

DHCD – Division of Building and Fire Regulation
2009 Code Change Cycle

COMPILATION DOCUMENT
(of all code changes received with staff evaluations)

PART I

Code changes beginning with a “C” are to the Virginia Construction Code; with an “R” are to the Virginia Rehabilitation Code; with an “M” are to the Virginia Maintenance code; with an “F” are to the Virginia Statewide Fire Prevention Code; with an “I” are to the Virginia Industrialized Building Safety Regulations; and with an “A” are to the Virginia Amusement Device Regulations. The order is as follows: C – R – M – F – I – A.

PART I contains page numbers 1 – 80 and code changes C-101.2 (a) – C-308.3.1

PART II contains page numbers 81 – 178 and code changes C-310.6(R302.1(6)) – C-708.14

PART III contains page numbers 179 – 270 and code changes C903.2 – C-Appendix E

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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

Proponent: Glenn Dean, representing himself

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-101.2(a)

Proponent Information (Check one): Individual Government Entity Company

Name: Glenn A. Dean Representing: Self

Mailing Address: _____

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

Proposal Information

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

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

Change Section 101.2 to read:

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

Note 1: The IBC references the whole family of International Codes including the following major codes:

- 2006 International Plumbing Code
- 2006 International Mechanical Code
- 2005 National Electrical Code
- 2006 International Fuel Gas Code
- 2006 International Energy Conservation Code
- 2006 International Residential Code

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

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

Delete Section 310.3 in its entirety without substitution.

Change Section 310.4 to read:

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

Delete Section 310.6 in its entirety without substitution.

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

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

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

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

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

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

A rewrite of many of the provisions of the USBC.

Proponent: Dan K. Williams, representing himself

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

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

Code Change Number: C-101.2(b)

Proponent Information

(Check one): Individual Government Entity Company

Name: Dan K. Williams

Representing: Self

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

Email Address: Dan.Williams@fairfaxcounty.gov

Telephone Number: 703-324-1060

Proposal Information

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

VCC Sections:

101.2

103.3

109.2.1

113.3

310.6 R301.2.1

R301.2.1.1

R302.2

R303.8

R303.8.1

407.9

407.10

407.11

408.5.1

408.5.2

Chapter 7 Title

703.6

716.5.3

903.2.1.3

1007.6.2

1009.4.2

1009.11

1009.12

Table 1018.1

1405.13.2

1704.1

Table 1704.4

2701.1

2702.2.17

3002.4

3412.1

3413.15

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

Change Section 101.2 to read:

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

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

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

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

Change Section 103.3 to read:

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

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

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

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

Add Section 109.2.1 to read:

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

Change Section 113.3 to read:

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

1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.
3. Inspection of preparatory work prior to the placement of concrete.
4. Certification of lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.
- ~~4.~~ 5. Inspection of structural members and fasteners prior to concealment.
- ~~5.~~ 6. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.
- ~~6.~~ 7. Inspection of fire- and smoke-resistant penetrations.
8. Inspection of energy conservation material prior to concealment.
- ~~7.~~ 9. Final inspection.

Change Section R301.2.1 to read:

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

Change Section R301.2.1.1 to read:

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

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

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

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

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

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

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

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

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

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

Change Section R303.8 to read:

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

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

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

Add Section R303.8.1 to read:

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

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

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

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

power.

2. The building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1.
3. A manual release device is provided at a nursing station responsible for the area.
4. A key-operated switch or other manual device is provided adjacent to each door equipped with the locking device. Such switch or other device, when operated, shall result in direct interruption of power to the lock -- independent of the control system electronics.
5. All staff shall have keys or other means to unlock the switch or other device or each door provided with the locking device.

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

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

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

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

Change Section 408.5.2 of the IBC to read:

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

Change VCC Chapter 7 title to read:

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

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

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

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

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

1. Be located above ceilings and on the inside of all ceiling access doors which provide access to such fire rated assemblies in accessible concealed floor, floor-ceiling or attic spaces;
2. Be repeated at intervals not exceeding 30 feet (914 mm) 8 feet (2438 mm) measured horizontally along the wall or partition; and
3. ~~Include~~ Indicate the fire-resistance rating of the assembly and the type of assembly, using lettering not less than 0.5 inch (12.7 mm) 1 inch (25.4 mm) in height, incorporating the suggested wording: "ONE HOUR FIRE AND/OR SMOKE BARRIER – PROTECT ALL OPENINGS," or other wording.

