

CODES AND STANDARDS COMMITTEE
2009 CODE CHANGE CYCLE – BOOK 1
May 18, 2009

OPENING STATEMENT

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EXCERPTS FROM THE APRIL 2009 WORKGROUP PACKAGES TAB 2

BASE DOCUMENTS AND CONSENSUS CODE CHANGES

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NEW BUSINESS

NEXT MEETING (June 22, 2009) TENTATIVE AGENDA

STATEWIDE FIRE PREVENTION CODE

Consensus Changes and Carry-Over Items

USBC (Construction Code, Maintenance Code and Rehabilitation Code)

Base Documents, Consensus Changes and Carry-Over Items

CERTIFICATION STANDARDS

Staff Recommendations

DHCD, DBFR 2009 Code Change Process
March 19, 2009 Workgroup Meeting Agenda Package
Administrative and Selected Technical Issues for the USBC, SFPC, MHSR, IBSR, VADR
and VCS Regulations

Date: February 23, 2009
To: Stakeholders
From: Emory Rodgers, Deputy Director, DBFR
Subject: Code Change Meetings for the 2009 Regulations

The second meeting will be held on March 19, 2009 from 9:30 a.m. until 3:30 p.m. in the DHCD first Board Room, 501 2nd Street, North, Richmond, Virginia. Please advise of your attendance as we need to order deli platters and ensure that we have adequate meeting space.

Workgroup 2 will review the administrative provisions of six regulations with the most attention being on USBC and the SFPC technical amendments currently in these regulations; the technical provisions of the Manufactured Housing Safety Regulations, Industrialized Building Safety Regulations, Amusement Device Safety Regulations and the Virginia Certification Standards. The Statewide Fire Prevention Code has 2009 IFC changes for new egress exit markings, building signage, fire drill requirements and crowd management, while for the USBC there are increased fire control room space, more stringent sprinkler requirements for A-4, E and M for furniture stores, and a major expansion in scope and equipment requirements for emergency communication systems.

2009 Virginia Certification Standards (VCS):

May need coordination code changes with VUSBC and VADR regulations on CEU's. The VCS isn't exempt from the full APA process so will be sent through OAG, DPB, SOCT, Governor's Office. Discussion only. **(no handout)**

2009 Industrialized Building Safety Regulations (IBSR):

1. 13VAC5-91-10 CAA: amend to comport with 36.71.1 and clarify charging of fees per module. Consensus to move forward? **(pages 11 - 23)**
2. 13VAC5-91-40 Inspection and enforcement: Clarifies that staff can issue correction reports/violations in the plant or building site the same as local building official or compliance assurance agency (CAA). Consensus to move forward? **(pages 11 - 23)**
3. 13VAC5-91-70 Appeals: In VUSBC, owner can appeal decisions over interpretation and application, but not in the IBSR as they aren't an aggrieved party per law and are not involved in the design and construction. Unless the state administrator agrees with the owner, the only recourse is civil action or the state administrator issues a violation and the regulant appeals. Discussion only. **(pages 11 - 23)**

4. 13VAC5-91-100A-1, A-2 and B Data plate: Clarifies can ask for more details on plans whether it is under IBSR or USBC. Consensus to move forward? **(pages 11 - 23)**
5. 113VAC5-91-115 Change of Occupancy: Discussion on further clarifications. **(pages 11 - 23)**
6. 13VAC5-91-120 A, B and C-2 Unregistered Industrialized Buildings: Are pods, sheds, and containers IBSR or USBC? Can they be USBC moved buildings? Do we need law changed or just the regulations and how? Should an exception be added to B for sheds or containers? TRB has ruled containers are not under the USBC. Discussions only. **(pages 11 - 23)**
7. 13VAC5-91-120 C-3: Should the state administrator, BO or RDP be allowed to do approvals without CAA involvement? Discussion only. **(pages 11 - 23)**
8. 13VAC5-91-160 Use of Model Codes and Standards: Why have different effective date than other regulations? Discussion only. **(pages 11 - 23)**
9. 13VAC5-91-180 CAA: Change to delete under oath. Consensus to move forward? **(pages 11 - 23)**
10. 13VAC5-91-200 Information Required by the Administrator: Certification CAA - can it be ICC or standard? Discussion only. **(pages 11 - 23)**
11. 13VAC5-91-210 CAA Certification Label: Review only. **(pages 11 - 23)**
12. 13VAC5-91-220 Mounting of Label: If CAA only inspects once a week or month, how does this section work? Discussion only. **(pages 11 - 23)**
13. 13VAC5-91-245 Manufacturer's Data Plate: Review. **(pages 11 - 23)**
14. 13VAC5-91-260 Registration Seal for Industrialized Buildings: Increases seal fees and explains new fees per modular of a finished building. Necessary to have self-funded program. Last fees raised in 1995. Consensus to move forward? **(pages 11 - 23)**
15. 13VAC5-91-270 Manufacturer's Installation Instructions and Responsibility of Installers: Mandates inspections including bolting of units. One of the biggest enforcement issues and field problems. Consensus to move forward? **(pages 11 - 23)**
16. IBSR and USBC 421: Better coordinate the two in required inspections by building officials and installers. **(page 24)**

2009 Virginia Manufactured Housing Safety Regulation (VMSR):

1. 5-95-10 Definitions: Need to expand for new installer inspection, certification and call for inspections requirements from "federal standards". Consensus to move forward? **(pages 25 - 31)**

2. 5-95-20 D, E and F Application and Enforcement: Clarifies and makes anchoring a MHSR and not USBC requirement. F adds new installer requirements. Consensus to move forward for MHSR and replicate in USBC 421? **(pages 25 - 31)**
3. 5-95-60 Installations: Review. **(pages 25 - 31)**
4. 5-95-90 B, C, D and F Consumer Complaints: Review. **(pages 25 - 31)**
5. 5-95-100 Violation, Appeal, Penalty: BO issue violation too? Consensus to move forward? **(pages 25 - 31)**
6. USBC 421: Delete NCSBCS standard. Add 421.2.1 specific requirements for installers including shall call for inspections of each area using the USBC 113 sections and 421.2.2 for MHSR inspections replicating HUD installation standards in both regulations. Consensus to move forward revised regulations in 421? **(page 32)**

2009 Virginia Amusement Device Regulation: ADTAC will be reviewing each of these items for recommendations and approval of code changes.

1. Amusement device- “Open to the public” and “conveyed in an unusual manner for diversion” are used to define amusement devices. Inflatable’s are amusement devices but are they when erected at private events such as birthday parties, clubs, associations, etc? Discussion only to better clarify seems necessary? **(page 35)**
2. 5-31-20 Definitions: Should trains in malls or zip lines be deemed amusement devices? Under what standards? USBC or SFPC can apply to mall trains. Discussion only. **(no handouts)**
3. 5-31-20 Definitions: Define “kiddie ride”. Will use descriptors in regulations. OAG recommendation. Consensus to move forward? **(pages 38 - 46)**
4. 5-31-75C Local Building Department: Clarify insurance as aggregate and not per device. Consensus to move forward? **(pages 38 - 46)**
5. 5-31-85: Accidents Involving Serious Injury or Death: Should accident reports be sent to DHCD on annual basis? Most states do require state to maintain this data to determine frequency and types of accidents and equipment involved. Consensus to move forward as mandate? **(pages 38 - 46)**
6. 5-31-200 General Requirements: Increase from 150 square feet permit exemption for inflatables to some greater footage or width/height? Consensus to keep? Consensus to increase to what and move forward? **(pages 38 - 46)**
7. 5-31-210 General Requirements: Rock-climbing walls - change inspection frequency to once or twice per year instead of every 90 days? Consensus to move forward as is or new

frequency? Should rock-climbing walls in gyms be a separate section with different standards? Discussion only. (pages 38 - 46)

E-85 fuel and dispensers USBC 2206.7.1:

1. DHCD is considering issuance of a sample modification for E-85 dispensers until such time listing is available and until the 2012 ICC codes can include them into the IFC. If changes are desired then need to coordinate VUSBC and VFPC and IFC 2206.7.1. Discussion only. IF code changes then Consensus to move forward new standard and any technical changes? Albemarle approved 1st fueling station for public. (pages 47 - 56)

Virginia Fire Prevention Code:

1. T107.2, IFC 2403.2: 900 square feet is permit exemption but IFC 2403.2 has 200 square feet VFPC administrative provisions always override those in the I-codes. USBC 101.4/101.7 has provisions that state clearly hierarchy of regulations and codes/standards. Consensus to place these into VFPA for clarity and avoid misapplication? Sections 105.3.3 and 105.4: Certification and CEU changes coordinate with the USBC. (no handout)
2. Section 108.1.2 to 109.5: VUSB construction permits could be construed as under the fire official even though in the F102.6 and 108.5 say they are not. VUSB doesn't replicate operational permits. Consensus to delete or retain? (no handout)
3. Section 107: SFMO any need to make clarifications on fees or raise them? Discussion only. (pages 57 - 58)
4. VSFPC/VUSB VFPC110.4, IFC311.5 and USBC 118.4: Placarding new requirements in IFC. Need to allow use in USBC as placarding now done under USBC. Current USBC language is very flexible while IFC is more prescriptive. Discussion only on how to move forward and with what requirements? (no handout)
5. VSFPC Sections 111 and 112: NOV should indicate appeals section even when there are immediate unsafe conditions the same as the USBC. Fire officials, like the other code officials, can still take corrective action and seek court action upon conferring with local commonwealth attorney for imminent dangers requiring abatement/emergency repairs. Discussion and staff can draft the same or appropriate language for the VFPC. Consensus to move forward? (no handout)
6. VSFPC and IFC 2703.3: Reported is a fire official issuing summons/NOV under utility section even when there has been a Ms. Utility marking and there is an accidental breakage of a gas line. Need code change language to clarify IFC 2703.3 and consensus to move forward to avoid legislative bill being introduced? Tidewater fire officials worked out for now. (no handout)
7. VSFPC 405.4: Glitch to fix with word "not" left out to reinsert. Consensus to move forward with fix? (no handout)

8. VSFPC: Contact information for the SFMO at VDFP to be inserted. FYI. **(no handout)**
9. VSFPA Definitions, IFC 401.1 and VUSC: Amend to include R-5 as a licensed occupancy. Catlett to submit code change. Consensus to move forward and correct in all places noted? **(page 59)**
10. VSFPC/IFC 304.3.2: Delete as now in 2009 IFC. Consensus to delete? **(no handout)**
11. IFC 307.4.3: Approved that portable outdoor fire places need to be 15 feet from combustibles or per manufactured instructions. Implication and enforcement issues at homes versus R-1 or R-2? Discussion only. Any amendments with consensus to move forward? **(pages 60 - 63)**
12. SFPC/USBC/IFC 315.3.1: Any need to clarify sprinklers to protect eaves? PWC attorney felt clarification was necessary. STRB has request. **(page 64)**
13. IFC 403.3: Crowd managers required over 1,000 occupants with one cm for 250 occupants unless fire official reduces with sprinklers and the event. Since most all new A occupancies have sprinklers, should there be another number of occupants set instead it being up to the fire official? Discussion and consensus to change number without sprinklers or where sprinkled and without alcohol as another factor? Consensus to move forward as is or changed and to what? **(pages 65 - 66)**
14. IFC 405.2.1, 408.5.4, 408.5.5, T405.2: Fire drills for R-4, I-1, I-4 and high-rises need to be coordinated and reconsider full evacuations of residents 6 times per year. VUSBC and ICC will be changing scope of these occupancies and passive construction/compartmentalization requirements. Need to allow assembly within designated interior protected compartment. High-rises as now written preempts Table 405.2 so I-1 high-rise only needs fire drills for staff? Discussion and fixes seem necessary. Consensus to move forward changes and to do so based on compartmentalization construction for these occupancies for licensed facilities. **(pages 66 - 68)**
15. IFC 404.3.3: Approved new lockdown requirements. Not to conflict with other sections of the code. Implication and coordination with police and VUSBC as should be done at time of construction if alarm systems, communication systems and egress door locking systems are part of the plan. Discussion only. Consensus to move forward as is or with changes in the VFPC and/or the VUSBC? **(pages 69 and 76)**
16. IFC 501: Approved as modified new building information sign that includes occupancy, construction type, fire systems, hazards, tactical and sign maintenance. Discussion about sign, what do fire department now have in own records, already require forms for hazardous materials and how much information can get on a sign about the items in 3 for structural members? Consensus to move forward with or without changes? **(pages 70 - 75)**
17. IFC 503.2.1: Fire access road width excludes shoulders. Just a classification. Discussion only. **(pages 77 - 79)**

18. IFC 509.1: Increases fire control room size. Need to do in the VUSC and Work Group 3. Should present size of 96 square feet. be increased to 250 square feet and what data to support? Should it be larger for only super high-rises over 420 feet and so many occupants? Consensus to move forward as is or changes or leave at 96 square feet? **(page 79)**
19. IFC 511.1: Approved modified emergency communication system for all buildings other than IRC and is similar to code change offered in the 2003 USBC back failed to lack of consensus to the one approved for the 2006 VUSBC/VFPC. The section supposedly doesn't apply if the local signal to the new and existing building isn't at 95dBa? Requires interior cables, amplification equipment, antennas and if local system changes update those existing systems. No cost data was presented. Consensus to move forward, change or delete leaving the 2006 VUSBC version in tact? **(pages 80 - 87)**
20. VSFPC/IFC 603.7: Never used and can do without note. Many localities do own boiler inspections under the USBC VMC such as Arlington, Fairfax, Roanoke, Alexandria, Norfolk besides ones done by DLI for insurance purposes. Consensus to delete or leave? **(no handout)**
21. VSFPC/IFC 604.6: Why not get into ICC for annual testing of these battery exit signs? Who is doing this? Consensus to retain or delete? **(no handout)**
22. IFC 605.4: There are some who are enforcing and citing violations for what has been deemed by the STRB as acceptable to use. Should this section be clarified at ICC, NEC or the VUSBC/VFPC to ensure uniform enforcement? Consensus to leave as is or modify? **(no handout)**
23. IFC 703.1: Approved to require annual inspection; there are no holes or damage to fire rated construction. Assumes there is record or documentation and some issue noted with use of being accessible. USBC VMC already requires maintenance of such assemblies. Consensus to move forward as is, change or delete? **(pages 88 - 89)**
24. IFC 807.1 Exceptions 1 and 2, 807.4.3.2: Similar to VSFPC on decorative materials, but not as definitive. Consensus to keep VSFPC text and delete IFC text or go with IFC text? Next question is why not do something similar for corridors? Discussion only. **(pages 90 - 91)**
25. IFC 902/VFPC: Fire extinguisher system - delete VFPC if 2009 IFC fixes. Consensus to delete and use IFC? **(no handout)**
26. IF/VSFPC Chapter 24: Consensus to delete tent and canopy changes as 2009 IFC fixes? **(no handout)**
27. IFC/VSPC 2703.3.1.4: Did 2009 IFC fix cleanup costs? Consensus to keep or delete? **(no handout)**

28. IFC/VSFPC/HB1353 Fireworks Chapter 33: Should the agreement on storage or supervision at M occupancies be inserted into the VFPC/IFC/VUSBC as technical amendment to ensure statewide uniformity despite some issues with what the current law or the VUSBC defines as hazardous limits and “permissible fireworks” being redefined by law out of these hazardous limits? Should there be any links between our different Virginia definitions and federal law? Discussion only. Consensus to add some clarifying language for M occupancies for storage to avoid the same issue from reoccurring elsewhere? **(pages 92 - 100)**

29. IFC 3307.4: Dominion Power cleans stacks and boilers at night not daytime. Current text does permit that where approved by the fire officials. Do we need to have an exception? Discussion only for possible exception as consensus to move forward? **(no handout)**

30. IFC Appendices B fire flow, C hydrants and D access roads: Should these appendices be adopted in the VSFPC related to Chapter 5 or as appendices just put into the VFPC whereby localities can adopt more stringent provisions? Also, as part of discussions on the IRC sprinklers there is an option of putting some of these provisions into the IRC as incentives for mandating sprinklers or as an option to use with incentives. The VUSBC and VSFPC didn’t include any appendices not adopted in the text of the codes. Found not many localities that had adopted any of three appendices as required to us. These appendices in many ICC codes are readily available and can be written into local ordinance as some localities maybe even different from the appendices. **(pages 101 - 107)**

31. IFC 4006 and 4006.1 and 6.2: Approved for R occupancies to have no smoking signs and premise sign that there is oxygen in use for each dwelling unit. Not in IRC so homes out unless licensed. Would cover R-1, R-2, R-3 and R-4. R-4 is licensed facilities, but how enforce in R-1, R-2 and R-3? The premise sign is option but then becomes a uniformity issue too? Do you really need a no-smoking sign in each dwelling room or does the tank come with its own sign as the person moves from room to room? Consensus to move forward as is or with changes? **(pages 108 - 110)**

32. IFC USBC 1027.17.2: Requires retrofit existing I-2 in patient rooms of certain size. Discussion. **(no handout)**

33. SFPC and STRB: Propane trucks parking: Fairfax now local ordinance to prohibit, but prior to that interpretation on NFPA means by “congested areas” and can local fire ordinances be enforced retroactively? What is application of provisions to new or existing propane parking and does application mean there has to be a NOV issues 1st or a written response on the applicable sections? **(no handout)**

2009 VUSBC:

1. Section 102.3 #1 and 202: Are telephone poles/transmission towers covered as structure or exempted as public utilities? Should they be covered, then does it make sense to have permit exemption and what scope? Should state law be changed? Discussion only. **(pages 111 - 114)**

2. Section 102.3 #5: Pods, containers and sheds USBC or IBSR? IBSR change to say not covered unless has interior walls not just open framing members? Discussion only and need fix consensus to move forward regulations/legislation? **(pages 111 - 114)**
3. Section 102.3 #6: Farm buildings still an issue with new uses such as churches, breweries, assembly events. Discussion only. **(page 115)**
4. Section 102.3: Portable stages covered by the USBC? Yes? Discussion only. **(page 115)**
5. USBC 103.2: Effective date of codes 1 year from regulation's effective date? **(page 121)**
6. Section 103.5 #4: Should this section be deleted for energy or other requirements like done last cycle for decks and impact on IEBC? Discussion only, code changes and consensus to move forward? **(no handout)**
7. Section 104.1 and 36-105(C)2 and 3: Need to coordinate in the VCC and VMC for inspection warrants for unsafe conditions. Consensus in concept to move forward code change? **(page 123)**
8. Section 108.2: Exemption for replacement of HVAC systems to now require a permit? **(no handout)**
9. Section 115.2: Keystone Builders code change. Not sure stated intent is accomplished as written. Can this already be done by current, more flexible language since most permits are taken out by builders, contractors and tenants; so, violations go to them first and not always to the owners? **(no handout)**
10. F203: fire pump and electrical rooms where NEC has construction requirements used for decades. IBC no requirements so clarify in USBC that those NEC construction requirements for ratings, exits and widths are permissible to use. Consensus to move forward to avoid interpretation issues? **(no handout)**
11. Sections 104, 109.3, 115.8.1 and 106.2 TRB Culpepper: Code change to avoid circumstances where local boards set the 3rd party policy for individuals/companies. Two possible code changes to consider reinforcing that local governing bodies cannot be altering the code or affecting construction except to the extent permitted by law and regulations. Consensus to move forward changes, amend or leave as is? **(page 128)**
12. Section 103.3, 3410.2.1, VRC: Change of occupancy to require trade work be brought up to new code? Fixed for compliance alternatives but less in VRC. Discussion only. **(page 138)**
13. Section VCC105, VMC 104.4, VADR 5-31-50: Clarify and link 3 sections so it is clear 16 hours can be in any code areas in the policy regardless of certification such as amusement rides. Consensus to move forward with staff code change? **(page 139)**

14. Sections 105.1.4, 105.2.3, 105.1.4, 105.2.3, 113.7.2 and 202: Requires 3rd parties and contract employees to do the CEU's and periodic training. Now done by local policies. What are pluses and minus? What about IBSR inspectors? Time element of 12 or 18 months for contract employees is deleted. Need to amend the SFPC? Consensus to amend, move forward or delete? **(page 140)**
15. Section 108.2.10.1: Exempts replacement of windows. Can permit be required for the emergency egress window? Is this emergency window part of the MOE thus not exempted? Discussion only. **(no handout)**
16. Section 108.2 #4: 2008 legislation introduced to increase exemption on tents from 900 square feet to say 1200 square feet. Discussion only. Will have proponent suggest a number. **(page 141)**
17. Section 108.2 #8 and Appendix H101.2 sign size not needing permit? Discussion only. **(no handout)**
18. SCRF and adult care should be included for up to 8 persons? Discussions only. **(no handout)**
19. 202 Building: Excludes VDOT bridges. Legislation to do same for private bridges. A former VDOT bridge given to landowner who then did work on it and local asked if could or must ask for a permit? Discussion only. Would need legislation. **(no handout)**
20. 202 emergency communication equipment: ICC has a code change so will need to keep or delete. ICC code change is more complex, stringent, costly and broader in scope. Consensus to keep USBC or go with IFC? **(no handout)**
21. USBC 421 MHSR and IBSR: Revisions to clarify inspection duties and what falls under these two regulations and USBC. To prescribe in each regulation that installers shall contact BO for all inspections especially bolting and anchoring processes. Consensus to move amendment forward? **(no handout)**
22. Remove I-3 DOC changes approved. Only 1-2 failed. Consensus to delete and retain 1-2 that failed for this cycle? **(no handout)**
23. Glitches: Correct fire alarm sections Sections 903.4.2 and 907.2.9 and tracer wire. Consensus to fix and move forward? **(page 143)**
24. Section 902: Fire extinguisher system can we delete as in the IBC/IFC? Consensus to delete? **(no handout)**
25. Section 903.2.1.4: A-4 would now delete Exception would now do floor sprinklers based on there are other events. Need to hear from designers and owners and locals where there are problems/incidents? Fire data? Consensus to retain Exception or delete? **(page 145)**

26. 903.2.2: E reduced from 20,000 to 12,000square feet. Impact on private schools? Most new public E's buildings. Additions? Input from school districts and state and private sector. Fire data need for Virginia. Consensus to change or leave as is? **(no handout)**
27. Section 903.2.6: M took to zero upholstered stores from 12,000 square feet. Can be in S and not sprinkled. Based on Charleston incident. Impact on smaller stores with C of C? Consensus to keep or retain current 12,000square feet? **(no handout)**
28. B occupancy upgraded Ambulatory Surgical Centers. Good change to come closer to CMS requirements. Discussion only. In Work Group 3. **(no handout)**
29. 1015.2.1 Exception 2: Can we delete? Consensus to delete if in IBC? **(no handout)**
30. USBC 407.8, IBC1008.1.8.6 E51: Does new I-2 special locking allow deletion of this state change? Consensus to go to new IBC or leave as is? Same for 407.9 for emergency power? **(no handout)**
31. USBC VMC 103.2 and 105.3, 105.3.1: Discuss unsafe not related to maintenance and faulty design, local codes pre-1972, pre-local codes/historic buildings, CO issued for older buildings not constructed under a local or state code. USBC 116.4 for CO issuance for existing buildings without a Company of which are very old built without codes. Do we need to clarify relationship of VMC and SFPC for a CO meaning only maintenance and not wholesale update to new codes or items not enforceable under theVMC and SFPC? Seems might want 116.4 in the VMC? **(no handout)**
32. USBC VMC 404.5: Should there be an age for children exempted from the 50s.f when with one parent? **(page 146)**
33. Appendix E adopt so can ensure USBC is approved by DOJ for safe harbor. Mailboxes, bank fixtures, text phones, etc not under USBC. Discussions. **(no handout)**
34. Should the USBC consider universal design options? **(no handout)**
35. CO alarms for IBC: SB853 failed to pass but in IRC. Should they be required for new R-occupancies or existing ones? Need code changes submitted. **(page 148)**
36. MOA's DEQ, VDH, DOLI, FOG grease interceptors? **(page 151)**
37. 2009 Legislative review. **(page 170)**
38. Errors review. **(page 179)**

Work Group 2 will meet April 30, 2009 at DHCD 1st floor Board Room commencing at 9:30a.m.

VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS (13 VAC 5-91)
(Proposed Revisions for the 2009 State Building and Fire Regulations)

February 6, 2009 Draft

13 VAC 5-91-10. Definitions.

The following words and terms when used in this chapter shall have the following meaning unless the context clearly indicates otherwise.

“Administrator” means the Director of DHCD or his designee.

“Approved” as applied to a material, device, method of construction, registered building, or as otherwise used in this chapter means approved by the administrator.

“Building official” means the officer or other designated authority charged with the administration and enforcement of the USBC, or duly authorized representative.

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

“DHCD” means the Virginia Department of Housing and Community Development.

“ICC” means the International Code Council, Inc.

“Industrialized building” means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in § 36-85.3 of the Code of Virginia and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act (42 USC § 5401 et seq.) shall not be considered industrialized buildings for the purpose of this law.

“Model” means a specific design of an industrialized building designated by the producer of the building including production buildings with variations and options that do not affect compliance with the standards governing structural, plumbing, mechanical, or electrical systems or any other items governed by this chapter.

“Registered” means an industrialized building which displays a registration seal issued by DHCD in accordance with this chapter.

“SBCAO” means the State Building Code Administrative Office within DHCD.

“State Review Board” means the Virginia State Building Code Technical Review Board as established by § 36-108 of the Code of Virginia.

“This law” means the Virginia Industrialized Building Safety Law as embraced in Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia.

“USBC” means the Virginia Uniform Statewide Building Code (13 VAC 5-63).

13 VAC 5-91-20. Application and compliance.

~~A. This chapter shall apply to industrialized buildings. The following provisions are in~~ In accordance with § 36-81 of the Code of Virginia, Registered registered industrialized buildings shall be acceptable in all localities as meeting the requirements of the Industrialized Building Safety Law (Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia), which shall supersede the building codes and regulations of the counties, municipalities and state agencies. Local requirements affecting industrialized buildings, including zoning, utility connections, preparation of the site and maintenance of the unit shall remain in full force and effect. All building officials are authorized to and shall enforce the provisions of this law, and the rules and regulations made in pursuance thereof the Industrialized Building Safety Law (Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia) and this chapter .

~~B. In accordance with § 36-78 of the Code of Virginia. No no person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building subject to any provisions of this chapter if the industrialized building is not in compliance with any such provisions unless it conforms with the applicable provisions of this chapter .~~

~~C. In accordance with subsection A of this section, the provisions of the USBC shall not be applicable to the design and construction of registered industrialized buildings. However, the provisions of this chapter do not prohibit the administrative provisions of the USBC for permits, inspections, certificates of occupancy and other matters from being applicable to the extent they are not addressed by the requirements of this chapter. Additionally, the provisions of this chapter do not prohibit alterations and additions to existing industrialized buildings from being regulated by the USBC or building officials from requiring the submission of plans and specifications for the model involved in electronic or other available format to aid in the evaluation of the proposed addition or alteration.~~

~~D. § 36-78 of the Code of Virginia. Industrialized buildings any industrialized building constructed prior to before January 1, 1972, shall remain subject to the ordinances, laws or regulations in effect at the time such industrialized building was constructed. Additionally, the provisions of this chapter do not prohibit pertinent provisions of the USBC from being applicable when such industrialized buildings are relocated. Additionally, as a requirement of this chapter, any industrialized building bearing the label of a compliance assurance agency shall remain subject to the provisions of this chapter which were effective when such building was constructed, regardless of whether the building has been relocated.~~

~~D. In accordance with § 36-99 of the Code of Virginia and in accordance with the USBC, the installation or erection of industrialized buildings and alterations, additions or repairs to~~

industrialized buildings are regulated by the USBC and not this chapter. The USBC provides for administrative requirements for permits, inspections and certificates of occupancy for such work.

E. Shipping containers and portable on demand storage (PODS) containers are not subject to this chapter.

13 VAC 5-91-30. Purpose.

The purpose of this chapter is to ensure safety to life, health, and property through compliance with uniform statewide construction standards for industrialized buildings.

13 VAC 5-91-40. Inspection and enforcement.

A. The SBCAO is designated as the administrator's representative for the enforcement of this chapter and shall act as the building official for registered industrialized buildings. It shall have authority to make such inspections during reasonable hours at the manufacturing facilities and at building sites where industrialized buildings are being installed. The SBCAO shall have authority to issue inspection reports for correction of violations caused by the manufacturer and to take such other actions as are required to enforce this chapter.

B. The SBCAO will maintain a list of approved compliance assurance agencies. Each manufacturer producing registered industrialized buildings will contract with one or more compliance assurance agencies for required evaluation, monitoring and inspection services. The contract will delineate the services to be provided by the compliance assurance agency. The compliance assurance agency will notify the SBCAO within 30 days of signing a new contract or terminating an existing contract with any manufacturer.

13VAC5-91-50. ~~Factory and field inspections~~ Right of entry and examination by Administrator .

~~A. The SBCAO shall conduct such inspections of factories producing industrialized buildings as may be necessary during reasonable hours to determine whether the designated compliance assurance agency is performing its evaluation and compliance assurance functions in a satisfactory manner.~~

~~B. The SBCAO may also make inspections during reasonable hours to determine whether unoccupied industrialized buildings are in compliance with this chapter. Such inspections may include, but are not limited to, industrialized buildings on dealer lots or industrialized buildings that are otherwise offered for sale to the public. Occupied industrialized buildings may be inspected by the SBCAO at the request of the owners or occupants. In accordance with § 36-82 of the Code of Virginia, the administrator shall have the right, at all reasonable hours, to enter into any industrialized building upon permission of any person who has authority or shares the use, access or control over the building, or upon request of local officials having jurisdiction, for examination as to compliance with this chapter.~~

13VAC5-91-60. ~~Violations~~ Notice of Violation .

In accordance with § 36-82 of the Code of Virginia, Where whenever the administrator finds shall find any violation of the provisions of this chapter, a notice of violation shall be issued.

~~This notice of violation shall order the party responsible~~ he shall order the person responsible ~~therefore to bring the unit building into compliance, within a reasonable time, to be fixed in the order.~~ In addition, as a requirement of this chapter, The administrator may request assistance from the building official for enforcement of this section.

13 VAC 5-91-70. Appeals.

~~A. In accordance with § 36-82.1 of the Code of Virginia, Appeals~~ appeals from building officials, compliance assurance agencies or manufacturers of industrialized buildings concerning DHCD's application of this chapter shall be heard by the State Review Board established by § 36-108 of the Code of Virginia. The State Review Board shall have the power and duty to render its decision in any such appeal, which decision shall be final if no further appeal is made. In addition, as a requirement of this chapter, appeals shall be submitted to the State Review Board within 21 calendar days of receipt of DHCD's decision. A copy of the decision of DHCD to be appealed shall be submitted with the application for appeal. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of DHCD's decision.

~~B. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no appeal is made therefrom.~~

13 VAC 5-91-80. Limitation of manufacturer's liability.

The manufacturer of a registered industrialized building shall not be required to remedy violations caused by on-site work by others not under his control or violations involving components and materials furnished by others and not included with the registered industrialized building.

13 VAC 5-91-90. Penalty for violation.

In accordance with § 36-83 of the Code of Virginia, any person, firm or corporation violating any provisions of this chapter shall be considered guilty of a Class 1 misdemeanor and, upon conviction, shall be fined not more than \$1,000.

13VAC5-91-100. Duties and responsibilities of building officials in the installation or erection of a registered industrialized building.

~~A. All Building building officials are authorized by § 36-81 of the Code of Virginia to enforce the provisions of this chapter and shall carry out the following functions provided such functions do not involve disassembly of the registered building or a change in its design or result in the imposition of more stringent conditions than those required by the compliance assurance agency or by this chapter: be responsible for and authorized to do the following:~~

1. Verify through inspection that the registered industrialized building displays the required state registration seal and the proper label of the compliance assurance agency and

2. Verify through inspection that the registered industrialized building has not been damaged in transit to a degree that would render it unsafe. If the building has been damaged, then the building official is authorized to require tests for tightness of plumbing systems and gas piping, and tests for damaged or loose wires, or both, in the electrical system short circuits at meter connections.

~~2. Verify through inspection that (i) supplemental components required by the data plate or by the installation instructions are properly provided and properly installed, (ii) the construction work associated with the installation of the building and the instructions from the manufacturer for the installation and erection of the building are followed, and (iii) any special conditions or limitations of use for the building that are stipulated in the manufacturer's instructions or by the data plate and authorized by this chapter are followed.~~

3. Prevent the use or occupancy of a registered industrialized building which in the opinion of the building official contains a serious defect or imminent safety hazard and notify the SBCAO immediately.

4. Notify the SBCAO of any apparent violations of this chapter to include defects and noncompliance.

~~B. Building officials are authorized to require submission of plans and specifications for details of items needed to comprise the finished building that are not included or specified in the manufacturer's installation instructions such as footings, foundations, supporting structures and proper anchorage. They may require such architectural and engineering services as may be necessary to assure that the footings, foundations and supporting structures, proper anchorage and other components necessary to comprise the finished building are designed in accordance with the applicable provisions of this chapter.~~

~~C. When a building official determines that a violation of any provision of this section is present, the responsible person shall be notified and given a reasonable time to correct the violation. If the violation is not corrected, the building official shall institute the appropriate proceedings to require correction or abatement of the violation and may prohibit the occupancy of the building until the violation is corrected. In accordance with 13 VAC 5-91-60, the administrator shall also have the authority to compel correction of violations of this section and may be contacted by the building official for assistance. In accordance with § 36-99 of the Code of Virginia and the USBC, all site work associated with the installation or erection of an industrialized building is subject to the USBC. In addition, under the USBC, all administrative requirements for permits, inspections and certificates of occupancy are also applicable.~~

13 VAC 5-91-115. Change of occupancy classification.

When the occupancy classification of a registered industrialized building is proposed to be changed, a compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether compliance may be achieved for a change of occupancy classification in accordance with the USBC. If factory plans are available, then disassembly is not required to the extent that the factory plans can be reasonably verified to reflect the actual construction. Once any necessary work is completed, the compliance assurance agency shall

prepare a report documenting the method utilized for the change of occupancy and any alterations to the building to achieve compliance. When the report is complete, the compliance assurance agency shall (i) mark the building with a new compliance assurance agency label in accordance with 13 VAC 5-91-210, which replaces the existing label; (ii) place a new manufacturer's data plate on the building in accordance with 13 VAC 5-91-245, which replaces the existing manufacturer's data plate and reflects the new occupancy classification; and (iii) forward a copy of the report and new data plate to the SBCAO.

13 VAC 5-91-120. Unregistered industrialized buildings.

A. The building official shall determine whether any unregistered industrialized building complies with this chapter and shall require any noncomplying unregistered building to be brought into compliance with this chapter. The building official shall enforce all applicable requirements of this chapter including those relating to the sale, rental and disposition of noncomplying buildings. The building official may require submission of full plans and specifications for each building. Concealed parts of the building may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The building official may also accept reports of inspections and tests from individuals or agencies deemed acceptable to the building official.

B. Unregistered industrialized buildings offered for sale in this Commonwealth shall be marked by a warning sign to prospective purchasers that the building is not registered in accordance with this chapter and must be inspected and approved by the building official. The sign shall be of a size and form approved by the administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door. This requirement shall not apply to residential accessory buildings.

C. An existing unregistered industrialized building may be registered in accordance with the following:

1. Where an unregistered building was constructed under an industrialized building program of another state and approved under such program, a compliance assurance agency shall prepare a report based on review of the plans and specifications and inspection of the building to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. If compliance is determined, the compliance assurance agency shall (i) mark the building with a compliance assurance agency label in accordance with 13 VAC 5-91-210, (ii) place a new manufacturer's data plate on the building in accordance with 13 VAC 5-91-245, (iii) mark the building with a registration seal in accordance with 13 VAC 5-91-260, and (iv) forward a copy of the report and new data plate to the SBCAO.

2. Where an unregistered building was not approved under an industrialized building program of another state, and the date of manufacture can be verified, the compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. When factory plans are available, then disassembly is not required to the extent that the factory plans can be verified to reflect the actual construction of the building. When compliance with the

construction requirements of this chapter that were in effect on the date of manufacture of the building is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this subsection.

3. When the date of manufacture of the existing unregistered building cannot be verified, the building shall be evaluated for compliance with the codes and standards specified in 13 VAC 5-91-160. The compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with these construction requirements. If compliance is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this subsection.

13 VAC 5-91-130. Disposition of noncomplying building.

When a building is found to be in violation of this chapter, the building official may require the violations to be corrected before occupancy of the building is permitted.

13 VAC 5-91-140. Report to the SBCAO.

If the building is moved from the jurisdiction before the violations have been corrected, the building official shall make a prompt report of the circumstances to the SBCAO. The report shall include all of the following:

1. A list of the uncorrected violations.
2. All information contained on the label pertinent to the identification of the building, the manufacturer and the compliance assurance agency.
3. The number of the Virginia registration seal.
4. The new destination of the building, if known.
5. The party responsible for moving the building.

13 VAC 5-91-150. When modification may be granted.

A. The administrator shall have the power upon request in specific cases to authorize modification of this chapter so as to permit certain specified alternatives where the objectives of this law can still be fulfilled. Such request shall be in writing and shall be accompanied by the plans, specifications and other information necessary for an adequate evaluation of the modification requested.

B. Before a modification is authorized, the building official may be afforded an opportunity to present his views and recommendations.

13 VAC 5-91-160. Use of model codes and standards.

A. Industrialized buildings produced after ~~May 1, 2008~~ (date to be inserted) , shall be reasonably safe for the users and shall provide reasonable protection to the public against hazards to life, health and property. ~~Compliance~~ comply with all applicable requirements of the following codes and standards, subject to the specified time limitations , ~~shall be acceptable evidence of compliance with this provision :~~

The following codes and standards may be used until ~~August 1, 2008~~ (date to be inserted) :

1. ICC International Building Code -- ~~2003~~ 2006 Edition
2. ICC International Plumbing Code -- ~~2003~~ 2006 Edition
3. ICC International Mechanical Code -- ~~2003~~ 2006 Edition
4. National Fire Protection Association Standard Number 70 (National Electrical Code) -- ~~2002~~ 2005 Edition
5. ICC International Residential Code -- ~~2003~~ 2006 Edition

B. The following documents are adopted and incorporated by reference to be an enforceable part of this chapter:

1. ICC International Building Code -- ~~2006~~ 2009 Edition
2. ICC International Plumbing Code -- ~~2006~~ 2009 Edition
3. ICC International Mechanical Code -- ~~2006~~ 2009 Edition
4. National Electrical Code -- ~~2005~~ 2008 Edition
5. ICC International Residential Code -- ~~2006~~ 2009 Edition

The codes and standards referenced above may be procured from:

International Code Council, Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001-2070

13 VAC 5-91-170. Amendments to codes and standards.

A. All requirements of the referenced model codes and standards that relate to fees, permits, certificates of use and occupancy, approval of plans and specifications, and other procedural, administrative and enforcement matters are deleted and replaced by the procedural, administrative and enforcement provisions of this chapter and the applicable provisions of Chapter 1 of the USBC.

B. The referenced codes and standards are amended as set forth in the USBC.

13 VAC 5-91-180. Compliance assurance agencies.

Application may be made to the SBCAO for acceptance as a compliance assurance agency. Application shall be made under oath and shall be accompanied by information and evidence that is adequate for the SBCAO to determine whether the applicant is specially qualified by reason of facilities, personnel, experience and demonstrated reliability to investigate, test and evaluate industrialized buildings for compliance with this chapter, and to provide adequate follow-up and compliance assurance services at the point of manufacture.

13 VAC 5-91-190. Freedom from conflict of interest.

A compliance assurance agency shall not be affiliated with, nor influenced or controlled by, producers, suppliers or vendors of products in any manner which might affect its capacity to render reports of findings objectively and without bias. A compliance assurance agency is judged to be free of such affiliation, influence and control if it complies with all of the following conditions:

1. The agency has no managerial affiliation with producers, suppliers or vendors and is not engaged in the sale or promotion of any product or material.
2. The results of the agency's work accrue no financial benefits to the agency through stock ownership of, or other similar affiliation to, any producer, supplier or vendor of the product involved.
3. The agency's directors and other management personnel in their job capacities receive no stock option or other financial benefit from any producer, supplier or vendor of the product involved.
4. The agency has sufficient interest or activity that the loss or award of a specific contract to determine compliance of a producer's, supplier's or vendor's product with this chapter would not be a determining factor in its financial well-being.
5. The employment security status of the agency's personnel is free of influence or control by producers, suppliers or vendors.

13 VAC 5-91-200. Information required by the administrator.

All of the following information and criteria will be considered by the administrator in designating compliance assurance agencies:

1. Names of officers and location of offices.
2. Specification and description of services proposed to be furnished under this chapter.
3. Description of qualifications of personnel and their responsibilities, including an assurance that personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors shall comply with the

requirements of the American Society for Testing and Material (ASTM) Standard Number E541-01 – Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building or shall obtain ICC or DHCD certifications in the appropriate subject area within 18 months of employment and maintain such certifications in an active status .

4. Summary of experience within the organization.
5. General description of procedures and facilities to be used in proposed services, including evaluation of the model, factory follow-up, quality assurance, labeling of production buildings, and specific information to be furnished on or with labels.
6. Procedures to deal with any defective buildings resulting from oversight.
7. Acceptance of these services by independent accrediting organizations and by other jurisdictions.
8. Proof of independence and absence of conflict of interest.

The ASTM Standard Number E541-01 may be procured from:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

13 VAC 5-91-210. Compliance assurance agency certification label.

Every manufactured section or module of a registered industrialized building shall be marked with a label supplied by the compliance assurance agency that includes the name and address of the compliance assurance agency and the certification label number.

13 VAC 5-91-220. Mounting of label.

To the extent practicable, the label shall be installed so that it cannot be removed without destroying it. The label shall be applied in the vicinity of the electrical distribution panel or in another location that is readily accessible for inspection. When a building is comprised of more than one section or module, the required label labels may be furnished as a single label for the entire placed in one location in the completed building provided each section or module is marked by the compliance assurance agency in a clearly identifiable manner provided with or on the label .

13 VAC 5-91-240. Label control.

The labels shall be under direct control of the compliance assurance agency until applied by the manufacturer to buildings that comply fully with this chapter. The manufacturer shall place its order for labels with the compliance assurance agency. The manufacturer is not permitted to acquire labels from any other source. Each compliance assurance agency shall keep a list of the

serial numbers of labels issued to each manufacturer's plant in such manner that a copy of the record can be submitted to the administrator upon request.

13 VAC 5-91-245. Manufacturer's data plate.

A. All of the following information shall be placed on a permanent manufacturer's data plate in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The compliance assurance agency shall approve the form and location of the data plate and shall ensure that the data plate is complete:

1. Manufacturer's name and address.
2. Compliance assurance agency certification number.
3. Serial number of each module of the building.
4. Serial number of the Virginia registration seal.
5. Date of manufacture of the building.
6. List of codes and standards under which the building was evaluated and constructed and the type of construction and occupancy classification under those codes and standards.
7. Design roof load, design floor live load ~~and~~ , design wind load and design ground snow load .
8. Seismic design zone number.
9. Thermal transmittance values or including thermal resistance ("R") values.
10. Special conditions or limitations concerning the use of the building under the codes and standards applicable to the building; however, a list of such conditions or limitations that are furnished separately with the building shall satisfy this requirement.
11. Special instructions for handling, installation and erection of the building,; however, a list of such instructions that are furnished separately with the building shall satisfy this requirement.
12. Designation of electrical service ratings, directions for water and drain connections and, where applicable, identification of permissible type of gas for appliances.
13. Name of manufacturer and model designation of major factory installed appliances.

B. The manufacturer shall maintain copies of the data plate and reports of inspection, tests and any corrective action taken for a minimum period of 10 years from the date of manufacture of the building.

13 VAC 5-91-250. Industrialized buildings eligible for registration.

Any industrialized building must meet all of the following requirements to be registered and eligible for a Virginia registration seal:

1. The design of the building has been found by a compliance assurance agency to be in full compliance with this chapter. Approved designs shall be evidenced by the stamp and date of approval on each design sheet by the compliance assurance agency.
2. The compliance assurance agency has conducted any necessary testing and evaluation of the building and its component parts.
3. The compliance assurance agency has provided the required inspections and other quality assurance follow-up services at the point of manufacture to assure the building complies with this chapter.
4. The building contains the appropriate evidence of such compliance through a label permanently affixed by the compliance assurance agency.

13 VAC 5-91-260. Registration seal for industrialized buildings.

A. Registered industrialized buildings shall be marked with an approved registration seal ~~seals~~ issued by the SBCAO. The ~~seal seals~~ shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture.

B. Registered industrialized buildings shall bear a one registration seal ~~for each dwelling unit in residential occupancies. For nonresidential occupancies, a registration seal is required for each registered building on each manufactured section or module. or, as an alternative, may have the registration seal for each manufactured section or module placed in one location in the completed building.~~

C. Approved registration seals may be purchased from the SBCAO in advance of use. The fee for each registration seal shall be ~~\$75~~ \$50. ~~Cheques shall be~~ Fees shall be submitted by checks made payable to "Treasurer of Virginia -" or shall be submitted by electronic means. Payment for the seals must be received by the SBCAO before the seals can be sent to the user.

D. To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the compliance assurance agency.

E. The compliance assurance agency or the manufacturer under the supervision of the compliance assurance agency shall maintain permanent records of the disposition of all Virginia registration seals obtained by the compliance assurance agency or manufacturer.

13 VAC 5-91-270. Manufacturer's installation instructions and responsibilities of installers.

A. The manufacturer of each industrialized building shall provide specifications or instructions, or both, with each building for handling, installing or erecting the building. Such instructions may be included as part of the label from the compliance assurance agency or may be furnished separately by the manufacturer of the building. The manufacturer shall not be required to provide the foundation and anchoring equipment for the industrialized building.

B. Persons or firms installing or erecting registered industrialized buildings shall install or erect the building in accordance with the manufacturer's instructions.

C. Where the installation or erection of an industrialized building utilizes components that are to be concealed, the installer shall notify and obtain approval from the building official prior to concealment of such components unless the building official has agreed to an alternative method of verification.

VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS (IBSR) (13 VAC 5-91)
(Proposed Revisions to the Virginia Construction Code to Correlate to Changes in the IBSR for
the 2009 State Building and Fire Regulations)

February 6, 2009 Draft

421.5 Site work for industrialized buildings. Site work for the erection and installation of an industrialized building is generally subject to the requirements of the Virginia Industrialized Building Safety Regulations (13 VAC 5-91) and the building official has certain enforcement responsibilities under those regulations shall comply with the manufacturer's instructions. To the extent that any aspect of the erection or installation of an industrialized building is not covered by ~~those regulations~~ the manufacturer's instructions, this code shall be applicable including the use of the IRC for any construction work where the industrialized building would be classified as a Group R-5 building. In addition, all administrative requirements of this code for permits, inspections and certificates of occupancy are also applicable. ~~The requirements of the IRC shall be permitted to be used for any construction work that is subject to this code where the industrialized building would be classified as a Group R-5 building.~~ Further, the building official may require the submission of plans and specifications for details of items needed to comprise the finished building that are not included or specified in the manufacturer's instructions, including, but not limited to, footings, foundations, supporting structures, proper anchorage and the completion of the plumbing, mechanical and electrical systems. Where the installation or erection of an industrialized building utilizes components which are to be concealed, the installer shall notify the building official that an inspection is necessary and assure that an inspection is performed and approved prior to concealment of such components, unless the building official has agreed to an alternative method of verification.

421.6 Relocated industrialized buildings; alterations and additions. Industrialized buildings constructed prior to January 1, 1972 shall be subject to Section 117 when relocated. Alterations and additions to any existing industrialized buildings shall be subject to pertinent provisions of this code. Building officials shall be permitted to require the submission of plans and specifications for the model to aid in the evaluation of the proposed alteration or addition. Such plans and specifications shall be permitted to be submitted in electronic or other available format acceptable to the building official.

VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS (13 VAC 5-95)
(Proposed Revisions for the 2009 State Building and Fire Regulations)

February 6, 2009 Draft

13 VAC 5-95-10. Definitions.

A. The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Act” or “the Act” means the National Manufactured Housing Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 USC § 5401 et seq.).

“Administrator” means the Director of DHCD or his designee.

“DHCD” means the Virginia Department of Housing and Community Development.

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

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

“Design Approval Primary Inspection Agency (DAPIA)” means a state agency or private organization that has been accepted by the Secretary, in accordance with the federal regulation, to evaluate and either approve or disapprove manufactured home designs and quality control procedures.

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

“Federal installation standards” means the federal Model Manufactured Home Installation Standards (24 CFR Part 3285) or any set of state standards that the Secretary has determined provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the installation standards.

“Federal regulation” means the federal Manufactured Home Procedural and Enforcement Regulations, enacted May 13, 1976, under authority granted by § 625 of the Act, and designated as Part 3282, Chapter XX, Title 24 of HUD’s regulations (24 CFR Part 3282). (Part 3282 consists of subparts A through L, with sections numbered 3282.1 through 3282.554, and has an effective date of June 15, 1976.)

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

“Imminent safety hazard” means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal manufactured home construction or safety standard.

“Installation” means completion of work to include but not limited to stabilize, support, anchor, and close up a manufactured home and to join sections of a multi-section manufactured home, when any such work is governed by the federal installation standards or by state installation standards that are certified as part of a qualifying installation program.

“Installer” means the person or entity who is retained to engage in, or who engages in, the business of directing, supervising, controlling, or correcting the initial installation of a manufactured home.

“Label” or “certification label” means the approved form of certification by the manufacturer that, under 24 CFR 3282.362(e)(2)(i) § 3280.8 of the Manufactured Home Procedural and Enforcement Regulations federal standards, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

“Local code building official” means the officer or other designated authority charged with the administration and enforcement of USBC, or duly authorized representative.

“Manufactured home” means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

“Manufacturer’s installation instructions” means DAPLA-approved instructions provided by the home manufacturer that accompany each new manufactured home and detail the home manufacturer requirements for support and anchoring systems and other work completed at the installation site to comply with the federal installation standards and the federal standards.

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

“Noncompliance” means a failure of a manufactured home to comply with a federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

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

“Recreational vehicles” means vehicles which meet all of the following criteria:

1. Built on a single chassis.
2. 400 square feet or less when measured at the largest horizontal projections.
3. Self-propelled or permanently towable by a light duty truck.
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Secretary" means the Secretary of HUD.

"Serious defect" means any failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

"Standards" or "federal standards" means the federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280) adopted by HUD, in accordance with authority in the Act. The standards were enacted December 18, 1975, and amended May 11, 1976, to become effective June 15, 1976.

"State administrative agency" or "SAA" means DHCD which is responsible for the administration and enforcement of Chapter 4.1 (§ 36-85.2 et seq.) of Title 36 of the Code of Virginia throughout Virginia and of the plan authorized by § 36-85.5 of the Code of Virginia.

"USBC" means the Virginia Uniform Statewide Building Code (13 VAC 5-63).

B. Terms defined within the federal regulations and standards shall have the same meanings in this chapter.

13 VAC 5-95-20. Application and enforcement.

A. This chapter shall apply to manufactured homes ~~as defined in 13 VAC 5-95-10 and 13VAC5-95-20.~~

B. Enforcement of this chapter shall be in accordance with the federal regulation.

C. Manufactured homes produced on or after June 15, 1976, shall conform to all the requirements of the federal standards, as amended.

D. DHCD is delegated all lawful authority for the enforcement of the federal standards pertaining to manufactured homes by the administrator according to §36-85.5 of the Code of Virginia. The Division of Building and Fire Regulation of DHCD is designated as a state administrative agency in the HUD enforcement program, and shall act as an agent of HUD. The administrator is authorized to perform the activities required of an SAA by the HUD enforcement plan including, but not limited to, investigation, inspections, citation of violations, handling of complaints, conducting hearings, supervising remedial actions, monitoring, and making such reports as may be required.

E. All local ~~code~~ building officials are authorized by § 36-85.11 of the Code of Virginia to enforce the provisions of this chapter ~~within the limits of their jurisdiction. Such local code officials shall enforce this chapter, subject to the general oversight of the Division of Building and Fire Regulation and shall not permit the use of any manufactured home containing a serious defect or imminent safety hazard within their jurisdiction, and shall be responsible for and authorized to do the following:~~

1. Verify through inspection that a manufactured home displays the required HUD label.

2. Determine whether the manufactured home has been damaged in transit to a degree that may make it unsafe. If the manufactured home has been damaged, then the local building official is authorized to require tests for tightness of plumbing systems and gas piping, and electrical short circuits at meter connections.

3. Prevent the use or occupancy of a manufactured home which in the opinion of the local building official contains a serious defect or imminent safety hazard and notify the administrator immediately.
4. Notify the administrator of any apparent violations of this chapter to include defects and noncompliance.

F. ~~Mounting and anchoring of manufactured homes shall be in accordance with the applicable requirements of the USBC. In accordance with § 36-99 of the Code of Virginia, all site work associated with the installation of manufactured homes is subject to the USBC. Also, as set out by the USBC, all administrative requirements for permits, inspections and certificate of occupancy are applicable.~~ 421.2?

G. Recreational vehicles are not subject to this chapter.

13 VAC 5-95-30. Effect of label.

A. In accordance with § 36-85.11 of the Code of Virginia, manufactured homes displaying the certification label as prescribed by the federal standards shall be accepted in all localities as meeting the requirements of the Manufactured Housing Construction and Safety Standards Law (Chapter 4.1 (§ 36-85.2 et seq.) of Title 36 of the Code of Virginia) which shall supersede the building codes of the counties, municipalities and state agencies. ~~In addition, as a requirement of this chapter, local code officials shall carry out the following functions with respect to manufactured homes displaying the HUD label, provided such functions do not involve a disassembly of the homes or parts of the homes, change of design, or result in the imposition of more stringent conditions than those required by the federal regulations:~~

~~1. Verify through inspection that the manufactured home has not been damaged in transit to a degree that would render it unsafe. If the manufactured home has been damaged, then the local building official is authorized to require tests for tightness of plumbing systems and gas piping and electrical short-circuits at master connections.~~

~~2. Verify through inspection that (i) supplemental components required by the manufacturer's installation instructions or this chapter are properly provided, (ii) manufacturer's instructions or erector instructions are followed, and (iii) any special conditions or limitations of use stipulated by the manufacturer's installation instructions or the label in accordance with the standards or this chapter are followed.~~

B. ~~Local code officials are required by the USBC to enforce applicable requirements of the USBC for utility connections, site preparation, foundations, steps, decks, porches, alterations and additions to existing manufactured homes, building permits, skirting, certificates of use and occupancy, and all other applicable requirements, except those governing the design and construction of the labeled units. In addition, local code officials shall verify that a manufactured home displays the required HUD label.~~

13 VAC 5-95-40. Report to DHCD.

Whenever any manufactured home is moved from a local jurisdiction before a noted violation has been corrected, the local code building official shall make a prompt report of the circumstances to the administrator. The report shall include a list of uncorrected violations, all information pertinent to

identification and manufacture of the home contained on the label and the data plate, the destination of the home if known, and the name of the party responsible for moving it.

13 VAC 5-95-50. Alterations.

A. No ~~distributor~~ installer, broker or dealer shall perform or cause to be performed on a new manufactured home any alteration affecting one or more requirements set forth in the federal standards, except those alterations approved by the administrator.

B. In handling and approving dealer requests for alterations on a new manufactured home, the administrator may be assisted by local code building officials. The local code building official shall report violations of subsection A of this section and failures to conform to the terms of their approval to the administrator.

C. In accordance with § 36-99 of the Code of Virginia and in accordance with the USBC, alterations, additions and repairs associated with used manufactured homes are regulated by the USBC and not this chapter. The USBC provides for administrative requirements for permits, inspections and certificates of occupancy and allows the use of Appendix E of the International Residential Code, entitled, "Manufactured Housing Used As Dwellings" as an acceptable alternative to the general requirements of the USBC for construction work associated with additions, alterations and repairs to used manufactured homes.

13 VAC 5-95-60. Installations.

~~Distributors or Brokers, dealers installing or installers setting up a new manufactured home shall perform such installation in accordance with the manufacturer's installation instructions or other support and anchoring system approved by the local code official in accordance with the USBC.~~

13 VAC 5-95-70. Prohibited resale.

No ~~distributor~~ broker or dealer shall offer for resale any manufactured home possessing a serious defect or imminent safety hazard.

13 VAC 5-95-80. Lot inspections.

At any time during regular business hours when a manufactured home is located on a dealer's or ~~distributor~~ broker's lot and offered for sale, the administrator shall have authority to inspect such home for transit damages, seal tampering, violations of the federal standards and the dealer's or ~~distributor's~~ broker's compliance with applicable state and federal laws and regulations. The administrator shall give written notice to the dealer or ~~distributor~~ broker when any home inspected does not comply with the federal standards.

13 VAC 5-95-90. Consumer complaints; ~~on-site inspections.~~

A. The administrator shall receive all consumer complaints on new manufactured homes reported to DHCD by owners, dealers, ~~distributors~~ brokers, code building officials, and other state or federal agencies. The administrator may request such reports to be submitted by letter or on a report form supplied by DHCD or in other format acceptable to the administrator.

B. The administrator may conduct, or cause to be conducted, an on-site inspection of a manufactured home at the request of the owner reporting a complaint with the home or under the following conditions with the permission of the owner of the home:

1. The installer, dealer, distributor or manufacturer requests an on-site inspection;
2. The reported complaint indicates extensive and serious noncompliances;
3. Consumer complaints lead the administrator to suspect that a class of homes may be similarly affected; or
4. Review of manufacturer's records, corrective action, and consumer complaint records leads the administrator to suspect secondary or associated noncompliances may also exist in a class of homes.

C. When conducting an on-site inspection of a home involving a consumer complaint, the administrator may request the dealer, distributor, installer and manufacturer of the home to have a representative present to coordinate the inspection and investigation of the consumer complaint.

D. After reviewing the complaint report or the on-site inspection of the home involved, the administrator shall, where possible, indicate the cause of any nonconformance and, where possible, indicate the responsibility of the manufacturer, dealer, installer, distributor, or owner for the noncompliance and any corrective action necessary.

E. The administrator shall refer to the manufacturer of the home, in writing, any consumer complaint concerning that home reported to the administrator. The administrator may refer any such reported complaint to HUD, to the SAA in the state where the manufacturer is located and to the inspection agency involved with certifying the home.

F. The administrator shall assist the owner, dealer, installer, distributor, and manufacturer in resolving consumer complaints. The administrator shall monitor the manufacturer's performance to assure compliance with Subpart I of the federal regulations for consumer complaint handling and shall take such actions as are necessary to assure compliance of all involved parties with applicable state and federal regulations.

13 VAC 5-95-100. Violation; appeal; penalty.

A. ~~Where the administrator finds any violation of the provisions of this chapter, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within a reasonable time.~~ In accordance with § 36-85.12 of the Code of Virginia, it shall be unlawful for any person, firm or corporation, to violate any provisions of this law, the rules and regulations enacted under authority of this law, or the Federal Law and Regulations. Any person, firm or corporation violating any provision of said laws, rules and regulations, or any final order issued there under, shall be liable for civil penalty not to exceed \$1,000 for each violation. Each violation shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or to perform an act required by the legislation or regulations. The maximum civil penalty may not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation. An individual or a director, officer, or agent of a

corporation who knowingly and willfully violates Section 610 of the National Manufactured Housing Construction and Safety Standards Act in a manner which threatens the health or safety of any purchaser shall be deemed guilty of a Class 1 misdemeanor and upon conviction fined not more than \$1,000 or imprisoned not more than one year, or both.

~~B. Parties aggrieved by the findings of the notice of violation may appeal to~~ In accordance with § 36-114 of the Code of Virginia, the State Building Code Technical Review Board, which shall act on the appeal in accordance with the provisions of the USBC. The aggrieved party shall file the appeal within 10 days of the receipt of the notice of violation. Unless the notice of violation is revoked by the review board, the aggrieved party must comply with the stipulations of the notice of violation. shall have the power and duty to hear all appeals from decisions arising under the application of this chapter. Appeals concerning application of the federal regulations or federal standards by the administrator shall be in accordance with the federal regulations.

~~C. Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be considered guilty of a misdemeanor in accordance with § 36-85.12 of the Code of Virginia.~~

VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS (MHSR) (13 VAC 5-91)
(Proposed Revisions to the Virginia Construction Code to Correlate to Changes in the MHSR for
the 2009 State Building and Fire Regulations)

February 6, 2009 Draft

VCC Section 421.2 Site work for manufactured homes.

~~The installation of a manufactured home is generally subject to the requirements of the Virginia Manufactured Home Safety Regulations (13 VAC 5-95). Under those regulations, the building official is responsible for assuring that the installation complies with the manufacturer's installation instructions and any special conditions or limitations of use stipulated by the label. To the extent that any aspect of the installation is not provided for in the manufacturer's installation instructions, then the installation shall comply with applicable requirements of this code. In the case where the manufacturer's installation instructions for a manufactured home are not available, the NCSBCS/ANSI A225.1 standard, 1994 edition, may be substituted for the manufacturer's installation instructions. Foundations, stoops, decks, porches, alterations and additions associated with manufactured homes are subject to the requirements of this code and all administrative requirements of this code for permits, inspections and certificates of occupancy are also applicable. The requirements of the IRC shall be permitted to be used for the technical requirements for such construction work. In addition, Appendix E of the IRC entitled, "Manufactured Housing Used As Dwellings," shall be an acceptable alternative to this code for construction work associated with the installation of manufactured homes and for additions, alterations and repairs to manufactured homes. The aspects for the installation and set up of a manufactured home covered by this code rather than the Virginia Manufactured Home Safety Regulations (13 VAC 5-95) include, but are not limited to, footings, foundations systems, anchoring of the home, exterior and interior close-up, stoops, decks, porches, additions and alterations. Such aspects shall be subject to and shall comply with the installation instructions provided by the manufacturer of the home. To the extent that the manufacturer's installation instructions do not address any aspect enumerated above or when the manufacturer's installation instructions are not available, such aspects shall be subject to and shall comply with Title 24 Code of Federal Regulations, Part 3285 – Model Manufactured Home Installation Standards. To the extent that the manufacturer's installation instructions and Title 24 Code of Federal Regulations, Part 3285 do not address any aspect enumerated above, such aspects shall be subject to and shall comply with the provisions of this code, which shall include the option of using the IRC for the technical requirements for the installation and set up of the home and the use of Appendix E of the IRC for additions, alterations and repairs to the home. Additionally, all applicable provisions of Chapter I of this code, including but not limited to requirements for permits, inspections, certificates of occupancy and requiring compliance, are applicable to the installation and set up of a manufactured home. Where the installation or erection of a manufactured home utilizes components which are to be concealed, the installer shall notify the building official that an inspection is necessary and assure that an inspection is performed and approved prior to concealment of such components, unless the building official has agreed to an alternative method of verification.~~

Explanation of Changes

The changes are intended to draw clear lines between what is regulated under the MHSR and under the VCC for the set up and installation of manufactured homes. In addition, the reference in the VCC to the new federal installation standards is added to replace the old reference to the NCSBCS/ANSI standard.

BREAKING NEWS

Breaking News Updated: 10:31 AM

1 killed in officer-involved shooting in Floyd County

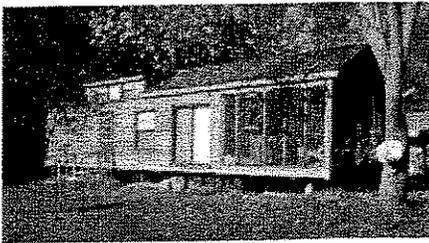
Tuesday, January 13, 2009

Panel narrowly denies zoning change

The owners of a vacation unit in Botetourt County may have to remove it from their property.

By Courtney Cutright

981-3345



The Roanoke Times File 2008

A summer getaway near Oriskany has given Botetourt County officials a puzzler as they try to determine how to classify it.

FINCASTLE -- The Botetourt County Planning Commission on Monday evening narrowly voted to recommend denial of a zoning amendment that could force Polly Anne and Wayne Crouch to move a log cabin-trailer hybrid from their Oriskany property.

Commission members James Laughlin, Steve Kidd and Chris Whitely voted to recommend denying the addition of the definition for a "recreational park trailer" to the county's board of supervisors.

The impetus for denial was because the Crouches' unit does not meet state and federal building standards but instead those of the American National Standards Institute, which Virginia does not recognize.

Later this month, the board will make the final determination on the zoning issue that has puzzled county planning officials for months.

The dwelling, which is neither a federally approved manufactured home nor a state-approved stick-built home, conflicts with the county's zoning code. The Crouches, of Chesterfield, have owned the property for about 30 years and use the site to hunt, fish and camp.

The 3-2 vote kept the commission from moving forward to consider recommending a special-exemption permit for the Crouches.

"It's a good-looking unit. I wish it fell under the classification of a mobile home," Kidd said.

The points of contention for the commission had less to do with the unit's exterior appearance than the fact that county officials said the dwelling was placed there without permission as well as concerns about the precedent that allowing a change would set.

"I think it started off wrongly and it's only been building up to more confusion. This is going to come back to haunt the board of supervisors and the planning commission eventually," Laughlin said.

The planning commission tabled the issue in October and Rob Hagan, the Crouches' attorney, revised the request.

At the October meeting, neighboring property owners supported the Crouches' request and said the unit enhanced the area, Hagan said.

082334604

HOUSE BILL NO. 895

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact §§ 36-98.3 and 59.1-519 of the Code of Virginia, relating to the Uniform Statewide Building Code; amusement devices; definitions.

 Patron-- Lohr

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-98.3 and 59.1-519 of the Code of Virginia are amended and reenacted as follows:

§ 36-98.3. Amusement devices.

A. The Board shall have the power and duty to promulgate regulations pertaining to the construction, maintenance, operation and inspection of amusement devices.

B. For purposes of this section:

“Amusement device” means (i) a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion and (ii) passenger tramways. “Amusement device” shall not include any temporarily installed canopy, tent, or similar structure or inflatable device while such structure or device is in use for a private meeting or party that is limited in attendance to members of the organization sponsoring the meeting or party and invited guests and not otherwise open to the public.

▲“Passenger tramway” means a device used to transport passengers uphill, and suspended in the air by the use of steel cables, chains or belts, or by ropes, and usually supported by trestles or towers with one or more spans.

C. Regulations promulgated hereunder shall include provisions for the following:

1. The issuance of certificates of inspection prior to the operation of an amusement device;
2. The demonstration of financial responsibility of the owner or operator of the amusement device prior to the operation of an amusement device;
3. Maintenance inspections of existing amusement devices;
4. Reporting of accidents resulting in serious injury or death;
5. Immediate investigative inspections following accidents involving an amusement device that result in serious injury or death;

6. Certification of amusement device inspectors;
7. Qualifications of amusement device operators;
8. Notification by amusement device owners or operators of an intent to operate at a location within the Commonwealth; and
9. A timely reconsideration of the decision of the local building department when an amusement device owner or operator is aggrieved by such a decision.

~~B.D.~~ In promulgating regulations, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations. Where appropriate, the Board shall establish separate standards for mobile amusement devices and for amusement devices permanently affixed to a site.

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

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

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

§ 59.1-519. Definitions.

As used in this chapter:

"Amusement device" means (i) a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion and (ii) a device suspended in the air by the use of steel cables, chains, belts, or ropes, and usually supported by trestles or towers with one or more spans, also known as a passenger tramway, used to transport passengers uphill. *"Amusement device" shall not include any temporarily installed canopy, tent, or similar structure or inflatable device while such structure or device is in use for a private meeting or party that is limited in attendance to members of the organization sponsoring the meeting or party and invited guests and not otherwise open to the public.*

HB 895 Uniform Statewide Building Code; definition of amusement devices.

another bill?



Matthew J. Lohr | [all patrons](#) ... [notes](#) | [add to my profiles](#)

Summary as introduced:

Uniform Statewide Building Code; amusement devices; definitions. Provides that the definition of "amusement device" shall not include any temporarily installed canopy, tent, or similar structure or inflatable device while in use for a private meeting or party limited in attendance to members of the organization sponsoring the event and invited guests.

Full text:

01/08/08 House: Prefiled and ordered printed; offered 01/09/08 082334604 (impact statement)

Status:

01/08/08 House: Prefiled and ordered printed; offered 01/09/08 082334604

01/08/08 House: Referred to Committee on General Laws

01/17/08 House: Assigned GL sub: Housing

02/12/08 House: Left in General Laws

Part I
General Provisions

13VAC5-31-10. Purpose.

A. The purpose of this chapter is to establish standards for the regulation, design, construction, maintenance, operation, and inspection of amusement devices.

B. The provisions of the USBC, including but not limited to all administrative procedures shall apply in the administration and enforcement of this chapter and to amusement devices to the extent such provisions are not superseded by the provisions of this chapter.

13VAC5-31-20. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

“Amusement device” means (i) a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion and (ii) passenger tramways.

“Bungee cord” means the elastic rope to which the jumper is attached which lengthens and shortens to produce a bouncing action.

“Carabineer” means a shaped metal device with a gate used to connect sections of a bungee cord, jump rigging, equipment, or safety gear.

“DHCD” means the Virginia Department of Housing and Community Development.

“Gravity ride” means a ride that is installed on an inclined surface, which depends on gravity for its operation to convey a passenger from the top of the incline to the bottom, and which conveys a passenger in or on a carrier tube, bag, bathing suit, or clothes.

“Ground operator” means a person who assists the jump master to prepare a jumper for jumping.

“Harness” means an assembly to be worn by a bungee jumper to be attached to a bungee cord. It is designed to prevent the wearer from becoming detached from the bungee system.

“Jump master” means a person who has responsibility for the bungee jumper and who takes the jumper through the final stages to the actual jump.

“Jump zone” means the space bounded by the maximum designed movements of the bungee jumper.

“Jumper” means the person who departs from a height attached to a bungee system.

“Kiddie ride” means an amusement device where the passenger or patron height is limited to 54 inches or less, the design capacity of passengers or patrons is 12 or less and the assembly time for the device is two hours or less.

