

AGENDA
CODES AND STANDARDS COMMITTEE
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
Monday, December 14, 2009

- I. OPENING
- a. Call to Order Anthony Clatterbuck
 - b. Roll Call Steve Calhoun
- II. CONSENT AGENDA Anthony Clatterbuck
Approval of Committee Minutes: September 29, 2009 meeting
- III BOARD RECOGNITION OF SERVICE Tom Fleury
- IV. REVIEW ADMINISTRATIVE AND TECHNICAL CODE CHANGES IN THE REGULATIONS and RECOMMENDATIONS OF WORK GROUPS
- Uniform Statewide Building Code
 - Statewide Fire Prevention Code
 - Virginia Amusement Device Regulation
- V. FUTURE BOARD MEETING DATES Anthony Clatterbuck
Monday, January 25 - Committee Meeting, Board Meeting and Public Hearing – (to be held at the Virginia Housing Center)
- VI. ADJOURNMENT Anthony Clatterbuck

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT
CODES AND STANDARDS COMMITTEE
MEETING
September 28, 2009
Glen Allen, Virginia**

Members Present

Mr. Anthony Clatterbuck
Mr. Richard Evans
Mr. Thomas Fleury
Ms. Lori Fountain
Mr. Rick Witt
Mr. Michael Reilly
Mr. Tip Strickland
Mr. Ed Whitmore

Members Absent

Mr. Brian Mullins
Ms. Nancy O'Brien
Ms. Carol Saulnier

Call to Order and
Approval of Minutes

Mr. Anthony Clatterbuck, Chairman of the Codes and Standards Committee, called the meeting of the Committee to order. A motion was made to approve the Committee minutes of July 27, 2009. The motion was seconded and passed unanimously.

Building Code Academy
Certification Categories

Mr. Emory Rodgers, Deputy Directory of the Division of Building and Fire Regulation, reported that the Building Code Academy Advisory Committee (BCAAC) has requested that two additional mandated certification categories be added to the existing 23 certifications now offered by the Building Code Academy. The two new certifications are the Residential Plans Examiner and the Combination Building Plans Examiner. After a discussion, a motion was made to recommend to the full Board that the two new categories be added to the certifications offered. The motion was seconded and passed unanimously.

Mr. Rodgers provided the Committee a brief summary of recent meeting with various interest groups on regulatory issues under consideration, including a September 9th meeting on the fire sprinkler issue.

The Committee discussed the ICC hearing to be held in Baltimore, Maryland this year.

Future Meetings

The next meeting of the Committee will be held in December to review consensus items of the USBC.

Adjournment

Upon completion of the agenda items, the Committee meeting was adjourned to the full Board meeting.

CODES AND STANDARDS COMMITTEE

2009 REGULATORY CYCLE

TENTATIVE SCHEDULE FOR 2010

January 25, 2010:	Public Hearing and Board Meeting
March 25, 2010:	DHCD Workgroup 1 – Administrative and Technical Issues Meeting
April 8, 2010:	DHCD Workgroup 2 – USBC/SFPC Meeting
April 22, 2010:	DHCD Workgroup 3 – IRC Meeting
April 29, 2010:	DHCD Workgroups 1 & 2 Combined Final Meeting
May 17, 2010:	Codes & Standards Committee Meeting
June 1, 2010:	Codes & Standards Committee Meeting (if necessary)

CODES AND STANDARDS COMMITTEE
 2009 CODE CHANGE CYCLE – BOOK 3
 December 14, 2009

OPENING STATEMENT

TAB 1 ----- Code Changes Considered Through Workgroup Process as Consensus or Recommended for Approval

<u>Section No.</u>	<u>Description of Change</u>	<u>Page Number</u>
USBC, Part I, Virginia Construction Code		
102.3(1)	Publicly regulated utilities.....	2
102.3(2)	Manufacturing and processing machines.....	4
102.3(7)	Federally-owned buildings (further amendments).....	5
103.10(3)	Testing requirement in the IRC.....	7
103.10(6)	Scope of IRC.....	8
108.2(2)	Accessory structures.....	10
308.2	Convalescent facilities.....	11
310.1	ALFs – Up to five persons needing assistance.....	12
310.6 (R314.3.1)	Household fire alarm systems.....	14
310.6 (R315.2)	CO alarm retrofit requirements.....	15
310.6 (R315.3)	CO alarm power supplies.....	16
310.6 (R401.3)	Lot drainage.....	17
310.6 (N1101.9)	Energy certificate (IECC also)	18
310.6 (R408.3)	Termite Inspection.....	19
1020.1.6	Stairway identification.....	21
2803.1 (1101.10)	Alternative port cap protection.....	22
2901.1.1 (406.3)	Washing machine drains.....	23
2901.1.1 (909.1)	Wet venting of bathroom groups (IRC also).....	25
USBC, Part III, Virginia Maintenance Code		
105.2	Acceptance or rejection of unsafe notice.....	27
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107.6	Clarification of state permit requirements.....	30
112.2	Local appeals board training.....	31
Chapter 46	Construction requirement for existing buildings.....	32

