normally occur if the separation distances of Table R302.1 were applied to both buildings. To accommodate this concept, many localities now issue modifications to allow the wall at the property line to be unrated. This approach requires additional work on the part of the applicant and building department to process and record the modifications for an entire development. The records of such modifications are required to be permanently maintained by the local building department.

This amendment would provide an exception to cover this condition without the need for issuing code modifications. Exterior walls would be permitted to be constructed without a fire-resistance rating if the distance between dwellings is not less than 10 feet—the same distance that would result from constructing unrated dwelling walls 5 feet from each side of a property line as required by R302.1—and is enforceable through local land use regulations or deed restrictions.

Submittal Information

Date Submitted: AUGUST 25, 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-310.6(R311.6.1)

Nature of Change:

To add an exception to the IRC for ramps for residential accessory structures.

Proponent: Chris Snidow, representing the Henrico County Building Department

Staff Comments:

The proponent states that the ramp provisions may be applied to ramps to residential accessory structures constructed under the IRC. However, Section R311.1, which is the Means of Egress section in the IRC and which contains the provisions for ramps, clearly states that only dwellings must be provided with a means of egress complying with the section. This proposal was not received in time to be vetted through the workgroup process; however staff did inform the proponent of the fact that the ramp provisions only apply to dwellings and not to residential accessory buildings because of the language in Section R311.1.

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-310.6 (R311.6.1)

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

Name: L. Christian Snidow, P. E.

Representing: Henrico County Building Inspections Dept., Plan Review Office

Mailing Address: P O Box 90775 Henrico, VA 23273-0775

Email Address: sni@co.henrico.va.us

Telephone Number: 804-501-4363

Proposal Information

Code(s) and Section(s): Virginia New Construction Code (IRC) R311.6.1 add new exception

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

R311.6.1 Maximum slope.
Ramps shall have a maximum slope of one unit vertical in twelve units horizontal (8.3-percent slope).

Exceptions: 1. Where it is technically infeasible to comply because of site constraints, ramps may have a maximum slope of one unit vertical in eight horizontal (12.5 percent slope).
2. Ramps constructed for access to accessory storage buildings.

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

The current code language makes no distinction between ramps that may be constructed for access/egress from the main dwelling and a ramp that may be constructed at an accessory storage building to facilitate moving items such as lawn equipment or other wheeled items in or out. Ramps built for such utility functions should be excluded from the same requirements as ramps constructed for the dwelling because neither handicapped accessbility not emergency egress are typically issues in their normal use.

It may seem commonsensical to not apply the maximum slope requirement to a lawn mower ramp build at a back yard storage shed but, as the code is written, they are not exempt.

built

Submittal Information

Date Submitted: AUGUST 25, 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-1301(402.1.1)

Nature of Change:

To reference an alternative standard for log wall construction and to specify greater window energy requirements for such installations.

Proponent: Michael E. Loy, representing the Log Homes Council

Staff Comments:

The proposal was not received in time to be fully vetted through the workgroup process; however, it was discussed at several client group meetings. The proposal references an ICC standard for log homes. Staff does have a copy of the standard. Staff notes that the proposal is from the Log Homes Council, yet the proposal is for the IECC and not the energy provisions of the IRC. Most log homes would be constructed to comply with the IRC.

COMMENT RECEIVED

Beginning on Page No. 176

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-1301 (402.1.1)

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

Name: Michael E. Loy

Representing: Log Homes Council

Mailing Address: PO Box 1668, Irmo, SC 29063

Email Address: mloy@southlandloghomes.com

Telephone Number: 803-407-4601

Proposal Information

Code(s) and Section(s): IECC Table 402.1.1 Insulation and Fenestration Requirements by Component

Proposed Change (including all relevant section numbers, if multiple sections):
Add footnote "k" to the Mass Wall R-value column of IECC Table 402.1.1 "Insulation and Fenestration Requirements by Component"

Footnote "k" to read as follows : k Log walls complying with ICC400 and with a minimum average wall thickness of 5" or greater shall be permitted in Zone 4 when overall window glazing is .32 U-factor or lower and all other component requirements are met.

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

To direct users to the consensus standard on log construction, the footnote references ICC400. This amendment would provide a prescriptive method that code officials and design professionals can apply to log homes. It simplifies administration of the codes for log construction for all parties involved. Log construction would be held to a higher requirement for window glazing.

Submittal Information

Date Submitted: 11/3/09

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

Hodge, Vernon (DHCD)

From: Rodgers, Emory (DHCD)
Sent: Thursday, March 18, 2010 12:07 PM
To: Hodge, Vernon (DHCD)
Subject: FW: VBCOA Energy Conservation Committee meeting / Log Homes Issue

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From: Rodgers, Emory (DHCD)
Sent: Thursday, March 18, 2010 11:22 AM
To: Turchen, Stephen
Cc: Fortner, Richard; Eggerton, Ellen N.; Hodge, Vernon (DHCD)
Subject: RE: VBCOA Energy Conservation Committee meeting / Log Homes Issue

Steve: Exactly, what we need as a comment and how there can be a resolvement. We will send onto them your findings. I agree 20% glazing and doors is high as most of the time it is 15%. Hyour example is also a huge home of 4,000s.f. plus a basement. Most are 2,000 for two levels or one level of 2,000.

Vernon: Send this to log home folks and cc Mike Toalson and Kenny Payne.

From: Turchen, Stephen [mailto:Stephen.Turchen@fairfaxcounty.gov]
Sent: Thursday, March 18, 2010 10:26 AM
To: Rodgers, Emory (DHCD)
Cc: Fortner, Richard; Eggerton, Ellen N.
Subject: RE: VBCOA Energy Conservation Committee meeting / Log Homes Issue

Emory ---

FYI.

I was tasked by the VBCOA ECC to write a formal public comment on the log home "proposal" for the USBC process, which I still hope to do by Friday or Monday. Before the ECC meeting on Tuesday past, I performed a *REScheck* analysis of a simple log SFD: poured concrete basement, two stories of log walls, each level 50' x 40', 5% fenestration in the basement, 20% fenestration in the log walls, 8' basement height, 9' log wall height. Using the Log Home Council's envelope suggestions, I set the log wall thickness at 5 inches and all fenestration at U = 0.32. The log walls have no additional insulation. See the attached *REScheck* file, which you can run in your own software program if you have *REScheck* installed.

I wasn't surprised that the example home was out of compliance; I was surprised that it was not much out of compliance (11.5%). For my example, if the log wall thickness was increased to 7", the house would be in compliance by 2.5%. Also note that 20% fenestration in the log walls is a lot of doors and windows. If you decrease window area, you have a good chance of coming into compliance with the 5" log wall.

While my simple example is obviously not representative of all possible log homes, it does show that envelope compliance for log structures, even absent added wall insulation, is not extraordinarily difficult.

Bottom line position for the ECC: Log homes do not need a unique "prescriptive path" which exempts them from 2009 IECC Tables 402.1.1 and 402.1.3 requirements. There is a convenient tool *(REScheck)* to evaluate compliance of any log home. A log home of reasonable size and fenestration area is likely to be at

or near compliance per the recommendations of the Log Home Council proposal. An exemption for log construction will establish a precedent for other construction technologies to request similar exemptions.

I have no issue with your sending ECC's formal comment and my *REScheck* to the log home rep for him to ruminate on before he tries to pursue his exemption request further.

Steve Turchen
****

From: Rodgers, Emory (DHCD) [mailto:Emory.Rodgers@dhcd.virginia.gov]
Sent: Thursday, March 18, 2010 9:04 AM
To: Fortner, Richard; Tomberlin, Guy; Bruce Cornwall; Eggerton, Ellen N.; Harold Stills; Jimmy whitten; Kevin Kline; Mark Drumheller; Roger Slate; Ron Dennis; Turchen, Stephen
Subject: RE: VBCOA Energy Conservation Committee meeting

Thanks. On log home code change for the USBC, I know Steve Turchen had some ways to comply. Is it possible for your committee to do an example of how a log home could comply instead of using the IRC prescriptive method? If given to DHCD by the end of March we can send it to the log home folks so on April 8th we might have a shorter discussion and maybe even consensus. Even better would be a public co9mment by the 22nd. Also, the patron is listed on the code change and VBCOA's Energy Committee could contact him with your ideas prior to April 8th.

I am going to bet log homes don't meet right now the 2006 USBC unless it is by some alternate method.

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-1301(404.2)

Nature of Change:

To require an energy consumption reduction device to be installed on every panel box.

Proponent: Barry Wisner, representing Cherokee Energy Solutions

Staff Comments:

The proposal was not received in time to be vetted through the workgroup process. While the supporting statement indicates the proposal is for both residential and commercial construction, the proposal appears to be submitted only for the IECC. Staff notes that there is no standard listed for the device, nor any criteria for determining how to approve a device. The proponent has not indicated whether he has sought approval for this requirement at the national level.

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-1301 (404.2)

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

Name: BARRY WISNER Representing: CHEROKEE ENERGY SOLUTIONS

Mailing Address: 2436 MISTWOOD FOREST DRIVE, CHESTER, VA 23831

Email Address: barrywisner@hotmail.com Telephone Number: 804 475-9288

Proposal Information

Code(s) and Section(s): 404.1 Existing. ADD NEW REQUIREMENT 404.2.
505.7 Existing. ADD NEW REQUIREMENT 505.8.

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

404.2 Energy management device, voltage control guard, is required on every panel serving a residential dwelling.

505.8 Energy management device, voltage control guard, is required on the last distribution panel closest to the load of every single phase commercial electrical distribution panel untilized for lighting and general power.

Supporting Statement (including intent, need, and impact of the proposal):
INTENT: Energy savings. Reduce single phase power panel electrical consumption by installing the Voltage Control Guard (VCG). The VCG removes noise from the broad band of spectrum noises that exists on the neutral side of electric installations and restores the optimium phase and polarity in the system. The impact on the consumer is a reduction of electric consumption without requiring a change in the behavior of the consumer.

NEED: The Virginia Energy Plan 2007, Chapter 3: Energy Efficiency and Conservation, has a stated goal "...to reduce electric use by 10% by 2022 as called for in the 2007 electric re-regulation legislation ...." (Reference to Title 67 of the Code of Virginia 67-101, 67-102.)

Federal Executive Order 13123 (1999), Greening the Government Through Efficient Energy Management, Section 202: "Energy Efficiency Improvement Goals. Through life-cycle cost-effective measures, each agency shall reduce energy consumption per square foot, per unit of production, or per other unit is applicable by 20% by 2005 and 25% by 2010 relative to 1990. No facilities will be exempt from these goals unless they meet new criteria for exemptions as issued by DOE."

In order to help achieve the goals of these plans to reduce energy consumption based on these requirements, the VCG can provide a contribution to meeting these savings goals.

IMPACT: (continued below)

Submittal Information

Date Submitted: JANUARY 27, 2010.

IMPACT: Using statistical analysis on almost 2 years of field and lab data, in concert with tests currently being performed by Dominion Power, the data supports a reduction in consumption in the 5% savings range. The histograms of data collected between April 2008 and June 2009 indicate that the VCG1 has resulted in a 5% or greater savings in energy consumption in 99% of the current single-phase installations.
Dominion Services, Inc., a division of Virginia Dominion Power, is in their second phase of testing. The first phase included the installation of voltage control guards in Charles City County. The first phase is complete and they are now moving into the second level of that testing because the single unit showed positive results.
Dominion Services, Inc. has test results indicating 3 to 5 percent savings and is expanding the tests to a larger model sample because they see savings in single unit tests. Their goal is to demonstrate a lower transformer core excitation, indicating that the reduced consumption will result in creating both a heat reduction in equipment and appliance loads. These ongoing tests provide additional validation of the conceptual and operational framework of the VCG.

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-2804.1(310.1)

Nature of Change:

To add a provision to the International Mechanical Code require any buildings where CSST gas piping is used to be provided with a lightning protection system.

Proponent: David G. Humphrey, representing the Virginia Chapter of the International Association of Electrical Inspectors

Staff Comments:

The proposal was not received in time to be vetted through the workgroup process; however, the issue of the use of CSST was discussed at a number of workgroup meetings as a continuation from the 2006 code change cycle. There was anecdotal evidence of continued problems with CSST systems but concerns were raised as to whether this was a solution. The proposal does not include the provisions of the International Residential Code for CSST, where most of the product is used.

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. C-2804.1(310.1) Committee Action: _____ BHCD Action: _____

Submitted by: David G. Humphrey Representing: Virginia Chapter I.A.E.I.

Address: 1001 Cedar Crossing Terrace Midlothian VA. 23114 Phone No.: 804-501-4365

Regulation Title: Virginia Uniform Statewide Building Code Part I Section No(s): Chapter 28 Mechanical Code

Proposed Change: CSST type gas piping installed in buildings or structures shall be provided with a lightning protection system installed in accordance with NFPA 780.

Supporting statements resulting in the adoption of additional bonding requirements by the Virginia Building Code acknowledge the proclivity of CSST type gas piping to fail as a result of nearby lightning strikes. Additionally the supporting statement declares the requirements of NFPA 70 (The National Electrical Code) to be ineffective. (See document # 2804.1 VUSBC 2006 fg310.1 submitted by Cutting edge Solutions LLC). The submitter suggests simply increasing the conductor size and making the bonding connection at the electrical service without providing any evidence that this increase will provide sufficient protection from nearby lightning strikes. The efficacy of this proposed remedy has not been substantiated by any nationally recognized testing laboratory nor has sustentative evidence been submitted to verify that lowering the electrical impedance of CSST, as the proponent suggests, will not result in additional objectionable current being induced on the CSST type piping causing a worsened condition of the CSST in question. In addition National Electrical Code making Panel 5 (2008 cycle) has unanimously defeated what is effectively the same proposal as adopted by the 2006 USBC (NFPA2008 ROC 5-132) submitted to that body. The effective solution to a product whose proponents admit is prone to failure from nearby lightning and also admit cannot be protected by the current NEC requirements is to utilize NFPA 780 which provides the requirements for lightning protection systems.

References to the National Electrical Code by the proponents of the CSST bonding plan are not relevant. The questions submitted by the bonding proponents to NFPA are based on the premise of dealing with typical 120/240-volt electrical systems and the questions are answered accordingly. When dealing with issues of providing lightning protection NFPA 780 applies. Cobbling together sections and pieces of other codes and hoping for the best is not a solution that provides protection for the citizens of this Commonwealth.

Until such time as the CSST gas piping manufacturing process can address these issues of failure and subsequent fires resulting from indirect lightning strikes, lightning protection for this product must be governed by the code that addresses lightning protection. NFPA 780.

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-3102.5

Nature of Change:

To add a provision specifically dealing with construction not extending over a lot line.

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

Staff Comments:

The proponent offers language from the BOCA Code with some modifications. The BOCA Code was the model code used as the basis for the USBC prior to the merger of the three nationally recognized model code organizations to form the International Code Council. Staff notes that the language suggested may be administrative in nature and if necessary, should be placed in Chapter 1 of the USBC. Section 108.1 of the USBC already requires a permit if a lot line is moved. To only put the language in Chapter 32 of the IBC (which is only for encroachments into the public right of way) would raise issues of whether it was applicable on adjacent private lots. In addition, if a building was constructed under the IRC (USBC Group R-5), it was also be questionable whether a provision in Chapter 32 of the IBC would be applicable. Staff further notes that the definition of "building line" in both the IBC and the IRC specifically prohibits building across a lot line. This change was not fully vetted through the workgroup process as the proposal came in after the first round of workgroup meetings; however it was considered by a DHCD-sponsored meeting with VBCOA and a number of similar issues were raised.

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 - 3102.5

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

Name: John Catlett Representing: City of Alexandria

Mailing Address: 301 King Street, Room 4200, Alexandria, va 22314

Email Address: john.catlett@alexandriava.gov Telephone Number: 703.746.4200

Proposal Information

Code(s) and Section(s): USBC Construction Code (New) IBC 3201.5

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

3201.5 Encroachments of buildings and structures to building line.

Except as provided herein, a part of any building hereinafter erected and additions to an existing building heretofore erected shall not project beyond the lot lines or building line where such lines are established by zoning laws or any other statute controlling building construction. This shall not affect an existing building or structure that may have been constructed over one or more lot or building lines unless being added to and the addition will be placed over one or more lot lines.

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

It appears to be the intent of the building code to generally not allow buildings and structures to be built over property lines. The ICC has several terms, code provisions and definitions that indicate this position.

First the ICC defines building line as the following:

BUILDING LINE. The line established by law, beyond which a building shall not extend, except as specifically provided by law.

However, the term is only used in one other section of the code pertaining to fire escapes.

The ICC defines Fire Separation Distance as the following:

FIRE SEPARATION DISTANCE. The distance measured from the building face to one of the following:
1. The closest interior lot line;
2. To the centerline of a street, an alley or public way; or
3. To an imaginary line between two buildings on the property.

The application of Fire Separation Distance is found in 406.3.7

406.3.7 Fire separation distance. Exterior walls and openings in exterior walls shall comply with Tables 601 and 602. The distance to an adjacent lot line shall be determined in accordance with Table 602 and Section 704.

The ICC defines Lot Lines as the following:

LOT LINE. A line dividing one lot from another, or from a street or any public place.

There are numerous references to a lot line throughout all of the ICC codes. Most notable is the reference to walls constructed on a lot line, or Party Walls.

705.1.1 Party walls. Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a firewall in accordance with Section 705. Party walls shall be constructed without openings and shall create separate buildings.

Although it is clear that building placement is governed by the distance from the lot line (fire separation distance/exterior wall ratings, openings allowed, vent termination distance, etc.), there is no clear code provision that prohibits construction over an established line. The language regarding Party walls is also not clear. It does not state that a building cannot be placed over a lot line. It only provides requirements if a wall is constructed on a lot line. There is no mandatory language that states a wall will be constructed if the building is placed over the lot line.

The 1996 BOCA National Building Code had very clear language in Section 3202.1 that stated:

"Except as provided herein, a part of any building hereinafter erected and additions to an existing building heretofore erected shall not project beyond the lot lines or beyond the building line where such lines are established by zoning laws or any other statute controlling building construction."

The intent of this change (3201.5) is to add back similar language to clarify that buildings and structures are to be constructed on one property. This will tie all of the other provisions that indicate this intent.

The building official can utilize the modification provisions of Section 106 when one or more properties, under the same ownership, are utilized for one building. There are some local zoning regulations that provide benefit should each lot be maintained as originally platted and not combined. This can also provide savings to the property owner. The building official could consider an easement that cannot be revoked, keeping the properties from being sold separately, and establish the outer lot lines of the combined lots as the fire separation distance. However, this should be the exception to a required provision requiring only one lot.

Submittal Information

Date Submitted: August 24, 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-3109.5.1

Nature of Change:

To reference an additional national standard for drains in pools.

Proponent: Felix Sarfo-Kantanka, Jr., representing the Pool Safety Council

Staff Comments:

The proposal was considered by the workgroups. It was generally discussed that the current ANSI/ASME A112.19.17 standards provided compliance with the federal law and were adequate in assuring pool drain safety. It was also noted that the ASTM standard might advance the need to use a particular safety device. In addition it was noted that an identical proposal had been submitted to the International Codes and was unsuccessful in obtaining approval.

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

COMMENT RECEIVED

Beginning on Page No. 189

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: Chapter 35 C-3109.5.1

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

Name: Felix Sarfo-Kantanka, Jr. Representing: Pool Safety Council

Mailing Address: McGuireWoods Consulting LLC, One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030

Email Address: fsarfo-kantanka@mwcllc.com Telephone Number: 804-775-1901

Proposal Information

Code(s) and Section(s): Section 3109.5 of the International Building Code

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

Revise as follows:

Part 1

Add new Section to read as:

3109.5 Entrapment avoidance. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

3109.5.1 Vacuum relief system required. All pool and spa single- or multiple-outlet circulation systems that incorporate submerged suction outlet fittings shall be equipped with an approved or engineered vacuum relief system as follows:

1. Safety vacuum release systems conforming to ASME A112.19.17 or ASTM F 2387; or
2. An approved gravity drainage system.