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

Change Section 716.5.3 of the IBC to read:

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

Exceptions:

1. ~~Fire and smoke dampers are not required where steel exhaust subducts extend at least 22 inches (559 mm) vertically in exhaust shafts provided there is a continuous airflow upward to the outside.~~
2. ~~Fire dampers are not required where penetrations are tested in accordance with ASTM E 119 as part of the fire resistance rated assembly.~~
3. ~~Fire and smoke dampers are not required where ducts are used as part of an approved smoke control system in accordance with Section 909.~~
4. ~~Fire and smoke dampers are not required where the penetrations are in parking garage exhaust or supply shafts that are separated from other building shafts by not less than two-hour fire resistance rated construction.~~
5. ~~Smoke dampers are not required where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.~~

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

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

Change Section 1007.6.2 of the IBC to read:

1007.6.2 Separation. Each area of refuge shall be separated from the remainder of the story by a smoke barrier complying with Section 709 or a horizontal exit complying with Section ~~1024~~ 1025. Each area of refuge shall be designed to minimize the intrusion of smoke.

Exceptions:

1. Areas of refuge located within a ~~vertical~~ an exit enclosure.
2. Areas of refuge where the area of refuge and areas served by the area of refuge are equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

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

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

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

Change Section 1009.11 of the IBC to read:

1009.11 Ship ladders. Ship ladders are permitted to be used in ~~Group I-3~~ as a component of a means of egress to and from control rooms or elevated facility observation stations not more than 250 square feet (23 m²) with not more than three occupants and for access to unoccupied roofs.

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

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

Add Section 1009.12 to the IBC to read:

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

Handrails shall be provided on both sides of ships ladders.

Change Table 4017.1 1018.1 of the IBC to read:

Table 4017.1 1018.1 Corridor Fire-Resistance Rating			
Occupancy	Occupant Load Served By Corridor	Required Fire-Resistance Rating (hours)	
		Without sprinkler system	With sprinkler system ^b
H-1, H-2, H-3	All	1 Not Permitted	1
H-4, H-5	Greater than 30	1 Not Permitted	1
A, B, E, F, M, S, U	Greater than 30	1	0
R	Greater than 10	1 Not Permitted	0.5
I-2 ^a , I-4	All	Not Permitted	0
I-1, I-3	All	Not Permitted	0

^a a. For requirements for occupancies in Group I-2, see Section Sections 407.2 and 407.3.

^b b. Buildings equipped throughout with an automatic sprinkler system in accordance with Sections 903.3.1.1 or 903.3.1.2 where allowed.

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

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

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

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

Change Section 1704.1 of the IBC to read:

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

Exceptions:

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

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

VERIFICATION AND INSPECTION	CONTINUOUS	PERIODIC	REFERENCED STANDARD ^a	IBC REFERENCE
11. 12. <u>12.</u> Inspect formwork for shape, location and dimensions of the concrete member being formed, shoring and reshoring.	—	X	ACI 318: 6.1, 6.2	1906

Change Section 2701.1 of the IBC to read:

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

Change Section 2702.2.17 of the IBC to read:

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

Change Section 3002.4 of the IBC to read:

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

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

Exception: Elevators in multistory dwelling units or guest rooms.

Change Section 3412.1 of the IBC to read:

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

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

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

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

2009 Virginia Construction Code – Erratas:

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

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

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

In addition:

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

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

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

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

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

310.6 Amendments to the IRC.

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

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

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

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

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

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

The NFPA 99 standard is also listed in Chapter 35.

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

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

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

The 2009 IBC states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table T-1704.4 Required verification and inspection of concrete construction.

Change the line item number in Table 1704.4.

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

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

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

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

Date Submitted: January 25, 2010

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

Please submit the proposal to:

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

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



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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

Proponent: John D. Bruce, representing Dominion Virginia Power

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-102.3(1)

Proponent Information

(Check one): Individual Government Entity Company

Name: John D. Bruce

Representing: Dominion Virginia Power

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

Email Address: john.bruce@dom.com

Telephone Number: (804) 775-5301

Proposal Information

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

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

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

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

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

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

Submittal Information

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

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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-102.3(2)

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: Virginia Building and Code Officials Association

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): 102.3

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

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

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

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

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

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

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

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

Submittal Information

Date Submitted: _____

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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-102.3(7)

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: Virginia Building and Code Officials Association

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

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

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

Add the following Exemption to section 102.3:

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

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

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

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

State law:

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

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

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

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

Federal law:

-HEAD-

Sec. 6991f. Federal facilities

-STATUTE-

(a) In general

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

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

<p>Address to submit to:</p> <p>DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321</p> <p>Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us</p>		<p>Document No. <u>C-103.5(a)</u></p> <p>Committee Action: _____</p> <p>BHCD Action: _____</p>
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<p>Submitted by: Ray Pylant</p> <p>Address: 12055 Govt. Ctr. Pky, Fairfax, Va. 22035</p> <p>Regulation Title: <u>Virginia New Construction Code – 2009 IBC Section</u> Section No(s): 103.5</p>	<p>Representing: Fairfax County</p> <p>Phone No.: 703-324-1910</p>
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Proposed Change:

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

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

Exceptions:

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

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

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

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

<p>Address to submit to:</p> <p>DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321</p> <p>Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us</p>		<p>Document No. <u>C-103.5(b)</u></p> <p>Committee Action: _____</p> <p>BHCD Action: _____</p>
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<p>Submitted by: Ray Pylant</p> <p>Address: 12055 Govt. Ctr. Pky, Fairfax, Va. 22035</p> <p>Regulation Title: <u>Virginia New Construction Code – 2009 IBC Section</u> Section No(s): 103.5</p>	<p>Representing: Fairfax County</p> <p>Phone No.: 703-324-1910</p>
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Proposed Change: **ALTERNATE PROPOSAL, NOVEMBER 18, 2009**

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

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

Exceptions:

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

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

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

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

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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-103.10 (3)

Proponent Information

(Check one): Individual Government Entity Company

Name: Guy Tomberlin

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

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

Email Address: guy.tomberlin@fairfaxcounty.gov

Telephone Number: 703-324-1611

Proposal Information

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

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

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

1.

2.

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

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

Submittal Information

Date Submitted: July 2, 2009

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

Please submit the proposal to:

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

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



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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

To clarify the use of the IRC under the USBC.

Proponent: Chuck Bajnai, representing the Chesterfield County Building Department

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-103.10(6)

Proponent Information

(Check one): Individual Government Entity Company

Name: Chuck Bajnai

Representing: Chesterfield County

Mailing Address: 9800 Government Center Parkway

Email Address: bajnaic@chesterfield.gov

Telephone Number: 804-717-6428

Proposal Information

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

Change Section 103.10 as follows:

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

(no change to Items 1-5)

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

Change Section 310.6 to read:

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

1. Change Section R101.2 to read:

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

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

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

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

To clarify the permit exemption for small accessory structures.

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-108.2(2)

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: VBCOA

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

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

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

Alter the following Exemption to section 108.2:

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

Add the following Exemption to section 1808.1.

**Section 1808
FOUNDATIONS**

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

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

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

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

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

Submittal Information

Date Submitted: _____

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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

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

Address to submit to: DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321 Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us	Revised 11/16/09	Document No. <u>C-108.2(10)(a)</u> Committee Action: _____ BHCD Action: _____
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Submitted by: John Catlett Representing: VBCOA Administration Committee
Address: 301 King Street, Alexandria, Va, 22314 Phone No.: (703.838.4360)
Regulation Title: Virginia New Construction Code Section No(s): 108.2

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

10. Ordinary repairs that include the following.

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

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

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM
 (Use this form to submit changes to building and fire codes)

Address to submit to: DHCD, the Jackson Center 501 North Second Street Richmond, VA 23219-1321 Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.state.va.us		Document No. <u>C-108.2(10)(b)</u> Committee Action: _____ BHCD Action: _____
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Submitted by: John Catlett Representing: City of Alexandria
 Address: 301 King Street, Alexandria, Va, 22314 Phone No.: (703.838.4360)
 Regulation Title: Virginia New Construction Code Section No(s): 1

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

10. Ordinary repairs that include the following.

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

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

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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-109.3.1(a)

Proponent Information (Check one): Individual Government Entity Company

Name: David J. Thomas, PE Representing: Self

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

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

Proposal Information

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

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

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

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

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

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

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

Submittal Information

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

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

Please submit the proposal to:

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

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

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-109.3.1(b)

Proponent Information

(Check one): Individual Government Entity Company

Name: J. Kenneth Payne, Jr., AIA

Representing: VSAIA

Mailing Address: 3200 Norfolk Street, Richmond, Virginia 23230

Email Address: kpayne@moseleyarchitects.com

Telephone Number: 804-794-7555

Proposal Information

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

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

Add the following new subparagraphs:

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

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

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

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

2009 IBC Chapter 1 text and previously submitted code change:

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

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

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

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

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

1996 BOCA version:

1003.1 Arrangement of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all *exits*, together with the arrangement of *aisles, corridors, passageways* and hallways leading thereto in compliance with the provisions of this code.