“Landing area” means the surface area of ground or water directly under the jump zone, the area where the lowering device moves the bungee jumper to be landed away from the jump space and the area covered by the movement of the lowering device.

“Local building department” means the agency or agencies of the governing body of any city, county or town in this Commonwealth charged with the enforcement of the USBC.

“Operating manual” means the document that contains the procedures and forms for the operation of bungee jumping equipment and activity at a site.

2006 VIRGINIA AMUSEMENT DEVICE REGULATIONS – Effective May 1, 2008

“**Passenger tramway**” means a device used to transport passengers uphill, and suspended in the air by the use of steel cables, chains or belts, or ropes, and usually supported by trestles or towers with one or more spans.

“**Platform**” means the equipment attached to the structure from which the bungee jumper departs.

“**Private inspector**” means a person performing inspections who is independent of the company, individual or organization owning, operating or having any vested interest in an amusement device being inspected.

“**Ultimate tensile strength**” means the greatest amount of load applied to a bungee cord prior to failure.

“**USBC**” means the Virginia Uniform Statewide Building Code (13VAC5-63).

B. Words and terms used in this chapter which are defined in the USBC shall have the meaning ascribed to them in that regulation unless the context clearly indicates otherwise.

C. Words and terms used in this chapter which are defined in the standards incorporated by reference in this chapter shall have the meaning ascribed to them in those standards unless the context clearly indicates otherwise.

13VAC5-31-30. Exemptions.

The following equipment or devices shall not be considered amusement devices subject to this chapter:

1. Non-mechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps and similar equipment where no admission fee is charged for its use or for admittance to areas where the equipment is located;
2. Coin-operated rides designed to accommodate three or less passengers; and
3. Water slides or similar equipment used in community association, community club or community organization swimming pools.

13VAC5-31-40. Incorporated standards.

A. The following standards are hereby incorporated by reference for use as part of this chapter:

1. American National Standards Institute (ANSI) Standard No. B77.1-2006 for the regulation of passenger tramways; and
2. American Society for Testing and Materials (ASTM) Standard Nos. F698-94 (Reapproved 2000), F747-06, F770-06a, F846-92 (Reapproved 2003), F853-05 F893-05a; F1159-03a, F1193-06, F1305-94 (Reapproved 2002), F1950-99, F1957-99 (Reapproved 2004), F2007-06, F2137-04, ~~F2291-06a~~ F2291-08, F2374-07a, F2376-06 and F2460-06 for the regulation of amusement devices.

The standards referenced above may be procured from:

ANSI
25 W 43rd Street
New York, NY 10036

ASTM
100 Barr Harbor Dr.
West Conshohocken, PA 19428-2959

B. The provisions of this chapter govern where they are in conflict with any provisions of the standards incorporated by reference in this chapter.

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 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.

D. Where an amusement device was manufactured under previous editions of the standards incorporated by reference in this chapter, the previous editions shall apply to the extent that they are different from the current standards.

13VAC5-31-50. Certification of amusement device inspectors.

A. Any person, including local building department personnel, inspecting an amusement device relative to a certificate of inspection shall possess prior to conducting an inspection a valid certificate of competence certification as an amusement device inspector from the Virginia Board of Housing and Community Development in accordance with the Virginia Certification Standards (13VAC5-21).

B. ~~Local building department personnel enforcing this chapter and private inspectors shall attend 16 hours every two years of continuing education and periodic training courses approved or required as designated by DHCD. Additional continuing education hours shall not be required if more than one certificate is held. In addition to the periodic training courses required above, local building department personnel and private inspectors shall attend 16 hours every two years of continuing education training approved by DHCD. If such personnel or private inspectors have more than one DHCD certificate, the 16 hours shall satisfy the continuing education requirement for all certificates.~~

13VAC5-31-60. Appeals.

Appeals from the local building department concerning the application of this chapter shall be made to the local board of building code appeals established by the USBC. Application for appeal shall be filed with the local building department within 14 calendar days after receipt of the decision of the local building department. The board of appeals shall hear the appeal within seven calendar days after the application for appeal is filed. After final determination by the board, any person who was a party to the appeal may appeal to the Technical Review Board within 14 calendar days of receipt of the decision to be appealed. Such appeal shall be in accordance with the procedures established in the USBC, under the authority granted by § 36-98.3 of the Code of Virginia where the provisions of Chapter 6 of Title 36 of the Code of Virginia and the USBC apply to amusement devices.

Note: Because of the short time frames normally associated with amusement device operations, DHCD staff will be available to assist in finding a timely resolution to disagreements between owners or operators and the local building department upon request by either party.

Part II

Enforcement Permits and Certificates of Inspection

13VAC5-31-75. Local building department.

A. In accordance with §§ 36-98.3 and 36-105 of the Code of Virginia, the local building department shall be responsible for the enforcement of this chapter and may charge fees for such enforcement activity. The total amount charged for any one permit to operate an amusement device or devices or the renewal of such permit shall not exceed the following, except that when a private inspector is used, the fees shall be reduced by 50%:

1. \$25 for each kiddie ride covered by the permit;
2. \$35 for each circular ride or flat-ride less than 20 feet in height covered by the permit;
3. \$55 for each spectacular ride covered by the permit which permit which cannot be inspected as a circular ride or flat-ride in subdivision 2 of this subsection due to complexity or height; and

4. \$150 for each coaster covered by the permit which exceeds 30 feet in height.

The permit to operate an amusement device or devices shall include any generators associated with the amusement device or devices except that the local building department may charge an additional fee for the inspection of such generators, not to exceed \$50 per generator.

B. Notwithstanding the provisions of subsection A of this section, when an amusement device is constructed in whole or in part at a site for permanent operation at that site and is not intended to be disassembled and moved to another site, then the local building department may utilize permit and inspection fees established pursuant to the USBC to defray the cost of enforcement. This authorization does not apply to an amusement device that is only being reassembled, undergoing a major modification at a site or being moved to a site for operation.

C. A permit application shall be made to the local building department at least five days 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~~ \$1,000,000 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; occurrence or proof of equivalent financial responsibility. The local building department 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.

E. Local building department personnel shall examine the permit application within five days and issue the permit if all requirements are met. A certificate of inspection for each amusement device shall be issued when the device has been found to comply with this chapter by a private inspector or by an inspector from the local building department. It shall be the responsibility of the local building department to verify that the private inspector possesses a valid certificate of competence as an amusement device inspector from the Virginia Board of Housing and Community Development. In addition, local building department personnel shall be responsible for assuring that the certificate of inspection is posted or affixed on or in the vicinity of the device in a location visible to the public. Permits shall indicate the length of time the device or devices will be operated at the site, clearly identify the device or devices to which it applies and the date of expiration of the permit. Permits and certificates of inspection shall not be valid for longer than one year.

F. In addition to obtaining a certificate of inspection in conjunction with a permit application, a new certificate of inspection shall also be obtained prior to the operation of an amusement device following a major modification, prior to each seasonal operation of a device and prior to resuming the operation of a device following an order from a local building department to cease operation. Further, a new certificate of inspection shall be obtained at least once during the operating season for amusement devices permanently affixed to a site. Fees in accordance with subsection A of this section may be charged for any new certificates of inspection required pursuant to this subsection. This requirement The requirements of this subsection shall not apply to kiddie rides meeting the conditions outlined in subsection D of this section .

G. For amusement devices manufactured prior to 1978, the owner or operator shall have the information required by §§ 2.1 through 2.6 of ASTM F698 available at the time of inspection. In addition, the operator of any amusement device shall be responsible for obtaining all manufacturer's notifications, service bulletins and safety alerts issued pursuant to ASTM F853 and the operator shall comply with all recommendations and requirements set out in those documents. A copy of all such documents shall be made available during an inspection.

H. In the enforcement of this chapter, local building department personnel shall have authority to conduct inspections at any time an amusement device would normally be open for operation or at any other time if permission is granted by the

owner or operator, to issue an order to temporarily cease operation of an amusement device upon the determination that the device may be unsafe or may otherwise endanger the public and to accept and approve or deny requests for modifications of the rules of this chapter in accordance with the modification provisions of the USBC.

13VAC5-31-85. Accidents involving serious injury or death.

A. If an accident involving the serious injury or death of a patron occurs, the operation of an amusement device shall cease and the local building department shall be notified as soon as practicable, but in no case later than during the next working day. The operation of the device shall not resume until inspected by a private inspector or an inspector from the local building department, except where the owner or operator determines the cause was not related to malfunction or improper operation of the amusement device.

B. The owner or operator shall conduct an investigation of the accident including, at a minimum, an examination of the accident scene and interviews of any witnesses or persons involved in the accident. An accident investigation report shall be compiled which, at a minimum, shall contain a summary of the investigation and a description of the device involved, including its serial number and date of manufacture, if available. The report shall be submitted to the local building department within 24 hours of the accident except that if the local building department is closed during that period, then the report shall be submitted with four hours of the reopening of the department.

C. Local building department personnel are authorized to investigate the accident and to issue an order to cease operation when warranted and to specify the conditions under which the device may resume operation. The amusement device shall be inspected prior to resuming operation either by an inspector from the local building department or by a private inspector and found to comply with this chapter.

D. The local building department shall file a report annually with DHCD listing any accidents involving the serious injury or death of a patron for amusement devices which were operating within their jurisdiction.

**Part III
Gravity Rides**

13VAC5-31-180. General requirements.

- A.** The provisions of this part are specific to gravity rides and are in addition to other applicable provisions of this chapter.
- B.** A ride using carriers shall be designed and constructed to retain the passengers in or on a carrier during the operation of the ride and retain the carrier on or within the track, slide, or chute system during the operation of the ride.
- C.** A ride that conveys passengers not in or on a carrier shall be designed and constructed to retain the passengers within the chute or slide during the ride.
- D.** At each loading or unloading area, a hard surface which is other than earth and which is reasonably level shall be provided. The surface shall be large enough to accommodate the intended quantity of passengers.
- E.** Where loading or unloading platforms are elevated more than 30 inches from the adjacent areas, guard rails conforming to the USBC shall be provided.
- F.** Passengers shall not have to step up or down more than 12 inches from the loading or unloading surface to enter or exit the ride.
- G.** The frequency of departure of carriers or riders from the loading areas shall be controlled by a ride operator. The minimum distance between departures shall be determined by the designer of the specific ride.
- H.** When a passenger has control of the speed or course of the carrier, the passenger shall have a clear sight distance along the course of the ride long enough to allow the passenger to avoid a collision with another person or carrier.
- I.** The unloading area of the ride shall be designed and constructed to bring riders and carriers to a safe stop without any action by the rider.

J. There shall be attendants at the loading and unloading area when the ride is in use. However, where the physical structure of the ride is such that it is not capable of accommodating an attendant at both the loading and unloading area and the entire ride is visible and under the supervision of a single attendant, attendants at both the loading and unloading areas shall not be required.

K. If the entire course of the ride is not visible to the operator, additional persons with communications equipment shall be provided or approved visual surveillance equipment shall be installed along the course of the ride which is not visible to the operator.

L. Any moving or hot parts that may be injurious to the ride operator or the public shall be effectively guarded to prevent contact.

M. Fencing or adequate clearance shall be provided that will prevent the riders from contact with persons or nearby objects.

**Part IV
Concession Go-karts**

13VAC5-31-190. General Requirements.

In addition to other applicable requirements of this chapter, concession go-karts shall be operated, maintained and inspected in accordance with ASTM F2007.

**Part V
Inflatable Amusement Devices**

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.

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 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.

**Part VI
Artificial Climbing Walls**

13VAC5-31-210. General requirements.

A. In addition to other applicable requirements of this chapter, artificial climbing walls shall be operated, maintained and inspected in accordance with ASTM F1159.

Notwithstanding any requirements of this chapter to the contrary, an artificial climbing wall may be moved, setup and operated without obtaining a permit provided the wall has a valid certificate of inspection issued by a local building department within the prior 90 days and the expiration date of the wire ropes used with the device does not expire within that 90-day period. (Question has been raised whether the exception should be for six months.)

B. (Reserved for standards, protocols or operational information for permanent climbing walls.)

**Part VII
Bumper Boats**

13VAC5-31-215. General requirements.

In addition to other applicable requirements of this chapter, bumper boats shall be operated, maintained and inspected in accordance with ASTM F2460.

Part VIII
Zip Lines

(Reserved for regulations specific to zip lines.)

Part IX
Mail Trains

(Reserved for regulations specific to mail trains.)

Part VIII X
Bungee Jumping

13VAC5-31-220. General requirements.

- A. The provisions of this part are specific to bungee jumping and are in addition to other applicable provisions of this chapter.
- B. Bungee jumping operations which are open to the public shall be permitted from structures designed for use as part of the bungee jumping operation. Bungee jumping from other types of structures, cranes or derricks is not permitted for public participation.
- C. Bungee jumping activities which involve double jumping, sandbagging, catapulting or stunt jumping shall not be permitted to be open for public participation.

13VAC5-31-230. Bungee cords.

- A. Bungee cords shall be tested by an approved testing agency or by an engineer licensed in Virginia. The following criteria shall be met:
1. Each lot of bungee cords shall have a minimum of 10%, but not less than one of the cords tested to determine the lowest ultimate tensile strength of the cords tested. A load versus elongation curve based on the test result shall be provided with each lot of bungee cords; and
 2. The manufacturer shall specify the maximum number of jumps for which each cord or cord type is designed and the criteria for use of the cord.

B. Bungee cords shall be retired when the cords (i) exhibit deterioration or damage; (ii) do not react according to specifications; or (iii) have reached the maximum usage expressed in number of jumps as specified by the manufacturer. Bungee cords retired from use shall be destroyed immediately by cutting the cord into five-foot lengths.

13VAC5-31-240. Jump hardware.

Jump harnesses shall be either full body-designed, which includes a waist harness worn in conjunction with a chest harness, or ankle-designed with a link to a waist harness. All jump harnesses, carabineers, cables and other hardware shall be designed and manufactured for the purpose or designed or analyzed by an engineer licensed in Virginia and shall be used and maintained in accordance with the manufacturer's or engineer's instructions.

13VAC5-31-250. Structure requirements.

Structures constructed on site for bungee jumping activities shall be designed by an engineer licensed in Virginia. Structures manufactured for bungee jumping activities shall be analyzed by an engineer licensed in Virginia and assembled and supported in accordance with the manufacturer's instructions.

13VAC5-31-260. Operational and site requirements.

A. Operators shall follow the criteria provided by the manufacturer for the use of bungee cords. A record of the number of jumps with each cord shall be maintained. All cords shall be inspected daily for wear, slippage, or other abnormalities unless the manufacturer specifies more frequent inspections.

B. The jump master or site manager shall be responsible for determining the appropriate use of all bungee cords in relation to the weight of the jumper and height of the platform. Bungee cords shall be attached to the structure at all times when in the connection area.

C. All harnesses shall be inspected prior to harnessing a jumper and shall be removed from service when they exhibit signs of excessive wear or damage. All carabiners shall be inspected daily and shall be removed from service when they exhibit signs of excessive wear or damage or fail to function as designed. The anchors shall be inspected daily and shall be replaced if showing signs of excessive wear.

D. A secondary retrieval system shall be provided in all operations. A locking mechanism on the line shall be used to stop and hold the jumper in place after being pulled back to the jump platform in a retrieval system. A dead man's switch or locking mechanism that will stop the lowering action shall be used in a friction lowering system.

E. The jump zone, preparation area and landing/recovery area shall be identified and maintained during bungee jumping activities. The landing/recovery area shall be accessible to emergency vehicles. Communication shall be maintained between all personnel involved with the jump.

F. An air bag, a minimum of 10 feet by 10 feet, shall be used. The air bag shall be rated for the maximum free fall height possible from the platform during operation. The air bag shall be located immediately below the jump space. The landing area shall be free of spectators and debris at all times and shall be free of any equipment or personnel when a jumper is being prepared on the jump platform and until the bungee cord is at its static extended state. A place to sit and recover shall be provided adjacent to, but outside, the landing area where the jumper shall be allowed to recover.

G. Where the jump space or landing area, or both, is over sea, lake, river, or harbor waters, the following shall apply:

1. The landing water area shall be at least nine feet deep and a minimum of 10 feet by 10 feet or have a minimum of 15 feet in diameter if circular;
2. The jump space and landing area shall be free of other vessels, floating and submerged objects and buoys. A sign of approved size which reads "Bungee Jumping! Keep Clear" shall be fixed to buoys on four sides of the landing area;
3. The landing vessel shall be readily available for the duration of the landing procedures;
4. The landing vessel shall have a landing pad size of at least five feet by five feet within and lower than the sides of the vessel;
5. A landing vessel shall be available that can be maneuvered in the range of water conditions expected and will enable staff to pick up a jumper; and
6. One person may operate the landing vessel where the vessel is positioned without the use of power. A separate person shall operate the vessel where power is required to maneuver into or hold the landing position.

H. Where the landing area is part of a swimming pool or the landing area is specifically constructed for bungee jumping, the following shall apply:

1. Rescue equipment shall be available, such as a life ring or safety pole;
2. The jump space and landing area shall be fenced to exclude the public; and
3. Only the operators of the bungee jump and jumper shall be within the jump zone and landing areas.

I. Storage shall be provided to protect equipment from physical, chemical and ultra-violet radiation damage. The storage shall be provided for any current, replacement and emergency equipment and organized for ready access and shall be secure against unauthorized entry.

13VAC5-31-270. Management and personnel responsibilities.

A. All bungee jumping activities shall have a minimum of one site manager, one jump master and one ground operator to be present at all times during operation of the bungee jump.

B. The site manager is responsible for the following:

1. Controlling the entire operation;
2. Site equipment and procedures;
3. Determining whether it is safe to jump;
4. Selection of, and any training of personnel;
5. Emergency procedures; and
6. Maintaining records.

C. A jump master shall be located at each jump platform and shall have thorough knowledge of, and is responsible for, the following:

1. Overseeing the processing of jumpers, selection of the bungee cord, adjustment of the rigging, final check of jumper's preparation, and countdown for and observation of the jump;
2. Verifying that the cord is attached to the structure at all times when the jumper is in the jump area;
3. Rescue and emergency procedures; and
4. Ensuring that the number of jumps undertaken in a given period of time will allow all personnel to safely carry out their responsibilities.

D. The ground operator shall have knowledge of all equipment used and of jump procedures and shall have the following responsibilities:

1. Ensuring that the jumper is qualified to jump;
2. Assisting the jump master to prepare the jumper and attach the jumper to the harness and rigging;
3. Assisting the jumper to the recovery area; and
4. Maintaining a clear view of the landing area.

E. Each site shall have an operating manual which shall include the following:

1. Site plan, job descriptions (including procedures), inspections and maintenance requirements of equipment including rigging, hardware, bungee cords, harnesses, and lifelines; and
2. An emergency rescue plan.

F. The daily operating procedures shall be conducted in accordance with ASTM F770.

G. The qualification and preparation of jumpers shall include obtaining any pertinent medical information, jumper weight and a briefing of jumping procedures and safety instructions.

DHCD, DBFR 2009 Code Change Process

April 30, 2009 Workgroup 2 (Administrative and Selected Technical) Meeting Agenda Package

CARRY OVER ISSUES FROM LAST WORKGROUP MEETING:

1. VCS – DHCD staff revisions **(to be handed out at meeting)**
2. IBSR - DHCD staff code changes **(Page 5)**

Remaining Issues – Sheds, warning signs and change of occupancy
3. VADR – ADTAC code changes **(Page 20)**

Remaining Issues
 - Clarifying “open to the public and being conveyed or moved in an unusual manner for diversion” **(Page 22)**
 - Permanent sporting rock climbing wall standards **(Page 24)**
 - Carnival generator fees and permits **(Page 25)**
4. SFPC Chapter 1 – DHCD staff correlation language **(Page 26)**
5. SFPC 311.5 – DHCD staff change for placarding **(Page 28)**
6. SFPC 202 – VBCOA code change for the definition of state regulated care facility (SRCF) to match USBC. **(Page 29)**
7. SFPC 304.3.2 – Rubbish containers – retain state amendment, IFC still different **(Page 31)**
8. SFPC 307.4.3 – Outdoor fireplaces – IFC has exceptions for SFDs. **(Page 33)**
9. SFPC 315.3.1 – Storage under eaves, Review Board interpretation **(Page 34)**
10. SFPC 403.3 – Crowd managers **(Page 35)**
11. SFPC 504 – Fire drills – Fire Services Board Code Committee to review **(no handout)**
12. SFPC 510 – Emergency communication in buildings **(Page 37)**

13. SFPC 603.7 – Note for boiler certificates (**Page 38**)
14. SFPC 703.1 – Maintenance of fire rated elements (**Page 43**)
15. SFPC – Permissible fireworks (**Page 44**)
16. SFPC – Appendices (**Page 47**)
17. SFPC 4006 – Oxygen in home health care (**Page 48**)
18. USBC 102.3 – Public utility structures and sheds (**Page 49**)
19. USBC 103.2 – Grandfathering period for new code (**Page 51**)
20. USBC 3410/VRC 1301.2.4 – Alterations and accessibility (**Page 52**)
21. USBC 108.2 – Permits for non-fossil fuel fired replacement HVAC systems (**Page 53**)
22. USBC 115.2 – Owner responsibility for violations (**Page 57**)
23. USBC 106.2 – Third party inspector policies/local governing body – Review Board code change (**Page 59**)
24. USBC 113.7.2 – Certification of third party inspectors (**Page 60**)
25. USBC 108.1 – Replacement windows/means of egress? (**Page 62**)
26. USBC 108.1 – Tent permit exemption – increase from 900 to 1200? (**no handout**)
27. USBC/VMC 105.3 – Confusing wording/authority to require upgrading (**Page 65**)

NEW ISSUES/PROPOSALS

1. USBC 102.3 – Processing machines utilizing hazardous materials (**Page 67**)
2. USBC 102.3 – Exemption for federally-owned buildings (**Page 68**)
3. USBC 108.2 – Detached accessory structures (**Page 69**)
4. USBC 109.7 – Construction documents (**Page 70**)
5. USBC 119.2 – Annual meeting of local appeals boards (**Page 72**)

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulations _____

Mailing Address: 501 N. Second St., Richmond, VA _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13 VAC 5-91 Industrialized Building Safety Regulations: 13 VAC 5-91-40. Inspection and enforcement, 13VAC5-91-50 Factory and field inspections, 13VAC5-91-60 Violations, 13 VAC 5-91-70. Appeals, _____

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

13 VAC 5-91-40. Inspection and enforcement.

A. The SBCAO is designated as the administrator's representative for the enforcement of this chapter and shall act as the building official for registered industrialized buildings. It shall have authority to make such inspections during reasonable hours at the manufacturing facilities and at building sites where industrialized buildings are being installed. The SBCAO shall have authority to issue inspection reports for correction of violations caused by the manufacturer and to take such other actions as are required to enforce this chapter.

B. The SBCAO will maintain a list of approved compliance assurance agencies. Each manufacturer producing registered industrialized buildings will contract with one or more compliance assurance agencies for required evaluation, monitoring and inspection services. The contract will delineate the services to be provided by the compliance assurance agency. The compliance assurance agency will notify the SBCAO within 30 days of signing a new contract or terminating an existing contract with any manufacturer.

13VAC5-91-50. ~~Factory and field inspections~~ Right of entry and examination by Administrator.