TAB 2 ----- Code Changes Considered Through Workgroup Process as Non-consensus or Recommended for Disapproval

USBC, Part I, Virginia Construction Code		
307.5.1	Permissible fireworks (three proposals).....	33
3109.5	Pool entrapment avoidance.....	36
Virginia Amusement Device Regulations		
Sections 20-75	Kiddie rides, fees, continuing education, etc.....	38

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: John D. Bruce

Representing: Dominion Virginia Power

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

Email Address: john.bruce@dom.com

Telephone Number: (804) 775-5301

Proposal Information

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

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

Revise the the third sentence of Section 102.3(1) of the Virginia Uniform Statewide Building Code to read as follows:

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

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

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

Submittal Information

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

Email Address: taso@dhcd.virginia.gov

501 N. 2nd Street
Richmond, VA 23219-1321

Fax Number: (804) 371-7092
Phone Numbers: (804) 371-7140 or (804) 371-7150



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: Virginia Building and Code Officials Association

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): 102.3

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

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

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

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

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

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

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

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

Submittal Information

Date Submitted: _____

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: Virginia Building and Code Officials Association

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

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

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

Add the following Exemption to section 102.3:

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

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

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

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

State law:

§ 36-99.6. Underground and aboveground storage tank inspections.

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

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

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

Federal law:

-HEAD-

Sec. 6991f. Federal facilities

-STATUTE-

(a) In general

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Guy Tomberlin

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

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

Email Address: guy.tomberlin@fairfaxcounty.gov

Telephone Number: 703-324-1611

Proposal Information

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

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

103.10 Use of certain provisions of referenced codes. Text, including items 1,2,4, and 5, to remain unchanged.

1.

2.

3. Testing requirements and requirements for submittal of construction documents in any ICC codes referenced in Chapter 35 and the IRC.

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

Submittal Information

Date Submitted: July 2, 2009

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual X Government Entity Company

Name: Chuck Bajnai

Representing: Chesterfield County

Mailing Address: 9800 Government Center Parkway

Email Address: bajnaic@chesterfield.gov

Telephone Number: 804-717-6428

Proposal Information

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

Change Section 103.10 as follows:

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

(no change to Items 1-5)

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

Change Section 310.6 to read:

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

1. Change Section R101.2 to read:

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

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

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

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
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501 N. 2nd Street
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: VBCOA

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

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

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

Alter the following Exemption to section 108.2:

2. One story detached accessory structures USED as tool and storage sheds, playhouses, or similar uses, provided the floor area does not exceed 150 200 square feet (14m²) ~~and the structures are not accessory to a group F or H occupancy.~~

Add the following Exemption to section 1808.1.

**Section 1808
FOUNDATIONS**

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

Exception: One-story detached accessory structures not exceeding 256 square feet (23.7824 m²) of building area, provided all of the following conditions are met:

1. The building eave height is 10 feet or less.
2. The maximum height from the finished floor level to grade does not exceed 18 inches.
3. The supporting structural elements in direct contact with the ground shall be placed level on firm soil and when such elements are wood they shall be approved pressure preservative treated suitable for ground contact use.
4. The structure is anchored to withstand wind loads as required by this code.
5. The structure shall be of light-frame construction with walls and roof of light weight material, not slate, tile, brick or masonry.

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

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

Submittal Information

Date Submitted: _____

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION
Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

Name: Carrie Eddy, VDH
Emory Rodgers, DHCD

(Check one): Individual Government Entity Company
Representing: Workgroup 2 - 12/1/09

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): USBC VCC 308.2 Group I-1 & VCC 308.3 Group I-2 - Convalescent facilities –

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

308.2 Group I-1. Delete “convalescent facilities”

308.3 Group I-2. Add “convalescent facilities”

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

VDH treats convalescent facilities as nursing homes in their licensure program.