1003.2 Number of occupants. In other than occupancies in Use Groups R-2, R-3 and I-1, the *construction documents* and the application for a permit shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces as required by the code official. Unless otherwise specified, the minimum number of occupants to be accommodated by the *exits* shall be determined by the occupant load prescribed in Section 1008.0 [Occupant Load]. The posted occupant load of the building shall be limited to that number. The fire prevention code official shall be informed in *writing* of the calculated occupant load.

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

Submittal Information

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

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

Please submit the proposal to:

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

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



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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-116.4

Proponent Information

(Check one): Individual Government Entity Company

Name: John Catlett

Representing: VBCOA Administration Code Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: John.Catlett@alexandriava.gov

Telephone Number: 703.746.4200

Proposal Information

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

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

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

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

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

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

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

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

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

Submittal Information

Date Submitted: 11/16/2009

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

The Jackson Center

501 N. 2nd Street

Richmond, VA 23219-1321

Email Address: tsu@dhcd.virginia.gov

Fax Number: (804) 371-7092

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



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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-118.1

Proponent Information

(Check one): Individual Government Entity Company

Name: Michael Redifer

Representing: City of Newport News

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

Email Address: mredifer@nngov.com

Telephone Number: 757-926-8861

Proposal Information

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

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

Revise 118.1 and 118.2 as follows:

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

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

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

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

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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-118.6

Proponent Information

(Check one): Individual Government Entity Company

Name: John Catlett

Representing: VBCOA Admin Code Committee

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

Email Address: jcatlett@alexandriava.gov

Telephone Number: 703.746.4200

Proposal Information

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

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

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

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

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

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

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

Submittal Information

Date Submitted: August 4, 2009

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

The Jackson Center

501 N. 2nd Street

Richmond, VA 23219-1321

Email Address: tsu@dhcd.virginia.gov

Fax Number: (804) 371-7092

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



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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

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

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-119.9

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

Name: John Catlett Representing: City of Alexandria

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

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

Proposal Information

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

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

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

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

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

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

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

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

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

Submittal Information

Date Submitted: July 30, 2009

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

Please submit the proposal to:

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

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



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

2009 Code Change Cycle – Code Change Evaluation Form

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

Nature of Change:

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

Proponent: Dan K. Williams, representing himself

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

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

Code Change Number: C-202

Proponent Information

(Check one): Individual Government Entity Company

Name: Dan K. Williams

Representing: Self

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

Email Address: Dan.Williams@fairfaxcounty.gov

Telephone Number: 703-324-1060

Proposal Information

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

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

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

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

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

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

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

~~Existing building structure.~~

In Chapter 16,

Delete the following definition from Section 1612.2 of the IBC:

~~Existing structure.~~

In Chapter 34,

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

Chapter 34 Existing Buildings and Existing Structures

Change Section 3401.1 of the IBC to read:

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

Delete the following definition from Section 3402.1 of the IBC:

~~Existing structure.~~

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

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

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

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

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

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

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

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

Submittal Information

Date Submitted: January 25, 2010

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

Please submit the proposal to:

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

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



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

2009 Code Change Cycle – Code Change Evaluation Form

**USBC – Virginia Construction Code
Code Change No. C-307.1**

Nature of Change:

To delete the consumer fireworks category from the hazardous material table in the IBC and the IFC.

Proponent: Robby Dawson, representing the Virginia Fire Services Board

Staff Comments:

This proposal was approved at the first round of hearings for the 2012 International Codes. It is unknown whether public comment will be received for reconsideration of the proposal for the final action hearings. The result of the proposal is to regulate consumer fireworks as explosive materials. The amounts permitted to be stored however will not change as the category being deleted was the same as the category already in both the IBC and the IFC for explosive materials. The proposal may result in other explosive material requirements in the IBC and the IFC applying to consumer fireworks and to the subcategory of fireworks identified in Virginia as “permissible fireworks” which under state law are not regulated by the SFPC. The proposal was not received in time to be vetted through the workgroup process.