~~A. The SBCAO shall conduct such inspections of factories producing industrialized buildings as may be necessary during reasonable hours to determine whether the designated compliance assurance agency is performing its evaluation and compliance assurance functions in a satisfactory manner.~~

~~B. The SBCAO may also make inspections during reasonable hours to determine whether unoccupied industrialized buildings are in compliance with this chapter. Such inspections may include, but are not limited to, industrialized buildings on dealer lots or industrialized buildings that are otherwise offered for sale to the public. Occupied industrialized buildings may be inspected by the SBCAO at the request of the owners or occupants. In accordance with § 36-82 of the Code of Virginia, the administrator shall have the right, at all reasonable hours, to enter into any industrialized building upon permission of any person who has authority or shares the use, access or control over the building, or upon request of local officials having jurisdiction, for examination as to compliance with this chapter.~~

13VAC5-91-60. ~~Violations~~ Notice of Violation.

~~In accordance with § 36-82 of the Code of Virginia, Where whenever the administrator finds shall find any violation of the provisions of this chapter, a notice of violation shall be issued.~~

~~This notice of violation shall order the party responsible he shall order the person responsible therefore to bring the unit building into compliance, within a reasonable time, to be fixed in the order. In addition, as a requirement of this chapter, The the administrator may request assistance from the building official for enforcement of this section.~~

13 VAC 5-91-70. Appeals.

~~A. In accordance with § 36-82.1 of the Code of Virginia, Appeals appeals from building officials, compliance assurance agencies or manufacturers of industrialized buildings concerning DHCD's application of this chapter shall be heard by the State Review Board established by § 36-108 of the Code of Virginia. The State Review Board shall have the power and duty to render its decision in any such appeal, which decision shall be final if no further appeal is made. In addition, as a requirement of this chapter, appeals shall be submitted to the State Review Board within 21 calendar days of receipt of DHCD's decision. A copy of the decision of DHCD to be appealed shall be submitted with the application for appeal. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of DHCD's decision.~~

~~B. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no appeal is made therefrom.~~

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

Update language to make regulation easier to read and understand. Language was updated to include & align IBSR code language with the Code of Virginia.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulations _____

Mailing Address: 501 N. Second St., Richmond, VA _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13 VAC 5-91 Industrialized Building Safety Regulations: 13VAC5-91-100. Duties and responsibilities of building officials in the installation or erection of a registered industrialized building, 13 VAC 5-91-120. Unregistered industrialized buildings.

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

13VAC5-91-100. Duties and responsibilities of building officials in the installation or erection of a registered industrialized building.

A. All Building building officials are authorized by § 36-81 of the Code of Virginia to enforce the provisions of this chapter and shall carry out the following functions provided such functions do not involve disassembly of the registered building or a change in its design or result in the imposition of more stringent conditions than those required by the compliance assurance agency or by this chapter. be responsible for and authorized to do the following:

1. Verify through inspection that the registered industrialized building displays the required state registration seal and the proper label of the compliance assurance agency ~~and.~~
2. Verify through inspection that the registered industrialized building has not been damaged in transit to a degree that would render it unsafe. If the building has been damaged, then the building official is authorized to require tests for tightness of plumbing systems and gas piping, and tests for damaged or loose wires, or both, in the electrical system short circuits at meter connections.
2. ~~Verify through inspection that (i) supplemental components required by the data plate or by the installation instructions are properly provided and properly installed, (ii) the construction work associated with the installation of the building and the instructions from the manufacturer for the installation and erection of the building are followed, and (iii) any special conditions or limitations of use for the building that are stipulated in the manufacturer's instructions or by the data plate and authorized by this chapter are followed.~~
3. Prevent the use or occupancy of a registered industrialized building which in the opinion of the building official contains a serious defect or imminent safety hazard and notify the SBCAO immediately.
4. Notify the SBCAO of any apparent violations of this chapter to include defects and noncompliance.

~~B. Building officials are authorized to require submission of plans and specifications for details of items needed to comprise the finished building that are not included or specified in the manufacturer's installation instructions such as footings, foundations, supporting structures and proper anchorage. They may require such architectural and engineering services as may be necessary to assure that the footings, foundations and supporting structures, proper anchorage and other components necessary to comprise the finished building are designed in accordance with the applicable provisions of this chapter.~~

~~C. When a building official determines that a violation of any provision of this section is present, the responsible person shall be notified and given a reasonable time to correct the violation. If the violation is not corrected, the building official shall institute the appropriate proceedings to require correction or abatement of the violation and may prohibit the occupancy of the building until the violation is corrected. In accordance with 13 VAC 5-91-60, the administrator shall also have the authority to compel correction of violations of this section and may be contacted by the building official for assistance. In accordance with § 36-99 of the Code of Virginia and the USBC, all site work associated with the installation or erection of an industrialized building is subject to the USBC. In addition, under the USBC, all administrative requirements for permits, inspections and certificates of occupancy are also applicable.~~

13 VAC 5-91-120. Unregistered industrialized buildings.

A. The building official shall determine whether any unregistered industrialized building complies with this chapter and shall require any noncomplying unregistered building to be brought into compliance with this chapter. The building official shall enforce all applicable requirements of this chapter including those relating to the sale, rental and disposition of noncomplying buildings. The building official may require submission of full plans and specifications for each building. Concealed parts of the building may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The building official may also accept reports of inspections and tests from individuals or agencies deemed acceptable to the building official.

B. Unregistered industrialized buildings offered for sale in this Commonwealth shall be marked by a warning sign to prospective purchasers that the building is not registered in accordance with this chapter and must be inspected and approved by the building official. The sign shall be of a size and form approved by the administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door. This requirement shall not apply to residential accessory buildings.

C. An existing unregistered industrialized building may be registered in accordance with the following:

1. Where an unregistered building was constructed under an industrialized building program of another state and approved under such program, a compliance assurance agency shall prepare a report based on review of the plans and specifications and inspection of the building to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. If compliance is determined, the compliance assurance agency shall (i) mark the building with a compliance assurance agency label in accordance with 13 VAC 5-91-210, (ii) place a new manufacturer's data plate on the building in accordance with 13 VAC 5-91-245, (iii) mark the building with a registration seal in accordance with 13 VAC 5-91-260, and (iv) forward a copy of the report and new data plate to the SBCAO.

2. Where an unregistered building was not approved under an industrialized building program of another state, and the date of manufacture can be verified, the compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of

the building. When factory plans are available, then disassembly is not required to the extent that the factory plans can be verified to reflect the actual construction of the building. When compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this subsection.

3. When the date of manufacture of the existing unregistered building cannot be verified, the building shall be evaluated for compliance with the codes and standards specified in 13 VAC 5-91-160. The compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with these construction requirements. If compliance is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this subsection.

Supporting Statement (including intent, need, and impact of the proposal):
Updated language to make regulations easier to read and understand. Language was updated to provide clarification for enforcement of the IBSR for the installation or erection of registered industrialized buildings or unregistered industrialized buildings.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulation _____

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321 _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, 13 VAC 5-91-160. Use of model codes and Standards.

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

13 VAC 5-91-160. Use of model codes and standards.

A. Industrialized buildings produced after May 1, 2008 (date to be inserted), shall be reasonably safe for the users and shall provide reasonable protection to the public against hazards to life, health and property. ~~Compliance~~ comply with all applicable requirements of the following codes and standards, subject to the specified time limitations, ~~shall be acceptable evidence of compliance with this provision:~~

The following codes and standards may be used until August 1, 2008 (date to be inserted):

1. ICC International Building Code – ~~2003~~ 2006 Edition
2. ICC International Plumbing Code -- ~~2003~~ 2006 Edition
3. ICC International Mechanical Code – ~~2003~~ 2006 Edition
4. National Fire Protection Association Standard Number 70 (National Electrical Code) -- ~~2002~~ 2005 Edition
5. ICC International Residential Code -- ~~2003~~ 2006 Edition

B. The following documents are adopted and incorporated by reference to be an enforceable part of this chapter:

1. ICC International Building Code -- ~~2006~~ 2009 Edition
2. ICC International Plumbing Code -- ~~2006~~ 2009 Edition
3. ICC International Mechanical Code – ~~2006~~ 2009 Edition

4. National Electrical Code -- ~~2005~~ 2008 Edition

5. ICC International Residential Code -- ~~2006~~ 2009 Edition

The codes and standards referenced above may be procured from:

International Code Council, Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001-2070

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

Update regulation to reference the newest I-codes.

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

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Proponent Information

(Check one): Individual Government Entity Company

Name: Staff

Representing: Division of Building and Fire Regulation

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov

Telephone Number: (804) 371-7150

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, 13 VAC 5-91-200, Information required by the administrator.

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

13 VAC 5-91-200. Information required by the administrator.

All of the following information and criteria will be considered by the administrator in designating compliance assurance agencies:

1. Names of officers and location of offices.
2. Specification and description of services proposed to be furnished under this chapter.
3. Description of qualifications of personnel and their responsibilities, including an assurance that personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors shall comply with the requirements of the American Society for Testing and Material (ASTM) Standard Number E541-01 – Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building or shall obtain ICC or DHCD certifications in the appropriate subject area within 18 months of employment and maintain such certifications in an active status .
4. Summary of experience within the organization.
5. General description of procedures and facilities to be used in proposed services, including evaluation of the model, factory follow-up, quality assurance, labeling of production buildings, and specific information to be furnished on or with labels.
6. Procedures to deal with any defective buildings resulting from oversight.
7. Acceptance of these services by independent accrediting organizations and by other jurisdictions.
8. Proof of independence and absence of conflict of interest.

The ASTM Standard Number E541-01 may be procured from:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Supporting Statement (including intent, need, and impact of the proposal):
Clarified that the compliance assurance agency personnel are required to obtain the same certifications as Virginia building inspectors and plans examiners.

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
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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: Staff _____

Representing: Division of Building and Fire Regulation _____

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321 _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, **13 VAC 5-91-210**, Compliance assurance agency certification label. **13 VAC 5-91-220**, Label control

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

13 VAC 5-91-210. Compliance assurance agency certification label.

Every manufactured section or module of a registered industrialized building shall be marked with a label supplied by the compliance assurance agency that includes the name and address of the compliance assurance agency and the certification label number.

13 VAC 5-91-220. Mounting of label.

To the extent practicable, the label shall be installed so that it cannot be removed without destroying it. The label shall be applied in the vicinity of the electrical distribution panel or in another location that is readily accessible for inspection. When a building is comprised of more than one section or module, the required label labels may be ~~furnished as a single label for the entire~~ placed in one location in the completed building ~~provided each section or module is marked by the compliance assurance agency in a clearly identifiable manner provided with or on the label.~~

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

Clarifies the number and location of certification labels that must be applied to an industrialized building.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff

Representing: Division of Building and Fire Regulation

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov

Telephone Number: (804) 371-7150

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, 13 VAC 5-91-245, Manufacturer's data plate.

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

13 VAC 5-91-245. Manufacturer's data plate.

A. All of the following information shall be placed on a permanent manufacturer's data plate in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The compliance assurance agency shall approve the form and location of the data plate and shall ensure that the data plate is complete:

1. Manufacturer's name and address.
2. Compliance assurance agency certification number.
3. Serial number of each module of the building.
4. Serial number of the Virginia registration seal.
5. Date of manufacture of the building.
6. List of codes and standards under which the building was evaluated and constructed and the type of construction and occupancy classification under those codes and standards.
7. Design roof load, design floor live load ~~and~~, design wind load and design ground snow load.
8. Seismic design zone number.
9. Thermal transmittance values ~~or~~, including thermal resistance ("R") values.
10. Special conditions or limitations concerning the use of the building under the codes and standards applicable to the building; however, a list of such conditions or limitations that are furnished separately with the building shall satisfy this requirement.

11. Special instructions for handling, installation and erection of the building, however, a list of such instructions that are furnished separately with the building shall satisfy this requirement.

12. Designation of electrical service ratings, directions for water and drain connections and, where applicable, identification of permissible type of gas for appliances.

13. Name of manufacturer and model designation of major factory installed appliances.

B. The manufacturer shall maintain copies of the data plate and reports of inspection, tests and any corrective action taken for a minimum period of 10 years from the date of manufacture of the building.

Supporting Statement (including intent, need, and impact of the proposal):
Clarifies the required information needed on data plates.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulation _____

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321 _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, **13 VAC 5-91-260**, Registration seal for industrialized buildings _____

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

13 VAC 5-91-260. Registration seal for industrialized buildings.

A. Registered industrialized buildings shall be marked with an approved registration seal seals issued by the SBCAO. The seal seals shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture.

B. Registered industrialized buildings shall bear a one registration seal ~~for each dwelling unit in residential occupancies. For nonresidential occupancies, a registration seal is required for each registered building on each manufactured section or module, or, as an alternative, may have the registration seal for each manufactured section or module placed in one location in the completed building.~~

C. Approved registration seals may be purchased from the SBCAO in advance of use. The fee for each registration seal shall be ~~\$75~~ \$50. ~~Checks shall be~~ Fees shall be submitted by checks made payable to "Treasurer of Virginia." or shall be submitted by electronic means. Payment for the seals must be received by the SBCAO before the seals can be sent to the user.

D. To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the compliance assurance agency.

E. The compliance assurance agency or the manufacturer under the supervision of the compliance assurance agency shall maintain permanent records of the disposition of all Virginia registration seals obtained by the compliance assurance agency or manufacturer.

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

Currently only one industrialized building certification seal is required per structure, regardless of size. This proposed change acknowledges that the buildings may consist of only one modular section, or may consist of thirty modular sections. It is more equitable to require one seal per modular section. The cost of the seals has been reduced from \$75 per seal to \$50. This adjustment was made more equitably distribute the cost of administering the industrialized building 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)
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: Amusement Device Tech. Adv. Committee Representing: _____

Mailing Address: _____

Email Address: _____ Telephone Number: _____

Proposal Information

Code(s) and Section(s): VADR §§ 50A, 75C and 75F

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

Change § 50A to read as follows:

A. Any person, including local building department personnel, inspecting an amusement device relative to a certificate of inspection shall possess a valid ~~certificate of competence~~ certification as an amusement device inspector ~~from the Virginia Board of Housing and Community Development in accordance with the Virginia Certification Standards (13 VAC 5-21)~~.

Change § 75C to read as follows:

C. A permit application ... 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; per occurrence~~ or proof of liability insurance or financial responsibility during the period covered by the permit. The local ... by the permit.

Change § 75F to read as follows:

F. In addition to obtaining a certificate of inspection in conjunction with a permit application for amusement devices permanently fixed to a site, a new certificate of inspection shall also be obtained prior to the operation of an amusement device following a major modification, prior to each seasonal operation of a device, at least once during the operating season and prior to resuming the operation of a device following an order from a local building department to cease operation. This requirement shall not apply to kiddie rides meeting the conditions outlined in subsection D of this section.

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

The change to § 50A is in response to the DHCD staff changes to clarify continuing education requirements. ADTAC wanted to keep the language about "possessing" a certificate as there is no grandfathering period in the VADR for

inspectors; you have to have the certification prior to doing an inspection.

The change to § 75C is to return to the prior edition language concerning liability insurance, but keeping the new limit of \$1,000,000 established in the 2006 code. The language used in the 2006 code was problematic and was only intended to raise the limit from \$500,000 to \$1,000,000, so this change accomplishes that and removes the problematic language.

The change to § 75F is to reinsert language from the 2000 edition of the code requiring parks to inspect the permanent rides at least once during the operating season. There is no indication that the requirement was removed for any reason and it appeared to be just a correlation error, so the requirement is being reinserted.

Submittal Information

Date Submitted: April 22, 2009

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

Please submit the proposal to:

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

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



From: Wallace, Clinton
Sent: Thursday, April 09, 2009 8:39 AM
To: Hodge, Vernon
Subject: Fw: Transaction Recovery Fund Regulations

FYI

From: Jack, Steven P.
To: Wallace, Clinton
Cc: Rodgers, Emory
Sent: Thu Apr 09 08:37:16 2009
Subject: RE: Transaction Recovery Fund Regulations

Clinton,

Section 36-85.16 of the Code of Virginia uses the top definition, which is the one in your current regulations. The term is substantively used in section 36-85.20(B), which permissively allows (because it uses the word MAY) the Board to revoke or deny license to someone with a substantial identity of interest with an entity that has had a license "revoked or not renewed by the Board". So the Board's regulations could include the restriction that DPB is requesting, because the new regulatory definition is a subset of the permissive statutory definition.

Of course, there is no reason why the top definition is unacceptable; it meets the statutory definition. Deciding which of the two definitions to use is a policy decision that the Code of Virginia delegates to the Manufactured Housing Board. DPB, under section 2.2-4007.04 of the Code of Virginia is only to determine the economic impact of the regulation, and look at any potential adverse economic impact on small businesses under Executive Order 36 (2006).

So, to summarize, the MHB can make the requested change if it chooses to do so, but DPB may not be able to require MHB to make that 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: Wallace, Clinton [<mailto:Clinton.Wallace@dhcd.virginia.gov>]
Sent: Thursday, April 09, 2009 7:00 AM
To: Jack, Steven P.
Cc: Rodgers, Emory
Subject: Transaction Recovery Fund Regulations

Steve, need your opinion on a change to the proposed regulations that Planning & Budget is requesting. They have asked for more clarification on one of the definitions added to the regulations. The definition in question is for "Substantial identity of interest". Currently we have added the definition right out of the law enacted by the General Assembly with House Bill 44, which reads:

"Substantial identity of interest" means (i) a controlling financial interest by the individual or corporate principals of the manufactured home broker, dealer, or manufacturer whose license has been revoked or not renewed or (ii) substantially identical principals or officers as the manufactured home

Hodge, Vernon

From: bill@climbingwallindustry.org
Sent: Tuesday, April 21, 2009 1:36 PM
To: Hodge, Vernon
Subject: RE: Rock Climbing Wall Virginia Law

Thank You Vernon,

I have mailed you copies of:

Industry Practices, A Sourcebook for the Operation of Manufactured Climbing Walls
CWA General Specification for the Design and Engineering of Artificial Climbing Structures
CWA Specification for the Structural Inspection of Artificial Climbing Structures

As I mentioned the climbing industry abandoned ASTM standards many years ago in favor of the CWIG standards (now superseded by the engineering spec above) and the EN and/or UIAA standards for climbing equipment.

Since we have adopted ANSI core requirements for standards development for all of our standards, we also have a draft set of certification standards out for public review and comment, these standards have not yet been adopted, so it would be premature bring these standards to anyone's attention at this point. But you can find them here:

http://www.climbingwallindustry.org/draft_stds_download1.php

More information to follow.

Regards,

Bill

William Zimmermann,
Executive Director
Climbing Wall Association, Inc.
1460 Lee Hill Rd., Unit 2
Boulder, CO 80304-0870
p: 720-838-8284
f: 720-528-8200
bill@climbingwallindustry.org
www.climbingwallindustry.org

From: Hodge, Vernon [mailto:Vernon.Hodge@dhcd.virginia.gov]
Sent: Tuesday, April 21, 2009 10:31 AM
To: bill@climbingwallindustry.org
Subject: Rock Climbing Wall Virginia Law

Here's the link for the Virginia Amusement Device law:

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.

D. Where an amusement device was manufactured under previous editions of the standards incorporated by reference in this chapter, the previous editions shall apply to the extent that they are different from the current standards.

13VAC5-31-50. Certification of amusement device inspectors.

A. Any person, including local building department personnel, inspecting an amusement device relative to a certificate of inspection shall possess a valid certificate of competence as an amusement device inspector from the Virginia Board of Housing and Community Development.

B. Local building department personnel enforcing this chapter and private inspectors shall attend 16 hours every two years of continuing education and periodic training courses approved or required by DHCD. Additional continuing education hours shall not be required if more than one certificate is held.

13VAC5-31-60. Appeals.

Appeals from the local building department concerning the application of this chapter shall be made to the local board of building code appeals established by the USBC. Application for appeal shall be filed with the local building department within 14 calendar days after receipt of the decision of the local building department. The board of appeals shall hear the appeal within seven calendar days after the application for appeal is filed. After final determination by the board, any person who was a party to the appeal may appeal to the Technical Review Board within 14 calendar days of receipt of the decision to be appealed. Such appeal shall be in accordance with the procedures established in the USBC, under the authority granted by §36-98.3 of the Code of Virginia where the provisions of Chapter 6 of Title 36 of the Code of Virginia and the USBC apply to amusement devices.

Note: Because of the short time frames normally associated with amusement device operations, DHCD staff will be available to assist in finding a timely resolution to disagreements between owners or operators and the local building department upon request by either party.

**Part II
Enforcement Permits and Certificates of Inspection**

13VAC5-31-75. Local building department.

A. In accordance with §§36-98.3 and 36-105 of the Code of Virginia, the local building department shall be responsible for the enforcement of this chapter and may charge fees for such enforcement activity. The total amount charged for any one permit to operate an amusement device or devices or the renewal of such permit shall not exceed the following, except that when a private inspector is used, the fees shall be reduced by 50%:

- 1. \$25 for each kiddie ride covered by the permit;
- 2. \$35 for each circular ride or flat-ride less than 20 feet in height covered by the permit;
- 3. \$55 for each spectacular ride covered by the permit which cannot be inspected as a circular ride or flat-ride in subdivision 2 of this subsection due to complexity or height; and
- 4. \$150 for each coaster covered by the permit which exceeds 30 feet in height.

B. Notwithstanding the provisions of subsection A of this section, when an amusement device is constructed in whole or in part at a site for permanent operation at that site and is not intended to be disassembled and moved to another site, then the local building department may utilize permit and inspection fees established pursuant to the USBC to defray the cost of enforcement. This authorization does not apply to an amusement device that is only being reassembled, undergoing a major modification at a site or being moved to a site for operation.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DEVELOPMENT OF THE 2003 BUILDING AND FIRE REGULATIONS

BASE DOCUMENT OF THE 2003 VIRGINIA STATEWIDE FIRE PREVENTION CODE
(13 VAC 5-51 would be replaced with 13 VAC 5-52 due to the extensive format changes)

13 VAC 5-52-10. Chapter 1 Administration; Section 101 General.

13 VAC 5-52-20. Section 101.1 Short title. The term "SFPC" means the Virginia Statewide Fire Prevention Code.

13 VAC 5-52-30. Section 101.2 Incorporation by reference. Chapters 2 – 45 of the 2003 International Fire Code®, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the SFPC. The term "IFC" means the 2003 International Fire Code®, published by the International Code Council, Inc. Any codes and standards referenced in the IFC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference.

13 VAC 5-52-40. Section 101.3 Numbering system. A dual numbering system is used in the SFPC to correlate the numbering system of the Virginia Administrative Code with the numbering system of the IFC. IFC numbering system designations are provided in the catch-lines of the Virginia Administrative Code sections and cross references between sections or chapters of the SFPC use only the IFC numbering system designations. The term "chapter" is used in the context of the numbering system of the IFC and may mean a chapter in the SFPC, a chapter in the IFC or a chapter in a referenced code or standard, depending on the context of the use of the term. The term "chapter" is not used to designate a chapter of the Virginia Administrative Code, unless clearly indicated.

13 VAC 5-52-50. Section 101.4 Arrangement of code provisions. The SFPC is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2 – 45 of the IFC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IFC which are specifically identified. The terminology "changes to the text of the incorporated chapters of the IFC which are specifically identified" shall also be referred to herein as the "state amendments to the IFC." Such state amendments to the IFC are set out using corresponding chapter and section numbers of the IFC numbering system.

13 VAC 5-52-60. Section 101.5 Use of terminology. The term "this code," or "the code," where used in the provisions of Chapter 1 means the SFPC. The term "this code," or "the code," where used in Chapters 2 – 45 of the IFC or where used in the state amendments to the IFC shall also mean the SFPC, unless the context clearly indicates otherwise. The term "this code," or "the code," where used in a code or standard referenced in the IFC means that code or standard, unless the context clearly indicates otherwise.