Part 2

Add the following Standards to Chapter 35 as:

ANSI/ASME A112.19.17-09 "Manufactured Safety Vacuum Release Systems (SVRS) For Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool Suction Systems."

ASTM F 2387-04 "Standard Specification for Manufactured Safety Vacuum Release Systems (SVRS) For Swimming Pools, Spas, Hot Tubs."

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

This Code change provides a final layer of protection against potential entrapments. While the APSP-7 provides partial protection against entrapment, it does not protect swimmers or waders in the event that problems occur with improperly designed pools, some types of blocked drains, etc. These events can and do occur and when they occur, this proposal provides a mechanism to help prevent entrapment.

Submittal Information

Date Submitted: September 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)
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

USBC

Carvin DiGiovanni

From:	Carvin DiGiovanni
Sent:	Wednesday, November 25, 2009 2:51 PM
To:	'Firestone, Janice (DHCD)'
Cc:	'Rodgers, Emory (DHCD)'; 'Jason Vaughan'; 'Paul Wahler'; Jennifer Hatfield; 'Doug Winkler'
Subject:	APSP- Dec 1 VA DHCD Work Group 2 Meeting on Technical Amendments
Attachments:	Virginia and Pool Safety Council 2009.doc; RB 177 Pool Safety Council.pdf; VA DHCD Item # 32 Message points.pdf

Subject: VA DHCD Workgroup #2 USBC/SFPC Technical Amendments

Re: Item #32 on the Agenda

Janice,

The Association of Pool & Spa Professionals (APSP) would like to address item #32 of Workgroup 2's meeting agenda on December 1st. There are relevant facts that need to be brought to the attention of the Workgroup specific to item #32. Please copy this email and attachments and distribute to the members of Workgroup #2 for their December 1, meeting.

Representing the APSP at the meeting will be Messer's Paul Wahler, Poolservice Company, Arlington VA. and Jason Vaughan National Pools of Roanoke, Roanoke VA. They will present this position statement before the group and request to be the APSP local representatives going forward. Please add them to the circulation list for future VA state activity on pool and spa code changes and related issues so they can provide industry input. Now to the issue of item #32.

On September 8, 2009 McGuire Woods, on behalf of the Pool Safety Council, filed comments with the VA DHCD. See first attachment. The proponents claim that Virginia would be making a mistake to adopt the 2009 IBC code language that now incorporates the reference to ANSI/APSP-7 2006, American National Standard for "Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot tubs, and Catch Basins." The Pool Safety Council would have you believe that Virginia would be better off going back to the original language that was deleted from the 2006 IRC code. In Baltimore at the recent ICC Final Code Hearings, the Pool Safety Council brought before both the IRC and the IBC Committees the exact language that they are proposing for the State of VA. To compare, see the second attachment.

1) *On October 30th the IRC voted 11-0 to disapprove the Pool Safety Council's attempt to have the IRC code changed to put back in language requiring an SVRS or gravity drainage system on every pool and spa which is beyond the VGB and ANSI-7.*
2) *On November 8th, the IBC voted 12-0 to disapprove the same.*

This EXACT language was voted on by the IBC and IRC code committees and soundly defeated.

The Pool Safety Council's proposals before VA and the ICC do not seek deletion of the ANSI/APSP-7 as it is currently incorporated in the 2009 IBC code meaning they obviously cannot be taking issue with it being referenced into the VA code. In any event, ANSI/APSP-7 like the VGB Act references the new ASME 19.8 standard.

The Pool Safety Council's proposal is simply an attempt to mandate an additional requirement for a specific proprietary technology, which happens to be manufactured by two leading SVRS members and founders of the Pool Safety Council. For reference go to www.poolsafetycouncil.org.

Since Minnesota, these two SVRS manufacturers have requested and have been given seats on all the ANSI/APSP standards writing committees that affect their technology. This will afford all industry members the opportunity to technical debate and a free exchange and review of testing and technical reports.

The APSP is requesting that the State of Virginia disapprove the Pool Safety Council's proposal and follow the lead of the ICC body. Not to do so would place the 2009 VA IBC code indirect conflict with the federal ***Virginia Graeme Baker Pool & Spa Safety Act*** *and ANSI/APSP-7* ***Suction Entrapment Avoidance Standard****, which is now in the 2009 I-codes.*

The APSP will formally testify to these facts at the January 25, 2010 VA CHCD public hearing.

Please let me and the APSP representatives know if there is anything you need in this regard.

Thank you.

Carvin DiGiovanni

APSP The Association of Pool & Spa Professionals™

Carvin DiGiovanni
Senior Director, Technical and Standards
Association of Pool & Spa Professionals
2111 Eisenhower Ave
Alexandria, VA 22314
(703) 838-0083, ext. 149
FAX (703) 549-0493
e-mail: cdigiovanni@apsp.org

RB177–09/10

AG106.2 (New), AG108 (New), Chapter 44 (New); IBC 3109.51 (New), Chapter 35 (New)

Proponent: Jesse J. Beitel, Hughes Associates, Inc., representing the Pool Safety Council

THIS IS A 2 PART CODE CHANGE. PART I WILL BE HEARD BY THE IRC BUILDING/ENERGY COMMITTEE. PART II WILL BE HEARD BY THE IBC GENERAL COMMITTEE. SEE THE TENTATIVE HEARING ORDERS FOR THESE COMMITTEES.

PART I – IRC BUILDING/ENERGY

1. Add new text as follows:

AG106.2 Vacuum relief system required. All pool and spa single- or multiple-outlet circulation systems that incorporate submerged suction outlet fittings shall be equipped with an approved or engineered vacuum relief system as follows:

1. Safety vacuum release systems conforming to ASME A112.19.17 or ASTM F 2387; or
2. An approved gravity drainage system.

2. Add new standards to Chapter 44 and AG108 as follows:

ANSI/ASME

A112.19.17-09	Manufactured Safety Vacuum Release Systems (SVRS) For Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool Suction Systems

ASTM

F 2387-04	Standard Specification for Manufactured Safety Vacuum Release Systems (SVRS) For Swimming Pools, Spas, Hot Tubs

PART II – IBC GENERAL

1. Add new text as follows:

3109.5.1 Vacuum relief system required. All pool and spa single- or multiple-outlet circulation systems that incorporate submerged suction outlet fittings shall be equipped with an approved or engineered vacuum relief system as follows:

1. Safety vacuum release systems conforming to ASME A112.19.17 or ASTM F 2387; or
2. An approved gravity drainage system.

2. Add new standards to Chapter 35 as follows:

ANSI/ASME

A112.19.17-09	Manufactured Safety Vacuum Release Systems (SVRS) For Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool Suction Systems

ASTM

F 2387-04	Standard Specification for Manufactured Safety Vacuum Release Systems (SVRS) For Swimming Pools, Spas, Hot Tubs

Reason: This code change provides a final layer of protection against potential entrapments. While the APSP-7 provides partial protection against entrapment, it does not protect swimmers or waders in the event that problems occur with improperly designed pools, some types of blocked drains, etc. These events can and do occur and when they occur, this proposal provides a mechanism to help prevent entrapment.

Cost Impact: The code change proposal will increase the cost of construction.

Analysis: A review of the standards proposed for inclusion in the code, ANSI/ASME A112.19.17 and ASTM F 2387, for compliance with ICC criteria for referenced standards given in Section 3.6 of Council Policy #CP 28 will be posted on the ICC website on or before September 24, 2009.

PART I – IRC BUILDING/ENERGY

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

PART II – IBC GENERAL

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

ICCFILENAME: BEITEL-RB-2-APDX G-IBC-G-1- 3109.5.1

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

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~~ Kkiddie Rride~~-~~: ~~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 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-75 C

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

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.

COMMENT RECEIVED

Beginning on Page No. 208

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

Code Change Form for the 2009 Code Change Cycle

H:\My Documents\2009 Va-2009 International Codes\Code changes\Code Changes-Responses-2nd submission\Code Changes-Responses-3rd submission\2009 VCC-3 202.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 Modification of Code Change No. C-202 in Compilation Document Part I.

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):

A. In VCC 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.

B. In VCC 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.

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

~~Existing building structure.~~

D. In VCC Chapter 16,

Delete the following definition from Section 1612.2 of the IBC:

Existing structure.

E. In VCC Chapter 34,

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

Chapter 34 Existing Buildings and Structures

F. In VCC Chapter 34, 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 structures.

G. Delete the following definition from Section 3402.1 of the IBC:

Existing structure.

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

The intent of this code change proposal is to add definitions for "Existing building" and "Existing structure" to the *Virginia Construction Code* (VCC).

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.

Response to Staff comment to Code Change No. C-202

The intent of this code change proposal is to add consistent definitions in the *Virginia Construction Code* (USBC Part I). Absent consistency, questions may arise whether or not a particular code, or code section, applies or is enforceable in a given situation.

The Staff comment to Code Change No. C-202 said that the term "existing structure" was deleted in the *Virginia Construction Code* since it appears nowhere else in the VCC, after deleting IBC Sections 3403, 3404 and 3405, and that there is no need for any other definition or inclusion in the *Virginia Construction Code*. (The section-specific definition in Section 1612.2 was described as language only intended for use with the federal government's National Flood Insurance Program.) The implication from the Staff comment is that this code change proposal is entirely unnecessary.

In earlier code editions, the terms "building" and "structure" were almost synonymous and nearly interchangeable in everyday use. In the 1987 USBC, the definition for "building" included the sentence: "The word building includes the word structure". Currently, however, the terms have meanings sufficiently different that their individual definitions were deemed necessary to be included in the USBC.

In the *Virginia Construction Code* (USBC Part I), the terms "Building" and "Structure" are explicitly and clearly defined in VCC Chapter 2 *Definitions*. (The definition for "Building" includes use of the word "structure", in a contextual meaning as "something constructed".) The terms "Existing building" and "Existing structure" are not defined. The VCC states:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Fuel Gas Code, International Fire Code, International Mechanical Code* or *International Plumbing Code,* such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Building. A combination of materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Building" shall not include roadway tunnels and bridges owned by the Virginia Department of Transportation, which shall be governed by construction and design standards approved by the Virginia Commonwealth Transportation Board.

For application of this code, each portion of a building that is completely separated from other portions by fire walls complying with Section ~~705~~ 706 shall be considered as a separate building (see ~~IBC~~ Section 503.1).

Structure. An assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, storage tanks (underground and aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells. The word "structure" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Structure" shall not include roadway tunnels and bridges owned by the Virginia Department of Transportation, which shall be governed by construction and design standards approved by the Virginia Commonwealth Transportation Board.

Note that the definition for "Building" includes the phrase "...having a roof to form a structure...", while the definition for "Structure" does not include the phrase "having a roof", but does include a list of kinds of structures other than "buildings". Seemingly, the word "structure" is used both implicitly ("that which is built or constructed") and explicitly (as defined above).

In the *Virginia Rehabilitation Code* (USBC Part II), the term "Existing building" is explicitly and clearly defined, but the terms "Building", "Structure" and "Existing structure" are not defined. The VRC states:

Change Section 201.3 of the IEBC to read:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the other International Codes, such terms shall have the meanings ascribed to them in those codes, except that terms that are not defined in this code and that are defined in the

Virginia Construction Code shall take precedence over other definitions.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter, such terms shall have ordinarily accepted meanings such as the context implies.

Change the following definition in Section 202 of the IEBC to read:

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 the *Virginia Maintenance Code* (USBC Part III), the term "Structure" is explicitly and clearly defined (but with a different definition than that in the *Virginia Construction Code*), while the terms "Building", "Existing building" and "Existing structure" are not defined. The VMC states:

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*, 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.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Structure. That which is built or constructed or a portion thereof.

Here in the VMC, the word "structure" seems to be a generic description of "something constructed", which may be construed to include either a "building" or a "structure", or both, as used in the context of the *Virginia Construction Code*.

It should be noted, here, that both the *Virginia Rehabilitation Code* ("...terms not defined in this code and that are defined in the *Virginia Construction Code* shall be used for this code and shall take precedence over other definitions.") and the *Virginia Maintenance Code* ("...terms defined in the *Virginia Construction Code* shall be used for this code and shall take precedence over other definitions.") refer back to definitions in the *Virginia Construction Code*. However, the *Virginia Construction Code* does not refer "forward" to the others.

In an effort to provide consistent, enforceable language throughout the USBC Parts I, II and III, this code change proposal specifically provides the following:

A. In VCC (USBC Part I) Chapter 2, a definition for "Existing building" is added, replicating verbatim the language in VRC (USBC Part II) Chapter 2. True, as the Staff comment to Code Change No. C-202 says, the VRC is a standalone document. However, the VRC is only applicable when it is chosen as an alternative to the VCC (See VCC Section 103.6 *Use of rehabilitation code* and VRC Section 103.1 *General*). If not so chosen as an alternative, using it for sole reliance for the source of definitions may be problematic.

Duplicating and locating that definition for "existing building" into the VCC is recommended both for ease of use, and for the fact that the term "existing building" is, indeed, still used within the Virginia Construction Code. (See, for example, VCC Section 3409 *Accessibility for existing buildings* and VCC Section 3410 *Compliance alternatives*.)

B. and C. Similarly, a definition for "Existing structure" is put into the definitions of VCC (USBC Part I) Chapter 2.

Absent those two definitions, it could be argued that portions of the VCC do not apply to an "existing building" or an "existing structure". For instance, does Section 3409 *Accessibility for existing buildings* apply only to an "existing building", and could not apply, at all, to an "existing structure" such as a stadium? A similar question arises for the use of Section 3410 Compliance alternatives. If the "construction in question" is not an "existing structure", but is an "existing building", is the owner allowed to request the use of this Section? Common usage would, but the code is unclear.

D. The section-specific definition in VCC Section 1612.2 is suggested for deletion. If, however, it is needed for use with the National Flood Insurance Program, then its retention would be appropriate.

E. The Chapter 34 Title is proposed to include both existing buildings and existing structures, since the chapter seemingly is to be applicable for both.

F. Likewise, Section 3401.1 Scope is revised to reflect the fact that this chapter is so applicable to both existing buildings and existing structures.

G. The definition in IBC Section 3402.1 is deleted, since it is supplanted by the definition in VCC Chapter 2.

I request these code change proposals for the VCC to be approved as submitted.

Submittal Information

Date Submitted: March 19, 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-310.6(R602.10.6)

Nature of Change:

To add a prescriptive method for the construction of stem walls under the IRC using anchors in lieu of reinforcing steel in the footings.

Proponent: Chris Snidow, representing the Henrico County Building Department

Staff Comments:

The proposal was not received in time to be vetted through the workgroup process, but was reviewed by the proponents of the braced wall code change to make sure no conflict was present between the two proposals. While no conflict is present, it was noted that this proposal did not appear to be based on any engineering studies to substantiate the methodology used is equivalent to that prescribed by the wall bracing provisions. This type of alternative it typically approved through the modification process or with the use of an ICC Evaluation Services Report.

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-310.6 (R602.10.6)

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

Name: L. Christian Snidow. P. E.

Representing: Henrico County Building Inspections Dept., Plan Review Office

Mailing Address: P O Box 90775 Henrico, VA 23273-0775

Email Address: sni@co.henrico.va.us

Telephone Number: 804-501-4363

Proposal Information

Code(s) and Section(s): Virginia New Construction Code (IRC) R602.10.6

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

R602.10.6 Braced wall panel support. Braced wall panels shall be supported as follows:

1. Braced wall panels shall be permitted to be supported on cantilevered floor joists meeting the cantilever limits of Section R502.3.3 provided joists are blocked at the nearest bearing wall location.

2. Elevated post or pier foundations supporting braced wall panels shall be designed in accordance with accepted engineering practice.

3. Masonry stem walls supporting braced wall panels with a length of less than 48 inches (1220 mm) ~~or less~~ shall be reinforced in accordance with Figure R602.10.6. Masonry stem walls supporting braced wall panels with a length equal to or greater than 48 inches (1220 mm) shall be constructed in accordance with Section R403.1. Braced wall panels constructed in accordance with Methods ABW and IPF shall not be permitted to attach to masonry stem walls.

Exception: As an alternative to the Optional Stem Wall Reinforcement in Fig. R602.10.6, a post-installed adhesive anchoring system shall be permitted to be installed in accordance with the manufacturer's instructions. Not fewer than two anchors shall be installed. Anchors shall be located within 12 inches of each end of the stem wall. Each anchor shall be rated for an allowable tension load of not less than 1,000 pounds (4,448 N). The top course of masonry units shall form a bond beam reinforced with not less than 1- #4 rebar. Masonry cells containing anchors and the bond beam shall be filled solid with concrete grout.

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

The stem wall reinforcement details provided in Figure R602.10.6 present a variety of obstacles in terms of execution and coordination of work that will be extremely difficult, if not impossible, for most residential footing and masonry contractors to execute successfully. This is because the anchors shown in every illustration in the figure would be installed when the concrete for the

footing is initially poured. At that stage of construction, it is unlikely that the installer would be able to precisely locate the rebar or threaded rod to position it where it would align with the cores of the hollow masonry stem wall constructed at a later time. The proposed exception provides a prescribed alternative that would allow the footings to be poured, the masonry wall laid out and the exact position of the cmu cores located. Several manufacturers (Hilti, Simpson, USP) produce post-installed adhesive anchoring systems that consist of threaded rod bolts of various sizes and proprietary adhesives. These systems typically involve drilling a hole into the cured concrete to a specified depth and injecting a given quantity of epoxy or other proprietary adhesive compound. The threaded rod is inserted into the adhesive, which is then allowed to cure. The obvious advantage to this approach is the masonry contractor would be able to install an effective anchor in the precise location where it is needed. This stem wall reinforcement will occur most frequently at portal frame openings. Therefore, the minimum tension load rating for the anchoring system is specified to be 1,000 pounds to be consistent with the requirement for the hold down strap installed at the header of a portal frame opening.

The minimum braced wall panel length in traditional wood-framed construction is 48 inches. With regard to the continuously sheathed bracing methods, no valid reason has been put forth as to justify the need for stem wall reinforcement when a braced wall panel is 48 inches in length but not if the panel were 48-1/32 inches in length. The submitter is not attempting to argue against stem wall reinforcement, only that the stem wall reinforcement called for in R602.10.6 should be limited to panels that are ***less*** than 48 inches. This change relieves the builder of a substantial burden in terms of not having to execute a complicated anchoring detail where a 4' panel is installed. Moving the line for this requirement from exactly 48 inches to slightly less than 48 inches does not change the foundation loading to the degree that the structural strength of the building would be adversely affected.

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

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change No. C-310.6(E3902.11)

Nature of Change:

To retain the arc-fault circuits requirements of the 2006 IRC just limited to bedroom installations rather than use the 2009 IRC requirements of through-out the house.

Proponent: Mike Toalson, Home Builders Association of Virginia

Staff Comments:

The proposal was not received in time to be considered by the workgroups, however, the issue was identified as a significant change between the 2006 IRC and 2009 IRC at the workgroup meetings and was debated. Representatives of the International Association of Electrical Inspectors suggested that the cost increase was minimal and was warranted by the extra safety provided. The home builder representatives indicated that now is not the time to increase housing costs given the current economic situation.