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-307.1

Proponent Information

(Check one): Individual Government Entity Company

Name: Robby Dawson

Representing: Virginia Fire Services Board

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

Email Address: dawsonj@chesterfield.gov

Telephone Number: 804-717-6838

Proposal Information

Code(s) and Section(s): USBC Table 307.1(1); USBC Section 307.2
SFPC Table 2703.1.1(1) and Section 3302.1

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

[F] TABLE 307.1(1)
MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA OF HAZARDOUS MATERIALS POSING A PHYSICAL HAZARD^{a,j,n,p}

MATERIAL	CLASS	GROUP WHEN THE MAXIMUM ALLOWABLE QUANTITY IS EXCEEDED	STORAGE ^b			USE-CLOSED SYSTEM ^b			USE-OPEN SYSTEMS	
			SOLID POUNDS (CUBIC FEET)	LIQUID GALLONS (POUNDS)	GAS (CUBIC FEET AT NTP)	SOLID POUNDS (CUBIC FEET)	LIQUID GALLONS (POUNDS)	GAS (CUBIC FEET AT NTP)	SOLID POUNDS (CUBIC FEET)	LIQUID GALLONS (POUNDS)
Consumer fireworks (Class C, Common)	1.4G	H-3	125 ^{d,e,i}	N/A	N/A	N/A	N/A	N/A	N/A	N/A

No changes to remainder of table.

Section 307.2 Definitions.

EXPLOSIVE. A chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters and display fireworks, 1.3G (Class B, Special).

~~The term "Explosive" includes any material determined to be within the scope of USC Title 18: Chapter 40 and also includes any material classified as an explosive other than consumer fireworks, 1.4G (Class C, Common) by the hazardous materials regulations of DOTn 49 CFR Parts 100-185.~~

(Remainder unchanged.)

Fireworks, 1.4G. (Formerly known as Class C, Common Fireworks.) Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion or deflagration that complies. ~~Such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: Parts 1500 and 1507, are not explosive materials for the purpose of this code.~~

**TABLE 2703.1.1(1)
MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA OF HAZARDOUS MATERIALS POSING A PHYSICAL HAZARD^{a,j,n,p}**

MATERIAL	CLASS	GROUP WHEN THE MAXIMUM ALLOWABLE QUANTITY IS EXCEEDED	STORAGE ^b			USE-CLOSED SYSTEM ^b			USE-OPEN SYSTEMS	
			SOLID POUNDS (CUBIC FEET)	LIQUID GALLONS (POUNDS)	GAS (CUBIC FEET AT NTP)	SOLID POUNDS (CUBIC FEET)	LIQUID GALLONS (POUNDS)	GAS (CUBIC FEET AT NTP)	SOLID POUNDS (CUBIC FEET)	LIQUID GALLONS (POUNDS)
Consumer fireworks (Class C, Common)	1.4G	H-3	125 ^{a,n}	N/A	N/A	N/A	N/A	N/A	N/A	N/A

No changes to remainder of table.

Section 3302.1 Definitions.

EXPLOSIVE. A chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters and display fireworks, 1.3G (Class B, Special).

~~The term "Explosive" includes any material determined to be within the scope of USC Title 18: Chapter 40 and also includes any material classified as an explosive other than consumer fireworks, 1.4G (Class C, Common) by the hazardous materials regulations of DOTn 49 CFR Parts 100-185. (Remainder unchanged.)~~

Fireworks, 1.4G. (Formerly known as Class C, Common Fireworks.) Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion or deflagration that complies. ~~Such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: Parts 1500 and 1507, are not explosive materials for the purpose of this code.~~

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

The intent of this change is to revert to language stating consumer fireworks are explosive in nature.

The IFC definition language denoting that consumer fireworks would not be considered "explosive materials for the purpose of this code" originated through IFC code change F97-99. The proponent at the time stated the change was to "revise the definitions for consumer fireworks and display to be more closely aligned with the definitions contained in the 1997 IFCI Uniform Fire Code including 1999 Accumulative Supplement and the 1999 BOCA National Fire Prevention Code."

In looking back for the UFC and BOCA fire codes that were referenced in the F97-99 change to the IFC, code change B3-97 introduced language through the BOCA building code claiming consumer fireworks are not explosive materials and did not provide any technical substantiation to support the claim. We would accept the proponent was making the claim as a means to justify reclassifying the storage and/or sale of consumer fireworks from an H-1 to an H-3 building. For that, we would agree somewhat with the proponent in saying that it "appears reasonable" given the comparison for other H-3 commodities but that is not the issue in this proposed change.

The next BOCA cycle saw the introduction of F18-98 changing the definition of consumer fireworks, 1.4G as "not explosive materials for the purpose of this code". The committee hearing the change at the time denied the proposal with a conference action to amend. Subsequently the proponent brought the issue back in the form of an amendment. But here again, a technical substantiation was not provided.