13 VAC 5-52-70. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supercede any conflicting provisions of Chapters 2 – 45 of the IFC and any conflicting provisions of the codes and standards referenced in the IFC. In addition, the state amendments to the IFC supercede any conflicting provisions of Chapters 2 – 45 of the IFC and any conflicting provisions of the codes and standards referenced in the IFC. Further, the provisions of Chapters 2 – 45 of the IFC supercede any conflicting provisions of the codes and standards referenced in the IFC.

13 VAC 5-52-80. Section 101.7 Administrative provisions. The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope of the code, enforcement, fees, permits, inspections and disputes. Any provisions of Chapters 2 – 45 of the IFC or any provisions of the codes and standards referenced in the IFC which address the same subject matter to a lesser or greater extent are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IFC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 – 45 of the IFC or of the codes and standards referenced in the IFC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IFC, then such requirements are not deleted and replaced.

13 VAC 5-52-90. Section 101.8 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

Note: The order of precedence outlined in Section 101.6 may be determinative in establishing how to apply the definitions in the IFC and in the referenced codes and standards.

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: DHCD Staff

Representing: Division of Building and Fire Regulations

Mailing Address: 501 No. Second St., Richmond, VA

Email Address: clinton.wallace@dhcd.virginia.gov

Telephone Number: 804.371.7160

Proposal Information

Code(s) and Section(s): 13 VAC 5-95 Manufactured Housing Safety Regulations

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

13 VAC 5-95-10. Definitions.

“Design Approval Primary Inspection Agency (DAPIA)” means a state agency or private organization that has been accepted by the Secretary, in accordance with the federal regulation, to evaluate and either approve or disapprove manufactured home designs and quality control procedures.

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

“Federal installation standards” means the federal Model Manufactured Home Installation Standards (24 CFR Part 3285) or any set of state standards that the Secretary has determined provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the installation standards.

“Installation” means completion of work to include but not limited to stabilize, support, anchor, and close up a manufactured home and to join sections of a multi-section manufactured home, when any such work is governed by the federal installation standards or by state installation standards that are certified as part of a qualifying installation program.

“Installer” means the person or entity who is retained to engage in, or who engages in, the business of directing, supervising, controlling, or correcting the initial installation of a manufactured home.

“Label” or “certification label” means the approved form of certification by the manufacturer that, under 24 CFR 3282.362(e)(2)(i) § 3280.8 of the ~~Manufactured Home Procedural and Enforcement Regulations~~ federal standards, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

“Local code building official” means the officer or other designated authority charged with the administration and enforcement of USBC, or duly authorized representative.

“Manufacturer’s installation instructions” means DAPIA-approved instructions provided by the home manufacturer that accompany each new manufactured home and detail the home manufacturer requirements for support and anchoring systems and other work completed at the installation site to comply with the

federal installation standards and the federal standards.

“Recreational vehicles” means vehicles which meet all of the following criteria:

1. Built on a single chassis.
2. 400 square feet or less when measured at the largest horizontal projections.
3. Self-propelled or permanently towable by a light duty truck.
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

13 VAC 5-95-20. Application and enforcement.

A. This chapter shall apply to manufactured homes ~~as defined in 13 VAC 5-95-10 and 13VAC5-95-20.~~

D. DHCD is delegated all lawful authority for the enforcement of the federal standards pertaining to manufactured homes by the administrator according to §36-85.5 of the Code of Virginia. The Division of Building and Fire Regulation of DHCD is designated as a state administrative agency in the HUD enforcement program, and shall act as an agent of HUD. The administrator is authorized to perform the activities required of an SAA by the HUD enforcement plan including, but not limited to, investigation, inspections, citation of violations, handling of complaints, conducting hearings, supervising remedial actions, monitoring, and making such reports as may be required.

E. All local ~~code building~~ officials are authorized by § 36-85.11 of the Code of Virginia to enforce the provisions of this chapter ~~within the limits of their jurisdiction. Such local code officials shall enforce this chapter, subject to the general oversight of the Division of Building and Fire Regulation and shall not permit the use of any manufactured home containing a serious defect or imminent safety hazard within their jurisdiction. and shall be responsible for and authorized to do the following:~~

1. Verify through inspection that a manufactured home displays the required HUD label.
2. Determine whether the manufactured home has been damaged in transit to a degree that may make it unsafe. If the manufactured home has been damaged, then the local building official is authorized to require tests for tightness of plumbing systems and gas piping, and electrical short circuits at meter connections.
3. Prevent the use or occupancy of a manufactured home which in the opinion of the local building official contains a serious defect or imminent safety hazard and notify the administrator immediately.
4. Notify the administrator of any apparent violations of this chapter to include defects and noncompliance.

F. ~~Mounting and anchoring of manufactured homes shall be in accordance with the applicable requirements of the USBC. In accordance with § 36-99 of the Code of Virginia, all site work associated with the installation of manufactured homes is subject to the USBC. Also, as set out by the USBC, all administrative requirements for permits, inspections and certificate of occupancy are applicable.~~

G. Recreational vehicles are not subject to this chapter.

13 VAC 5-95-30. Effect of label.

A. In accordance with § 36-85.11 of the Code of Virginia, manufactured homes displaying the certification label as prescribed by the federal standards shall be accepted in all localities as meeting the requirements of the Manufactured Housing Construction and Safety Standards Law (Chapter 4.1 (§ 36-85.2 et seq.) of Title 36 of the Code of Virginia) which shall supersede the building codes of the counties, municipalities and state agencies. ~~In addition, as a requirement of this chapter, local code officials shall carry out the following functions with respect to manufactured homes displaying the HUD label, provided such functions do not involve disassembly of the homes or parts of the homes, change of design, or result in the imposition of more stringent conditions than those required by the federal regulations.~~

~~1. Verify through inspection that the manufactured home has not been damaged in transit to a degree that would render it unsafe. If the manufactured home has been damaged, then the local building official is authorized to require tests for tightness of plumbing systems and gas piping, and electrical short circuits at meter connections.~~

~~2. Verify through inspection that (i) supplemental components required by the manufacturer's installation instructions or this chapter are properly provided, (ii) manufacturer's instructions or erection instructions are followed, and (iii) any special conditions or limitations of use stipulated by the manufacturer's installation instructions or the label in accordance with the standards or this chapter are followed.~~

B. ~~Local code officials are required by the USBC to enforce applicable requirements of the USBC for utility connections, site preparation, foundations, stoops, decks, porches, alterations and additions to existing manufactured homes, building permits, skirting, certificates of use and occupancy, and all other applicable requirements, except those governing the design and construction of the labeled units. In addition, local code officials shall verify that a manufactured home displays the required HUD label.~~

13 VAC 5-95-40. Report to DHCD.

Whenever any manufactured home is moved from a local jurisdiction before a noted violation has been corrected, the local ~~code~~ building official shall make a prompt report of the circumstances to the administrator. The report shall include a list of uncorrected violations, all information pertinent to identification and manufacture of the home contained on the label and the data plate, the destination of the home if known, and the name of the party responsible for moving it.

13 VAC 5-95-50. Alterations.

A. No ~~distributor~~ installer, broker or dealer shall perform or cause to be performed on a new manufactured home any alteration affecting one or more requirements set forth in the federal standards, except those alterations approved by the administrator.

B. In handling and approving dealer requests for alterations on a new manufactured home, the administrator may be assisted by local ~~code~~ building officials. The local ~~code~~ building official shall report violations of subsection A of this section and failures to conform to the terms of their approval to the administrator.

C. In accordance with § 36-99 of the Code of Virginia and in accordance with the USBC, alterations, additions and repairs associated with used manufactured homes are regulated by the USBC and not this chapter. The USBC provides for administrative requirements for permits, inspections and certificates of

occupancy and allows the use of Appendix E of the International Residential Code, entitled, "Manufactured Housing Used As Dwellings" as an acceptable alternative to the general requirements of the USBC for construction work associated with additions, alterations and repairs to used manufactured homes.

13 VAC 5-95-60. Installations.

~~Distributors or Brokers, dealers installing or installers setting up a new manufactured home shall perform such installation in accordance with the manufacturer's installation instructions or other support and anchoring system approved by the local code official in accordance with the USBC .~~

13 VAC 5-95-70. Prohibited resale.

No ~~distributor broker~~ or dealer shall offer for resale any manufactured home possessing a serious defect or imminent safety hazard.

13 VAC 5-95-80. Lot inspections.

At any time during regular business hours when a manufactured home is located on a dealer's or ~~distributor's broker's~~ lot and offered for sale, the administrator shall have authority to inspect such home for transit damages, seal tampering, violations of the federal standards and the dealer's or ~~distributor's broker's~~ compliance with applicable state and federal laws and regulations. The administrator shall give written notice to the dealer or ~~distributor broker~~ when any home inspected does not comply with the federal standards.

13 VAC 5-95-90. Consumer complaints; ~~on-site inspections.~~

A. The administrator shall receive all consumer complaints on new manufactured homes reported to DHCD by owners, dealers, ~~distributors brokers~~, ~~code~~ building officials, and other state or federal agencies. The administrator may request such reports to be submitted by letter or on a report form supplied by DHCD or in other format acceptable to the administrator.

C. When conducting an on-site inspection of a home involving a consumer complaint, the administrator may request the dealer, distributor, installer and manufacturer of the home to have a representative present to coordinate the inspection and investigation of the consumer complaint.

D. After reviewing the complaint report or the on-site inspection of the home involved, the administrator shall, where possible, indicate the cause of any nonconformance and, where possible, indicate the responsibility of the manufacturer, dealer, installer, distributor, or owner for the noncompliance and any corrective action necessary.

F. The administrator shall assist the owner, dealer, installer, distributor, and manufacturer in resolving consumer complaints. The administrator shall monitor the manufacturer's performance to assure compliance with Subpart I of the federal regulations for consumer complaint handling and shall take such actions as are necessary to assure compliance of all involved parties with applicable state and federal regulations.

13 VAC 5-95-100. Violation; appeal; penalty.

~~A. Where the administrator finds any violation of the provisions of this chapter, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within a reasonable time.~~ In accordance with § 36-85.12 of the Code of Virginia, it shall be unlawful for any person, firm or corporation, to violate any provisions of this law, the rules and regulations enacted under authority of this law, or the Federal Law and Regulations. Any person, firm or corporation violating any provision of said laws, rules and regulations, or any final order issued there under, shall be liable for civil penalty not to

exceed \$1,000 for each violation. Each violation shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or to perform an act required by the legislation or regulations. The maximum civil penalty may not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation. An individual or a director, officer, or agent of a corporation who knowingly and willfully violates Section 610 of the National Manufactured Housing Construction and Safety Standards Act in a manner which threatens the health or safety of any purchaser shall be deemed guilty of a Class 1 misdemeanor and upon conviction fined not more than \$1,000 or imprisoned not more than one year, or both.

~~B. Parties aggrieved by the findings of the notice of violation may appeal to~~ In accordance with § 36-114 of the Code of Virginia, the State Building Code Technical Review Board, ~~which shall act on the appeal in accordance with the provisions of the USBC. The aggrieved party shall file the appeal within 10 days of the receipt of the notice of violation. Unless the notice of violation is revoked by the review board, the aggrieved party must comply with the stipulations of the notice of violation.~~ shall have the power and duty to hear all appeals from decisions arising under the application of this chapter. Appeals concerning application of the federal regulations or federal standards by the administrator shall be in accordance with the federal regulations.

~~C. Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be considered guilty of a misdemeanor in accordance with § 36-85.12 of the Code of Virginia.~~

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

The proposed MHSR will be updated to include all references to the Federal Installation Standards (24 CFR Part 3285). The proposed regulation will contain minor changes to the provisions of the regulations. The changes are intended to draw clear lines between what is regulated under the MHSR and under the VCC for the set up and installation of manufactured homes.

Submittal Information

Date Submitted: April 16, 2009

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulations _____

Mailing Address: 501 N. Second St., Richmond, VA _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13 VAC 5-91 Industrialized Building Safety Regulations: 13VAC5-91-100. Duties and responsibilities of building officials in the installation or erection of a registered industrialized building, 13 VAC 5-91-120. Unregistered industrialized buildings.

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

13VAC5-91-100. Duties and responsibilities of building officials in the installation or erection of a registered industrialized building.

A. All Building building officials are authorized by § 36-81 of the Code of Virginia to enforce the provisions of this chapter and shall carry out the following functions provided such functions do not involve disassembly of the registered building or a change in its design or result in the imposition of more stringent conditions than those required by the compliance assurance agency or by this chapter: be responsible for and authorized to do the following:

1. Verify through inspection that the registered industrialized building displays the required state registration seal and the proper label of the compliance assurance agency ~~and.~~
2. Verify through inspection that the registered industrialized building has not been damaged in transit to a degree that would render it unsafe. If the building has been damaged, then the building official is authorized to require tests for tightness of plumbing systems and gas piping, and tests for damaged or loose wires, or both, in the electrical system short circuits at meter connections.
2. ~~Verify through inspection that (i) supplemental components required by the data plate or by the installation instructions are properly provided and properly installed, (ii) the construction work associated with the installation of the building and the instructions from the manufacturer for the installation and erection of the building are followed, and (iii) any special conditions or limitations of use for the building that are stipulated in the manufacturer's instructions or by the data plate and authorized by this chapter are followed.~~
3. Prevent the use or occupancy of a registered industrialized building which in the opinion of the building official contains a serious defect or imminent safety hazard and notify the SB CAO immediately.
4. Notify the SB CAO of any apparent violations of this chapter to include defects and noncompliance.

~~B. Building officials are authorized to require submission of plans and specifications for details of items needed to comprise the finished building that are not included or specified in the manufacturer's installation instructions such as footings, foundations, supporting structures and proper anchorage. They may require such architectural and engineering services as may be necessary to assure that the footings, foundations and supporting structures, proper anchorage and other components necessary to comprise the finished building are designed in accordance with the applicable provisions of this chapter.~~

~~C. When a building official determines that a violation of any provision of this section is present, the responsible person shall be notified and given a reasonable time to correct the violation. If the violation is not corrected, the building official shall institute the appropriate proceedings to require correction or abatement of the violation and may prohibit the occupancy of the building until the violation is corrected. In accordance with 13 VAC 5-91-60, the administrator shall also have the authority to compel correction of violations of this section and may be contacted by the building official for assistance. In accordance with § 36-99 of the Code of Virginia and the USBC, all site work associated with the installation or erection of an industrialized building is subject to the USBC. In addition, under the USBC, all administrative requirements for permits, inspections and certificates of occupancy are also applicable.~~

13 VAC 5-91-120. Unregistered industrialized buildings.

A. The building official shall determine whether any unregistered industrialized building complies with this chapter and shall require any noncomplying unregistered building to be brought into compliance with this chapter. The building official shall enforce all applicable requirements of this chapter including those relating to the sale, rental and disposition of noncomplying buildings. The building official may require submission of full plans and specifications for each building. Concealed parts of the building may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The building official may also accept reports of inspections and tests from individuals or agencies deemed acceptable to the building official.

B. Unregistered industrialized buildings offered for sale in this Commonwealth shall be marked by a warning sign to prospective purchasers that the building is not registered in accordance with this chapter and must be inspected and approved by the building official. The sign shall be of a size and form approved by the administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door. This requirement shall not apply to residential accessory buildings.

C. An existing unregistered industrialized building may be registered in accordance with the following:

1. Where an unregistered building was constructed under an industrialized building program of another state and approved under such program, a compliance assurance agency shall prepare a report based on review of the plans and specifications and inspection of the building to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. If compliance is determined, the compliance assurance agency shall (i) mark the building with a compliance assurance agency label in accordance with 13 VAC 5-91-210, (ii) place a new manufacturer's data plate on the building in accordance with 13 VAC 5-91-245, (iii) mark the building with a registration seal in accordance with 13 VAC 5-91-260, and (iv) forward a copy of the report and new data plate to the SBCAO.

2. Where an unregistered building was not approved under an industrialized building program of another state, and the date of manufacture can be verified, the compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of

the building. When factory plans are available, then disassembly is not required to the extent that the factory plans can be verified to reflect the actual construction of the building. When compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this subsection.

3. When the date of manufacture of the existing unregistered building cannot be verified, the building shall be evaluated for compliance with the codes and standards specified in 13 VAC 5-91-160. The compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with these construction requirements. If compliance is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this subsection.

Supporting Statement (including intent, need, and impact of the proposal):
Updated language to make regulations easier to read and understand. Language was updated to provide clarification for enforcement of the IBSR for the installation or erection of registered industrialized buildings or unregistered industrialized buildings.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff

Representing: Division of Building and Fire Regulation

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov

Telephone Number: (804) 371-7150

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, 13 VAC 5-91-160. Use of model codes and Standards.

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

13 VAC 5-91-160. Use of model codes and standards.

A. Industrialized buildings produced after May 1, 2008 (date to be inserted), shall ~~be reasonably safe for the users and shall provide reasonable protection to the public against hazards to life, health and property.~~ Compliance comply with all applicable requirements of the following codes and standards, subject to the specified time limitations, ~~shall be acceptable evidence of compliance with this provision:~~

The following codes and standards may be used until August 1, 2008 (date to be inserted):

1. ICC International Building Code – ~~2003~~ 2006 Edition
2. ICC International Plumbing Code -- ~~2003~~ 2006 Edition
3. ICC International Mechanical Code – ~~2003~~ 2006 Edition
4. National Fire Protection Association Standard Number 70 (National Electrical Code) -- ~~2002~~ 2005 Edition
5. ICC International Residential Code -- ~~2003~~ 2006 Edition

B. The following documents are adopted and incorporated by reference to be an enforceable part of this chapter:

1. ICC International Building Code -- ~~2006~~ 2009 Edition
2. ICC International Plumbing Code -- ~~2006~~ 2009 Edition
3. ICC International Mechanical Code – ~~2006~~ 2009 Edition

4. National Electrical Code -- 2005 2008 Edition

5. ICC International Residential Code -- 2006 2009 Edition

The codes and standards referenced above may be procured from:

International Code Council, Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001-2070

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

Update regulation to reference the newest I-codes.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulation _____

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321 _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, **13 VAC 5-91-200**, Information required by the administrator. _____

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

13 VAC 5-91-200. Information required by the administrator.

All of the following information and criteria will be considered by the administrator in designating compliance assurance agencies:

1. Names of officers and location of offices.
2. Specification and description of services proposed to be furnished under this chapter.
3. Description of qualifications of personnel and their responsibilities, including an assurance that personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors shall comply with the requirements of the American Society for Testing and Material (ASTM) Standard Number ~~E541-01~~ E541-08 – Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building or shall obtain ICC or DHCD certifications in the appropriate subject area within 18 months of employment and maintain such certifications in an active status.
4. Summary of experience within the organization.
5. General description of procedures and facilities to be used in proposed services, including evaluation of the model, factory follow-up, quality assurance, labeling of production buildings, and specific information to be furnished on or with labels.
6. Procedures to deal with any defective buildings resulting from oversight.
7. Acceptance of these services by independent accrediting organizations and by other jurisdictions.
8. Proof of independence and absence of conflict of interest.

The ASTM Standard Number E541-01 may be procured from:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Supporting Statement (including intent, need, and impact of the proposal):
Clarified educational and experience requirements for the compliance assurance agency personnel.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulation _____

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321 _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, **13 VAC 5-91-210**, Compliance assurance agency certification label. **13 VAC 5-91-220**, Label control

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

13 VAC 5-91-210. Compliance assurance agency certification label.

Every manufactured section or module of a registered industrialized building shall be marked with a label supplied by the compliance assurance agency that includes the name and address of the compliance assurance agency and the certification label number.

13 VAC 5-91-220. Mounting of label.

To the extent practicable, the label shall be installed so that it cannot be removed without destroying it. The label shall be applied in the vicinity of the electrical distribution panel or in another location that is readily accessible for inspection. When a building is comprised of more than one section or module, the required ~~label labels~~ may be furnished as a single label for the entire placed in one location in the completed building ~~provided each section or module is marked by the compliance assurance agency in a clearly identifiable manner provided with or on the label.~~

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

Clarifies the number and location of certification labels that must be applied to an industrialized building.

Submittal Information

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulation _____

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321 _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, **13 VAC 5-91-245**, Manufacturer's data plate.

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

13 VAC 5-91-245. Manufacturer's data plate.

A. All of the following information shall be placed on a permanent manufacturer's data plate in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The compliance assurance agency shall approve the form and location of the data plate and shall ensure that the data plate is complete:

1. Manufacturer's name and address.
2. Compliance assurance agency certification number.
3. Serial number of each module of the building.
4. Serial number of the Virginia registration seal.
5. Date of manufacture of the building.
6. List of codes and standards under which the building was evaluated and constructed and the type of construction and occupancy classification under those codes and standards.
7. Design live roof load, design floor live load ~~and~~, design wind speed ~~load~~ and design ground snow load.
- ~~8. Seismic design zone number.~~
9. ~~8. Thermal transmittance values or Thermal resistance ("R") values.~~
- ~~10.~~ 9. Special conditions or limitations concerning the use of the building under the codes and standards applicable to the building; however, a list of such conditions or limitations that are furnished separately with the building shall satisfy this requirement.

~~11.~~ 10. Special instructions for handling, installation and erection of the building, however, a list of such instructions that are furnished separately with the building shall satisfy this requirement.

~~12.~~ 11. Designation of electrical service ratings, directions for water and drain connections and, where applicable, identification of permissible type of gas for appliances.

~~13.~~ 12. Name of manufacturer and model designation of major factory installed appliances.

B. The manufacturer shall maintain copies of the data plate and reports of inspection, tests and any corrective action taken for a minimum period of 10 years from the date of manufacture of the building.

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

Roof "Live" load specifies the required information needed on data plates. The current language only specifies "roof load" which is vague.

"Seismic design number" was deleted due to the differences between the IRC and the IBC. The IRC designates specific "Seismic Design Categories" or zones, A-E. The IBC is much more complicated and does not have seismic design categories. IBC section 1603.1.5 lists 10 items related to earthquake load design. This information is provided on the approved building plans and would be too cumbersome to include on the data plate.

The thermal design of a structure can be expressed in "thermal transmittance values", U values or "thermal resistance values", R values. Currently either of the values is permitted to be shown on the data plate. Often only the U values are listed on the data plates, which most consumers do not understand. Since R values are more universally understood and consumer friendly than U values, the data plate will now require the R values to be listed.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulation _____

Mailing Address: 501 N. Second St.; Richmond, VA 23219-1321 _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13VAC 5-91 Industrialized Building Safety Regulations, **13 VAC 5-91-260**, Registration seal for industrialized buildings _____

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

13 VAC 5-91-260. Registration seal for industrialized buildings.

A. Registered industrialized buildings shall be marked with an approved registration seal ~~seals~~ issued by the SBCAO. The ~~seal~~ seals shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture.

B. Registered industrialized buildings shall bear a one registration seal ~~for each dwelling unit in residential occupancies. For nonresidential occupancies, a registration seal is required for each registered building on each manufactured section or module, or, as an alternative, may have the registration seal for each manufactured section or module placed in one location in the completed building.~~

C. Approved registration seals may be purchased from the SBCAO in advance of use. The fee for each registration seal shall be ~~\$75~~ \$50. ~~Checks shall be~~ Fees shall be submitted by checks made payable to "Treasurer of Virginia." or shall be submitted by electronic means. Payment for the seals must be received by the SBCAO before the seals can be sent to the user.