COMMENT RECEIVED

Beginning on Page No. 218

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-310.6(E3902.11)

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

Name: Mike Toalson

Representing: HBAV

Mailing Address:

Email Address:

Telephone Number:

Proposal Information

Code(s) and Section(s): 2009 USBC VCC IRC E3902.11 and 2008 NEC 210.12(B0

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

Amend to read: **All branch circuits that supply 120 volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by a combination type are-fault interrupter installed to provide protection of the branch circuit.**

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

The 2009 IRC and the 2008 NEC have expanded the use of arc-fault devices to all habitable rooms of a dwelling unit. We prefer to leave them required for bedrooms as currently is done in the 2006 USBC and the 2005 NEC. We do dispute the estimated cost of these additional devices in other habitable rooms of only a few hundred dollars and believe it is closer to twice that estimate when you have to include the cost of the devices, installation and overhead. Arc-fault devices were just required in bedrooms in the 2006 USBC/2005 NEC and it might be prudent to see if there are technical issues with their effectiveness as they are now just being widely used and prior to their mandate to be being required, there were issues where the devices were making false reads from the operation of some appliances.

Submittal Information

Date Submitted: 1-25-10

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

Email Address: tsu@dhcd.virginia.gov

Virginia Chapter
International Association of Electrical Inspectors

"Let the Code Decide"

March 5, 2010

The Virginia Chapter of the International Association of Electrical Inspectors strongly opposes change proposal C-310.6(E3902.11). The proposal supporting statement is generally inaccurate. The 2009 IRC does not require arc-fault protection in all habitable rooms. Kitchens, utility rooms, bathrooms, laundry room are in fact exempted. These rooms comprise a significant number of the home's 125volt branch circuits.

The submitter of the proposed change states that the requirement for arc-fault protection in the bedrooms of dwelling units is a requirement that began with the 2006 USBC/2005 NEC. The submitter suggests more time is needed to see if these safety devices work effectively. Arc-fault protection was in fact required for receptacle outlets in bedrooms of dwellings with the adoption of the 2000IRC/ 1999 NEC. The requirement expanded to all outlets in bedrooms with the 2003IRC/ 2002 NEC. The fact that these devices have been used effectively for two code cycles prior to the submitter's assertion of a starting date is testament to the effectiveness and lack of problems with the device.

The issues of cost have been greatly exaggerated. The arc-fault type breakers may be purchased at most retail home improvement stores for approximately $26.00 dollars more than the standard breaker. Four or Five additional arc-fault type breakers in a home would result in $104 to $130 additional cost, a modest price for the level of additional safety this technology provides.

The Virginia Chapter of the International Association of Electrical Inspectors strongly urges the disapproval of this regressive change proposal and recommends that the requirements of the 2009 IRC/ 2008 NEC be adopted.

David G. Humphrey
Legislative Committee
Virginia Chapter IAEI

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-708.14

Nature of Change:

To add elevator lobby requirements back to the International Building Code to prevent the migration of smoke from floor to floor via the elevator shaft in fire conditions.

Proponent: Frank Hertzog, representing the Smoke Safety Council

Staff Comments:

When Virginia first began using the International Codes, the elevator lobby provisions contained in the International Building Code (IBC) were deleted as they had not been in the legacy code used in Virginia prior to the International Codes. This was largely due to the fact that most buildings needing elevator lobbies have sprinkler systems and there was an exception to the elevator lobby requirements for buildings with sprinkler systems. If the requirements are added back to the IBC, Group B or E buildings less than 55 feet in height, but more than three stories in height would have to have elevator lobbies or an equivalent alternative as they are not required to have sprinklers installed when constructed. Most other buildings are required to be sprinklered anyway and would not have to provide the lobbies or an alternative. The proposal would, however, require elevator lobbies or an alternative in all high-rise buildings, where the current USBC does not.

An identical proposal was submitted during the 2006 code change cycle and was considered by the appropriate workgroup without a recommendation for approval. The current proposal was not received in time to be fully vetted through the workgroup process.

COMMENT RECEIVED

Beginning on Page No. 223

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 - 708.14

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

Name: Frank Hertzog Representing: Smoke Safety Council

Mailing Address: 6775 SW 111th Ave. Ste 10, Beaverton, OR 97008

Email Address: frank@smokeguard.com Telephone Number: 208-639-7860

Proposal Information

Code(s) and Section(s): 708.14 Elevator, dumbwaiter and other hoistways

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

To Add back into the Virginia State Uniform Building Code 2010 the provisions of the IBC 2009 Minimum Standard Building Code for hoistway protection:

708.14 Elevator, dumbwaiter and other hoistways. Elevator, dumbwaiter and other hoistway enclosures shall be constructed in accordance with Section 708 and Chapter 30.
708.14.1 Elevator lobby. An enclosed elevator lobby shall be provided at each floor where an elevator shaft enclosure connects more than three *stories*. The lobby enclosure shall separate the elevator shaft enclosure doors from each floor by *fire partitions*. In addition to the requirements in Section 709 for *fire partitions*, doors protecting openings in the elevator lobby enclosure walls shall also comply with Section 715.4.3 as required for *corridor* walls and penetrations of the elevator lobby enclosure by ducts and air transfer openings shall be protected as required for *corridors* in accordance with Section 716.5.4.1. Elevator lobbies shall have at least one *means of egress* complying with Chapter 10 and other provisions within this code.
Exceptions:
1. Enclosed elevator lobbies are not required at the street floor, provided the entire street floor is equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1.
2. Elevators not required to be located in a shaft in accordance with Section 708.2 are not required to have enclosed elevator lobbies.
3. Enclosed elevator lobbies are not required where additional doors are provided at the hoistway opening in accordance with Section 3002.6. Such doors shall be tested in accordance with UL 1784 without an artificial bottom seal.
4. Enclosed elevator lobbies are not required where the building is protected by an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2. This exception shall not apply to the following:
4.1. Group I-2 occupancies;
4.2. Group I-3 occupancies; and
4.3. High-rise buildings.
5. Smoke partitions shall be permitted in lieu of *fire partitions* to separate the elevator lobby at each floor where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2. In addition to the requirements in Section 711 for smoke partitions, doors protecting openings in the smoke partitions shall also comply with Sections 711.5.2, 711.5.3, and 715.4.8 and duct penetrations of the smoke partitions shall be protected as required for *corridors* in accordance with Section 716.5.4.1.
6. Enclosed elevator lobbies are not required where the elevator hoistway is pressurized in accordance with Section 708.14.2.

7. Enclosed elevator lobbies are not required where the elevator serves only *open parking garages* in accordance with Section 406.3.

708.14.1.1 Areas of refuge. Areas of refuge shall be provided as required in Section 1007.

708.14.2 Enclosed elevator lobby. Where elevator hoistway pressurization is provided in lieu of required enclosed elevator lobbies, the pressurization system shall comply with this section.

708.14.2.1 Pressurization requirements. Elevator hoistways shall be pressurized to maintain a minimum positive pressure of 0.10 inches of water (25 Pa) and a maximum positive pressure of 0.25 inches of water (67 Pa) with respect to adjacent occupied space on all floors. This pressure shall be measured at the midpoint of each hoistway door, with all elevator cars at the floor of recall and all hoistway doors on the floor of recall open and all other hoistway doors closed. The opening and closing of hoistway doors at each level must be demonstrated during this test. The supply air intake shall be from an outside, uncontaminated source located a minimum distance of 20 feet (6096 mm) from any air exhaust system or outlet.

708.14.2.2 Rational analysis. A rational analysis complying with Section 909.4 shall be submitted with the *construction documents*.

708.14.2.3 Ducts for system. Any duct system that is part of the pressurization system shall be protected with the same *fire-resistance rating* as required for the elevator shaft enclosure.

708.14.2.4 Fan system. The fan system provided for the pressurization system shall be as required by this section.

708.14.2.4.1 Fire resistance. When located within the building, the fan system that provides the pressurization shall be protected with the same *fire-resistance rating* required for the elevator shaft enclosure.

708.14.2.4.2 Smoke detection. The fan system shall be equipped with a smoke detector that will automatically shut down the fan system when smoke is detected within the system.

708.14.2.4.3 Separate systems. A separate fan system shall be used for each elevator hoistway.

708.14.2.4.4 Fan capacity. The supply fan shall either be adjustable with a capacity of at least 1,000 cfm (.4719 m_3/s) per door, or that specified by a *registered design professional* to meet the requirements of a designed pressurization system.

708.14.2.5 Standby power. The pressurization system shall be provided with standby power from the same source as other required emergency systems for the building.

708.14.2.6 Activation of pressurization system. The elevator pressurization system shall be activated upon activation of the building fire alarm system or upon activation of the elevator lobby smoke detectors. Where both a building fire alarm system and elevator lobby smoke detectors are present, each shall be independently capable of activating the pressurization system.

708.14.2.7 Special inspection. *Special inspection* for performance shall be required in accordance with Section 909.18.8. System acceptance shall be in accordance with Section 909.19.

708.14.2.8 Marking and identification. Detection and control systems shall be marked in accordance with Section 909.14.

708.14.2.9 Control diagrams. Control diagrams shall be provided in accordance with Section 909.15.

708.14.2.10 Control panel. A control panel complying with Section 909.16 shall be provided.

708.14.2.11 System response time. Hoistway pressurization systems shall comply with the requirements for smoke control system response time in Section 909.17.

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

While the legacy BOCA code did not require elevator shaft protection, the IBC recognizes this life safety issue of protecting elevator shafts in highrise buildings for smoke migration and has since its inception with IBC 2000.

The IBC has incorporated over 200 trade-offs within the prescriptive requirements of the building code, including Exceptions 1 and 7 to Section 708.14.1. Exception 4 limits the requirement to provide elevator lobbies to buildings over 75 feet above fire department lowest access as long as they are sprinkled, I-2 and I-3 Occupancies and High Rise Buildings. The IBC recognizes the level of protection and life safety afforded in fully sprinkled buildings but protects buildings above 75 feet in height with additional requirements.

The IBC 2009 will again establish the MINIMUM national standards for life safety and work to discourage amendments to the IBC which create variations from state to state. Virginia should work to adopt their state MINIMUM building code to provide life safety standards equal to or better than the national MINIMUM IBC 2009.

Based on Virginia's 2008 (reported) Fire Statistics, 83% of all fire locations did not have sprinklers and only 28% had smoke detectors; there were 114 fires in buildings 5 stories or taller with over $3.5 million in damage, with 7 civilian injuries, 3 firefighter injuries, and 2 civilian deaths. Based on Virginia's 2009 (reported) Fire Statistics for the first 6 months, there have already been 26 fires in buildings above 7 stories. With 83% of buildings not having sprinklers according to fire statistics, a change in the Virginia Building Code to support protection of Elevator Hoistways can only improve the Fire statistics and better protect the citizens of the state, be they building occupants or emergency responders.

New construction invariably incorporates automatic sprinkler systems, limiting the vast majority of the impact of this amendment to buildings that are renovated or buildings in institutional occupancies. Virginia, by adopting this amendment, will align the Virginia Building Code with the minimum fire and life safety standards established in the IBC 2009 for high rise buildings and institutional occupancies.

Submittal Information

Date Submitted: 10/26/2009

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)
Main Street Centre
600 E. Main St., Ste. 300
Richmond, VA 23219
(804) 371-7150

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

VIRGINIA DHCD

1 to afford to buy anything. The cost to insure people and
2 qualified people against stupidity just gets outrageous over the
3 cost of things during the course of time. I live in a subdivision
4 that's 40 years old and there's 3,600 homes and it started in
5 1967. In the last 10 years there's been two fires in the
6 community with no loss of life. Thank God. My brother had a
7 fire 10 years ago and the house was built in 1932 and then
8 rebuilt to the new codes and had smoke detectors wired and
9 he feels a lot safer today than he did before. Having built
10 houses for people and who have lost houses due to fire, one
11 couple, the house is 45 years old and their dog saved their
12 lives. The dog noticed the fire in the garage and started
13 barking and they knew there was something wrong at two in
14 the morning. I think the builders association with the codes
15 that are already enforced and put into effect are working. We
16 can't go back and try to fix all the old problems. New things
17 cost more money. The stuff you've been saying in the last 10
18 years aren't always working and that would be one thing but
19 these items are working and we should continue to make the
20 fire sprinkler systems an option. Thank you.
21 MR. CALHOUN: Frank Hertzog followed by
22 Julie Scott.
23 MR. HERTZOG: Frank Hertzog from the
24 Smoke Safety Council and I have nothing to say about
25 residential sprinklers. My comments relate to a change we

1 propose for Section 708-14.1 which deals with elevator smoke
2 detection. My testimony would be better heard later because
3 I'm not really of the flow of what's going on now. My testimony
4 is somewhat different and has nothing to do with residential
5 sprinklers but it has to do with proposing that Virginia adopt
6 language that's already in the IBC and has been in the IBC
7 since 2000. I been involved in the code process now for about
8 12 years. I've provided testimony and heard testimony and
9 the testimony today addresses including language that's been
10 exempted from the Virginia Code. That is the necessity to
11 provide elevator lobby protection in buildings in the State of
12 Virginia. Elevator lobby's is not really the issue. What the
13 intent of section which is now 708-14.1 is to prevent the
14 vertical spread of smoke through the largest vertical
15 penetration in the building which is the elevator, and the
16 elevator shaft. This has been talked about at the national level
17 for many years and the debate has been settled a long time
18 ago. Certain buildings need extra protection and those
19 buildings are defined in the code as hospitals, prisons, and
20 high rises which are defined as buildings which have occupied
21 floors seven floor or higher, the lowest level of fire department
22 vehicle access. The code already provides a sprinkler tradeoff
23 in most buildings and that is to include sprinklers you are not
24 required in buildings below the high rise and building that are
25 below high rise, not hospitals and not prisons to provide

1 smoke protection for your elevator shaft of any kind. The code
2 further provides now at least three generic solutions beyond
3 lobbies. A lot of people don't particularly care for. You provide
4 an opportunity to provide a door directly in front of the
5 elevator and you also provide an opportunity for shaft
6 pressurization. There are many others in the marketplace.
7 The point is that there is a requirement underneath to protect
8 against vertical smoke spread. Sprinklers are designed to
9 control fires and not to extinguish most engineers will tell you
10 that. The control fire continues to burn and continues to
11 generate smoke and most people associated with fire
12 understand that smoke is major danger of the fire and not the
13 fire itself. More people are impacted by the smoke and more
14 damage is done by the smoke than the fire itself. If you can
15 prevent the vertical spread and migration to the largest hole in
16 the building which is the elevator shaft, you give people more
17 time to get out and provide clearer quarters for fire protection
18 for firefighters entering the building to find victims and
19 discover the seed of the fire and then you have an opportunity
20 to clear the building and get the building under control. Then
21 you help reduce the damage within that building with
22 relatively inexpensive construction features which are
23 incorporated in working conjunction with the sprinklers.
24 I would support again the idea that in our case
25 the code advocates, including language in the Virginia Code

1 and it's already in the national code. It's understood to be the
2 minimum level of life saving offered under the building code
3 itself and that's stated in chapter one. By deleting this
4 language, you have to establish a lower level of life safety for
5 the State of Virginia by deleting this particular requirement.
6 It's one that's been addressed for at least 12 years and the
7 national consensus at the national level with the ICC is that it
8 should be in the code. I appreciate the opportunity to make
9 comments. At least for the first six months of 2009 Virginia
10 had 26 fires in buildings with 7 stories or more. It's not that
11 they don't occur, the life safety statistics for that club in Rhode
12 Island was in the nightclub business probably pretty good up
13 until the time of the fire and that killed 99. You have to be
14 careful about statistics, it just takes one event to shock people
15 into action and there's no need for that to happen. Thank
16 you.
17 MR. CALHOUN: Julie Scott followed by
18 Kenney Payne.
19 MS. SCOTT: My name is Julie Scott and I'
20 president of the Sales Marketing Council of the PHBA. I'd like
21 to state that I'm not for the mandate of sprinkler systems and
22 I'm on a different side of this. I'm a new home site sales
23 manager. The majority of my customers that come into the
24 site are money conscious. I'm not sure I'd be able to sell the
25 worth that the cost would incur to that buyer for the sprinkler

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-903.2

Nature of Change:

To retain the current sprinkler threshold for Group E buildings of 20,000 square feet instead of using the new IBC threshold of 12,000 square feet.

Proponent: Dan Zacharias, representing the Old Dominion Association of Church Schools

Staff Comments:

The issue was discussed at the workgroup meetings as a significant difference between the 2006 and 2009 IBCs. The fire service representatives supported the new IBC thresholds with the reason that schools are used as multipurpose facilities, including shelters at times. The proposal was received subsequent to the discussions but was considered at at least one client group meeting; however, no consensus was reached.

COMMENT RECEIVED

Beginning on Page No. 229

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-903.2

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

Name: Dan Zacharias

Representing: Old Dominion Association of Church Schools

Mailing Address: 3131 Valor Court, Broadway, VA 22815

Email Address: vaodacs@verizon.net

Telephone Number: 540-896-2785

Proposal Information

Code(s) and Section(s): IBC Section 903.2

Proposed Change (including all relevant section numbers, if multiple sections):
Retain 20,000 square foot threshhold for requiring automatic sprinkler systems in educational structures (Group E).

Supporting Statement (including intent, need, and impact of the proposal):
The cost of dropping the threshhold to 12,000 square feet would be extremely high compared to the minute risk involved with retaining it at the current 20,000 square feet. A number of private schools would bear an inordinate financial burden when they build. These schools are already complying with the multitude of fire safety regulations designed to protect the students and teachers, and their safety record over the years has been outstanding.

Submittal Information

Date Submitted: July 13, 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

Old Dominion Association of Church Schools

PRESIDENT
Rev. Doug Wright

EXECUTIVE DIRECTOR
Dan Zacharias
3131 VALOR COURT
BROADWAY, VA 22815
PHONE: 540/896-2785
CELL: 540/975-1536
E-MAIL: vaodacs@verizon.net
WEB: www.vaodacs.com

LEGISLATIVE REPRESENTATIVE
Dr. Jack Knapp

Affiliated with AMERICAN ASSOCIATION OF CHRISTIAN SCHOOLS

Virginia Department of Housing and Community Development

January 25, 2010

Dear Board Members:

On behalf of the Old Dominion Association of Church Schools, I would like to request that you maintain the current 20,000 square foot threshold for requiring sprinkler systems in Group E structures. The proposed change to a threshold of 12,000 square feet would affect small private schools more than anyone, and ODACS ministries would likely be most affected.

From an ODACS perspective, the proposed change seems to be addressing a problem that does not exist. Group E buildings in the range of 12,000 to 20,000 square feet are not burning. Since the inception of ODACS in 1976, we are not aware of any case of a building catching fire, with the single exception of an arson case that occurred after hours in the late 1990's. Since there has never been a fire related injury or death in any of our buildings, the proposed change could not possibly work to improve our safety record.

ODACS ministries gladly comply with the multitude of fire and safety regulations that are already in place to protect our students and teachers. When they conduct their fire drills, our schools are able to evacuate their buildings in 60-90 seconds.

Since our buildings are already very safe, adding the financial burden of installing fire suppression systems to smaller and smaller structures makes no sense. Several of our ministries have building programs which they delayed starting because of the recent economic downturn. A change in the threshold could very well cause further delay as these schools adjust their plans for the accompanying increase in construction cost.

Thank you for your concern for the safety of the citizens of the Commonwealth and for considering our request.