This same F18-98 change, as amended, carved out consumer fireworks from BOCA's MAQ table to "correlate with code change B3-97 to the 1996 BOCA National Building Code" to be shown as a Group H-3 building instead of a Group H-1. The proponent also stated that it was to "correlate definitions used in the BOCA National Fire Prevention Code and Building Code with terminology used in the new DOTn/UN classifications and regulations and NFPA

standards." That may be true to a point and it's that point that gets to the heart of the reason behind this proposed change, which is, DOTn 49 CFR Parts 100-178, U.S Consumer Products Safety Commission as set forth in CPSC 16 CFR, UN 0336, NFPA standards 495, 1123, 1124, and 1126 **do not** contain language saying consumer fireworks are not explosive, at least not that was found. We went so far as to check pamphlets published by the Institute of Makers of Explosives; the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, AFT Publication 5400.7; the American Pyrotechnics Association Standard 87-1, and found nothing in that respect. In fact, everything found labels fireworks as "explosive" without distinction for 1.4G "consumer fireworks" versus a 1.4G professional pyrotechnic device such as the "gerb" that was used and ignited The Station nightclub fire in Rhode Island.

It is the accumulative results of B3-97 and F18-98 that lent itself to the reference in IFC code change F97-99 supporting statement.

That portion of the proposed definition change to include "deflagration" is a resurrection of a previously used descriptor and is to more accurately reflect the functioning of some consumer fireworks. While a sparkler or fountain may operate through combustion, simple combustion does not necessarily mean enough force will be produced quickly enough for the device to function in a desired manner. If the pyrotechnic material does not deflagrate, the flaming balls of roman candles may not launch; aerial devices may not have enough expelling force to obtain the needed altitude.

The changes to USBC Table 307.1(1) and SFPC Table 2703.1.1(1) is a change to reflect that consumer fireworks are indeed properly classified as an Explosive 1.4G and it's not necessary to have a separate line with identical threshold values, including all footnotes, to determine at what point a building would be classified as a Group H-3. It's redundant within the same tables. In reality, at the model code level, other than the deletion of language saying consumer fireworks are not explosive, the net effect of this change will be zero to what is taking place in the world of "permissible fireworks" and consumer fireworks manufacturing, storage, sale and use.

At the time of this submission copies of the UFC code changes referenced earlier have not been located but it's suspected the supporting statements closely resembled those submitted to BOCA.

The change to the definition of "Explosive" is to delete language related to consumer fireworks that was inserted as a result of IFC code change B3-97.

This proposed change, designated as F186-09/10, was accepted (modified) by the ICC Fire Code Committee at the recent Code Change hearings held in Baltimore. The Committee vote was 11 to 2 in favor of "As Modified".

Submittal Information

Date Submitted: 12/16/2009

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

Please submit the proposal to:

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

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



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

2009 Code Change Cycle – Code Change Evaluation Form

USBC – Virginia Construction Code
Code Change Nos. C-307.2(a), C-307.2(b) and C-307.2(c)

Nature of Change:

Three proposals which together would change the classification and amounts of permissible fireworks which may be stored in mercantile occupancies by the use of requirements of a NFPA standard.

Proponent: Charles L. Walker, representing American Promotional Events, d.b.a. TNT Fireworks

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-307.2(a)

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: C-307.2(b)

Proponent Information

(Check one): Individual Government Entity Company

Name: Charles L. Walker

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

Mailing Address: 4511 Helton Drive, Florence, AL 35630

Email Address: walkerc@tntfireworks.com

Telephone Number: 800-243-1189

Proposal Information

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

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

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

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

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

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

Submittal Information

Date Submitted: April 20, 2009

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-307.2(c)

Proponent Information

(Check one): Individual Government Entity Company

Name: Charles L. Walker

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

Mailing Address: 4511 Helton Drive, Florence, AL 35630

Email Address: walkerc@tnfireworks.com

Telephone Number: 800-243-1189

Proposal Information

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

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

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

NFPA

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

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

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

Submittal Information

Date Submitted: April 20, 2009

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

Please submit the proposal to:

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

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



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

2009 Code Change Cycle – Code Change Evaluation Form

**USBC – Virginia Construction Code
Code Change No. C-308.1**

Nature of Change:

A rewrite of the provisions of the IBC for facilities which provide care (assisted living facilities, nursing homes, hospitals, child care facilities, group homes, etc.).