Submittal Information

Date Submitted: 11/24/09

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 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

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Emory Rodgers, DHCD

Representing: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): USBC VCC 308.2, 308.3 and 310.1

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

Change Section 308.2 as shown below:

308.2 Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

Exception: In Group I-1 occupancies, not more than five of the persons may require physical assistance from staff to respond to an emergency situation.

A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.

Change the definition of "Nursing Homes" in Section 308.3 as shown below:

Nursing Homes. Nursing homes are long-term care facilities on a 24-hour basis, including both intermediate care facilities and skilled nursing facilities, serving more than five persons and any of the persons are incapable of self-preservation. Nursing homes do not include facilities permitted by other provisions of this code to have up to five occupants that may require physical assistance from staff to respond to an emergency situation.

Change the Group R-4 requirements in Section 310.1 as shown below:

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet that requirements for construction as defined for Group R-3, except as otherwise provided for in this code, or shall comply with the International Residential Code with the additional requirement to provide an automatic sprinkler system in accordance with Section 903.2.7.

Exception Exceptions :

1. In Group R-4 occupancies, not more than five of the persons may require physical assistance from staff to respond to an emergency situation.
2. Group homes licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services or the Virginia Department of Social Services that house no more than eight persons with one or more resident counselors shall be classified as Group R-2, R-3, R-4 or R-5. Not more than five of the persons may require physical assistance from staff to respond to an emergency situation.

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

This proposal retains the current allowance for Group R-4 and I-1 occupancies and residential licensed group homes and assisted living facilities with up to eight persons to be able to have up to five persons needing physical assistance from staff to respond to an emergency situation. The change to the "Nursing Homes" definition in the 2009 IBC making any facility containing even one occupant who needed assistance in exiting to be a nursing home created the conflict with the long-standing requirement that up to five residents could need assistance, which was based on an official interpretation from the BOCA model code organization prior to the merger with the International Code Council. The Board of Housing and Community Development changed the 2000 edition of the USBC to recognize the BOCA Interpretation based on a recommendation from the State Building Code Technical Review Board as a result of the Avalon Homes appeal case, which addressed the issue of whether five of the eight occupants of that home could require assistance in exiting. The Virginia Department of Social Services and the Virginia Health Care Association representatives have indicated that a change to this long-standing allowance to be able to have up to five residents who need assistance in any facility, even if only for new construction and change of occupancy in existing buildings, would cause confusion and inconsistency in the administration of assisted living facilities.

Submittal Information

Date Submitted: 11/24/2009

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)
Main Street Center
600 E. Main St., Suite 300
Richmond, VA 23219

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: **Mike Toalson**

Representing: **HBAV**

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): **IRC 314.2 - Smoke detection systems.**

R314.3.1 - Delete

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

Amend to delete 314.2 second new sentence: where a household fire warning system is installed using a combination of smoke detectors and available notification device(s), the system shall become a permanent fixture of the dwelling unit, and owned by the homeowner. The system shall be monitored by an approved supervising station and be maintained in accordance with NFPA 72.

Delete 314.3.1 entirely.

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

The IRC doesn't require smoke detection systems to be monitored. The IRC does allow fire security systems to be used. These non-required systems can be removed, but R314.2 already clearly states that the primary code required smoke detection system shall be operable regardless of whether the owner wants them to be maintained as part of a fire security alarm system. This new second sentence is thus unnecessary and goes beyond the intent of the IRC and USBC by stating the system is to be permanent, and must be used by the homeowner and monitored.

Delete R314.3.1 as this section is a retrofit requirement.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Guy Tomberlin

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

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

Email Address: guy.tomberlin@fairfaxcounty.gov

Telephone Number: 703-324-1611

Proposal Information Clarify Carbon Monoxide requirements

Code(s) and Section(s): IRC R315.2 Where required in existing dwellings.

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

Delete Section R315.2 in its entirety.

Note to staff– renumber R315.3 to R315.2.

Supporting Statement (including intent, need, and impact of the proposal): The submitting code committees viewed this as a retroactive action and felt the USBC should not endorse this type activity. It would be extremely difficult to enforce and may even cause folks to not obtain permits. For example if someone wanted to build a deck and they happen to have an attached garage they would need to equip the dwelling unit with CO alarms, that's just not reasonable.