Sincerely,

Dan Zacharias

Dan Zacharias
Executive Director

Hodge, Vernon (DHCD)

From: Eubank, Paula (DHCD)
Sent: Friday, March 05, 2010 8:53 AM
To: Hodge, Vernon (DHCD)
Subject: FW: Retain the 20,000 sq. ft. threshold

From: Pastor Drake [mailto:pastor@gofbc.com]
Sent: Friday, March 05, 2010 8:43 AM
To: Eubank, Paula (DHCD)
Subject: Retain the 20,000 sq. ft. threhold

Dear Paula Eubank,

We are Granite Christian Academy, a Ministry of Fellowship Baptist Church in Wytheville, VA.. Our School was founded in 1973 . We are concerned about the new proposal of Sprinkler Systems. **Please retain the 20,000 sq. ft. threshold for requiring sprinklers in educational buildings.**

Thank You for your consideration,
Donald E. Drake Sr. , Pastor

1 variety of other national model code changes that affect our
2 organization. Some may be advisable for super high rise
3 buildings that might be constructed in a handful of U.S. cities
4 but are likely to be built in Virginia. Some are driven by
5 competitive desire or a competing desire to create a market.
6 The scientific data for requiring such product might be
7 dubious when considered in light of the kinds of buildings
8 which are most likely to be done in Virginia.
9 MR. FLEURY: Would you please rap up?
10 MR. PHARR: The businesses that want to
11 contribute to economic development of the Commonwealth are
12 not at all dubious and we thank you for keeping us in mind as
13 you take up your task in adopting the code changes. Thank
14 you.
15 MR. CALHOUN: Eddy Aliff followed by J. R.
16 Tolbert.
17 MR. ALIFF: I would like to speak in reference
18 to the group E Building. I'm representing the Old Dominion
19 Association of Church Schools and Zacharias whose executive
20 director couldn't be here but I'm a paid legislative
21 representative for this association. On behalf of the Old
22 Dominion Association of Church Schools, I'd like to request
23 you maintain the current 20,000 square foot threshold for
24 requiring sprinkler systems in Group E structures. The
25 proposed change to a threshold of 12,000 square feet would

1 affect small private schools more than anyone, and ODACS
2 ministries would likely be most affected. From an ODACS
3 perspective, the proposed change seems to be addressing a
4 problem that does not exist. Group E buildings in the range of
5 12,000 to 20,000 square feet are not burning. Since the
6 inception of ODACS in 1976, we are not aware of any case of a
7 building catching fire, with a single exception of an arson case
8 that occurred after hours in the late 1990s. Since there has
9 never been a fire related injury or death in any of our
10 buildings, the proposed change would not possibly work to
11 improve our safety record.
12 ODACS Ministries gladly comply with the
13 multitude of fire and safety regulations that are already in
14 place to protect our students and teachers. When they
15 conduct their fire drills, our schools are able to evacuate their
16 buildings in 60 to 90 seconds.
17 Since our buildings are already very safe,
18 adding the financial burden of installing fire suppression
19 systems to smaller and smaller structures makes no sense.
20 Several of our ministries have building programs which they
21 delayed starting because of the recent economic downturn. A
22 change in the threshold could very well cause further delay as
23 these schools adjust their plans for the accompanying increase
24 in construction costs.
25 Thank you for your concern for the safety of

1 the citizens of the Commonwealth and for considering our
2 request.
3 I also represent the Virginia Assembly of
4 Baptists which also have some schools in the same area and
5 we would like to also say we support that situation and thank
6 you for your time.
7 MR. CALHOUN: J. R. Tolbert followed by Sean
8 Farrell.
9 MR. TOLBERT: I'm here to actually speak
10 from the energy portion of the model code today. Mr.
11 Chairman and members of the Board I'm here on behalf of
12 Environment of Virginia, a statewide citizen organization that's
13 committed to working for clean air and clean water and
14 preservation of open spaces. We urge you to adopt the 2009
15 IECC portion of the model building code. Virginia has a
16 continued reliance on fossil fuels which has placed our
17 environment and our economy at risk. Rising costs to families
18 and businesses, our addiction to fossil fuels has lead to a
19 situation where we have much of our economy built upon
20 something that is not sustainable. The buildings we live in
21 and work in is half of our total energy use in the
22 Commonwealth. Improving the energy efficiency of our
23 buildings is a key step in moving away from the dirty fossil
24 fuels and toward a sustainable energy future. There's
25 enormous potential for energy savings in our buildings using

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-903.2.1.2

Nature of Change:

To delete the current USBC amendment to the IBC which retained the 2003 IBC sprinkler threshold for restaurants of 300 occupants rather than 100 occupants.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be vetted through the workgroup process. The 2006 amendment was the result of a proposal from the Virginia Hospitality and Travel Association which would have left the sprinkler threshold at 300 for all Group A-2 occupancies. Public comment by the fire services community raised the concern over nightclubs, so the final approval kept the 300 occupant threshold for all A-2 occupancies other than nightclubs. Staff agrees that the having a different threshold for sprinklers within the same occupancy classification is problematic as a change of occupancy doesn't necessarily trigger the requirement for a sprinkler system to be necessary. However, that may be remedied by changing the requirements for a change of occupancy to address changes in activities which may affect the application of the 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
CODE CHANGE FORM

Address to submit to:	Document No. C- 903.2.1.2
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: USBC Section No(s): 903.2.1.2

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (465 m2);
2. The fire area has an occupant load of 100 ~~or more in night clubs or 300 or more in other Group A-2 occupancies~~; or
3. The fire area is located on a floor other than the level of exit discharge.

Supporting Statement:

This change seeks to utilize the model IBC thresholds for sprinklers in A-2 use groups.

The 100 number as an occupant load is defined in the model building code. The Board of Housing amended the 2006 edition of the IBC to increase the A-2 use limit to 300 but retain the 100 occupant threshold for "night clubs". This change creates an unrealistic expectation and burden on fire officials to require sprinkler systems in A-2 uses when they begin using the business as a "night club", but there are no provisions in the code for a change of use, and no provisions in the SFPC to require building elements to be added when they were not required under the building code.

As an example, a business builds an A-2 restaurant with a bar area with an occupant load of 299 and fire area less than 5000 square feet. At some time after opening, the proprietor adds a dancing area (which does not change the use group), an area for a band or DJ (which does not change the use group), and the A-2 restaurant is now a night club. There is no avenue to require sprinklers in this A-2 use because at the time of construction it wasn't a night club, and now there is no change of use from the original A-2 use.

A significant number of historic fires in this country have been those that involve all of the elements of night clubs and did not include sprinkler systems. Virginia's own study following the Station Night Club fire in 2003 identified that the IBC was moving toward the occupant threshold of 100 for the requirement of sprinklers, and the NFPA had issued an interim code establishing that same threshold and did not pursue additional requirements or retro-fitting requirements.

In light of the Virginia Task Force Study, the decision of both model code making agencies to establish 100 as the occupant load to require sprinklers, the fact this change was put into place in the 2006 code cycle with very little debate or discussion, and the difficulty if not impossibility of enforcing this provision, the Fire Service Board Code Committee is requesting this change to eliminate the state amendment and utilize the base model code requirements.

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-903.2.7(a) and C-903.2.7(b)

Nature of Change:

Two proposals to address a new requirement in the IBC for sprinklers to be required in Group M wherever upholstered furniture is present.

Proponent: Frank Castelvecchi, representing Henrico County Building Department (C-903.2.7(a)) and Roger Robertson, representing Chesterfield County Building Department (C-903.2.7(b))

Staff Comments:

The issue was discussed in workgroup meetings as a significant difference between the 2006 and 2009 IBC; however, no proposals had been received. The fire services representatives were generally supportive of the new IBC sprinkler threshold while the business community did not believe the change was necessary. Mr. Castelvecchi's proposal is similar to a proposal approved during the first round of proposals at ICC for the 2012 IBC and would permit upholstered furniture without sprinklers at up to 5000 square feet. Mr. Robertson's proposal would keep the current USBC requirements intact.

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 - 903.2.7(a)

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

Name: Frank G. Castelvecchi, III, PE Representing: Henrico County

Mailing Address:
PO Box 90775
Henrico VA 23273

Email Address: cas13@co.henrico.va.us Telephone Number: 804 501 4375

Proposal Information

Code(s) and Section(s): IBC 903.2.4, 903.2.7, 093.2.9

Proposed Change (including all relevant section numbers, if multiple sections):
903.2.4 add new subsection--
4. Where a Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2500 square feet.
903.2.7 Change to read--
4. Where a Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5000 square feet.
903.2.9 add new subsection--
5. Where a Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2500 square feet.

Supporting Statement (including intent, need, and impact of the proposal):
This is consistent with the action taken by the ICC Fire Code Committee in Baltimore to address the hazards of the manufacture, storage and sales of these items. Severe fires occur in these occupancies on a regular basis often resulting in total loss to the structure and the loss of neighboring buildings, as well as occasional fatalities. The 2500 square foot threshold for Manufacture and Storage is to permit small re-upholstery shops and the storage of furniture in mini storage facilities.
The 5000 square foot threshold adopted by the IFC committee is intended to permit the sale of small amounts of these articles in other stores and in small specialty shops.

Submittal Information

Date Submitted: 12/8/2009

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C- 903.2.7 (b)

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

Name: Roger Robertson Representing: Chesterfield County

Mailing Address: P.O. Box 40, 9800 Government Center Parkway, Chesterfield, VA 23832

Email Address: robertsonr@chesterfield.gov Telephone Number: 804-751-4749

Proposal Information

Code(s) and Section(s): Virginia Construction Code part I, section 903.2.7

Proposed Change (including all relevant section numbers, if multiple sections):
903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a group M occupancy where one of the following conditions exists:

1. A group M fire area exceeds 12,000 square feet.
2. A group M fire area is located more than three stories above grade plane.
3. The combined area of all group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet.
4. ~~A Group M occupancy is used for the display and sale of upholstered furniture.~~

Supporting Statement (including intent, need, and impact of the proposal): To treat furniture stores as other M occupancies and return the sprinkler threshold to 12,000 square feet. The existing item 4 leads to non-uniform enforcement since it could be interpreted to apply to any small M occupancy that has a single chair for sale or sells office furniture. The existing language in item 4 invites inconsistency through its lack of more specific description of its intent.

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 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

USBC – Virginia Construction Code
Code Change No. C-903.2.8

Nature of Change:

To delete the current USBC amendment to the IBC which permits new apartments to be constructed without sprinklers if the necessary water pressure and volume is not available at a site.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be vetted through the workgroup process. The state amendment has been in place since the legacy code (the BOCA Code) required sprinklers in all Group R buildings. The amendment was based on an exceptions present in the BOCA Code which equated the added separation of dwelling units to the use of a sprinkler system; however, the state amendment limited its application to only those areas without adequate water supply. Staff has gotten indications from apartment builders on the outskirts of the Tidewater area that the exceptions are still being used, but it is not known whether the exceptions are being utilized statewide.

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-903.2.8

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): USBC 903.2.8

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

Change Section 903.2.7 (903.2.8) of the USBC to read:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area~~, except in the following R-2 occupancies when the necessary water pressure or volume, or both, for the system is not available:~~

~~**Exceptions:**~~

~~1. Buildings which do not exceed two stories, including basements which are not considered as a story above grade, and with a maximum of 16 dwelling units per fire area. Each dwelling unit shall have at least one door opening to an exterior exit access that leads directly to the exits required to serve that dwelling unit.~~

~~2. Buildings where all dwelling units are not more than two stories above the lowest level of exit discharge and not more than one story below the highest level of exit discharge of exits serving the dwelling unit and a two-hour fire barrier is provided between each pair of dwelling units. Each bedroom of a dormitory or boarding house shall be considered a dwelling unit under this exception.~~

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

With the advancement of technology and methodology associated with residential sprinkler systems now being a justified requirement in the IRC, it stands to reason the same justification is in place for R-2 occupancies and the current exception for excluding sprinklers is not present in the IRC and it should also not be included in the USBC.

Ultimately it's a fire safety benefit to the occupants R-2's in those areas with low water supplies. The least amount of water will be applied during the initial phases of a fire through the sprinkler systems as opposed to the amounts of water needed for more involved structure fires that do not have benefit of a sprinkler system. Some of the water supply issues may include small mains that are sized to small to supply fire department pumpers but would be sufficient to supply the lower demand of a sprinkler system. If a municipal system is not in place, the fire department may have to locate a water supply and then shuttle water to the scene. Having a sprinkler system translates into lower amounts of property damage, content damage and a lessening of having to relocate residents other than possibly those in the apartment where the fire originated.

In addition, there's less strain being placed on the local fire service. And in the case of volunteer departments, there's the additional strain of finding, recruiting, training and retaining sufficient volunteer staffing. Then there's the factor of

response times. With increased response times being realized in some areas, particularly more rural areas with a volunteer fire service, having sprinkler systems in these buildings can help mitigate the effects. Basically, having a sprinkler system equates to having a firefighter on duty 24/7.

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

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-906

Nature of Change:

To add a requirement for fire extinguishers to be provided in Group R-2 buildings and to delete an allowance for fire extinguishers to be omitted from Group A, B and E occupancies when quick response sprinklers are present.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

The proposal was not received in time to be vetted through the workgroup process. Fire extinguishers were never required in Virginia for Group R-2 occupancies because of the potential for tampering or causing damage, therefore when the International Codes were adopted, the Group R-2 requirement was deleted though a state amendment. It is unknown whether the quick response exception in the International Codes (which is not a state amendment) is being used in Virginia extensively enough to warrant action.

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-906

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): USBC and SFPC Section 906

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

906.1 Where required.
Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I , M, R-1, R-2, R-4 and S occupancies.

   ~~Exception: In new and existing Group A, B and E occupancies equipped throughout with quick- response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.~~

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

Fire extinguishers have historically been the first line of defense for small, controllable fires. They are intended to be used for fires of limited size and easily controlled. If a fire is discovered in its early stages the most effective means of protecting life and preventing property loss is to sound an alarm and then to control and/or extinguish the incipient stage fire with a portable fire extinguisher. To simply wait for the fire to grow to size large enough for a sprinkler head to activate is contrary to lessons and guidance from the fire service and fire protection professionals. Since fire extinguishers provide a first line of defense vs. sprinklers, it remains unclear as to the justification for this exception .In that light, the Exception 1 to Section 906.1 should be deleted.

This exception was not in the original draft of the International Fire Code and it did not exist in any of the legacy fire codes. It currently does not exist in NFPA 1 Uniform Fire Code, NFPA 10 Standard for Portable Fire Extinguishers or NFPA 5000 Building Construction and Safety Code. It first appeared in the Final Draft of the 2000 editions of the IFC/IBC. Since the first publication of the International Fire Code, some Virginia fire service and fire protection professionals have expressed concern over the inclusion of an exception.

As a result a number of states have deleted the exception upon adoption of the IFC/IBC.

- 12 States plus Washington D.C. and New York City have Deleted Line 1 Exception.
- 2 States have amended Section 906.1 and the exception to require more extinguishers
- 2 States use both NFPA 1 and the IFC with more stringent code applicable.
- 17 additional States have adopted NFPA 1 as their fire code instead of the IFC.

A total of 33 State jurisdictions and an unknown number of local jurisdictions have chosen to delete the exception in favor of providing the ability to control a fire at its earliest stages.

There are other issues with this exception that have arisen since states have now been adopting the IFC and enforcing it within their state. Some examples are:

- The exception is not being interpreted correctly and as a result is not being limited to occupancies with "QUICK RESPONSE" sprinklers installed. Instead, it is being applied in all cases where "REGULAR" sprinklers are installed.
- When an occupancy is being renovated and the sprinkler system is updated, presently installed extinguishers are being removed, lessening the level of protection available.
- Fire code officials do not all see hazard areas the same and as a result Section 906.1, Item 6 is not consistently applied jurisdiction to jurisdiction.
- Some officials are exempting all extinguishers from being required thereby placing the occupants in danger at the time of a fire.

An added detriment is that if a building is occupied without fire extinguishers the ability of the building owner to properly and effectively place fire extinguishers is negatively impacted by the practical difficulty of installing fire extinguisher cabinets. Walls may not be thick enough for recessing the cabinets to keep the fire extinguishers from being obstructions to travel or from being hit and damaged themselves. If the walls and partitions can handle the recessed cabinets, design drawings and permits may be required to modify the walls and partitions.

The inclusion of R-2 occupancies is in keeping with the national model code.

This proposal will eliminate the exception and provide for the proper placement of an important incipient firefighting tool.

This proposed change, designated as F94-09/10, was accepted by the ICC Fire Code Committee at the recent Code Change hearings held in Baltimore. The Committee vote was 8 to 3 in favor of "As Submitted".

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 Nos. C-1005.1(a), (b) and (c)

Nature of Change:

Three proposals to re-establish the lesser egress width requirements when a sprinkler system is utilized.

Proponent: J. Kenneth Payne, Jr., AIA, representing VSAIA (C-1005.1(a)), Ray Grill, representing Arup Architects/Engineers (C-1005.1(b)) and Shaun Pharr, representing the Apartment and Office Building Association of Metropolitan Washington DC and the Virginia Apartment Management Association (C-1005.1(c))

Staff Comments:

The issue was identified by staff as a significant difference between the 2006 and 2009 IBC and was discussed as such at the workgroup meetings. The proposals were not received in time for review by the workgroups; however, they are based on the discussions. All three proposals would reinstate the lower egress width multiplier for sprinklered buildings. Mr. Grill's proposal was approved in the first round of hearings for the 2012 IBC and would provide the additional requirement of an emergency voice/alarm system for those buildings taking the sprinkler incentive. The other correlations in Mr. Grill's proposal for the IEBC and the IFC are not necessary under the Virginia scheme for the use of the International Codes.

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-1005.1 (a)

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): 2009 IBC Section 1005.1 – Minimum required egress width

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

1005.1 Minimum required egress width. The *means of egress* width shall not be less than required by this section. The total width of *means of egress* in inches (mm) shall not be less than the total *occupant load* served by the *means of egress* multiplied by 0.3 inches (7.62 mm) per occupant for stairways and by 0.2 inches (5.08 mm) per occupant for other egress components. The width shall not be less than specified elsewhere in this code. Multiple *means of egress* shall be sized such that the loss of any one *means of egress* shall not reduce the available capacity to less than 50 percent of the required capacity. The maximum capacity required from any *story* of a building shall be maintained to the termination of the *means of egress*.

Exceptions:

1. *Means of egress* complying with Section 1028.
2. For occupancies other than H-1, H-2, H-3, H-4, and I-2 in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the total width of *means of egress* in inches (mm) shall not be less than the total *occupant load* served by the *means of egress* multiplied by 0.2 inches (5.08 mm) per occupant for stairways and by 0.15 inches (3.81 mm) per occupant for other egress components.

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

The proposed change retains the sprinkler incentive that Virginia has implemented from the 1980's (which is rapidly disappearing in the model building codes, even without empirical data supporting the 2009 change from 2006). To my knowledge, the empirical data does not justify deleting the incentive. Sprinklered buildings in Virginia also have an exceptional life safety record in sprinkled buildings.

The change is formatted to avoid adding back the "table" that then would need to be referenced throughout the rest of the code. By dealing with the change as an exception, all of the other references to this code section would not need to be revised.

The deletion of the sprinkler incentive will potentially increase the cost of all new buildings, by requiring wider corridors, wider doors and/or more doors, and wider stairs and/or more stairs. Refer to the examples below:

Doors: Assume a nominal 3'-0" wide door provides 33" of *clear* width. Under the 2006 (and earlier) code, this door in a sprinkled building would accommodate 220 occupants (33 divided by 0.15). Under the 2009 code, this same door *in a sprinkled building* would accommodate only 165 occupants (33 divided by 0.20). This represents a 25% reduction in occupant load capacity for no other reason than to eliminate sprinkler trade-offs. This will require more doors or wider doors (however, 4'-0" wide doors are the widest that are tested) to accommodate the same number of occupants.

Stairs: Assume a 4'-0" clear width stair provides 48" of *clear* width. Under the 2006 (and earlier) code, this stair in a sprinkled building would accommodate 240 occupants (48 divided by 0.20). Under the 2009 code, this same stair *in a sprinkled building* would accommodate only 160 occupants (48 divided by 0.30). This represents a 33% reduction in occupant load capacity for no other reason than to eliminate sprinkler trade-offs. This will require more stairs or wider stairs to accommodate the same number of occupants.

Corridors: Assume a 5'-0" clear width corridor provides 60" of *clear* width. Under the 2006 (and earlier) code, this corridor in a sprinkled building would accommodate 400 occupants (60 divided by 0.15). Under the 2009 code, this same corridor *in a sprinkled building* would accommodate only 300 occupants (60 divided by 0.20). This represents a 25% reduction in occupant load capacity for no other reason than to eliminate sprinkler trade-offs. This will require wider corridors to accommodate the same number of occupants.