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

Staff Comments:

The proposal resulted from a number of meetings of a sub-workgroup on assisted living facilities. The 2009 IBC changed the criteria for Group I-2 from being facilities with more than five persons to facilities with one of more persons. However, the specific definition of "nursing homes" within the Group I-2 classification still retained the phrase "more than five." In addition, the Group R-4 classification in the 2009 IBC, for assisted living facilities, still only regulates facilities with more than five persons. As facilities with five or fewer persons are not nursing homes or assisted living facilities under the 2009 IBC, they may be constructed as single family dwellings and the occupants may be in any condition, either able to exit without assistance or unable to exit without assistance. This remains consistent with past IBC and BOCA Code language. Further, an interpretation under the BOCA Code extended the five or less concept to facilities with more than five persons permitting a facility with more than five occupants to have up to five occupants who needed assistance in exiting, without the facility being classified as a Group I-2 facility. The USBC recognizes this interpretation in an exception for small group homes and assisted living facilities with up to eight occupants based on a zoning law prohibiting the "zoning out" of these facilities in residential neighborhoods, and specifically permits up to five of the occupants to need assistance in exiting. This proposal would reverse those established requirements and require a sprinkler system to be installed and residents incapable of exiting to be on the lowest floor. Staff notes that the provisions would be difficult to implement, especially for the small facilities with up eight occupants, as the classification does not change (both a house and a small assisted living facility are Group R-5), so there would be no change of occupancy to use a house as a small assisted living facility, therefore no way to require the additional safeguards. In addition, staff notes a number of inconsistencies and conflicts in the proposal, such as the Group R-4 classification still only applying to facilities with more than five occupants, the definition of assisted living facilities only applying to facilities caring for four or more residents of any exiting capability and the Group I-2 classification permitting facilities with five or fewer residents to be classified as Group R-5.

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-308, 1

Proponent Information

(Check one): Individual Government Entity Company

Name: Ed Altizer

Representing: Virginia State Fire Marshal's Office

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

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

Telephone Number: 804-612-7267

Proposal Information

Code(s) and Section(s): 2009USBC and proposed referenced 2009 IBC 308.1, 308.2, 308.3, 308.3.1, 310.1, 310.2, (IFC [B] 202); [F] 903.2.6, [F] 903.2.8, [F] 903.3.1.3, [F] 903.3.2, [F] 907.2.6, [F] 907.2.6.2, (IFC 903.2.6, 903.2.8, 903.3.1.3, 903.3.2, 907.2.6, 907.2.6.2);

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

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

Submittal Information

Date Submitted: January 6, 2010

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

Please submit the proposal to:

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

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



Revise as follows:

308.1 Institutional Group I. Institutional Group I occupancy includes, among others, the use of a building or structure, or a portion thereof, in which ~~people are cared for or live in a supervised environment, having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted~~ care or supervision is provided to individuals who, are or are not capable of self preservation without physical assistance or in which people are detained for penal or correctional purposes or in which the movement of the occupants is restricted. Institutional occupancies shall be classified as Group I-1, I-2, I-3 or I-4.

308.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

(Relocate revised definitions from Section 308.3.1, and revise)

24 HOUR CARE. The actual time that a person is an occupant within a facility for the purpose of receiving care. It shall not include a facility that is open for 24 hours and is capable of providing care to someone visiting the facility during any segment of the 24 hours.

DETOXIFICATION FACILITIES. Facilities that serve patients who are provided treatment for substance abuse on a 24-hour basis and serving care recipients who are incapable of self-preservation or who are harmful to themselves or others.

CHILD FOSTER CARE FACILITIES. Facilities that provide care on a 24-hour basis to more than five children, ¹ 2/2 years of age or less,

HOSPITALS AND MENTAL PSYCHIATRIC HOSPITALS. Facilities buildings or portion thereof used on a 24 hour basis that provides care or treatment for the medical, psychiatric, obstetrical, or surgical treatment of inpatients who care recipients that are incapable of self-preservation.

INCAPABLE OF SELF PRESERVATION. Persons because of age; physical limitations; mental limitations; chemical dependency; or medical treatment cannot respond as an individual to an emergency situation.

MEDICAL CARE. Care involving medical or surgical procedures, nursing or for psychiatric purposes.

NURSING HOMES. ~~Nursing homes are long-term care~~ Facilities that provide long-term care on a 24-hour basis, including both intermediate care facilities and skilled nursing facilities, serving more than five persons and where any of the persons are incapable of self-preservation.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. ~~A building or part thereof housing persons on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities. Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual. Residents may or may not need assistance to evacuate.~~

308.2 308.3 (IFC [B] 202) Group I-1. This occupancy shall include buildings, structures or portions thereof housing for more than 16 persons who reside on a 24 hour basis who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services and receive custodial care. The occupants are capable of responding to an emergency situation without physical assistance from staff self preservation. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living facilities with residents capable of self preservation

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Initial stage Alzheimer's facilities

~~Residential board and custodial care facilities~~

Social rehabilitation facilities

A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2 provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the International Residential Code. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4. Up to five residents incapable of self preservation are permitted when located in rooms at the lowest level of exit discharge.