Submittal Information

Date Submitted: July 2, 2009

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

Please submit the proposal to:

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

Email Address: tsu@dhcd.virginia.gov
Fax Number: (804) 371-7092
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Guy Tomberlin

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

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

Email Address: guy.tomberlin@fairfaxcounty.gov

Telephone Number: 703-324-1611

Proposal Information Clarify Carbon Monoxide requirements

Code(s) and Section(s): IRC R315.3 Alarms requirements..

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

R315.3 Alarms requirements. Single station carbon monoxide alarms shall be hard wired, plug-in or battery type, listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions.

Supporting Statement (including intent, need, and impact of the proposal): The submitting code committees felt that this section needed further clarity to provide the user the information that clearly reflects the information contained in the UL Standard 2034 which includes the 3 different type s of CO alarms the added text references.

Submittal Information

Date Submitted: July 2, 2009

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

Please submit the proposal to:

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

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



**VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CODE CHANGE FORM**

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.virginia.gov		Document No. _____ Committee Action: _____ BHCD Action: _____
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Submitted by: Douglas S. Jones

Representing: Keystone – RM, LLC

Address: 1207 Roseneath Road #200

Phone No. 804-921-2445 (revised)

Regulation Title: 2006 International Residential Code

Section No(s): Chapter 4 Foundations, Section R401 General, R401.3 Drainage

Date: February 27, 2009 (Revision #4 12/02/09)

Proposed Change:

R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard to the dwelling unit. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm).

Exception: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048 mm), the final grade shall slope away from the foundation at a minimum slope of 5 percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of 2 percent when located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.

Supporting Statement:

The proposal is to clarify that the first sentence in the section does not apply to areas where no effect upon the dwelling unit would result from drainage issues as the overall section is for foundation design. Drainage problems on lots which cannot be shown to have an effect on a dwelling, such as yard grading on other parts of a lot, are not within the purview of the code.

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual X Government Entity Company

Name: Guy Tomberlin

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

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

Email Address: guy.tomberlin@fairfaxcounty.gov

Telephone Number: 703-324-1611

Proposal Information

Code(s) and Section(s): IECC Section 401.3 Certificate. And IRC Section N1101.9 Certificate.

Proposed Change (including all relevant section numbers, if multiple sections): Delete IECC Section 401.3 Certificate, and IRC Section N1101.9 Certificate, in their entirety.

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

Technically these two sections are currently unenforceable as they can be classified as Administrative functions. The two submitting code committees agreed that these provisions added absolutely no value to increased energy efficiency. This section requires a certificate be placed on the electrical panel stating certain energy related building components such as R-values, U-factors etc... Unfortunately this is nothing more than a good idea with no energy conserving benefit what so ever. This information is no more useful than if the builder were required to place a label on the panel stating the joist size, framing wall sizes, etc or the type of plumbing and electrical fixtures. Yes it's nice to know but does it lend itself in anyway to increased energy conservation or enhanced building safety, no. In fact it will be create problems throughout the life of the building. For example what if the owner changes some components with out the benefit of permits and inspections, then sells the building and the next owner comes in years later to make adjustments and finds that the building is not what the certificate says it was? It may be better, what then? What does the code official do when the label contains the wrong information? Do they reject occupancy from someone moving into their new home? Lets face it when a building component needs to be replaced it is almost always financial economics and market availability that drives the decision on replacement items, not a certificate that was posted years prior. The certificate is completely useless for any and all practical purpose. In fact, it could easily cause a chaotic exercise that builders would have to deal with in the 11th hour. Final inspections and occupancy are being withheld because this label may have not been posted. Lets not endorse rules and practice just because they are good ideas lets stay with the long standing fundamentals that the code is a minimum standard set in place to assure safety and uphold the concepts of energy conservation.