All of the above examples (and this would apply to all means of egress elements) would add costs to all projects, reduce rentable space (wider corridors, wider stairs, more stairs), and thus reduce revenue for the Commonwealth of Virginia.

If we continue to allow the model codes to strip the sprinkler incentives, we may end up with unanticipated consequences of limited buildings with sprinkler systems, as owners might choose to forego the costs of sprinkler systems to offset the additional construction costs of all of the increased egress requirements and reduced rental income.

Submittal Information

Date Submitted: January 19, 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)
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

Code Change Number: C-1005.1(b)

Our ref VSUBC/RG

Date December 31, 2009

BY EMAIL

1775 K Street, NW
Suite 220
Washington, DC 20006
Tel +1 202 729 8230

Ray.Grill@arup.com

www.arup.com

Mr. Stephen W. Calhoun
Department of Housing and Community Development
600 East Main Street
Richmond, VA 23219

ARUP

Proposed Change to the Uniform Statewide Building Code
Section 1005.1 of the 2009 Edition of the IBC

Dear Mr. Calhoun,

I am writing to propose an amendment to the 2009 IBC for inclusion in the Uniform Statewide Building Code. I've attached proposed code change E21 (Attachment 1) which I submitted to the ICC for incorporation into the 2012 edition of the IBC. I propose that the changes in E21 be included in the Uniform Statewide Building Code.

In way of summary, the proposal reinstates the egress width factors that were allowed in the code for sprinklered buildings prior to the 2009 edition of the IBC with the added requirement of an Emergency Voice Evacuation System.

The code change proposal was heard by the Egress Committee of ICC and the proposal was recommended for approval as submitted. I have also attached the Report of Hearings for E21 (Attachment 2) which has recently been published by ICC. The proposal which I have attached provides the rationale for acceptance and the committee's statement in the Report of Hearings reinforces the rationale for approval.

I am a resident of Virginia and licensed as an engineer in the Commonwealth. I may be attending the public hearings on January 25th. Do I need to register in advance to speak to this proposal? If there are any requirements in that regard, I would appreciate it if you could direct me to them.

Thank you for your consideration of this proposal.

Yours sincerely

Raymond A. Grill, P.E., LEED AP
Principal

Enc

While this undoubtedly is true, there is no record, nor were any offered as part of the supporting information for this change for any event or series of events causing a loss of life due to this modification to the fundamental capacity of each element of the means of egress. On the contrary, the record of life loss in buildings which are protected by fire suppression is remarkable.

Events such as earthquakes, and tornados and even terrorist attacks are not events that can be planned for. Hurricanes and floods are typically fairly well understood and can be planned for allowing persons to leave in an orderly fashion. However, these events pose little immediate threat to building occupants. Even though the WTC was attacked by airplanes, the NIST report states:

During the last 20 minutes before each building collapsed, the evacuation rate in both buildings had slowed to about one-fifth the immediately prior evacuation rate. ***This suggests that for those seeking and able to reach and use undamaged exits and stairways, the egress capacity (number and width of exits and stairways) was adequate to accommodate survivors.***

In the same NIST report it states that the building design was modified such that it:

Reduced the number of required stairwells from 6 to 3, and the size of doors leading to the stairs from 44 inches to 36 inches;

These changes were due to the change to the 1968 Port Authority Code allowing the same changes to the width of the stairs just removed from the IBC. Even under the most dire of circumstances, the reduced width of the elements of the means of egress in the WTC allowed "those seeking and able to reach and use undamaged exits and stairways, the egress capacity (number and width of exits and stairways) was adequate to accommodate survivors."

The impact of this change on buildings and building design is enormous, and couldn't have happened at a worse time for the construction industry. Standard elements of the means of egress which were typically modified to allow the sprinkler increases are now restricted as follows:

Sprinklered Doors – 36" ..... 34" clear .... 226 capacity
Unsprinklered Doors – 36" .... 34" clear .... 179 capacity

Sprinklered Stairs – 44" .... 220 capacity
Unsprinklered Stairs – 44" .... 146 capacity

Speculative office buildings which would have a single corridor, or open space and two exit stairs would have been allowed to serve a total capacity of 440 occupants; based on 100 sf. per occupant, the building could be built 44,000 sf. in area with a fire suppression system based strictly on means of egress capacity. Using the same scenario under the current IBC, the maximum occupant load served by the same door and stairs would be limited to 292 occupants; which would serve a total building area of 29,200 sf.

The result of this change will likely be less fire suppression in such office buildings as well, resulting in the following scenarios:

Office building

2009 IBC		2006 IBC	
2 exits 29,200 sf. in area	3 exits 43,800 sf. in area	2 exits 44,000 sf. in area	3 exits 66,000 sf. in area
3 stories Type IIB No fire suppression	3 stories Type IIB No fire suppression	4 stories Type IIB Fire suppression	4 stories Type IIB Fire suppression
3 stories Type IIIB No fire suppression	3 stories Type IIIA No fire suppression	4 stories Type IIIB Fire suppression	4 stories Type IIIA Fire suppression
5 stories Type IV No fire suppression	5 stories Type IV No fire suppression	6 stories Type IV Fire suppression	6 stories Type IV Fire suppression
3 stories Type VA No fire suppression	NP	4 stories Type VA Fire suppression	NP

In every case, the reductions from what was allowed in 2006 are marginal compared to what is allowed without fire suppression.15,000 sf per floor of leasable space for Types IIB, IIB, IV and VA construction has been traded for fire suppression. These smaller buildings are less economically viable and will not be built, and yet we know that with the incentives for use of sprinklers they are a rational and safe way to build. Today, they would be required to add a third stair to achieve the same leasable building area or widen the two stairs, which would also reduce the leasable space.

I believe approving this code change will undo what is a very regressive position for the IBC. We are penalizing the users and designers by removing the one life safety system we know works virtually every time, causing undue economic pressure on development at a time when it can least afford it.

Fewer and fewer states are seeing the economic advantage of tri-annual adoption of the ICC codes for various reasons. This is an unfortunate trend that is likely to cause an undoing of the joint efforts by industry and code officials to assure as much as possible a uniform set of standards for construction in the United States. This change forges a stand that indicates a more balanced and rational approach to safety in buildings. It recognizes the overwhelming benefits of fire safety protection as part of the design and operation of buildings.

Cost: This code change will reduce the cost of construction.

PART I – IBC MEANS OF EGRESS

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

PART II – IFC

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

ICCFILENAME:Collins-E7-1005.1

E21–09/10

1005.1 (IFC [B] 1005.1); 3404.6, 3412.6.11, Table 3412.6.11(1) [IEBC [B] 303.6, 1301.6.11, Table 1301.6.11(1)]; IFC 4604.7, Table 4604.7

Proponent: Ray Grill, Arup, representing self

THIS IS A 2 PART CODE CHANGE. BOTH PARTS WILL BE HEARD BY THE MEANS OF EGRESS COMMITTEE AS 2 SEPARATE CODE CHANGES. SEE THE TENTATIVE HEARING ORDER FOR THIS COMMITTEE.

PART I – IBC MEANS OF EGRESS

Revise as follows:

1005.1 (IFC [B] 1005.1) Minimum required egress width. The means of egress width shall not be less than required by this section. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by 0.3 inches (7.62 mm) per occupant for stairways and by 0.2 inches (5.08 mm) per occupant for other egress components. The width shall not be less than specified elsewhere in this code. Multiple means of egress shall be sized such that the loss of any one means of egress shall not reduce the available capacity to less than 50 percent of the required capacity. The maximum capacity required from any story of a building shall be maintained to the termination of the means of egress.

~~Exception~~ Exceptions:

1. Means of egress complying with Section 1028.
2. For other than H and I-2 occupancies, the total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by 0.2 inches (5.1 mm) per occupant for stairways and by 0.15 inches (3.8 mm) per occupant for other egress components in buildings that are provided with sprinkler protection in accordance with 903.3.1.1 or 903.3.1.2 and an emergency voice/alarm communication system in accordance with 907.5.2.2.

~~**3404.6 (IEBC [B] 303.6) Means of egress capacity factors.** Alterations to any existing building or structure shall not be subject to the egress width factors in Section 1005.1 of the International Building Code for new construction in determining the minimum egress widths or the minimum number of exits in an existing building or structure. The minimum egress widths for the components of the means of egress shall be based on the means of egress width factors in the building code under which the building was constructed, and shall be considered as complying means of egress for any alteration if, in the opinion of the code official, they do not constitute a distinct hazard to life.~~

3412.6.11(IEBC [B] 1301.6.11) Means of egress capacity and number. Evaluate the means of egress capacity and the number of exits available to the building occupants. In applying this section, the means of egress are required to conform to the following sections of this code: 1003.7, 1004, 1005.1, 1014.2, 1014.3, 1015.2, 1021, 1024.1, 1027.2, 1027.6, 1028.2, 1028.3, 1028.4 and 1029 ~~[except that the minimum width required by this section shall be determined solely by the width for the required capacity in accordance with Table 3412.6.11(1)]~~. The number of exits credited is the number that is available to each occupant of the area being evaluated. Existing fire escapes shall be accepted as a component in the means of egress when conforming to Section 3406.

Under the categories and occupancies in Table 3412.6.11~~(2)~~, determine the appropriate value and enter that value into Table 3412.7 under Safety Parameter 3412.6.11, Means of Egress Capacity, for means of egress and general safety.

2. Delete without substitution:

~~**TABLE 3412.6.11(1) (IEBC [B] 1301.6.11(1))**~~
~~**EGRESS WIDTH PER OCCUPANT SERVED**~~

	~~WITHOUT SPRINKLER SYSTEM~~		~~WITH SPRINKLER SYSTEM[a]~~	
~~OCCUPANCY~~	~~Stairways (inches per occupant)~~	~~Other egress components (inches per occupant)~~	~~Stairways (inches per occupant)~~	~~Other egress components (inches per occupant)~~
~~Occupancies other than those listed below~~	~~0.3~~	~~0.2~~	~~0.2~~	~~0.15~~
~~Hazardous: H-1, H-2, H-3 and H-4~~	~~0.7~~	~~0.4~~	~~0.3~~	~~0.2~~
~~Institutional: I-2~~	~~NA~~	~~NA~~	~~0.3~~	~~0.2~~

~~For SI: 1 inch = 25.4 mm. NA = Not applicable.~~

~~a. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.~~

Revise as follows:

TABLE 3412.6.11~~(2)~~ (IEBC [B] TABLE 1301.6.11~~(2)~~)
MEANS OF EGRESS VALUES
(No change to table)

PART II – IFC

Delete without substitution:

~~**4604.7 Minimum required egress width.** The means of egress width shall not be less than as required by the code under which constructed but not less than as required by this section. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by the factors in Table 4604.7 and not less than specified elsewhere in this section. Multiple means of egress shall be sized such that the loss of any one means of egress shall not reduce the available capacity to less than 50 percent of the required capacity. The maximum capacity required from any story of a building shall be maintained to the termination of the means of egress.~~

~~**TABLE 4604.7**~~
~~**EGRESS WIDTH PER OCCUPANT SERVED**~~

~~OCCUPANCY~~	~~WITHOUT SPRINKLER SYSTEM~~		~~WITH SPRINKLER SYSTEM[a]~~	
	~~Stairways (inches per occupant)~~	~~Other egress components (inches per occupant)~~	~~Stairways (inches per occupant)~~	~~Other egress components (inches per occupant)~~
~~Occupancies other than those listed below~~	~~0.3~~	~~0.2~~	~~0.2~~	~~0.15~~
~~Hazardous: H-1, H-2, H-3 and H-4~~	~~0.7~~	~~0.4~~	~~0.3~~	~~0.2~~
~~Institutional: I-2~~	~~NA~~	~~NA~~	~~0.3~~	~~0.2~~

~~For SI: 1 inch = 25.4 mm. NA = Not applicable.~~

~~a. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.~~

(Renumber subsequent sections)

Reason: The egress factors for sprinklered buildings were eliminated during the last cycle with no technical justification. The exception reinstates the egress factors for sprinklers buildings but also would require an emergency voice/alarm communication system (EVAC) to be provided.

The EVAC system provides the ability to communicate instructions to occupants that would facilitate evacuation or relocation that may be necessary in fire or other emergencies. This would also lead to more efficient use of the egress system.

The original submitter of this code change had also submitted a code change (E17-07/08) to reduce the occupant load in office buildings by changing the occupant load factor from 1/100 sq.ft. to 1/175 sq.ft. The change in occupant load factor was rejected even though that proposal had a scientific study published by NIST to back the proposal.

Cost Impact: The code change proposal will not increase the cost of construction.

PART I – IBC MEANS OF EGRESS

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

PART II – IFC

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

ICCF/LENAME:Grill-E1-1005.1

E22–09/10

Exceptions:

1. For areas not confined by barriers, the path of egress travel from the outdoor areas are permitted to pass through the building. Means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.
2. Outdoor areas used exclusively for service of the building need only have one means of egress.
3. Both outdoor areas associated with Group R-3 and individual dwelling units of Group R-2.

Committee Reason: The proposal is not clear in what would be considered a barrier. The code should allow for egress back through the building from areas such as balconies, central court yards and occupied roofs. There is a conflict in the text in that if there is a barrier you cannot egress through the building, but if there is not a barrier you can egress through the building. There are no allowances for exterior stairways for egress.

Assembly Action: **None**

E20-09/10

This is a 2 part code change. Both parts were heard by the IBC Means of Egress Code Development Committee.

PART I- IBC MEANS OF EGRESS
Committee Action: **Disapproved**

Committee Reason: The proponent's reason statement mentioned the NIST study for the World Trade Center. Because there was an election that day, the building was not fully occupied. This report does not cover if the building was fully occupied. If the building had been fully occupied many people would not have gotten out. In the towers there were three means of egress, however, two of the stairways were compromised that day, so we do need a third staircase. Another committee member clarified that the official finding were not as indicated in the reason statement, but if the building had been fully occupied, it was predicated that possibly 14,000 people would have died.

Assembly Action: **None**

PART II- IFC
Committee Action: **Disapproved**

Committee Reason: With the disapproval of Part I, the text in the IFC needs to remain for corridor width in existing buildings.

Assembly Action: **None**

E21-09/10

This is a 2 part code change. Both parts were heard by the IBC Means of Egress Code Development Committee.

PART I IBC MEANS OF EGRESS
Committee Action: **Approved as Submitted**

Committee Reason: Studies have shown that most people do not react to an initial alarm, therefore, requiring a voice alarm will increase safety by providing occupants with additional information about the emergency and evacuation. The current egress width requirement will mostly affect buildings with high occupant loads that are not highrise buildings. With the addition of many safety features to highrise buildings, such as the fire service access elevators, and occupant evacuation elevators, highrise buildings will be much safer. One of the other concerns in the NIST report was counter flow in the stairways. That has also been addressed through the new highrise requirements. No technical justification for the increased width for means of egress was provided in the original change in the last cycle. The additional width requirements for all buildings went too far. This is a good compromise.

Assembly Action: **None**

PART II- IFC
Committee Action: **Approved as Submitted**

Committee Reason: Part II was approved for consistency with the committee's action on Part I.

Assembly Action: **None**

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-1024.1(a) and (b)

Nature of Change:

Two proposals to limit the new exit marking requirements in the 2009 IBC.

Proponent: J. Kenneth Payne, Jr., AIA, representing VSAIA (C-1024.1(a)) and Shaun Pharr, representing the Apartment and Office Building Association of Metropolitan Washington DC and the Virginia Apartment Management Association (C-1024.1(b))

Staff Comments:

This issue was identified as a significant change between the 2006 and 2009 IBC for the workgroups. While the proposals were not received in time to be reviewed by the workgroups, there was general comment that the new provisions may not be warranted. Mr. Payne's proposal would limit the application of the new requirements to only super-high-rise buildings and Mr. Pharr's proposal would retain the current 2006 exiting requirements.

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-1024.1(a)

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): 2009 IBC Section 1024.1 – General (Luminous Egress Path Markings)

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

1024.1 General. *Approved* luminous egress path markings delineating the exit path shall be provided in buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than ~~75~~ 420 feet (~~22 860~~ 128 016 mm) above the lowest level of fire department vehicle access in accordance with Sections 1024.1 through 1024.5.

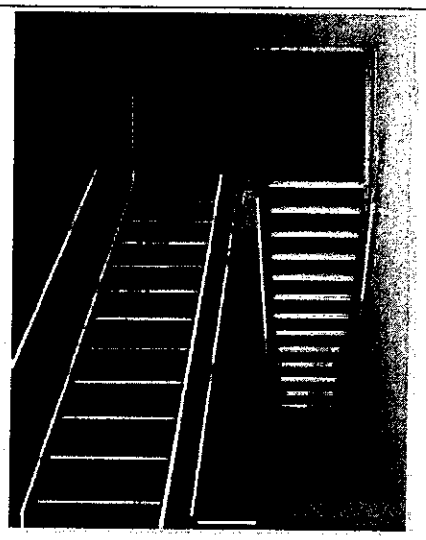
Supporting Statement (including intent, need, and impact of the proposal):

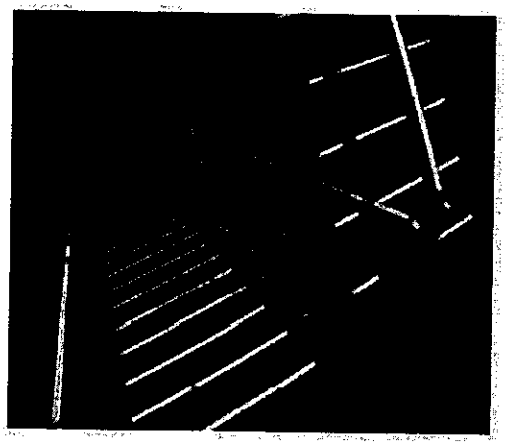
It is my understanding that this new code section was included as a result of the 9/11 reports and/or recommendations. Given that the loss of life that day mostly involved "super" high rises, it appears this section is more suited to much taller buildings. Given the definition of a "high rise," these requirements could potentially be required for a *five*-story building, which is a far cry from those buildings affected on 9/11.

However, the biggest concern is the durability of the required markings and the continued maintenance (and associated costs) involved for what could ultimately affect numerous multi-story buildings throughout the Commonwealth. It seems inevitable that the markings on the edge of the steps, edge of the landings, and almost certainly the markings applied to the *top* of the handrails, will fail or wear off those surfaces, and will require constant repair or replacement. Worse – nothing is done to repair or replace the defective markings – which could lead to unanticipated consequences (e.g., tripping over loose markings, or getting a person's hand stuck on the markings that become loose on the handrails).

Requiring markings for "super" high rises seems more appropriate (and thus, its impact in Virginia very limited, if at all) where the egress travel distances are much longer and arduous. The 420 feet comports with Section 403 as the delineation between high rises and "super" high rises.

We can only assume the addition of the markings on the top surface of the handrails have been coordinated with ICC/ANSI A117.1 and 2004 ADAAG, relative to smooth surfaces for handrails. If not, then the application on the handrails could cause rejection under the accessibility standard and/or regulation.





Submittal Information

Date Submitted: January 19, 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)
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: C-1024.1(b)

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

Name: W. Shaun Pharr

Representing: The Apartment and Office Building Assn. of Metropolitan Washington DC

Mailing Address: 1050 17th Street NW Suite 300 Washington, DC 20036

Email Address: spharr@aoba-metro.org

Telephone Number: (202) 296-3390

Proposal Information

Code(s) and Section(s): IBC Sec. 1024

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

Supporting Statement (including intent, need, and impact of the proposal):
This new section in the IBC would require luminous egress path markings in several building groups, including B, with occupied floors more than 75 feet. Its adoption in the IBC was drive largely in response to the NIST post-9/11 study; while its necessity and/or utility may be demonstrable in super high-rise buildings, these are not at all clear in regard to the buildings of much lower height which are likely to be built in the Commonwealth in the next several years. Rather than impose the initial installation and subsequent maintenance burdens of such a requirement, Virginia can and should wait for more persuasive evidence that such measures beyond those already required in the VSBC are also necessary.