D. To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the compliance assurance agency.

E. The compliance assurance agency or the manufacturer under the supervision of the compliance assurance agency shall maintain permanent records of the disposition of all Virginia registration seals obtained by the compliance assurance agency or manufacturer.

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

Currently only one industrialized building certification seal is required per structure, regardless of size. This proposed change acknowledges that the buildings may consist of only one modular section, or may consist of thirty modular sections. It is more equitable to require one seal per modular section. The cost of the seals has been reduced from \$75 per seal to \$50. This adjustment was made more equitably distribute the cost of administering the industrialized building 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)
The Jackson Center
501 N. 2nd Street
Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov
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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: Staff _____

Representing: Division of Building and Fire Regulations _____

Mailing Address: 501 N. Second St., Richmond, VA _____

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

Code(s) and Section(s): 13 VAC 5-91 Industrialized Building Safety Regulations: 13 VAC 5-91-40. Inspection and enforcement, 13VAC5-91-50 Factory and field inspections, 13VAC5-91-60 Violations, 13 VAC 5-91-70. Appeals,

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

13 VAC 5-91-40. Inspection and enforcement.

A. The SBCAO is designated as the administrator's representative for the enforcement of this chapter and shall act as the building official for registered industrialized buildings. It shall have authority to make such inspections during reasonable hours at the manufacturing facilities and at building sites where industrialized buildings are being installed. The SBCAO shall have authority to issue inspection reports for correction of violations caused by the manufacturer and to take such other actions as are required to enforce this chapter.

B. The SBCAO will maintain a list of approved compliance assurance agencies. Each manufacturer producing registered industrialized buildings will contract with one or more compliance assurance agencies for required evaluation, monitoring and inspection services. The contract will delineate the services to be provided by the compliance assurance agency. The compliance assurance agency will notify the SBCAO within 30 days of signing a new contract or terminating an existing contract with any manufacturer.

13VAC5-91-50. Factory and field inspections Right of entry and examination by Administrator.

A. ~~The SBCAO shall conduct such inspections of factories producing industrialized buildings as may be necessary during reasonable hours to determine whether the designated compliance assurance agency is performing its evaluation and compliance assurance functions in a satisfactory manner.~~

B. ~~The SBCAO may also make inspections during reasonable hours to determine whether unoccupied industrialized buildings are in compliance with this chapter. Such inspections may include, but are not limited to, industrialized buildings on dealer lots or industrialized buildings that are otherwise offered for sale to the public. Occupied industrialized buildings may be inspected by the SBCAO at the request of the owners or occupants. In accordance with § 36-82 of the Code of Virginia, the administrator shall have the right, at all reasonable hours, to enter into any industrialized building upon permission of any person who has authority or shares the use, access or control over the building, or upon request of local officials having jurisdiction, for examination as to compliance with this chapter.~~

13VAC5-91-60. ~~Violations~~ Notice of Violation.

~~In accordance with § 36-82 of the Code of Virginia, Where whenever the administrator finds shall find any violation of the provisions of this chapter, a notice of violation shall be issued.~~

~~This notice of violation shall order the party responsible he shall order the person responsible therefore to bring the unit building into compliance, within a reasonable time, to be fixed in the order. In addition, as a requirement of this chapter, The the administrator may request assistance from the building official for enforcement of this section.~~

13 VAC 5-91-70. Appeals.

~~A. In accordance with § 36-82.1 of the Code of Virginia, Appeals appeals from building officials, compliance assurance agencies or manufacturers of industrialized buildings concerning DHCD's application of this chapter shall be heard by the State Review Board established by § 36-108 of the Code of Virginia. The State Review Board shall have the power and duty to render its decision in any such appeal, which decision shall be final if no further appeal is made. In addition, as a requirement of this chapter, appeals shall be submitted to the State Review Board within 21 calendar days of receipt of DHCD's decision. A copy of the decision of DHCD to be appealed shall be submitted with the application for appeal. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of DHCD's decision.~~

~~B. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no appeal is made therefrom.~~

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

Update language to make regulation easier to read and understand. Language was updated to include & align IBSR code language with the Code of Virginia.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Amusement Device Tech. Adv. Committee

Representing: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): VADR §§ 50A, 75C and 75F

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

Change § 50A to read as follows:

A. Any person, including local building department personnel, inspecting an amusement device relative to a certificate of inspection shall possess a ~~valid certificate of competence~~ certification as an amusement device inspector from the ~~Virginia Board of Housing and Community Development~~ in accordance with the Virginia Certification Standards (13 VAC 5-21) .

Change § 75C to read as follows:

C. A permit application ... 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; per occurrence~~ or proof of liability insurance or financial responsibility during the period covered by the permit. The local ... by the permit.

Change § 75F to read as follows:

F. In addition to obtaining a certificate of inspection in conjunction with a permit application for amusement devices permanently fixed to a site , a new certificate of inspection shall also be obtained prior to the operation of an amusement device following a major modification, prior to each seasonal operation of a device , at least once during the operating season and prior to resuming the operation of a device following an order from a local building department to cease operation. This requirement shall not apply to kiddie rides meeting the conditions outlined in subsection D of this section.

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

The change to § 50A is in response to the DHCD staff changes to clarify continuing education requirements. ADTAC wanted to keep the language about "possessing" a certificate as there is no grandfathering period in the VADR for

inspectors; you have to have the certification prior to doing an inspection.

The change to § 75C is to return to the prior edition language concerning liability insurance, but keeping the new limit of \$1,000,000 established in the 2006 code. The language used in the 2006 code was problematic and was only intended to raise the limit from \$500,000 to \$1,000,000, so this change accomplishes that and removes the problematic language.

The change to § 75F is to reinsert language from the 2000 edition of the code requiring parks to inspect the permanent rides at least once during the operating season. There is no indication that the requirement was removed for any reason and it appeared to be just a correlation error, so the requirement is being reinserted.

Submittal Information

Date Submitted: April 22, 2009

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: DHCD staff

Representing: DHCD

Mailing Address: 501 North 2nd Street Richmond Virginia 23219

Email Address: tsu@dhcd.virginia.gov

Telephone Number: 804.371.7140

Proposal Information

Code(s) and Section(s): USBC Part I – VCC Sections 105.1.4 & 105.2.3; USBC Part III – VMC Section 104.4.4; VADR Section 13 VAC 5-31-50. B.

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

Modify sections as follows:

VCC 105.1.4 Continuing education requirements. Requirements for periodic maintenance training and continuing education. Building officials shall attend 16 hours every two years of continuing education and periodic maintenance training courses approved or required as designated by DHCD. Additional continuing education hours shall not be required if more than one certificate is held. In addition to the periodic certification maintenance training required above, building officials shall attend 16 hours every two years of continuing education as approved by DHCD. If a building official possesses more than one BHCD certificate, the 16 hours shall satisfy the continuing education requirement for all BHCD certificates.

VCC 105.2.3 Continuing education requirements. Requirements for periodic maintenance training and continuing education. Technical assistants shall attend 16 hours every two years of continuing education and periodic maintenance training courses approved or required as designated by DHCD. Additional continuing education hours shall not be required if more than one certificate is held. In addition to the periodic certification maintenance training required above, technical assistants shall attend 16 hours every two years of continuing education as approved by DHCD. If a technical assistant possesses more than one BHCD certificate, the 16 hours shall satisfy the continuing education requirement for all BHCD certificates.

VMC 104.4.4 Continuing education requirements. Requirements for periodic maintenance training and continuing education. Code officials and technical assistants shall attend 16 hours every two years of continuing education and periodic maintenance training courses approved or required as designated by DHCD. Additional continuing education hours shall not be required if more than one certificate is held. In addition to the periodic certification maintenance training required above, code officials and technical assistants shall attend 16 hours every two years of continuing education as approved by DHCD. If a code official or technical assistant possesses more than one BHCD certificate, the 16 hours shall satisfy the continuing education requirement for all BHCD certificates.

VADR 13 VAC 5-31-50. B. Local building department personnel enforcing this chapter and private inspectors shall attend 16 hours every two years of continuing education and periodic maintenance training courses approved or required as designated by DHCD. Additional continuing education hours shall not be required if more than one certificate is held. In addition to the periodic certification maintenance training required above, local building department personnel and private inspectors shall attend 16 hours every two years of continuing education as approved by DHCD. If local building department personnel or private inspector possesses more than one BHCD certificate, the 16 hours shall satisfy the continuing education requirement for all BHCD certificates.

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

As a clarification, these provisions separate the periodic training required by DHCD for certification maintenance and the additional continuing education required by DHCD for building officials, code officials, technical assistants, as well as local building department and private amusement device inspectors. The language also clarifies that once the maximum 16 hour requirement is achieved relative to a single BHCD certificate, the continuing education requirement is satisfied relative to all BHCD certificates issued. The original code proposal approved by the BHCD in the 2006 cycle clearly intended that the continuing education be a separate requirement in addition to other periodic training previously required and that a maximum of 16 hours would be required to satisfy all continuing education requirements relative to all BHCD certificates issued.

Submittal Information

Date Submitted: April 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: 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: DHCD staff

Representing: DHCD

Mailing Address: 501 North 2nd Street Richmond Virginia 23219

Email Address: tsu@dhcd.virginia.gov

Telephone Number: 804.371.7140

Proposal Information

Code(s) and Section(s): USBC, Part I – VCC Section 103.13

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

Add new subsection under Section 103.13 as follows:

103.13.1 Certification of state enforcement personnel. State enforcement personnel shall comply with the applicable requirements of Section 105 for certification, periodic maintenance training, and continuing education.

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

This provision establishes a baseline qualification for all code enforcement personnel and those persons enforcing the USBC and/or performing inspections of state owned building and structures. This provision stipulates that those persons acting as a building official or technical assistant through the Virginia Department of General Services be subject to and achieve the equivalent level of certification and education as required of building officials and technical assistants employed by or under contract to a local building department or local enforcing agency for enforcement of the USBC.

Submittal Information

Date Submitted: April 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: 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: DHCD Staff, Tech. Assist. Srvs. Office (TASO) Representing: _____

Mailing Address: _____

Email Address: _____ Telephone Number: _____

Proposal Information

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

Change Section 13 VAC 5-21-51 A to read as follow:

A. Certificates will be issued when an applicant has complied with the applicable requirements of this chapter. Certificate holders will be classified as an active or inactive. An active certificate holder is a person who is certified who and who has attended all periodic maintenance training courses designated by the Department and completed the required continuing education subsequent to becoming certified. An inactive certificate holder is a person who is certified but who has not attended all such periodic maintenance training courses or completed the required continuing education subsequent to becoming certified. (Remainder of provision unchanged)

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

This change is necessary to correlate the Virginia Certification Standards with the requirements for continuing education which have been added to the USBC and 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



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

DEVELOPMENT OF THE 2009 BUILDING AND FIRE REGULATIONS

STAFF RECOMMENDATIONS FOR THE BASE DOCUMENT OF THE
VIRGINIA STATEWIDE FIRE PREVENTION CODE
(Only those provisions with changes are shown)

13 VAC 5-51-21. Section 102.0. Applicability.

(Subsections A-D unchanged)

E. 102.4. Referenced codes and standards: The codes and standards referenced in the IFC shall be those listed in Chapter ~~45~~ 47 and considered part of the requirements of the SFPC to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

(Remainder of section unchanged)

13 VAC 5-51-31. Section 103.0. Incorporation by reference.

A. 103.1. General: The following document is adopted and incorporated by reference to be an enforceable part of the SFPC:

The International Fire Code -- ~~2006~~ 2009 Edition, hereinafter referred to as "IFC," published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070, 1-888 422-7233.

(Remainder of section unchanged)

13 VAC 5-51-130. IFC Section 202.0. Definitions.

(No change to subsections A and B)

C. Change the following definitions to read:

~~Canopy: A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration and may be structurally independent or supported by attachment to a building on one end by not less than one stanchion on the outer end.~~

(No change to remainder of section)

13 VAC 5-51-131. IFC Chapter 3. Precautions Against Fire.

(No change to subsection A)

~~B. Change Section 304.3.2 to read:~~

~~304.3.2. Capacity exceeding 5.88 cubic feet. Containers with a capacity exceeding 5.88 cubic feet (44 gallons) (0.17 m³) shall be provided with lids. Containers and lids shall be constructed of noncombustible materials or approved combustible materials.~~

(No change to remainder of section)

13 VAC 5-51-132. IFC Chapter 4. Emergency Planning and Preparedness.

(No change to subsection A)

B. Add item 14 to Section 404.2 to read:

~~14.~~ 15. SRCF.

(No change to remainder of section)

13 VAC 5-51-133. IFC Chapter 5. Fire Service Features.

(No change to subsections A and B)

C. Change Section ~~508.5.1~~ 507.5.1 to read:

~~508.5.1.~~ 507.5.1. Where required, fire hydrant systems shall be located and installed as directed by the fire department. Fire hydrant systems shall conform to the written standards of the jurisdiction and the fire department.

(No change to subsection D)

E. Add Change Section ~~511~~ 510 to read:

Section 511. 510.
Maintenance of In-Building Emergency Communication Equipment.

~~511.1.~~ 510.1. General. In-building emergency communication equipment shall be maintained in accordance with USBC and the provisions of this section.

~~511.2.~~ 510.2. Additional in-building emergency communications installations. If it is determined by the locality that increased amplification of their emergency communication system is needed, the building owner shall allow the locality access as well as provide appropriate space within the building to install and maintain necessary additional communication equipment by the locality. If the building owner denies the locality access or appropriate space, or both, the building owner shall be responsible for the installation and maintenance of these additional systems.

~~511.3.~~ 510.3. Field tests. After providing reasonable notice to the owner or their representative, the fire official, police chief, or their agents shall have the right during normal business hours, or other mutually agreed upon time, to enter onto the property to conduct field tests to verify that the required level of radio coverage is present at no cost to the owner.

13 VAC 5-51-135. IFC Chapter 9. Fire Protection Systems.

(No change to subsections A-G)

H. Change Section ~~907.20.2~~ 907.9.2 to read:

~~907.20.2.~~ 907.9.2 Testing. Testing shall be performed in accordance with the schedules in Chapter 10 of NFPA 72 or more frequently where required by the fire code official. Where automatic testing is performed at least weekly by a remotely monitored fire alarm control unit specifically listed for the application, the manual testing frequency shall be permitted to be extended to annual. In Group R-1 occupancies, battery-powered single station smoke detectors shall be tested and inspected at one-month intervals.

Exception: Devices or equipment that are inaccessible for safety considerations shall be tested during scheduled shutdowns where approved by the fire code official, but not less than every 18 months.

13 VAC 5-51-143. IFC Chapter 24. Tents, Canopies and Other Membrane Structures.
(Repealed.)

A. ~~Change the title of Chapter 24 to read "Tents and Membrane Structures."~~

B. ~~Change Section 2401.1 to read:~~

~~2401.1. Scope. Tents and membrane structures shall comply with this chapter. The provisions of Section 2403 are applicable only to temporary membrane structures. The provisions of Section 2404 are applicable to temporary and permanent membrane structures.~~

C. ~~Delete the definition of the term "Canopy" in Section 2402.1 and change the definition of the term "Tent" in Section 2402.1 to read:~~

~~Tent: Any structure, enclosure or shelter, other than a canopy, with or without sidewalls or drops constructed of fabric or pliable material supported by any manner except by air or the contents it protects.~~

D. ~~Change the title of Section 2403 to read "Temporary Tents and Membrane Structures."~~

E. ~~Change Section 2403.1 to read:~~

~~2403.1. General. All temporary tents and membrane structures shall comply with this section.~~

F. ~~Change Section 2403.2 to read:~~

~~2403.2. Approval required. Tents and membrane structures having an area in excess of 200 square feet (19 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.~~

~~Exception: Tents used exclusively for recreational camping purposes.~~

~~G. Change Section 2403.5 to read:~~

~~2403.5. Use period. Temporary tents and air supported, air inflated or tensioned membrane structures shall not be erected for a period of more than 180 days within a 12 month period on a single premises.~~

~~H. Change Section 2403.6 to read:~~

~~2403.6. Construction documents. A detailed site and floor plan for tents or membrane structures with an occupant load of 50 or more shall be provided with each application for approval. The tent or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment.~~

~~I. Change Sections 2403.8, 2403.8.2 and 2403.8.5 to read:~~

~~2403.8. Access, location and parking. Access location and parking for temporary tents and membrane structures shall be in accordance with this section.~~

~~2403.8.2. Location. Tents or membrane structures shall not be located within 20 feet (6096 mm) of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure or tent.~~

~~Exceptions:~~

~~1. Separation distance between membrane structures and tents not used for cooking, is not required when the aggregate floor area does not exceed 15,000 square feet (1394 m²).~~

~~2. Membrane structures or tents need not be separated from buildings when all of the following conditions are met:~~

~~2.1. The aggregate floor area of the membrane structure or tent shall not exceed 10,000 square feet (929 m²).~~

~~2.2. The aggregate floor area of the building and membrane structure or tent shall not exceed the allowable floor area including increases as indicated in the International Building Code.~~

~~2.3. Required means of egress provisions are provided for both the building and the membrane structure or tent, including travel distances.~~

~~2.4. Fire apparatus access roads are provided in accordance with Section 503.~~

~~2403.8.5. Fire break. An unobstructed fire break passageway or fire road not less than 12 feet (3658 mm) wide and free from guy ropes or other obstructions shall be maintained on all sides of all tents and membrane structures unless otherwise approved by the fire code official.~~

J. Change Section 2403.9 to read:

~~2403.9. Anchorage required. Tents or membrane structures and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the fire code official on request.~~

K. Change Section 2403.11 to read:

~~2403.11. Seating arrangements. Seating in tents or membrane structures shall be in accordance with Chapter 10.~~

L. Change Sections 2403.12, 2403.12.1, 2403.12.2 and Table 2403.2 to read:

~~2403.12. Means of egress. Means of egress for temporary tents and membrane structures shall be in accordance with Sections 2403.12.1 through 2403.12.8.~~

~~2403.12.1. Distribution. Exits shall be spaced at approximately equal intervals around the perimeter of the tent or membrane structure, and shall be located such that all points are 100 feet (30 480 mm) or less from an exit.~~

~~2403.12.2. Number. Tents or membrane structures or a usable portion thereof shall have at least one exit and not less than the number of exits required by Table 2403.12.2. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by a means of egress multiplied by 0.2 inches (5 mm) per person.~~

Table 2403.12.2. Minimum Number of Means of Egress and Means of Egress Widths from Temporary Membrane Structures and Tents.			
Occupant Load	Minimum Number of Means of Egress	Minimum Width of Each Means of Egress (inches)	Minimum Width of Each Means of Egress (inches)
		Tent	Membrane Structure
10 to 199	2	72	36
200 to 499	3	72	72
500 to 999	4	96	72
1,000 to 1,999	5	120	96
2,000 to 2,999	6	120	96
Over 3,000 ^a	7	120	96

For SI: 1 inch = 25.4 mm
~~a When the occupant load exceeds 3,000, the total width of means of egress (in inches) shall not be less than the total occupant load multiplied by 0.2 inches per person.~~

M. Change the title of Section 2404 to read "Temporary and Permanent Tents and Membrane Structures."

N. Change Section 2404.1 to read:

2404.1. General. All tents and membrane structures, both temporary and permanent, shall be in accordance with this section. Permanent tents and membrane structures shall also comply with the International Building Code.

O. Change Section 2404.2 to read:

2404.2. Flame propagation performance treatment. Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the tents and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting and combustible decorative materials and effects, including sawdust when used on floors or passageways, shall be composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA 701, and that such flame propagation performance criteria are effective for the period specified by the permit.

P. Change Section 2404.3 to read:

2404.3. Label. Membrane structures or tents shall have a permanently affixed label bearing the identification of size and fabric or material type.

Q. Change Section 2404.4 to read:

2404.4. Certification. An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit shall attest to the following information relative to the flame propagation performance criteria of the fabric:

1. Names and address of the owners of the tent or air-supported structure.
2. Date the fabric was last treated with flame-retardant solution.
3. Trade name or kind of chemical used in treatment.
4. Name of person or firm treating the material.
5. Name of testing agency and test standard by which the fabric was tested.