Submittal Information

Date Submitted: July 2, 2009

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

Please submit the proposal to:

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

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

<p>Address to submit to:</p> <p>DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321</p> <p>Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us</p>		<p>Document No. _____</p> <p>Committee Action: _____</p> <p>BHCD Action: _____</p>
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Submitted by: Lynn Underwood, CBO Representing: himself

Address: 400 Granby, Norfolk, Va 23510 Phone No.: (757) 664-6511

Regulation Title: Unvented crawl space Section No(s): Section R408.3

Proposed Change:

R408.3 Unvented crawl space. Ventilation openings in under-floor spaces specified in Sections R408.1 and R408.2 shall not be required where:

1. Exposed earth is covered with a continuous Class I vapor retarder. Joints of the vapor retarder shall overlap by 6 inches (152 mm) and shall be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached and sealed to the stem wall; and
2. One of the following is provided for the under-floor space:
 - 2.1. Continuously operated mechanical exhaust ventilation at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7m²) of crawlspace floor area, including an air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with Section N1102.2.9;
 - 2.2. *Conditioned air* supply sized to deliver at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7 m²) of under-floor area, including a return air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with Section N1102.2.9;
 - 2.3. Plenum in existing structures complying with Section M1601.5, if under-floor space is used as a plenum.

R408.3.1 Termite Inspection

Where an unvented crawl space is installed and meets the criteria in Section R408, the vertical face of the sill plate shall be clear and unobstructed and an inspection gap shall be provided below the sill plate along the top of any interior foundation wall covering. The gap shall be a minimum of one inch and a maximum of two inches in width and shall extend throughout all parts of any foundation that is enclosed. Joints between the sill plate and the top of any interior wall covering may be sealed.

EXCEPTION:

- (1) In areas not subject to damage by termites as indicated by Table R301.2(1).
- (2) Where other approved means are provided to inspect for potential damage.

Where pier and curtain foundations are installed as depicted in Figure R404.1.5(1), the inside face of the rim joist and sill plate shall be clear and unobstructed except for construction joints which may be sealed.

EXCEPTION: Fiberglass or similar insulation may be installed if easily removable.

Supporting Statement:

This proposed change in the 2009 IRC would allow Termite Inspection and Treatment services to more adequately do their job. Without this language, a fully enclosed crawl space would meet the code and yet conceal undetected termite infestation. This change does not reduce the energy efficiency provided for by enclosed and conditioned crawl spaces. There is a detail provided by expert in the

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

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

<p>Address to submit to:</p> <p>DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321</p> <p>Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us</p>		<p>Document No. _____</p> <p>Committee Action: _____</p> <p>BHCD Action: _____</p>
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Submitted by: John Catlett Representing: City of Alexandria

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

Regulation Title: Virginia New Construction Code Section No(s): IBC Section 1020.1.6

Proposed Change:

1020.1.6 Stairway identification and floor number signs. A sign shall be provided at identifying the location and at each floor landing in interior exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the stair enclosure and the stair identification by a letter of the alphabet of the stair. The signage shall also state the story of, and the direction to the exit discharge and the availability of roof access from the stairway for the fire department. The sign shall be located 5 feet (1524 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions.

Supporting Statement: The code currently requires that a stairway be identified. This is so that an occupant can report their location in an emergency and the fire department can locate the appropriate stairway. Currently, there is no standardized method of identification. Some localities have misunderstood that both the floor and stair location should be designated by number. This code change will provide standardized guidance that the stair shall be identified by a letter and the floor designation by number.

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.

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

ICCFILENAME: SHAPIRO-M-2-1101.10

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: Dustin McLehane and Curt Campbell

Representing: Virginia Plumbing and Mechanical Inspectors Association

Mailing Address: 9800 Government Center Parkway
Chesterfield, Virginia 23832

Email Address: McLehaneyd@chesterfield.gov
Campbellcu@chesterfield.gov

Telephone Number: 804-317-6420 (Dustin)
804-814-7003 (Curt)

Proposal Information

Code(s) and Section(s): 406.3 IPC

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

Reads as follows:

406.3 Waste Connection. The waste from an automatic clothes washer shall discharge through an air break into a standpipe in accordance with section 802.4 or into a laundry sink. The trap and fixture drain for an automatic clothes washer standpipe shall be a minimum of 2 inches (51 mm) in diameter. The automatic clothes washer fixture drain shall connect to a BRANCH DRAIN or drainage stack a minimum of 3 inches (76mm) in diameter. Automatic clothes washers that discharge by gravity shall be permitted to drain to a waste receptor or an approved trench drain.

Revise as follows:

406.3 Waste Connection. The waste from an automatic clothes washer shall discharge through an air break into a standpipe in accordance with section 802.4 or into a laundry sink. The trap and fixture drain for an automatic clothes washer standpipe shall be a minimum of 2 inches (51 mm) in diameter. The automatic clothes washer fixture drain shall connect to a FIXTURE BRANCH or drainage stack a minimum of 3 inches (76mm) in diameter. Automatic clothes washers that discharge by gravity shall be permitted to drain to a waste receptor or an approved trench drain.