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

Email Address: tsu@dhcd.virginia.gov

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-1103.2.7

Nature of Change:

To modify an accessibility provision approved for the proposed 2009 USBC.

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

Staff Comments

The proposal was not received in time to be vetted through the workgroup process. The proponent believes that the exception approved by the Board for the proposed 2009 USBC contains problematic language. New language is suggested. Staff notes that the new language is more restrictive than the language approved for the proposed regulation as it limits the exception to only two-occupant or less areas. The proponent's language would require a ramp to a choir loft.

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 1103.2.7 and 1103.2.16.doc

Code Change Number: C - 1103.2.7

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 Construction Code Section No(s): VCC Section 1103.2.7 and 1103.2.16

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

~~Change Section 1103.2.7 of the IBC to read:~~

~~1103.2.7 Raised areas. Raised areas used primarily for purposes of security, life safety or fire safety including, but not limited to, observation galleries, prison guard towers, fire towers or lifeguard stands, and raised areas used primarily for religious ceremonies in a place of religious worship are not required to be accessible or to be served by an accessible route.~~

Add Section 1103.2.16 to the IBC to read:

1103.2.16 Places of religious worship. Limited-occupant, raised or depressed areas in a place of religious worship are not required to be accessible or to be served by an accessible route. Such limited-occupant areas shall be limited to two occupants or less, and include, but are not limited to, raised rostrums, and depressed or raised areas for performance of musical instruments such as pianos or organs.

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

1103.2.7 Raised areas. As written, VCC Section 1103.2.7 added "raised areas used primarily for religious ceremonies in a place of religious worship" to the list of areas used for security, life safety, or fire safety, that do not require accessibility, nor an accessible route.

Absent specific limitations (such as a single-occupant rostrum), this change is not in the best interests of the public, and should not be in the code. It could be construed to exclude an entire place of religious worship from any and all accessibility provisions (even a way to enter the building, since the building itself might be elevated above its surrounding land area, and is "used primarily for religious ceremonies"). Why, of all possible groups and uses, should the VCC deny accessibility to that population that might most need or expect it, the worshipers and users of the facility? If the VCC intent is for "raised rostrums", or "organs located in a depressed pit", or similar (limited occupancy) areas to be exempted, let it say so, but not with such sweeping generality.

Also, the phrase "...used primarily for religious ceremonies..." is subjective and open to wide misinterpretation.

Further, the VCC language as written might contradict the "conversion of occupancy"

requirements wherein "accessibility" is being emphasized (see VCC Section 103.3).

This code change, as presented, results in no modifications to IBC Section 1103.2.7 (and therefore that VCC change is removed), but instead provides a separate new Section 1103.2.16 for such exempted limited-occupant, specific-use areas in places of religious worship. It maintains the presumed intent of the VCC, yet also maintains accessibility requirements for the worshipers and users of the facility. The exempted areas have a specific limitation to two occupants or fewer. The subjective phrase, "...used primarily for religious ceremonies..." has been removed.

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 Nos. C-2803.1(1101.10)(a) and (b)

Nature of Change:

Two proposals to address the new requirement in the International Mechanical Code for the use of a locking cap on air-conditioning compressor units.

Proponent: Guy Tomberlin, representing VPMIA and VBCOA's Plumbing/Mechanical/Fuel Gas Committees (C-2803.1(1101.10)(a)) and Frank Castelvecchi, representing Henrico County Building Department (C-2803.1(1101.10)(b))

Staff Comments:

The proposals were not received in time for review by the workgroups but the issue was discussed at several meetings. The 2006 IMC had the requirement for locking caps, so the requirement has been in place now for several years. However, at the national level in the first round of proposals for the 2012 IMC, a proposal was submitted to accept other methods of preventing access to the units in lieu of the locking caps. Mr. Tomberlin's proposal is the proposal that was accepted in the first round of hearings for the 2012 IMC. Mr. Castelvecchi's proposal is to delete the requirement altogether as not being necessary on commercial appliances due to their location. Evidently, there was a similar proposal at the national level which was disapproved by the committee, but the committee action was overturned by the assembly. Mr. Tomberlin's proposal was reviewed by the Codes and Standards Committee on December 14, 2009 and was tentatively approved unless public comment was received. Mr. Castelvecchi's proposal constitutes public comment, so both proposals will now be reviewed concurrently.

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-2803.1(1101.10)(a)

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

Name: Guy Tomberlin Representing: VPMIA/VBCOA PMG Code Comm.

Mailing Address: 12055 Gov't Ctr. Pkwy - Suite 630

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

Proposal Information

Code(s) and Section(s): Insert M-132 language into the IMC only - This was approved on a national level.

Proposed Change (including all relevant section numbers, if multiple sections): Note: you can click in this box and insert text. The box will expand to accommodate your insertions.

Supporting Statement (including intent, need, and impact of the proposal): Note: you can click in this box and insert text. The box will expand to accommodate your insertions.

Submittal Information

Date Submitted: 12/7/09

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)
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

M132–09/10
1101.10

Proponent: Jeffrey M. Shapiro, PE, International Code Consultants, representing the International Institute of Ammonia Refrigeration

Revise as follows:

1101.10 Locking access port caps. Refrigerant circuit access ports located outdoors shall be fitted with locking-type tamper-resistant caps or shall be otherwise secured to prevent unauthorized access.

Reason: The intent of this change is not to diminish the barrier to "huffing" that was established by adding Section 1101.10 to the 2009 code. Instead, it is to recognize that there are other methods whereby access ports can be secured. For example, in a refrigerated warehouse, a valve inside of the building may block the flow of refrigerant to the access port located outside except when filling is taking place. With this arrangement, no refrigerant is released even when the cap is removed when the valve is closed. Likewise, ports may be located with rooftop equipment having no access except via a roof hatch from the inside. Locking, tamper-resistant caps tend to be a more suitable solution for residential-style equipment with small access ports, and the code needs to be more flexible to accommodate industrial equipment at commercial facilities.

Cost Impact: The code change proposal may increase or decrease the cost of construction depending on the selected method.

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-2803.1(1101.10)(6)

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

Name: Frank G Castelvecchi, III, PE Representing: Henrico County

Mailing Address:
PO Box 90775
Henrico VA 23273

Email Address: cas13@co.henrico.va.us Telephone Number: 804 501 4375

Proposal Information

Code(s) and Section(s): IMC 1101.10, IRC M1411.6 Locking Access Port Caps.

Proposed Change (including all relevant section numbers, if multiple sections):
Delete this section in its entirety.

Supporting Statement (including intent, need, and impact of the proposal):
Providing locking caps to refrigerant ports is an unnecessary expense as it will do little to address the issue of the huffing of refrigerant as the existing caps and valves already require tools to access and those interested in huffing would either be able to access the refrigerant by puncturing or sawing into the lines or equipment resulting in greater losses to those from whom the refrigerant is being stolen. Keys for these caps would soon be readily available to the underground as many huffers are either HVAC Techs or are introduced to it by HVAC Techs. Other sources of refrigerant for huffing such as vehicle systems are readily available. Other commonly available inhalants include paint, whipped cream, propane, gasoline etc.

The ICC committee had rejected this change but was overruled by the assembly after emotional testemony.

Submittal Information

Date Submitted: 12/8/2009

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)
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

USBC – Virginia Construction Code
Code Change No. C-3008.1

Nature of Change:

To limit the application of the new occupant evacuation elevator provisions in the International Building Code to only elevators in buildings higher than 420 feet.

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

Staff Comments:

The proposal was not received in time to be reviewed by the workgroups. The concern raised is that occupant evaluation elevators are not as safe as traditional exits, such as rated stairways, so their use as an acceptable means of egress should not be permitted in other than super-high-rise buildings, where necessary for mass evacuation.

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: C- 3008.1

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

Name: Ray Pylant, Building Official Representing: Fairfax County

Mailing Address: 12055 Government Center Parkway, Suite 444, Fairfax, VA 22035-5504

Email Address: Ray.Pylant@fairfaxcounty.gov Telephone Number: 703-324-1910

Proposal Information

Code(s) and Section(s): 2009 IBC Section 3008, Occupant Evacuation Elevators

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

Change Section 3008.1 as follows:

3008.1 General. Where elevators in buildings greater than 420 feet (128 m) in *building height* are to be used for occupant self-evacuation during fires, all passenger elevators for general public use shall comply with this section. ~~Where other elevators are used for occupant self-evacuation, they shall also comply with this section.~~

Supporting Statement (including intent, need, and impact of the proposal):
Section 3008, *Occupant Evacuation Elevators,* was established to provide an alternative to the "additional exit stairway" now prescribed by Section 403.5.2 for high-rise buildings more than 420 feet in building height. However, Section 3008 does not restrict its application to just such buildings, thereby allowing elevators to be configured under its provisions regardless of building height. To make passenger elevators able to continue to operate in a fire emergency, Section 3008 removes certain safety features that are otherwise required for passenger elevators, such as fire sprinklers in machinery spaces (in fully sprinklered buildings) and heat shunt trips that kill mainline power before the elevator safeties and controls are compromised by fire or water. Given the large numbers of people who might need evacuation from very tall buildings in a fire emergency, the logic is understandable. In smaller buildings with fewer people where traditional evacuation methods work, however, the use of elevators for self evacuation in a fire emergency would needlessly raise the hazard level.

Submittal Information

Date Submitted: January 22, 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

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

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:_____

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
Phone Numbers: (804) 371-7140 or (804) 371-7150

1 systems. I certainly can do that in regard to a smoke detector.
2 The second thing is aesthetics, I don't know that it's going to
3 be very attractive in the home and I don't believe that the
4 general public is going to be well receiving of this situation. I
5 do feel like that maybe mandating a fire extinguisher in the
6 kitchen will be best served to our public. I think that would
7 certainly, based on statistics we've heard today and read
8 through, that would probably be the best solution for the
9 housing industry. Thank you.
10 MR. CALHOUN: Kenney Payne followed by Mr.
11 Carvin DiGiovanni.
12 MR. PAYNE: Good morning, my name is
13 Kenney Payne. I represent the Virginia Society of the
14 American Institute of Architects. I'm here today to ask you not
15 to support the current committed code language regarding the
16 means of egress protection 109. The AIE has agreed with the
17 fire marshals to try to come up with some language that we
18 both agree on. We ask that if you're going to move to approve
19 that, that you wait until we can find some sort of consensus.
20 We also ask you not to support the adoption of the
21 International Wildlife Urban Interface Code as currently
22 written without any amendments and without that code being
23 properly vented through committees such as we did with the
24 International Existing Building Code. There's a lot of things in
25 there that may cause unintended consequences and we just

1 feel like it's best to be vented through some committee so we
2 can evaluate the language properly to see what impact, if any,
3 it has on the Commonwealth of Virginia.
4 We'd also ask that you not support the code
5 language regarding the elevator lobbies. If you look at the
6 supporting statements, it actually shows that the amount of
7 fires are decreasing by 50 percent and if you interpret that
8 through the rest of the year, currently the data does not
9 support the need to. The Commonwealth of Virginia has not
10 had that throughout its legacy and until such time as the data
11 supports it, we don't feel it's necessary.
12 Finally we ask that the Board does not support
13 the inclusion of sprinkler systems in one and two family
14 homes as it is currently written. We believe that if there are
15 some instructions provided and incentives provided then we
16 feel we could possibly support that. Some of the comments
17 we've heard today regarding sprinkler heads being busted and
18 in our opinion that can be solved with recessed heads. If it's
19 true that most fires occur in kitchens then I'd say we should
20 also consider bedrooms because a lot of times fires occur when
21 people are sleeping after smoking in bed and so sprinkler
22 heads don't need to be limited to just one space. It's our
23 opinion that the entire home does not have to have sprinkler
24 heads but perhaps certain areas would be and it could be an
25 extension of a domestic water system thus avoiding access to

1 the full house, a full system in all of these houses. Perhaps
2 exceptions to where the water source does not go such as are
3 included in other parts of the code including the International
4 Building Code and an exception when the water source is not
5 there. I'm going to ask you to support some things and one is
6 a modification to the emergency communication system,
7 Section 915, maintaining egress requirements for sprinkler
8 builders in Section 105.1. Unfortunately it seems like the
9 trend is to eliminate all sprinklers. We believe the
10 consequences and we believe that the effect and consequences
11 on owners will stop putting them in and then be left with
12 perhaps a less safe structure.
13 MR. CLATTERBUCK: Would you begin to rap
14 up.
15 MR. PAYNE: We ask you to support the code
16 change submitted in 1024.1 egress path markings, super high
17 rises, 20 feet or higher and not 75 feet. Finally, delete the
18 emergency response radio coverage and currently it does not
19 comport to the Virginia Construction Code requirements.
20 Thank you very much.
21 MR. CALHOUN: Mr. DiGiovanni followed by
22 Mr. Werner.
23 MR. DIGIOVANNI: Good morning, I will
24 reserve my right to provide comments at this point and then
25 I'll pass and then move on.

Hodge, Vernon (DHCD)

From: Payne, Kenney [kpayne@moseleyarchitects.com]
Sent: Thursday, February 25, 2010 9:27 AM
To: Hodge, Vernon (DHCD)
Cc: Duncan Abernathy
Subject: 2009 VUSBC Compilation Document

Vernon,

We were advised to contact you if we have any comments about the document...so, here goes:

C-109.3.1(a):
VSAIA does **not** support the proposed code change. Staff's Comments summarizes our position. We also presented our comments to the Codes and Standards Committee at their January 25, 2010 meeting, as well as online. They are repeated here for convenience:

- Such requirements were not included in the USBC when we switched model codes from BOCA to ICC, and as such, have not been required since.
- Including "detail" and "character" of the exit discharge on the documents could prove problematic. It could be interpreted occupancy loads would be required for all sidewalks, plazas, and perhaps even parking lots and open areas especially if they are not considered part of the "public way".
- Providing occupant loads "in all rooms and spaces" is contrary to what Chapter 10 allows when assigning occupants to a particular space or room.
    - i. For example, Chapter 10 does not require occupant loads be assigned to toilets, corridors, closets, stairs (egress capacity, but not occupant loads), vestibules, and other such spaces.
    - ii. More problematic would be a "Business" use, which Chapter 10 allows to be taken at "gross"...thus avoiding the need to identify occupants "in all rooms and spaces".
- The current system works, where LAHJ can be flexible in what they will require, and what they do not require. The proposed code change eliminates the flexibility and in our opinion, and has the potential to add confusion as to what must be indicated on the documents and how.
- If the Codes and Standards Committee and/or the BHCD believe something should be added back to the code, we propose you accept the VSAIA proposal (C-109.3.1(b)) which more closely parallels what Virginia required through the "legacy" BOCA codes, and what Virginia architects and LAHJ are more familiar with.

C-708.14:
VSAIA does **not** support the proposed code change. Staff's Comments summarizes our position. We also presented our comments to the Codes and Standards Committee at their January 25, 2010 meeting, as well as online. They are repeated here for convenience:

- Lobbies can lessen visibility for security purposes; can make orientation when exiting during emergencies or just normal use more difficult; when engaged, they "zone off" the spaces leading to them, thus potentially impacting the egress (clear path) ability from or through the elevator lobby.
- Supporting statement by proponent does not support the case for a code change:
    - Appears to imply the elevator "shaft" or "hoistway" are not protected. The shaft is protected as required by Sections 708, 3002 and 3004.
        - i. This is not a hoistway nor shaft issue – it is a lobby issue.
    - Their statistical data includes number of fires, injuries, and/or deaths; however, they do not indicate if any of those were as a direct (or indirect) result of the lack of an elevator lobby.
        - i. It appears the number of fires are actually *decreasing* (114 in 2008 and, if interpolated, would be 52

in 2009). Over a 50% *reduction* in the number of fires in such high rises.

ii. Is there data supporting that elevator lobbies actually save lives?

iii. Are there specific incidents (in Virginia or elsewhere) that would support such a change be considered in Virginia, when we have had no such incidents?

- The code change proposal could have unintended consequences when dealing with existing and/or historic buildings, including those with elevators, thus potentially no longer serving as encouragement to develop existing buildings in the first place.
- This code change would add costs to the buildings, and potentially reduce the rentable space for office buildings.
- This code change goes contrary to what Virginia has enforced for nearly 30 years through its "legacy" and current ICC codes.

C-907.2.3:

VSAIA does **not** support the proposed code change in total. Although we could support the requirement for a voice/alarm communication system *in part*, we do **not** support the following:

- Deleting the incentive for sprinklers
  - Sprinklers can deal with the added fuel loads of paper expressed in the supporting statement.
  - We would rather see the exception deleted for fire extinguishers in 'E' than require rated walls in addition to sprinklers.
- Rating of the corridor walls when the building is fully sprinkled.
  - It appears all of the sprinkler incentives are disappearing w/o empirical data supporting the change. The bulk of the supporting statement involves "lockdowns." The addition of a voice communication system could address most of the concerns expressed w/o the need to require rated walls.
  - The rating of all corridor walls will increase the construction cost tremendously. All frames, doors, and hardware will also need to be rated = added costs. This will also decrease opportunities for glazed openings (due to the rated construction).
  - It also seems counter intuitive to rate corridors, but not rate unenclosed stairs (if they meet the exceptions). If this proposal is accepted, then wouldn't we also need to go back and enclose all egress stairs?
- Reducing the number of occupants from 50 to 30.
  - The VCC utilizes the threshold of 50 throughout when dealing with egress issues and we see no valid reason to arbitrarily reduce the number by 40%.
- Deleting the exceptions.
- The Fire Code Committee may have accepted the proposed changes, but the Fire Code Committee usually does accept changes that duplicate methods on top of sprinklers...and they also appear to support the deletion of sprinkler incentives.

C-1021.2:

VSAIA does **not** support the proposed code change.

- Multiple stories are limited in the use classifications where a single exit can be used.
- The number of occupants are limited.
- The travel distance is limited.
- Most of the "buildings" (use classifications) that are or will be constructed are already limited to one story.
- Therefore, the risk to life is greatly reduced due to the above limitations.
- However, if this is adopted by Virginia, we request the number of occupants be revised to comport to the same number of occupants included in the VCC for similar circumstances.
  - Virginia allows '50' occupants...in lieu of '49' (VCC Table 1015.1)

C-1103.2.7:

VSAIA does **not** support the proposed code change, without modifications as follows:

- If the concern is for religious areas, deleting the entire 1103.2.7 paragraph is not warranted. The paragraph could end after the words "lifeguard stands."
  - We still need to be able to exempt the raised areas used primarily for the areas listed in 1103.2.7.
- Then, Section 1103.2.16 could be added, if consensus can be achieved.