R. Change Section 2404.5 to read:

2404.5. Combustible materials. Hay, straw, shavings or similar combustible materials shall not be located within any tent or membrane structure containing an assembly occupancy, except the materials necessary for the daily feeding and care of animals. Sawdust and shavings utilized for a

~~public performance or exhibit shall not be prohibited provided the sawdust and shavings are kept damp. Combustible materials shall not be permitted under stands or seats at any time. The areas within and adjacent to the tent or air supported structure shall be maintained clear of all combustible materials or vegetation that could create a fire hazard within 20 feet (6096 mm) of the structure. Combustible trash shall be removed at least once a day from the structure during the period the structure is occupied by the public.~~

S. Change Section 2404.6 to read:

~~2404.6. Smoking. Smoking shall not be permitted in tents or membrane structures. Approved "No Smoking" signs shall be conspicuously posted in accordance with Section 310.~~

T. Change Section 2404.7 to read:

~~2404.7. Open or exposed flame. Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet (6096 mm) of the tent or membrane structures while open to the public unless approved by the fire code official.~~

U. Change Section 2404.8 to read:

~~2404.8. Fireworks. Fireworks shall not be used within 100 feet (30 480 mm) of tents or membrane structures.~~

V. Change Section 2404.10 to read:

~~2404.10. Safety film. Motion pictures shall not be displayed in tents or membrane structures unless the motion picture film is safety film.~~

W. Change Sections 2404.15.2, 2404.15.5 and 2404.15.6 to read:

~~2404.15.2. Venting. Gas, liquid and solid fuel burning equipment designed to be vented shall be vented to the outside air as specified in the International Fuel Gas Code and the International Mechanical Code. Such vents shall be equipped with approved spark arresters when required. Where vents or flues are used, all portions of the tent or membrane structure shall be not less than 12 inches (305 mm) from the flue or vent.~~

~~2404.15.5. Cooking tents. Tents where cooking is performed shall be separated from other tents or membrane structures by a minimum of 20 feet (6096 mm).~~

~~2404.15.6. Outdoor cooking. Outdoor cooking that produces sparks or grease laden vapors shall not be performed within 20 feet (6096 mm) of a tent or membrane structure.~~

X. Change Sections 2404.16.2 and 2404.16.3 to read:

~~2404.16.2. Location of containers. LP gas containers shall be located outside. Safety release valves shall be pointed away from the tent or membrane structure.~~

~~2404.16.3. Protection and security. Portable LP-gas containers, piping, valves and fittings which are located outside and are being used to fuel equipment inside a tent or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be located in an approved location. Portable LP-gas containers shall be securely fastened in place to prevent unauthorized movement.~~

~~Y. Change Sections 2404.17.1, 2404.17.2 and 2404.17.3 to read:~~

~~2404.17.1. Use. Flammable liquid fueled equipment shall not be used in tents or membrane structures.~~

~~2404.17.2. Flammable and combustible liquid storage. Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet (15 240 mm) from tents or membrane structures. Storage shall be in accordance with Chapter 34.~~

~~2404.17.3. Refueling. Refueling shall be performed in an approved location not less than 20 feet (6096 mm) from tents or membrane structures.~~

~~Z. Change Sections 2404.18, 2404.18.2 and 2404.18.5 to read:~~

~~2404.18. Display of motor vehicles. Liquid and gas fueled vehicles and equipment used for display within tents or membrane structures shall be in accordance with Sections 2404.18.1 through 2404.18.5.3.~~

~~2404.18.2. Fuel systems. Vehicles or equipment shall not be fueled or defueled within the tent or membrane structure.~~

~~2404.18.5. Competitions and demonstrations. Liquid and gas fueled vehicles and equipment used for competition or demonstration within a tent or membrane structure shall comply with Sections 2404.18.5.1 through 2404.18.5.3.~~

~~AA. Change Section 2404.19 to read:~~

~~2404.19. Separation of generators. Generators and other internal combustion power sources shall be separated from tents or membrane structures by a minimum of 20 feet (6096 mm) and shall be isolated from contact with the public by fencing, enclosure or other approved means.~~

~~BB. Change Section 2404.20 to read:~~

~~2404.20. Standby personnel. When, in the opinion of the fire code official, it is essential for public safety in a tent or membrane structure used as a place of assembly or any other use where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted.~~

~~Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires during the time such place is open to the public or such activity is being~~

~~conducted and take prompt measures for extinguishment of fires that occur and assist in the evacuation of the public from the structure.~~

~~There shall be trained crowd managers or crowd manager supervisors at a ratio of one crowd manager/supervisor for every 250 occupants, as approved.~~

~~CC. Change Section 2404.21 to read:~~

~~2404.21. Vegetation removal. Combustible vegetation shall be removed from the area occupied by a tent or membrane structure, and from areas within 30 feet (9144 mm) of such structures.~~

~~DD. Change Section 2404.22 to read:~~

~~2404.22. Waste material. The floor surface inside tents or membrane structures and the grounds outside and within a 30-foot (9144 mm) perimeter shall be kept clear of combustible waste. Such waste shall be stored in approved containers until removed from the premises.~~

13 VAC 5-51-145. IFC Chapter 27. Hazardous Materials - General Provisions.

A. Change Add the following language to the end of Section 2701.5.1 to read:

~~2701.5.1. Hazardous Materials Management Plan. Where required by the fire code official, each application for a permit shall include a Hazardous Materials Management Plan (HMMP). The HMMP shall be maintained onsite for use by emergency responders, and shall be updated not less than annually. The HMMP shall include a facility site plan designating the following:~~

- ~~1. Storage and use areas.~~
- ~~2. Maximum amount of each material stored or used in each area.~~
- ~~3. Range of container sizes.~~
- ~~4. Locations of emergency isolation and mitigation valves and devices.~~
- ~~5. Product conveying piping containing liquids or gases, other than utility owned fuel gas lines and low pressure fuel gas lines.~~
- ~~6. On and off positions of valves for valves that are of the self-indicating type.~~
- ~~7. Storage plan showing the intended storage arrangement, including the location and dimensions of aisles.~~
- ~~8. The location and type of emergency equipment. The plans shall be legible and drawn approximately to scale. Separate distribution systems are allowed to be shown on separate pages.~~

B. Change Add the following language to the end of Section 2701.5.2 to read:

~~2701.5.2. Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include an HMIS, such as SARA (Superfund Amendments and Reauthorization Act of 1986) Title III, Tier II Report, or other approved statement. The HMIS shall be maintained onsite or readily available through another means where approved by the fire code official for use by temporary responders, and shall be updated not less than annually. The HMIS shall include the following information:~~

- ~~1. Manufacturer's name.~~
- ~~2. Chemical name, trade names, hazardous ingredients.~~
- ~~3. Hazard classification.~~
- ~~4. MSDS or equivalent.~~
- ~~5. United Nations (UN), North America (NA) or the Chemical Abstract Service (CAS) identification number.~~
- ~~6. Maximum quantity stored or used on site at one time.~~
- ~~7. Storage conditions related to the storage type, temperature and pressure.~~

(Remainder of section unchanged)

13 VAC 5-51-150. IFC Chapter 33. Explosives and Fireworks.

(No change to subsections A-S)

~~T. Delete Section 3308.11.~~

13VAC5-51-155. IFC Chapter 45 47 . Referenced Standards.

Change the referenced standards as follows (standards not shown remain the same):

Standard reference number	Title	Referenced in code section number
CGA C-6 (2001)	Standards for Visual Inspection of Steel Compressed Gas Cylinders	3806.4
NFPA 10-07	Portable Fire Extinguishers	Table 901.6.1, 906.2, 906.3, Table 906.3(1), Table 906.3(2), 2106.3
NFPA 13-07	Installation of Sprinkler Systems	Table 704.1, 903.3.1.1, 903.3.2, 903.3.5.1.1, 903.3.5.2, 904.11, 905.3.4, 907.9, 2301.1, 2304.2, Table 2306.2, 2306.9, 2307.2, 2307.2.1, 2308.2.2, 2308.2.2.1,

		2310.1, 2501.1, 2804.1, 2806.5.7, 3404.3.3.9, Table 3404.3.6.3(7), 3404.3.7.5.1, 3404.3.8.4
NFPA 13D-07	Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes	903.3.1.3, 903.3.5.1.1
NFPA 13R-07	Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height	903.3.1.2, 903.3.5.1.1, 903.3.5.1.2, 903.4
NFPA 14-07	Installation of Standpipe and Hose Systems	905.2, 905.3.4, 905.4.2, 905.8
NFPA 20-07	Installation of Stationary Pumps for Fire Protection	913.1, 913.2, 913.5.1
NFPA 24-07	Installation of Private Fire Service Mains and their Appurtenances	508.2.1, 1909.5
NFPA 25-08	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	508.5.3, Table 901.6.1, 904.7.1, 912.6, 913.5
NFPA 30B-07	Manufacture and Storage of Aerosol Products	2801.1, 2803.1, 2804.1, Table 2804.3.1, Table 2804.3.2, Table 2804.3.2.2, 2804.4.1, 2804.5.2, 2804.6, Table 2806.2, 2806.2.3, 2806.3.2, Table 2806.4, 2806.5.1, 2806.5.6, 2807.1
NFPA 33-07	Spray Application Using Flammable or Combustible Materials	1504.3.2
NFPA 72-07	National Fire Alarm Code	509.1, Table 901.6.1, 903.4.1, 904.3.5, 907.2, 907.2.1.1, 907.2.10, 907.2.10.4, 907.2.11.2, 907.2.11.3, 907.2.12.2.3, 907.2.12.3, 907.3, 907.5, 907.6, 907.10.2, 907.11, 907.15, 907.17, 907.18, 907.20, 907.20.2, 907.20.5
NFPA 704-07	Identification of the Hazards of Materials for Emergency Response	606.7, 1802.1, 2404.2, 2703.2.2.1, 2703.2.2.2, 2703.5, 2703.10.2, 2705.1.10, 2705.2.1.1, 2705.4.4, 3203.4.1, 3404.2.3.2

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

I N T E R P R E T A T I O N

Interpretation Number: 3/2006

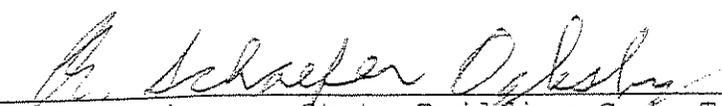
Code: Virginia Statewide Fire Prevention Code

Section No(s): 315.3.1.

QUESTION: Does Section 315.3.1 mean that when a building is required by the code under which it was constructed to be protected by automatic sprinklers, outdoor storage of combustible materials under eaves is prohibited except where automatic sprinklers are installed under such eaves?

ANSWER: It means that sprinklers under the eaves are only necessary to allow storage if specifically required by the code, including the sprinkler standard and its exceptions, under which the building was constructed.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of March 20, 2009.


Vice-Chairman, State Building Code Technical Review Board

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: DHCD Staff _____ Representing: _____

Mailing Address: _____

Email Address: _____ Telephone Number: _____

Proposal Information

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

Proposed Change (including all relevant section numbers, if multiple sections):
Change IFC Section 311.5 to read as follows:
311.5 Placards. Any vacant or abandoned buildings or structures determined by the fire official to be unsafe pursuant to Section 110 of this code relating dangerous to fire-fighting operations due to structural or interior hazards shall be marked as required by Sections 311.5.1 through 311.5.5.

Supporting Statement (including intent, need, and impact of the proposal):
The placarding provisions were first in the 2006 IFC but due to the use of the term "unsafe" there was a question of whether SFPC state amendment Section 110.4 referencing the USBC prevented the use of the placarding provisions. This change clarifies that the placarding is for a different purpose and does not create a conflict with the USBC.

Submittal Information

Date Submitted: April 22, 2009 _____

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

Please submit the proposal to:

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

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



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

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

Submitted by: _____ Representing: _____

Address: _____ Phone No. _____

Regulation Title: Statewide Fire Prevention Code Section No(s): 108.1.2 and 108.5

Proposed Change:

108.1.2 ~~Types~~Duration of Operational permits. There shall be two types of permits as follows:

~~1. Operational permit.~~ An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 108.1.1 for either:

- 1.1. A prescribed period.
- 1.2. Until renewed or revoked.

~~2. Construction permit.~~ Construction permit are required, and shall be issued in accordance with the USBC and shall be issued by the building official. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by section 108.5.

108.1.3 Operational permits for the same location. When more than one operational permit is required for the same location, the fire official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

~~108.5 Required construction permits.~~ The building official is authorized to issue construction permits in accordance with the USBC for work as set forth in Sections 108.5.1 through 108.5.12.

~~108.5.1 Automatic fire extinguishing systems.~~ A construction permit is required for installation of or modification to an automatic fire extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

~~108.5.2 Compressed gases.~~ When the compressed gases in use or storage exceed the amounts listed in Table 107.2, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

- ~~1. Routine maintenance.~~
- 2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 2701.5.3. The 30 day period is not applicable when approved based on special circumstances requiring such waiver.

~~**108.5.3 Fire alarm and detection systems and related equipment.** A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.~~

~~**108.5.4 Fire pumps and related equipment.** A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.~~

~~**108.5.5 Flammable and combustible liquids.** A construction permit is required:~~

- ~~1. To repair or modify a pipeline for the transportation of flammable or combustible liquids.~~
- ~~2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.~~
- ~~3. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.~~

~~**108.5.6 Hazardous materials.** A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 107.2.~~

~~**Exceptions:**~~

- ~~1. Routine maintenance.~~
- ~~2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

~~**108.5.7 Industrial ovens.** A construction permit is required for installation of industrial ovens covered by Chapter 21.~~

~~**Exceptions:**~~

- ~~1. Routine maintenance.~~
- ~~2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

~~**108.5.8 LP gas.** A construction permit is required for installation of or modification to an LP gas system.~~

~~**108.5.9 Private fire hydrants.** A construction permit is required for the installation or modification of private fire hydrants.~~

~~**108.5.10 Spraying or dipping.** A construction permit is required to install or modify a spray room, dip tank or booth.~~

~~**108.5.11 Standpipe systems.** A construction permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.~~

~~**108.5.12 Temporary membrane structures, tents and canopies.** A construction permit is required to erect all membrane structures or any tent or air supported structure that covers an area greater than 900 square feet (84 m²), including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures have an occupant load of greater than 50 persons. Tents used exclusively for recreational camping shall not be required to obtain a construction permit.~~

Supporting Statement:

This proposed change is to alleviate any confusion within the building officials' community, state staff, festival vendors, and anyone else that may be confused by USBC requirements replicate in the SFPC. No attempt is being made to contradict, change any values, or any requirements that are found in the USBC.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CODE CHANGE FORM

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

Submitted by: _____ Representing: _____

Address: _____ Phone No. _____

Regulation Title: Statewide Fire Prevention Code Section No(s): 108.1.1, 108.1.2 and 108.5

Proposed Change:

108.1.1 Permits required. Operational permits may be required by the fire official in accordance with Table 107.2. The fire official shall require operational permits for the manufacturing, storage, handling, use and sale of explosives. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official. An operational permit allows the applicant to conduct an operation or a business for which a permit is required for either a prescribed period, or until renewed or revoked.

Exceptions:

- Operational 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.
- Operational permits will not be required for the manufacturing, storage, handling or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

~~**108.1.2 Types of permits.** There shall be two types of permits as follows:~~

~~1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 108.1.1 for either:~~

- ~~1.1. A prescribed period.~~
- ~~1.2. Until renewed or revoked.~~

~~2. Construction permit. Construction permit are required, and shall be issued in accordance with the USBC and shall be issued by the building official. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by section 108.5.~~

108.1.32 Operational permits for the same location. When more than one operational permit is required for the same location, the fire official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

~~**108.5 Required construction permits.** The building official is authorized to issue construction permits in accordance with the USBC for work as set forth in Sections 108.5.1 through 108.5.12.~~

~~**108.5.1 Automatic fire extinguishing systems.** A construction permit is required for installation of or modification to an automatic fire extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.~~

~~**108.5.2 Compressed gases.** When the compressed gases in use or storage exceed the amounts listed in Table 107.2, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.~~

~~**Exceptions:**~~

- ~~1. Routine maintenance.~~
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~~The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 2701.5.3. The 30 day period is not applicable when approved based on special circumstances requiring such waiver.~~

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- ~~1. To repair or modify a pipeline for the transportation of flammable or combustible liquids.~~
- ~~2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.~~
- ~~3. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.~~

~~**108.5.6 Hazardous materials.** A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 107.2.~~

~~**Exceptions:**~~

- ~~1. Routine maintenance.~~
- ~~2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

~~**108.5.7 Industrial ovens.** A construction permit is required for installation of industrial ovens covered by Chapter 21.~~

~~**Exceptions:**~~

- ~~1. Routine maintenance.~~
- ~~2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

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Supporting Statement:

This proposed change is to alleviate any confusion within the building officials' community, state staff, festival vendors, and anyone else that may be confused by USBC requirements replicate in the SFPC. No attempt is being made to contradict, change any values, or any requirements that are found in the USBC.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CODE CHANGE FORM

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

Submitted by: _____ Representing: _____

Address: _____ Phone No. _____

Regulation Title: SFPC Section No(s): _____

Proposed Change:

Section 101.0. Scope.

101.1 Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code (SFPC), hereinafter referred to as "this code" or "SFPC." The term "chapter" means a chapter in the SFPC. The SFPC was cooperatively developed by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development.

101.2 Scope: The SFPC prescribes regulations affecting or relating to maintenance of structures, processes and premises and safeguards to be complied with for the protection of life and property from the hazards of fire or explosion ~~and for the handling, storage and use of fireworks, explosives or blasting agents, and provides for the administration and enforcement of such regulations.~~ The fire official shall order the following dangerous or hazardous conditions or materials to be removed or remedied in accordance with the provisions provided for in the SFPC:

1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure, or to endanger the occupants thereof.
2. Conditions which would interfere with the efficiency and use of any fire protection equipment.
3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with the egress of occupants or the operation of the fire department in case of fire.
4. Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts.
5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.
6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.
7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.

8. Hazardous conditions arising from defective or improperly used or installed equipment for handling or using combustible, explosive or otherwise hazardous materials.

9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.

10. All equipment, materials, processes or operations which are in violation of the provisions and intent of this code.

The SFPC also establishes ~~regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of explosives~~ a minimum framework for the administration, issuance of permits, and enforcement of the SFPC. Inspections under the SFPC are a governmental responsibility.

101.3 Purpose: The purposes of the SFPC are to provide for statewide standards to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, including explosives and blasting agents, wherever located.

101.4 Validity: To the extent that any provisions of the SFPC or the referenced codes or standards are not within the scope of this chapter, those provisions are considered to be invalid. When any provision of the SFPC is found to be in conflict with the USBC, OSHA, or statute, that provision of the SFPC shall become invalid.

101.5 Local regulations: Any local governing body may adopt fire prevention regulations that are more restrictive or more extensive in scope than the SFPC provided such regulations do not affect the manner of construction or materials to be used in the erection, alteration, repair, or use of a building or structure, as provided in the USBC, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the SFPC.

101.6 Non-residential farm structures: Farm structures not used for residential purposes are exempt from the SFPC except when the inspection and enforcement provisions of the code are exercised by a warrant issued under the authority of §§ 27-98.2 through 27-98.5 of the Code of Virginia.

106.3.1 Observations: When, during an inspection, the fire official or an authorized representative observes an apparent or actual violation of another law, ordinance or code not within the official's authority to enforce, such official shall report the findings to the official having jurisdiction in order that such official may institute the necessary measures. Unsafe structures, as determined in Section 110.3, shall be reported to the building official or building maintenance official who shall take appropriate action under the unsafe structure provisions of the USBC to secure abatement of the unsafe structure.

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

Section 110.0 Unsafe conditions.

110.1 General: ~~The fire official shall order the following dangerous or hazardous conditions or materials to be removed or remedied in accordance with the SFPC:~~

- ~~1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure, or to endanger the occupants thereof.~~
- ~~2. Conditions which would interfere with the efficiency and use of any fire protection equipment.~~
- ~~3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with the egress of occupants or the operation of the fire department in case of fire.~~

- ~~4. Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts.~~
- ~~5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.~~
- ~~6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.~~
- ~~7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.~~
- ~~8. Hazardous conditions arising from defective or improperly used or installed equipment for handling or using combustible, explosive or otherwise hazardous materials.~~
- ~~9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.~~
- ~~10. All equipment, materials, processes or operations which are in violation of the provisions and intent of this code.~~

110.2 Maintenance: The owner shall be responsible for the safe and proper maintenance of any structure, premises or lot. In all structures, the fire protection equipment, means of egress, alarms, devices and safeguards shall be maintained in a safe and proper operating condition as required by the SFPC and applicable referenced standards.

110.32 Occupant responsibility: If a building occupant creates conditions in violation of this code, by virtue of storage, handling and use of substances, materials, devices and appliances, such occupant shall be held responsible for the abatement of said hazardous conditions.

110.43 Unsafe structures: All structures that are or shall hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe structures. All conditions causing such structures to be deemed unsafe for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry. When, in the fire official's opinion, there is actual and potential danger to the occupants or those in the proximity of any structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the unsafe presence of explosives, explosive fumes or vapors, or the unsafe presence of toxic fumes, gases or materials, the fire official may order the immediate evacuation of the structure or premises. All notified occupants shall immediately leave the structure or premises and no person shall enter until authorized by the fire official. A vacant structure, or portion of a structure, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe structures shall be reported to the building official or building maintenance official who shall take appropriate action under the provisions of the USBC to secure abatement. Subsequently, the fire official may request the legal counsel of the local governing body to institute the appropriate legal proceedings for an injunction against the continued use and occupancy of the structure until such time as conditions have been remedied. A vacant structure, or portion of a structure, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this code.

~~**110.5 Evacuation:** When, in the fire official's opinion, there is actual and potential danger to the occupants or those in the proximity of any structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the fire official may order the immediate evacuation of the structure or premises. All notified occupants shall immediately leave the structure or premises and no person shall enter until authorized by the fire official.~~

Supporting Statement:

This proposed change is to accomplish 4 major objectives.

The first is the relocation of the current Section 110.1 to the scope section of the SFPC and is based on the historical background of Section 110 which traces its origins to the BOCA model fire prevention code. The BOCA commentary said of Section 110, *“This section lists ten broad categories of unsafe conditions prohibited by the code and establishes occupant responsibilities for unsafe conditions.”* It went further in saying, *“The code official is required to order the correction or abatement of specific hazardous conditions. The conditions listed represent many of the most common hazardous conditions encountered. Specific requirements supporting **each of these objectives** are found throughout the code.”* (Emphasis added.) Therefore, Section 110 is basically an expanded scoping section and it would be appropriate to have it relocated into the scope section of the code.

The balance of the change to Section 101.2 is to provide more generic language and less specificity to say the scope of the code includes a minimum framework within which various local schemes are better accommodated for the administration and enforcement of the code.

The second major objective is the manner in which proposed Sections 106.3.1 and 110.3 are modified to better relate to each other. For proposed modification of Section 106.3.1, it is simply to co-locate language that informs the fire official of what and when to make referral for subjects that may not be within the authority or purview of the fire official.

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

The fourth major objective is the deletion of Section 110.5 and having it relocated into the proposed rewriting of Section 110.3. This brings together language that provides for dealing with unsafe structures and conditions found therein.

**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: _____ Representing: _____

Address: _____ Phone No. _____

Regulation Title: _____ Section No(s): _____

Proposed Change:

Change Section 106.3 and add Section 110.2 to read:

Section 106.0. Duties and powers of the fire official.

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

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

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

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

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

Add new Section 110.2 to read:

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

(Renumber subsequent sections.)

Supporting Statement:

**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: _____ Representing: _____

Address: _____ Phone No. _____

Regulation Title: _____ Section No(s): _____

Proposed Change:

Change Section 904.11.6.3 to read:

904.11.6 Operations and maintenance. Commercial cooking systems shall be operated and maintained in accordance with this section.

904.11.6.1 Ventilation system. The ventilation system in connection with hoods shall be operated at the required rate of air movement, and classified grease filters shall be in place when equipment under a kitchen grease hood is used.

904.11.6.2 Grease extractors. Where grease extractors are installed, they shall be operated when the commercial-type cooking equipment is used.

904.11.6.3 Cleaning. Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease based upon a written and approved cleaning schedule that shall be established and maintained on the premises by the owner or operator of the ventilation system. Cleanings shall be recorded, and records shall state the extent, time and date of cleaning. ~~Such records shall be maintained on the premises.~~

904.11.6.4 Extinguishing system service. Automatic fire-extinguishing systems shall be serviced at least every 6 months and after activation of the system. Inspection shall be by qualified individuals, and a certificate of inspection shall be forwarded to the fire code official upon completion.

904.11.6.5 Fusible link and sprinkler head replacement. Fusible links and automatic sprinkler heads shall be replaced at least annually, and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions.

Exception: Frangible bulbs are not required to be replaced annually.

Supporting Statement: _____

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

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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: _____ Representing: _____

Address: _____ Phone No. _____

Regulation Title: _____ Section No(s): _____

Proposed Change:

New Section 906.3 – renumber subsequent sections.

906.3 Certification of service personnel. Service personnel providing or conducting maintenance shall possess a valid Certificate issued by an approved third party certification organization, an approved governmental agency, or other organizations approved by the fire code official for the type of work performed.

Supporting Statement:

Ensuring technicians are certified will help building owners stay in compliance with the latest code regulations that address important safety systems. It is also a way to reflect a commitment to safety by knowing only qualified, professional technicians validate that portable fire extinguishers are serving the functions intended by the USBC, SFPC and referenced standards.

The objective of a formal certification program for portable fire extinguisher technicians is to provide a mechanism for individuals to demonstrate their knowledge of codes, standards, and related practices. The certification provides a mechanism for fire officials to use to evaluate individuals for the necessary knowledge. A certification program normally requires the candidate to successfully pass a written examination.

The available examinations are job relevant and measure the knowledge and skills of the technician. These third party certification agencies (non –manufacturer nor governmental) types of programs should comply with Regulations and National Standards, such as:

- Uniform Guidelines on Employee Selection Procedures:
- US Equal Employment Opportunity Commission (EEOC)
- Standards for Educational & Psychological Testing:
- National Council on Measurement in Education (NCME)
- American Educational Research Association (AERA)
- American Psychological Association (APA)

Formal certification programs must meet a minimum acceptable standard that ensures a proper examination preparation. Certification exams need to be fair and unbiased since these tests could have an impact on the livelihood of individuals taking the examinations. Requiring certified technicians helps protect public safety and promotes professionalism and expertise and helps ensure the competency of those individuals involved in the service industry.

Exceptions:

1. This provision shall not apply to pyrotechnic special effects and displays using Division 1.4G materials before a proximate audience in accordance with NFPA 1126.
2. This provision shall not apply to unoccupied dwellings, buildings and structures with the approval of the building owner and the fire code official.

Supporting Statement:

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
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 - 307.5 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
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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 - 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

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