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

Cost: This change is to clarify some confusion of the written code text. There would be no cost to the contractors or customers if this code change is approved.

Reason: The word branch drain needs to be removed and replaced with fixture branch since the code book gives no definition of branch drain. By having language in this section that is not defined in the definition section creates confusion, which is evident based on the number of questions we receive on this issue. The confusion for the contractors is how far can I run the 2" fixture drain, when and where do I need to transition to 3". By replacing branch drain with fixture branch the contractor now knows that the fixture drain can remain 2" until it becomes a fixture branch (A drain serving two or more fixtures that discharges to another drain or to a stack) or is connected to a drainage stack.

Submittal Information

Date Submitted: 5/19/09

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

The Jackson Center

501 N. 2nd Street

Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov

Fax Number: (804) 371-7092

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one):

Individual

X

Government Entity

Company

Name: J. Lee Lipscomb, Dustin McLehane and Curt Campbell

Representing: Chesterfield County Virginia Building Inspection Department

Mailing Address: 9800 Government Center Parkway

Email Address: Lipscombl@chesterfield.gov

Telephone Number: (804) 748-1309

Proposal Information

Code(s) and Section(s): Virginia Plumbing Code; Definitions, 909.1 and 909.1.1

Revise as follows: BATHROOM GROUP. A group of fixtures consisting of any combination of fixtures from this list: a water closet, lavatory, bathtub or shower, including or excluding a bidet, an emergency floor drain or both. Such fixtures are located together on the same floor level.

909.1 Horizontal wet vent permitted. Any combination of fixtures located within one or two bathroom groups located on the same floor level are permitted to be vented by a wet vent. The wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream fixture drain connection to the horizontal branch drain. Only the fixtures within the bathroom group(s) shall connect to the wet-vented horizontal branch drain. Any additional fixtures shall discharge downstream of the wet vent.

909.1.1 Vertical wet vent permitted. Any combination of fixtures within one or two bathroom groups located on the same floor level is permitted to be vented by a vertical wet vent. The vertical wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent down to the lowest fixture drain connection. Each wet-vented fixture shall connect independently to the vertical wet vent. Water closet drains shall connect at the same elevation. Other fixture drains shall connect above or at the same elevation as the water closet fixture drains. The dry-vent connection to the vertical wet vent shall be an individual or common vent serving one or two fixtures.

Reason: The change to the definition of a bathroom group makes it consistent with the first sentence of sections **909.1 Horizontal wet vent permitted** and **909.1.1 Vertical wet vent permitted**. Current code language in sections **909.1 Horizontal wet vent permitted** and **909.1.1 Vertical wet vent permitted** prohibits the wet venting of a single bathroom group. The new code language to sections **909.1 Horizontal wet vent permitted** and **909.1.1 Vertical wet vent permitted** clarifies that wet venting is permitted in one or two bathroom groups. The IPC Commentary also states "Wet venting is a method of venting any combination of fixtures within a single or double bathroom group."

Submittal Information

Date Submitted: 01 June 2009

Code Change Number: _____

Applicant Information

(Check one):

Individual

Government Entity

Company

Name: J. Lee Lipscomb, Dustin McLehane and Curt Campbell

Representing: Chesterfield County Virginia Building Inspection Department

Mailing Address: 9800 Government Center Parkway

Email Address: Lipscomb1@chesterfield.gov

Telephone Number: (804) 748-1309

Proposal Information

Code(s) and Section(s): Virginia Residential Code; Definitions, 3108.1 and 3108.4

Revise as follows: BATHROOM GROUP. A group of fixtures consisting of any combination of fixtures from this list: water closet, lavatory, bathtub or shower, including or excluding a bidet, an emergency floor drain or both. Such fixtures are located together on the same floor level.

P3108.1 Horizontal wet vent permitted. Any combination of fixtures within one or two bathroom groups located on the same floor level are permitted to be vented by a horizontal wet vent. The wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream fixture drain connection. Each fixture drain shall connect horizontally to the horizontal branch being wet vented or shall have a dry vent. Each wet-vented fixture drain shall connect independently to the horizontal wet vent. Only the fixtures within the bathroom group(s) shall connect to the wet-vented horizontal branch drain. Any additional fixtures shall discharge downstream of the horizontal wet vent.