F-304.1.2:

VSAIA does **not** support the proposed code change. We presented our comments to the Codes and Standards Committee at their January 25, 2010 meeting, as well as online. They are repeated here for convenience:

- We believe the adoption of an entire "code" without being vetted through a committee begs for confusion and unanticipated consequences. This is especially true for a code such as this one that dictates construction materials and other construction requirements that may be contrary to the ICC and/or the USBC.
  - This model code should first be vetted through a committee or ad-hoc group of potentially affected stakeholders – similar to what Virginia did with the International Existing Building Code (IEBC).
- Some areas of concern are as follows:
  - Appears there may be numerous conflicts with current USBC requirements (e.g., retroactive requirements – 101.5; maintenance requirements – 101.6; existing conditions – 102.6; Sections 104, 109, and 202 to name a few; and fire apparatus roads – 403.1)
  - Should re-write Chapter 1 to make it comport to the USBC.
  - The latest mapping of these areas (Section 302.2) appear to be dated from the year 2000. Being that this is proposed for the 2009 code cycle, we believe updated mapping should be conducted prior to incorporating the IWUIC into the USBC to determine its potential *current* impact to construction throughout Virginia.
  - It appears Section 404.1 (water sources) could prove problematic for numerous rural areas.
  - Requirements for a Fire Protection Plan (Section 405) will certainly add additional costs to all proposed buildings and/or developments.
  - Chapter 5 includes requirements for how and of what materials buildings can be constructed with. How does this comport with the VCC, IBC and/or IRC?
  - Sprinkler systems would be required for all buildings meeting certain criteria (Section 602). How does this comport with the VCC, IBC and/or IRC?
  - Defensible space would most certainly reduce the size of a number of buildings and/or developments.
    - i. It may be possible now to control and/or limit development and/or growth through this code.
    - ii. Is this the ultimate intent, and if so, it appears this is best handled as a zoning issue – not a code issue.
  - Would the appendices also be adopted?
- Although we endorse the concept of trying to protect such wildland areas, we believe Virginia should not adopt the IWUIC without a vetting process to address the concerns noted above, as well as potentially other concerns that become apparent once vetted.

F-506.1:

VSAIA **supports** this proposed code change. However, we would like to see it located in the IBC, as part of the requirements for building construction. If located in the SFPC only, there is a good chance it will be missed by RDP. Whether it is also included in the SPFC in addition to the IBC, we will leave it up to DHCD staff to determine if duplication is necessary.

Thank you for the opportunity to provide comments and participate in the process.

J. Kenneth Payne, Jr., AIA
Vice President
Quality Assurance and Training

4/15/2010

LEED Accredited Professional

MOSELEY ARCHITECTS
Architecture. Engineering. Interiors. Planning
3200 Norfolk Street
Richmond, VA 23230
804.794.7555
FAX 804.355.5690
www.moseleyarchitects.com
www.moseleyprojects.com

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Hodge, Vernon (DHCD)

From: Payne, Kenney [kpayne@moseleyarchitects.com]
Sent: Tuesday, January 19, 2010 1:36 PM
To: Rodgers, Emory (DHCD); Hodge, Vernon (DHCD); Firestone, Janice (DHCD)
Cc: Duncan Abernathy
Subject: Proposed 2009 Code Changes
Importance: High
Attachments: 2009 Code Change Form - Luminous Egress Path Markings.docx; 2009 Code Change Form - Emergency responder radio coverage.docx; 2009 Code Change Form -Minimum required egress width.docx

Colleagues,

Attached, please find proposed code changes for the 2009 code cycle. It is my understanding that January 25, 2010 is the deadline for such proposed changes.

In addition, as a representative of the Virginia Society of the American Institute of Architects (VSAIA), we do **not** support the following proposed code changes (as was included in the January 12, 2010, Code Update Meeting Package).

1. David Thomas' code change proposal regarding Section 109 and the means of egress.
    a. Such requirements were not included in the USBC when we switched model codes from BOCA to ICC, and as such, have not been required since.
    b. Including "detail" and "character" of the exit discharge on the documents could prove problematic. It would appear this would require occupancy loads be provided for all sidewalks, plazas, and perhaps even parking lots and open areas especially if they are not considered part of the "public way".
    c. Providing occupant loads "in all rooms and spaces" is contrary to what Chapter 10 allows when assigning occupants to a particular space or room.
        i. For example, Chapter 10 does not require occupant loads be assigned to toilets, corridors, closets, stairs (egress capacity, but not occupant loads), vestibules, and other such spaces.
        ii. A larger example would be a "Business" use, which Chapter 10 allows to be taken at "gross"...thus avoiding the need to identify occupants "in all rooms and spaces".
    d. The current system works, where LAHJ can be flexible in what they will require, and what they do not require. The proposed code change eliminates the flexibility and in our opinion, has the potential to add confusion as to what must be indicated on the documents and how.
    e. If the Codes and Standards Committee and/or the BHCD believe something should be added back to the code, we propose you accept the VSAIA proposal, which more closely parallels what Virginia required through the "legacy" BOCA codes, and what Virginia architects and LAHJ are more familiar with.

2. Adoption of the International Wildland-Urban Interface Code (IWUIC)
    a. We believe the adoption of an entire "code" without being vetted through some committee begs for confusion and unanticipated consequences. This is especially true for a code such as this one that dictates construction materials and other construction requirements that may be contrary to the ICC and/or the USBC.
    b. This model code should first be vetted through a committee or ad-hoc group of potentially

affected stakeholders – similar to what Virginia did with the International Existing Building Code (IEBC).

c. Some areas of concern are as follows:
   i. Appears there may be numerous conflicts with current USBC requirements (e.g., retroactive requirements – 101.5; maintenance requirements – 101.6; existing conditions – 102.6; Sections 104, 109, and 202 to name a few; and fire apparatus roads – 403.1)
   ii. Should re-write Chapter 1 to make it comport to the USBC.
   iii. The latest mapping of these areas (Section 302.2) appear to be dated from the year 2000. Being that this is for the 2009 code cycle, we believe updated mapping should be conducted prior to incorporating the IWUIC into the USBC to determine its potential impact to construction throughout Virginia.
   iv. It appears Section 404.1 (water sources) could prove problematic for numerous rural areas.
   v. Requirements for a Fire Protection Plan (Section 405) will certainly add additional costs to all proposed buildings and/or developments.
   vi. Chapter 5 includes requirements for how and of what materials buildings can be constructed with. How does this comport with the VCC, IBC and/or IRC?
   vii. Sprinkler systems would be required for all buildings meeting certain criteria (Section 602). How does this comport with the VCC, IBC and/or IRC?
   viii. Defensible space would most certainly reduce the size of a number of buildings and/or developments.
      1. It may be possible now to control and/or limit development and/or growth through this code. Is this the ultimate intent, and if so, it appears this is best handled as a zoning issue – not a code issue.
   ix. Would the appendices also be adopted?

d. Although we endorse the concept of trying to protect such wildland areas, we believe Virginia should not adopt the IWUIC without a vetting process to address the concerns noted above, as well as others.

3. Frank Herzog's code change proposal regarding Section 708.14 and elevator lobbies.
   a. Lobbies can lessen visibility for security purposes; can make orientation more difficult; when engaged, they "zone off" the spaces leading to them, thus potentially impacting the egress (clear path) ability from or through the elevator lobby;
   b. Supporting statement by proponent does not support the case for a code change:
      i. Appears to imply the elevator "shaft" is not protected. The shaft is protected as required by Sections 708, 3002 and 3004.
      ii. Statistical data submitted includes number of fires, injuries, and/or deaths; however, they do not indicate if any of those were as a direct (or indirect) result of the lack of an elevator lobby.
         1. Given their own data, it appears the number of fires are actually *decreasing* (114 in 2008 and, if interpolated, would be 52 in 2009). Over a 50% *reduction* in the number of fires in such high rises.
         2. Is there data supporting that elevator lobbies actually save lives?
         3. Are there specific incidents (in Virginia or elsewhere) that would support such a change be considered in Virginia, when we have had no such incidents?
      iii. Appears to imply the elevator "hoistway" is not protected. The hoistway is protected as required by Sections 708, 3002 and 3004.
      iv. This is not a hoistway nor shaft issue – it is a lobby issue.
   c. The code change proposal could have unintended consequences when dealing with existing

and/or historic buildings, including those with elevators, thus potentially no longer serving as encouragement to develop existing buildings in the first place.

d. This code change would add costs to the buildings, and potentially reduce the rentable space for office buildings.
e. This code change goes contrary to what Virginia has enforced for nearly 30 years through its "legacy" and current ICC codes.

Please let me know if you have difficulty with the attachments or need anything else from me at this time.

Thank you for the opportunity to participate in this code change process, as well as, offer the proposed code changes and position comments.

J. Kenneth Payne, Jr., AIA
Vice President
LEED Accredited Professional

MOSELEY ARCHITECTS
Architecture. Engineering. Interiors. Planning
3200 Norfolk Street
Richmond, VA 23230
804.794.7555
FAX 804.355.5690
www.moseleyarchitects.com
www.moseleyprojects.com

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2009 Code Change Cycle
John S. Trenary / Lloyd Winters
Region III Structural Code Change Sub- Committee Members

Code Change Number	Approved/ Disapproved
C-101.2 (a.)	D
C-101.2 (b)	D
C- 102.3(1)	A
C-103.5(a) and (b)	D
C-103.10(3)	D
C-108.2(2)	D
C-116.4	D
C-118.1	D
C-118.6	D
C- 202	D
C-310.6(R302.(6)	D
C-310.6(R311.6.1)	A
C-310.6(R315.3)	A
C-310.6(R329)	D
C-310.6(R401.3)	D
C-310.6(R602.10)	A
C-310.6(R602.10.6)	A
C-705.2(a) and (b)	A
C-1007.7	A
C-1103.2.7	D

No comment on other changes not listed

VIRGINIA BUILDING & CODE OFFICIALS ASSOCIATION

Building Code Committee

March 11, 2010

Paula Eubank
Associate Director of Technical Assistance Services Office (TASO)
Department of Housing and Community Development
600 East Main St., Suite 300
Richmond, VA 23219

RE: COMPILATION DOCUMENT – 2009 CODE CHANGE CYCLE

Dear Ms. Eubank:

Attached you will find a compilation of comments from the various committee members of VBCOA's Building Code Committee for the current 2009 Code Change Cycle. The Virginia Building and Code Officials Association (VBCOA) is a statewide organization of building safety professionals dedicated to the protection of the health, safety and welfare of all persons who live, work or visit the Commonwealth of Virginia. The Building Code Committee is made up of government code professional representatives from each of the 8 regions throughout the Commonwealth.

Thank you for your attention to this document.

Sincerely,

Submitted via Email
Justin B. Biller, EIT, MCP, CFPS
Building Code Committee Chair
Roanoke, VA – VBCOA Region II

Enclosure

Justin B. Biller
Co-Chair

Carolyn Majowka
Co-Chair

Mike A. Dellinger
City of Harrisonburg – Region III

Comments:
C-109.3.1 (a) and (b) Approve of all proposals except pages 8-11. They are redundant of the first proposal submitted by David Thomas.

James Moss

Grayson County – Region I

Comments:
C-705.2 (a) and (b) After reviewing the proposed change to section(s) IBC 705.2, 706.5.2 IRC section 302.1 exceptions decks and porches for R-3, R-4, and R-5. Both R-3 and R-5 dwell had the opportunity to have been built as a R-5 dwelling under the IRC , which is a less strict code. For this reason I am opposed to this change.

C- 1007.7 (IFC 1007.7.1) Even though the first part of this section is redundant the wording makes this section clear. The second strike text does remove confusion within the text. Section 1007.7.2 The term exterior "exit" stair is not a misuse of the term That section reeds well as is.

Walter Lucas

City of Danville – Region II

Comments:

C-1007.7 I agree with James's comments and further more IRC Table 302.1 prohibits anything closer than 5' unless it is rated.

C-310.6 I disagree with. CO alarms are good idea but this change is over kill. Maybe rewrite to 1 at appliance and 1 on each floor level. Also manufacturer instructions call for installation 4' above floor and who will monitor maintenance of alarms?

C-308.1 Is this for a service or a type of building. I suggest rewrite definition for Personnel Care Service.

Sam Sapienza

Town of Blacksburg – Region II

C- Appendix E - Seems to me that the requirements in item 26 involve things that not part of the building and should be left out of Virginia code.
C-1005.1 - more egress is better, I think the applicant has a point but maybe should try and separate out specific use groups that are inherently safer than Assembly.

Winfred Collins

City of Norton – Region I

C-705.2 (a) and (b) Decks and porches are part of the structure. No set back would create a greater fire hazard.
C-403.3.5 Requiring a larger dimensions for fire control rooms will not adversely affect the cost of construction and there must be an issue with existing size of the control room that has created this change.
C-915.1 oppose-Will not adversely affect construction cost and there again there must be problems with fire department communication.

Tom Coghill

County of James City – Region VIII

C-403.3.5 Oppose

C-403.3.5 Oppose

Chris Snidow

Henrico County – Region VI

Code Change Number	Approve /Disapprove	Remarks
C-101.2 (a)	**D**	**Too Extreme**
C-101.2 (b)	**D**	**Too many changes**
C-102.3 (7)	**A**	
C-103.5 (a) & (b)	**D**	**Both are too restrictive**
C-103.10 (3)	**A**	
C-103.10 (6)	**A**	
C-108.2 (2)	**D**	**Leave it as is**
C-108.2 (10) (a) (b)	**A**	**Prefer (a) over (b)**
C-109.3.1 (a) (b)	**D**	**Both of them have too many changes**
C-116.4	**A**	**Should be left to Building Official**

C-118.1	**D**	

Code Change Number	Approve /Disapprove	Remarks
C-118.6	**A**	
C-119.9	**D**	**Not necessary**
C-202	**A**	
C-308.1	**A**	**Amend assist. living to 6 or more in lieu of 4.**
C-308.2 (a)	**A**	
C-308.3.1	**A**	
C-403.3.5	**A**	
C-422 (a) (b)	**A**	**Prefer (a) over (b)**
C-424.4	**A**	
C-705.2 (a) (b)	**A**	**Approve (a) rather than (b)**
C-708.14	**A**	**It is in 2009 IBC...don't take it out.**
C-903.2.7 (a) (b)	**A**	**Approve (a), Disapprove (b)**
C-903.2.8	**A**	
C-906	**D**	
C-907.2.3	**D**	
C-1005.1 (a) (b) (c)	**A**	**prefer (a) over others**
C-1007.7	**D**	
C-1018.2	**A**	
C-1020.1.6	**A**	
C-1024.1 (a) (b)	**A**	**Approve (a), Disapprove (b)**
C-1103.2.7	**D**	
C-1301(401.3)	**A**	
C-1301(402.1.1)	**D**	

C-1301(402.4.2)	**A**	**(b) or (c)**

Code Change Number	Approve /Disapprove	Remarks
C-1301(404.2)	**D**	
C-3008.1	**D**	
C-3102.5	**D**	**Control with Zoning**
C-3109.3	**A**	**Use ANSI Standards for steps and handrails**
C-3109.5.1	**D**	

Amy Feltner

Frederick County – Region III

Code Change Number	Approve /Disapprove	Remarks
C-101.2 (a)	**D**	**Too Extreme**
C-101.2 (b)	**D**	**Too many changes**
C-102.3.1	**no opinion**	
C-102.3.2	**A**	
C-102.3 (7)	**no opinion**	
C-103.5 (a) & (b)	**D**	
C-103.10 (3)	**A**	
C-103.10 (6)	**A**	
C-108.2 (2)	**D**	
C-108.2 (10) (a) (b)		**no opinion**
C-109.3.1 (a) (b)	**A**	***Prefer B***
C-116.4	**D**	
C-118.1	**D**	
C-118.6	**D**	

C-119.9	**D**	
Code Change Number	Approve /Disapprove	Remarks
C-202	**D**	**needs fine tuning**
C-307		**no opinion**
C-308.1	**no opinion**	
C-308.2 (a) (b)	**A**	
C-308.3.1	**A**	
C-310.6		
C-403.3.5 C403.4.4		**no opinion**
C420.4	**D**	
C-422 (a) (b)	**D**	
C424 a b c	**A**	
C-424.4	**A**	
C-705.2 (a) (b)	**A**	
C-705.2 (b)	**D**	
C-708.14	**A**	
C903.2	**no opinion**	
C903.2.1.2	**A**	
C-903.2.7 (a) (b)	**D**	**Good idea, better wording is in order**
C-903.2.8	**A**	
C-906	**D**	
C-907.2.3	**D**	
C-908.1	**A**	
C-915.1	**no opinion**	
C-1005.1 (a) (b) (c)	**A**	

C-1007.7	**A**	

Code Change Number	Approve /Disapprove	Remarks
C-1018.2	**D**	
C-1020.1.6	**A**	
C-1021.2	**D**	
C-1024.1 (a)	**D**	
C-1024.1(b)	**D**	
C-1103.2.7	**A**	
C-1301(401.3)	**A**	
C-1301(402.1.1)	**D**	
C-1301(402.4.2)	**a,b,c no opinion**	
C-1301(404.2)	**D**	
C2803.1 (403.3)	**D**	**See VA Health Dept**
C-2803.1 (1101.10)	**no opinion**	
C2804.1 (310.1)	**no opinion**	
C-2901.1.1	**A**	**a & b**
C-3001.2.1	**no opinion**	
C-3008.1	**D**	
C-3102.5	**D**	
C-3109.3	**no opinion**	
C-3109.5.1	**D**	**VA Health Dept????**
C-append E	**A**	
R 705.3.1.1(4)	**D**	
R 705.3.1.1(7)	**D**	

Prop Maint/Fire Prevention/Amusement **no opinion**

Hodge, Vernon (DHCD)

From: DHCD-TASO
Sent: Wednesday, February 24, 2010 5:26 PM
To: Hodge, Vernon (DHCD)
Subject: FW: Comments to the Board Regarding the compilation document

Paula Neal Eubank
Commonwealth of Virginia
Department of Housing and Community Development
Associate Director of TASO
804.371.7172
paula.eubank@dhcd.virginia.gov

Think greenly and globally. Act ecologically and economically.
Please consider the environment prior to printing this email. Thank you.

From: Thomas, David [mailto:David.Thomas@fairfaxcounty.gov]
Sent: Wednesday, February 24, 2010 11:36 AM
To: DHCD-TASO
Cc: Dawson, Robby
Subject: Comments to the Board Regarding the compilation document

Ms. Eubank:

I enclose comments on the named proposed code changes set forth in the compliation document and request that you forward these comments to the Board for their consideration.

Item: C-101.2(a) This proposal removes the IRC from the USBC, which is infeasible and leaves the Virginia homeowner without a standard for construction. Potential consequences would be: uninsurability, decreased life safety, dereliction of statutory responsibility under Title 36.

Item: C-103.5(b). The component replacements specified under USBC 108.2(1) would conflict with this proposed code change. Replacement of components of life safety systems as set forth in 108.2(1) should not fall under the 50 percent rule as proposed here. These systems have long been recognized as critical components. If adopted, C-103.5(b) should exempt those items set forth at 108.2(1).

Item: C-202. Staff analysis appears incorrect. Section 103.5 implicitly refers and must refer to existing buildings or structures. Hence a definition is needed in the code. Any work done in existing buildings, which is almost all that will go on in much future work, must refer to those portions that are "existing" and those portions that are "new." Hence the "existing" definition is necessary.

Item: C-307.2(a),(b),(c). These proposals are contary to national model codes, have been considered there and not approved (Oct, 2009). They should not be placed in the USBC.

Item: C-310.6 (R329). Hand held fire extinguishers cannot be a substitute for sprinkler protection. Hand held extinguishers require that someone be awake, alert, trained, and fighting the fire rather than getting their loved ones out of the house. This code change is incorrect and should not be approved.

Item: C-403.3.5. The justification for this item appears incorrect. The issue, and the reason for the code change in the national model code, was to provide adequate space inside the fire control room for three persons in full turnout gear, along with table and space to set out building plans and operational manuals. You cannot do this in 96 square feet, which is why the new limit was set at 200 square feet. The new limit is based on people, PPE, and their activites, not on equipment sizes of fixed fire alarm and smoke panels.

Item: C-420.4 The statement as proposed uses the term "unrated smoke compartment." The term "smoke compartment" is defined at IBC 2009, section 702.1 and does not include "unrated". The introduction of this term is confusing and not necessary. It should be removed form the proposed change. The smoke compartment statements in the code refer to smoke barriers, which are to be constructed as set forth in article 7.