P3108.4 Vertical wet vent permitted. ~~A~~ Any combination of fixtures within one or two bathroom groups located on the same floor level are permitted to be vented by a vertical wet vent. The vertical wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent down to the lowest fixture drain connection. Each wet-vented fixture shall connect independently to the vertical wet vent. All water closet drains shall connect at the same elevation. Other fixture drains shall connect above or at the same elevation as the water closet fixture drains. The dry-vent connection to the vertical wet vent shall be an individual or common vent serving one or two fixtures.

Reason: The change to the definition of a bathroom group makes it consistent with the first sentence of sections **P3108.1 Horizontal wet vent permitted** and **P3108.4 Vertical wet vent permitted**. Current code language in sections **P3108.1 Horizontal wet vent permitted** and **P3108.4 Vertical wet vent permitted** prohibits the wet venting of a single bathroom group. The new code language to sections **P3108.1 Horizontal wet vent permitted** and **P3108.4 Vertical wet vent permitted** clarifies that wet venting is permitted in one or two bathroom groups. The IRC Commentary also states "Wet venting is a method of venting any combination of fixtures within a single or double bathroom group."

Submittal Information

Date Submitted: 01 June 2009

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Sean P. Farrell

Representing: VBCOA Property Maintenance Committee

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

Email Address: sfarrell@pwcgov.org

Telephone Number: 703-792-5998

Proposal Information

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

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

SECTION 105

UNSAFE STRUCTURES OR STRUCTURES UNFIT FOR HUMAN HABITATION

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

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

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

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

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

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

structure unfit for human occupancy shall be issued ~~in-person~~ by personal service to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 104.5.4 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section. ~~In addition, the notice shall contain a statement requiring the person receiving the notice to either accept or reject the terms of the notice.~~

Note: Whenever possible, the notice should also be given to any tenants of the affected building.

105.5 Posting of notice. If the notice is unable to be issued ~~in-person~~ by personal service as required by Section 105.4, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

105.6 Posting of placard. In the case of a structure unfit for human habitation, at the time the notice is issued, a placard with the following wording shall be posted at the entrance to the building structure: "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." In the case of an unsafe structure, if the notice is not complied with, a placard with the above wording shall be posted at the entrance to the building structure. After a building structure is placarded, entering the building structure shall be prohibited except as authorized by the code official to make inspections, to perform required repairs or to demolish the building structure. In addition, the placard shall not be removed until the building structure is determined by the code official to be safe to occupy, nor shall the placard be defaced.

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

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

Submittal Information

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

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Mark Bridgman

Representing: VBCOA Property Maintenance Committee

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

Email Address: mark.bridgman@richmondgov.com

Telephone Number: 703-792-5998

Proposal Information

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

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

Add new section as follows:

105.4.1 Vacating unsafe structures. If the Code Official determines there is actual and immediate danger to the occupants or public or when life is endangered by the occupancy of an unsafe structure, the Code Official shall be authorized to order the occupants to immediately vacate the unsafe structure. When an unsafe structure is ordered to be vacated, the Code Official shall post a notice at each entrance that reads as follows:

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

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

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

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

Submittal Information

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

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Ed Altizer

Representing: State Fire Marshal's Office

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

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

Telephone Number: 804-371-7170

Proposal Information

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

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

Change SFPC Section 107.6 to read:

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

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

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

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



**VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CODE CHANGE FORM**

Address to submit to:

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

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

Document No. _____

Committee Action: _____

BHCD Action: _____

Submitted by: State Building Code Technical Review Board

Address: _____ Phone No. _____

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

Date Submitted: November 20, 2009

Proposed Change:

Change Section 112.2 to read:

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

Supporting Statement:

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

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Emory Rodgers, DHCD Staff

Representing: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): Statewide Fire Prevention Code (SFPC) – Chapter 46

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

Delete Chapter 46 of the International Fire Code (IFC) in its entirety.

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

Chapter 46 of the IFC is entitled, “Construction Requirements for Existing Buildings.” It was added to the IFC in the 2009 edition at the national level for those states and localities which use the IFC as both a maintenance/operation code and a construction code. In Virginia, our statutory arrangement does not permit the use of this chapter under the SFPC as all construction requirements are covered by the Virginia Uniform Statewide Building Code. Even though enforcers of the SFPC are aware of Virginia’s statutory scheme, since Chapter 46 of the IFC contains all construction provisions, it is recommended that it be deleted just to remove any ambiguity about misuse of the chapter.

Submittal Information

Date Submitted: 12/2/09

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Charles L. Walker

Representing: American Promotional Events, d.b.a. TNT Fireworks

Mailing Address: 4511 Helton Drive, Florence, AL 35630

Email Address: walkerc@tntfireworks.com

Telephone Number: 800-243-1189

Proposal Information

Code(s) and Section(s): IBC - 307.2 Definitions

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

Add the following definition to IBC Section 307.2 Definitions to read:

PERMISSIBLE FIREWORKS. Any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies.

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

Adding the definition of "Permissible Fireworks" maintains consistency with the definitions of the certain types of 1.4G Consumer Fireworks that are allowed by the State of Virginia. Adding this definition also will bring the Building Code into consistency with the definitions amended in the VSFPC.

Submittal Information

Date Submitted: April 20, 2009

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

Please submit the proposal to:

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

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Charles L. Walker

Representing: American Promotional Events, d.b.a. TNT Fireworks

Mailing Address: 4511 Helton Drive, Florence, AL 35630

Email Address: walkerc@tntfireworks.com

Telephone Number: 800-243-1189

Proposal Information

Code(s) and Section(s): IBC - 307.5 High-hazard Group H-3.

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

IBC (NEW) (Add) 307.5.1 PERMISSIBLE FIREWORKS. Sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies items permitted to be sold in the Commonwealth of Virginia shall be exempt from the requirements of an H-3 Occupancy under the following circumstances:

- 1. The total amount on display and in storage in any single control area complies with the maximum allowable quantities as listed in Table 307.1 (1) of this code, or;**
- 2. The new or existing retail store or retail sales facility complies with the provisions of the National Fire Protection Association Standard 1124 - 2006 Edition (NFPA 1124-06) for new stores and facilities as herein amended by the Commonwealth of Virginia.**

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

45 states and The District of Columbia allow the use, sale and possession of some form of consumer fireworks. In other words, over 85% of the U.S. population can legally use some form of Consumer Fireworks. The State Virginia allows for a very limited type of non-explosive, non-aerial type of Consumer Fireworks 1.4G to be used, sold or possessed. It is common knowledge that the International Codes hold an extremely limited view on the RETAIL SALES of consumer fireworks. NFPA 1124 allows for a more concise regulation of every aspect of the retail sale, storage and display of Consumer Fireworks. It will also allow a more realistic regulatory approach for the types of products that are allowed in Virginia than merely the classification of an occupancy as Hazardous, when it contains excess of the very limited amounts of the type of Permissible Fireworks allowed in the State.

Submittal Information

Date Submitted: April 20, 2009

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

Please submit the proposal to:

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

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Charles L. Walker

Representing: American Promotional Events, d.b.a. TNT Fireworks

Mailing Address: 4511 Helton Drive, Florence, AL 35630

Email Address: walkerc@tnfireworks.com

Telephone Number: 800-243-1189

Proposal Information

Code(s) and Section(s): IBC - Chapter 35 Referenced Standards

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

Change the referenced standards in Chapter 35 of the IBC as follows:

NFPA

1124-06 Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles. . . , 307.5.1, 415.3.1

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

To be consistent with the proposed code change regarding Permissible Fireworks and referencing the most recent, available version of the National Fire Protection Standard 1124.

Submittal Information

Date Submitted: April 20, 2009

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

Please submit the proposal to:

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

Email Address: taso@dhcd.virginia.gov
Fax Number: (804) 371-7092
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: Chapter 35

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Danny Bartges

Representing: Culpeper County Building Department

Mailing Address: 302 NORTH MAIN STREET CULPEPER VIRGINIA 22701

Email Address: dbartges@culpepercounty.gov

Telephone Number: (540) 727-3444 ext: 280

Proposal Information

Code(s) and Section(s): Virginia Amusement Device Regulations, VADR 13VAC5-31-20 DEFINITIONS, 13VAC5-31-75 LOCAL BUILDING DEPARTMENT, 13VAC5-31-50 CERTIFICATION OF AMUSEMENT DEVICE INSPECTORS, 13VAC5-31-200 GENERAL REQUIREMENTS

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

~~ADD IN 13VAC5-31-20 DEFINITIONS 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 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 32-46 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 incur 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 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 size 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 from 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.