Item: C-422(a). This code change proposal places direct and undue liability on the Commonwealth. There is no technical nor medical basis for "four hour incapacitation" limits. Since there is absolutely no basis for this statement and no technical justification has been shown, this code change should be disapproved. The potential liability to the Commonwealth for introducing this change and allowing 4 hours of being under general anaesthesia without any protection is devastating, inhumane, and completely wrong.

Item: C-422(b). This change has no correct justification and should not be approved. The AHCF definition is not ambiguous. If you are in a regular doctor's or dentist's office, you are in fact capable of self-preservation. Having novacaine or other standard procedures does not render persons incapable of self-preservation. General anaesthesia does render people incapable of self-preservation and must be treated as AHCF. Again, the liability for the State if this is introduced in the VA code, countering national model codes and regular safe practices, is devastating.

Item: C-705.2(b) The proposed change does not consider its effect on 4-story townhouses, which are built to the IBC. In fact, 4-story townhouses should have the protection afforded by the current phrasing in 705.2, since allowing these projections for 4 story townhouses invites fire spread and further imperils people who already have 4 stories of getting down stairs to get to safety. For IRC structure, 3 stories or less, the change might be acceptable, but not for the 4-story townhouses which will be built to the IBC. In its present form, this code change is not acceptable, since it would apply to the 4-story case, and this is not acceptable.

Item C-903.2. The justification appears to be incorrect. Other community structures are also set at the 12,000 square feet threshhold limit for sprinklers, including retail, mixed-use mercantile, etc. Schools of any type are at least as important to the community as these other structures, and should be given the same level of protection.

Item C-903.2.7(a) This change should be supported. Mr.Castelvecchi's discussion is correct.

Item C-903.2.7(b). This change does not deal with the problem. See C-903.2.7(a).

Item C-1024.1(a). There is no technical justification for the change from 75 feet to 420 feet. These exit markings have been in use in Japan for many, many years and have proven durable and effective. As recent events (Feb. 18, 2010) in Texas have demonstrated, the need for rapid and complete evacuation of buildings is current and correct, and is not limited to "super-tall" buildings as is claimed in the proposed justification for this code change. This change is not correct in its claims and should not be approved.

David J. Thomas, MSCE, PE 2-23-10 1134 hrs EST
Engineer IV, Fire Prevention Division
10700 Page Ave
Fairfax Va 22030
703-246-4819
FAX 703-691-1053

Loudoun County, Virginia
Department of Fire, Rescue, and Emergency Management

803 Sycolin Road SE, Suite 104
Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359

March 18, 2010

Department of Housing and Community Development
Division of Building and Fire Regulation
600 East Main Street, Suite 300
Richmond, VA 23219

Attn: Mr. Vernon Hodge

Dear Mr. Hodge:

I hope you are well. I am submitting written public comments with regard to discussions at the recent Fire Services Board Code Committee on behalf of the Loudoun County Department of Fire, Rescue and Emergency Management.

I'd like to preface my comments by stating that I am concerned about various staff comments as to proposals not being received in time to be considered by the work groups. There will be a workgroup meeting on March 25, 2010 where many of these proposals will be discussed. This wording gives the reader a potential bias that changes were done at the last minute with no thought out rational. Just a thought, but I would encourage clarifying language be included during the future proceedings to alleviate these potential biases.

In addition, I am generally opposed to the fire protection and related code changes which would lessen Virginia's requirements in comparison to the national model codes. There are several proposed changes that appear to be based on builder/developer costs, not the improved level of public protection. I believe that persons living, working and travelling within Virginia should benefit from improved codes developed during the national consensus process. It is this process which has historically worked for the public's benefit and it is why we are trusted as regulators. Deviating from them could jeopardize public safety.

The following are my comments:

Pages 66-72: C-308.1: I support. The proposal needs work on wording for lowest level of FD access. Question: Is this a retrofit requirement for sprinklers?

Pages 81-83: C-310.6: Reference R302.1 (6). I recommend removal of provision #6 for "Exterior Walls." Local land use regulations, i.e. zoning should not be used to drive construction code requirements. New homes spaced on 5 foot lot lines are already too close for certain conditions when it comes to fire spread.

Pages 107-108: C-310.6: Reference R329. I believe the record will bear that this was not a consensus proposal. A portable extinguisher is not an acceptable alternative to a fire sprinkler system. A fire sprinkler system is an automatic fire suppression tool. A portable fire extinguisher relies on human action. Thus a fire which occurs at night when persons are sleeping or when a home is vacated will develop unchecked. A sprinkler system will extinguish the fire. I have no issue with a mandate to install a portable extinguisher provided : (1) it is a listed 2:A 10 B:C multipurpose portable extinguisher and (2) that installation, testing and maintenance are in accordance with the manufacturer's requirements or NFPA 10 whichever is most appropriate.

Pages 146-147: C-310.6: Reference E3902.11. I oppose this as it was a change implemented in the 2009 national code cycle. I offer that we clarify the difference between arc fault versus ground fault as it sometime confusing to the lay reader:

Arc fault circuit interrupt (AFCI) is designed to detect when electricity is not traveling to its intended destination. Unlike ground fault circuit interruption (GFCI), AFCI is not protecting against the loss of current to ground. It is guarding against a broken conductor. Broken conductors result in a percentage of home fires in America today.

Primarily, AFCI is required in bedrooms. Bedrooms are notorious for having corded appliances, such as computers, alarm clocks, and desk or floor lamps in them. Many times the cords of these appliances are routed under beds, dressers, or carpets. This is not as safe as it seems. Cords are often cut by the items placed on them. Once severed, the broken conductor will arc. This arcing will continue until the metal is burned through or a circuit breaker trips. Often, the time between the initial cutting of the conductor and the tripping of the breaker isn't quick enough and a fire breaks out. AFCI was designed to detect the initial arc caused by the severed conductor and immediately turn the power off.

Pages 151-152: C-403.3.5: This is another change from the national code. I support retaining the 2009 IFC/IBC requirement for 200 SF for fire control rooms (which was a floor compromise from the original code change of 400 SF). So are my counterparts in Fairfax County, VA (see Fairfax County letter of March 11, 2010) and Arlington County, VA. I would submit my opinion that these 2 localities collectively posses more high rise square footage than the rest of Virginia combined. I am not aware of any data presented to support DHCD staff's statement that the use of fire command centers has "arguably diminished" in recent years. It does not take into consideration increased requirements for modern Incident Command System (ICS) structures which now require additional staffed positions, additional equipment controls and review of building plans during a fire.

Pages 158-161: C-422 (a) and (b): I oppose this as there is no clear defined limit as to where the B use in reality becomes an I-1 or I-2. There is also vague language for required staffing, i.e., please define "adequate."

Pages 162-168: C-424(a) through (d): This needs more work. Different fertilizers present different challenges, in particular those which are oxidizers and, as the fire official, would request more discussion. This seems to be too much a "one size fits all" approach.

Pages 171-174: C-705.2(a) and (b): I don't see how this is possible. Fire spread from a deck inward and upward is a major problem, but I can't see the practicality of extending the fire wall. Maybe we need to concentrate on the exterior finish to require non-combustible components as well as residential sprinklers to keep a fire that moves from the outside to inside in check (see Significant Incident Investigative Report: Meadowood Court, www.loudoun.gov/fire).

Pages 181-183: C-903.2.1.2: Another Virginia deviation from the national model codes. A "non-nightclub A-2" which becomes a "nightclub A-2" does not go through a change of use. Therefore the code requirement for sprinklers at 100 person occupancy will never be flagged. The USBC amendment needs to be removed with reliance on the model code.

I submit we do not want a Rhode Island night club incident in Virginia.

Pages 184-186: C-903.2.7(a) and (b): The Fire Services Board Code Committee has agreed on this change support the 10% sprinkler threshold for sales and display areas.

Pages 202-204: C-915.1: I support most of this. I cannot support exception #6 which exempts the provision of radio infrastructure if the locality does not possess the required equipment. Funding options are different from locality to locality and the need will be there at a future time when installation will occur. The technology is here to stay.

Pages 224-227: C-1024.1(a) and (b): I oppose this as it lessens critical egress. Building height is irrelevant when people are confronted with heavy smoke conditions in their exit path.

Pages 318-320: F-408.5.5: Allowing occupants to evacuate to different areas could create confusion. Fire drills are intended to create and reinforce consistent behavior. The fire official has the ability to work with the industry to allow a modification to the drill schedule to address the proponent's concern with weather extremes.

Pages 320-322: F-506.1 and 506.3: Companions, I think. Good idea, I support.

Pages 334-335: F-2205.4: Support as this adds a specific requirement whereas the current language is vague.

Pages 336-339: F2209.2.1: In talking to the proponent there will be no comments issued for the May 2010 code conference. This should be included in the 2009 SFPC.

Please feel free to contact me if you have any questions as to my comments.

Sincerely,

W. Keith Brower, Jr.
Chief Fire Marshal

Cc: Joseph E. Pozzo, Fire Chief
FM Supervisors
Chief Rob Dawson, Chair, FSB Code Committee

Chesterfield County, Virginia
Fire & EMS

Fire & Life Safety Division
9800 Government Center Parkway – P.O. Box 40 – Chesterfield, VA 23832
Phone: (804) 748-1426 – Fax: (804) 768-8766 – Internet: chesterfield.gov

March 16, 2010

Mr. Steve Calhoun
Department of Housing and Community Development
Secretary to the Board of Housing
Main Street Centre
600 East Main Street, Suite 300
Richmond, Virginia 23219

Dear Mr. Calhoun;

On behalf of the Fire Services Board Code Committee, I am submitting the attached public comment to the proposed code changes listed in the Compilation Document published by DHCD.

These comments are on behalf of the members of the Committee and the Fire Services Board. Any other public comments I may submit are on behalf of me or other organizations I may represent.

Please call if you need anything further to process these comments.

Respectfully,

James R. Dawson, Jr.
Fire Marshal
CHESTERFIED FIRE AND EMS

jrd/cm

C-308.1 – This code change is incomplete at present, and the FSB Code Committee looks forward to continuing the discussion. We do however disagree with a staff comment that states, "This proposal would reverse those established requirements and require a sprinkler system to be installed . . .". This is a misleading statement in that this, and any other code change, is only applicable to new construction. This statement implies this change is a retrofit requirement for existing occupancies, which is not the case.

C-310.6 – The FSB Code Committee again supports this change, and would like to reiterate with this comment that the HBAV proposal concerning fire extinguishers is not an acceptable alternative to residential fire sprinklers. Additionally, there are flaws with the proposed HBAV proposal that will be addressed later in this document.

C-310.6 – This code change is flawed in that there is no objective measure for what type of extinguisher or where is to be located noted in the proposal. The FSB Code Committee believes this is a reasonable requirement but has concern over the standards under which the fire extinguisher must meet, and the required location of the extinguisher in the home.

The staff Comment of "but there was no objection to the requirement in addition to sprinklers" is incomplete. The fire service represented at that meeting indicated the fire service could support the change as a stand alone requirement provided there were clear standards by which the extinguisher would be approved. The recommendation was, and still is, that the extinguisher be listed in accordance with UL and be mounted along the means of egress from the cooking area. Additionally, the extinguisher should be a 2A10BC rated and not just 10BC to allow for proper use on class A combustibles.

C-310.6(E3902.11) – Arc fault circuit interrupters were approved at the national level, and we do not believe a compelling argument to remove these safety devices from the code in Virginia has been presented. The FSB Code Committee opposes this code change.

C-403.3.5 – The FSB Code Committee believe that 200 square feet for these types of rooms is marginally adequate depending on what support and auxiliary equipment are required or electively installed in the fire command room. The Committee believes language that would allow smaller spaces to be used could be added to make the reduction in size at the discretion of the fire code official. Adding the statement, "This area may be reduced with the approval of the fire code official" would be appropriate and agreeable.

The original code change submitted at the ICC required a 400 square foot fire command center, but after considerable discussion with members of the fire service and building owners in attendance, the 200 square foot requirement was agreed to.

C-422(a) and (b) – The FSB Code Committee is in opposition to both of these changes. Change (a) has ambiguous and unenforceable language of "and adequate staffing is provided". The first concern with this statement is the ability of a building official to determine "adequate" staffing while the building is in the permitting or construction

phase, and how would the adequacy be enforced following occupancy? Based on the supporting statement of noting a typical doctor or dentist office, we submit that an office conducting out-patient surgery, where patients are incapable of self evacuation due to sedation or intubation, is not a "typical" doctor or dentist office. These occupancies are closer to an I use than a B use by virtue of the occupant's inability to escape on their own.

The Code Committee recommends the Board of Housing to not approve these changes.

C-903.2.1.2 – The FSB Code Committee disagrees with staff's notation that changing the requirements for a change of occupancy would suffice for this change. There is no change of use from an A-2 restaurant to an A-2 nightclub, and as such any building constructed as an A-2 could be used as a nightclub without requiring a change of use. The existing provision of sprinkler requirements for only nightclubs is un-enforceable.

C-903.2.7(a) and (b) – The FSB Code Committee agrees the national code is overly restrictive given the model code language. The Committee would support an addition the sprinkler requirement for Group M occupancies to add a square footage threshold at 10% of the fire area for upholstered furniture sales to require sprinklers.

C-915.1 – The FSB Code Committee agrees with this change except the additional exception added eliminating the systems when a locality does not currently have the required equipment. In order for a locality to obtain the required equipment, there would need to be a system in a building prior to the purchase or prior to obtaining a grant. In Mr. Payne's change, the locality would neither be able to apply for or purchase such a system because there would never be the need.

We recommend deleting exception 6 from this proposed code change.

C-1024.1(a) and (b) – The FSB Code Committee opposes both of these changes, and notes that neither provides adequate justification for their removal from the model code. This addition to the IBC was heavily debated and modified at that level, and its removal is unwarranted in Virginia.

F-408.5.5 – The language proposed in this change is ambiguous and will create confusion and inconsistent application and will create confusion during an actual fire evacuation. The term evacuation implies exiting from the building, and to allow a "required evacuation drill . . . to a selected interior assembly point", is not in fact an evacuation. The concern is for those residents not directly related aware of an actual fire event, how will those occupants know to fully exit the building.

This creates confusion on both the part of the occupants and responders. For I-1 occupancies, "the occupants are capable of responding to an emergency without physical assistance". The evacuation drills serve two purposes, first to educate the occupants on where and how to evacuate and to verify those occupants are able to self evacuate. Allowing the occupants to not evacuate during an evacuation drill builds habits that place the occupant in the hazard area during an actual incident.

Additionally, the supporting statement is flawed from the standpoint that the operator has the ability to postpone or schedule these drills during fair weather and eliminate "other hazards" prior to the drill.

For these reasons, the FSB Code Committee is opposed to this change as presently provided.

F-506.1 – Regarding the staff commentary, we believe the statement, "if this change were approved, it would apply to all existing key boxes" is not appropriate. This change simply creates a standard by which a local official, and business owner, can apply to all boxes across the Commonwealth.

F-2209.2.1 – Staff's comment of, "it may be premature to consider this proposal for the 2009 SFPC" is not appropriate. There have been no comments to the Final Action Hearing scheduled for May 2010 and therefore the change 174-09/10 will be part of the 2010 IFC and is worthy of inclusion in the SFPC with this edition.

Hodge, Vernon (DHCD)

From: Ken Martin [kenneth.r.martin@verizon.net]
Sent: Monday, March 22, 2010 4:45 PM
To: Hodge, Vernon (DHCD)
Subject: code change comments

Code Change Number A-50

In regards to item:

Add in 13VAC5-50. Certification of Amusement Device Inspectors

The additional training was just added the last Code Cycle. The commonwealth nor any local jurisdiction offers any such training currently. To obtaining any additional training an Inspector must attend sessions that require 5 days or more travel at a cost to the locality or inspector. The average travel and expenses for this type of training is close to $1,000. That does not include the salary of the inspector. Many localities may have a problem with this additional training.

Inflatable amusement device are becoming more complex in their design and structure. No further action should be taken and changing inflatable regulation until a detailed study of the issues is conducted. Most of the problems will be solved by the clarification provided on the "open to the public" issue. The safety issues are already address my industry standards and manufacturing requirements.

I more detailed study is needed by people experience in the setup the operation and inspection of inflatables.

In regards to Generator Fees: Item A-75A

Amusement ride operators depend on the use of generators at most locations. To charge a fee or further restrict part of there normal business activities serves no purpose. Generators have been and always will be the choice of power to run amusement rides. The fee is nothing more than a tax imposed by the local government, which already charges in most cases a business license fee, admission fee and amusement tax.

In regards to Definitions: Item A-80

Definitions of amusement rides and devices are set by the ASTM F-24 Committee on Amusement Rides and Devices. There should be no changes unless the change comes from ASTM. After all ASTM F-24 is the back bone of the amusement ride industry.

Respectfully submitted,

Kenneth R. Martin
2608 W. Grace St.
Richmond, VA 23220-1944

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Hodge, Vernon (DHCD)

From: BobOABA@aol.com
Sent: Monday, March 22, 2010 5:44 PM
To: Hodge, Vernon (DHCD)
Cc: dominicvivona@gmail.com; mdoolan@bellsouth.net; RCSRIDES@aol.com; Radeggeller@gmail.com; ddeggeller@gmail.com; doublea@atmc.net
Subject: Proposed VADR Code Changes

Dear Vernon,

I called you office late in the day today and have not heard back from you as of 4:45 PM, therefore, I am sending this email as I understand today is the last day to submit written comments on the VADR and VCC proposed code changes.

While I understand that there is a public hearing scheduled this Thursday on these proposed code changes, I wanted to comment on behalf of the OABA regarding the following:

1) Change VADR Code Change No. A-50: ADD in 13 VACS 5-50. Certification of Amusement Device Inspectors. While it appears to be a good change to increase the hours of training to 32 hours, which corresponds to the NAARSO requirement for certification, no where does this change address the additional cost and expense, which can be upwards of $1,000 or more to attend a NAARSO seminar and take their certification test. Perhaps the State should consider bringing NAARSO to Virginia to do such training and testing for certification, as does New Jersey and Massachusetts, which would be less costly to individual inspectors.

2) ADD, 13 VACS-31-75: I don't believe you want to confuse a Kiddie Ride with an inflatable, no matter what the area or containment. ASTM defines a kiddie ride and you have adopted ASTM standards. Also, ASTM defines air supported structures/inflatable amusement devices. Again, surrounding states have adopted a height requirement for inspection and certification purposes of an inflatable amusement device.

3) Change VADR Code Change No. A-75 A: While I understand the clarification and confusion with USBC, portable generators for the mobile amusement industry also considered generators as part and parcel to amusement rides and devices, along with electrical power for concessions (food & games), as well as electrical power for living quarters, in compliance with NEC Section 525. Carnivals must have electrical power for lighting of rides, midways and mobile living quarters. Section 12.3 Exemptions as defined as 7. Generators used exclusively for amusement devices, is much too narrow and limits the ability of a mobile carnival owner to do business in the State and will severely impact the State fair, county fairs, festivals and local community and civic events. All portable generators in the carnival industry must be grounded in accordance with NEC Section 525 and most local jurisdictions or state inspectors check portable carnival generator grounding for compliance, as does the carnival owner. The OABA is opposed to charging a fee for generator inspections by the VADR and may exceed statutory limitations under the law. Carnivals are currently paying fees imposed for business permits or licenses, admission fees and amusement taxes. This appears to be a tax and is excessive given the state of the economy and its effect on small business owners.

4) Change A-80: VAC 5-31-20. Definitions. The OABA strongly objects to changing the definition of a Kiddie ride to a "minor" ride, as defined by ASTM and in the current regulations. We see no reason to change this definition and ride terminology as suggested.

Respectfully submitted.

Robert W. Johnson
President & CEO
Outdoor Amusement Business Association, Inc.

"For the past 45 Years representing the mobile amusement industry."

Robert W. Johnson
President & CEO
OABA
(407) 681- 9444

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4/15/2010