~~308.3~~ **308.4 (IFC [B] 202) Group I-2.** This occupancy shall include buildings and structures used for medical or custodial ~~surgical, psychiatric, nursing or custodial care~~ on a 24 hour basis for more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

Assisted living facilities with residents incapable of self preservation

~~Foster-Child care facilities~~

Detoxification facilities

Hospitals

Nursing homes

~~Mental~~ Psychiatric hospitals

A facility such as the above with five or fewer residents shall be classified as Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2.

~~308.3.1 Definitions.~~ ~~The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.~~

(Relocate revised definitions to Section 308.2)

310.1 (IFC [B] 202) Residential Group R. Residential Group R includes, among others, the use of a building, or a portion thereof, for sleeping purposes when not classified as an institutional Group I or when not regulated by the International Residential Code in accordance with Section 101.2. Residential occupancies shall include the following:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses (transient)

Hotels (transient)

Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

Apartment houses

Assisted living facilities with residents capable of self preservation

Boarding houses (not transient)

Convents

Dormitories

Fraternities and sororities

Hotels (nontransient)

Live/work units,

Monasteries,

Motels (nontransient),

Vacation timeshare properties

Congregate living facilities with 16 or fewer individuals are permitted to comply with the requirements for Group R-3.

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, or I, including:

Buildings that do not contain more than two dwelling units.

Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24-hours.

Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Care facilities as that provide accommodations for five or fewer persons

Congregate living facilities with 16 or fewer individuals.

Adult care and child-Care facilities for 5 or fewer individuals receiving care that are within a single-family home dwellings are permitted to comply with the International Residential Code. Up to five residents incapable of self preservation are permitted provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the International Residential Code and the resident rooms are located at the lowest level of exit discharge.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff with the additional requirement to provide an automatic sprinkler system in accordance with Section 903.3 and the resident rooms are located at the lowest level of exit discharge.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code, or shall comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3. These facilities include but are not limited to the following:

Alcohol and drug centers

Assisted living facilities with residents capable of self preservation

Congregate care facilities

Convalescent facilities,

Group homes

Halfway houses

Initial stage Alzheimer's facilities

Residential board and custodial care facilities

Social rehabilitation facilities

Exception: Group homes licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services or the Virginia Department of Social Services that house no more than eight persons with one or more resident counselors shall be classified as Group R-2, R-3, R-4 or R-5. Not more than five of the persons may require physical assistance from staff to respond to an emergency situation provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 and the resident rooms are located at the lowest level of exit discharge.

R-5. Residential occupancies in detached one- and two-family dwellings, townhouses and accessory structures within the scope of the *International Residential Code*, also referred to as the "IRC." This group includes assisted living facilities with residents capable of self preservation provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the International Residential Code and the resident rooms are located at the lowest level of exit discharge

310.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

CONGREGATE LIVING FACILITIES. A building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.

DORMITORY. A space in a building where group sleeping accommodations are provided in one room, or in a series of

closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

GROUP HOME. A facility for social rehabilitation, substance abuse or mental health problems that contain a group housing arrangement that provides custodial care but does not provide acute care.

TRANSIENT. Occupancy of a *dwelling unit* or *sleeping unit* for not more than 30 days.

[F] 903.2.6 (IFC 903.2.6) Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exception: An automatic sprinkler system installed in accordance with Section 903.3.1.2 or 903.3.1.3 shall be allowed permitted in Group I-1 facilities.

[F] 903.2.8 (IFC 903.2.8) Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

An automatic sprinkler system installed in accordance with 903.3.1.3 shall be permitted in Group R-3 or R-4 congregate residences with 16 or fewer residents. An automatic sprinkler system installed in accordance with 903.3.1.3 shall be permitted in care facilities with 5 or fewer individuals a single family dwelling.

[F] 903.3.1.3 (IFC 903.3.1.3) NFPA 13D sprinkler systems. Automatic sprinkler systems installed in one and two-family dwellings, Group R-3 and R-4 congregate residences and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D.

□

[F] 903.3.2 (IFC 903.3.2) Quick-response and residential sprinklers. Where automatic sprinkler systems are required by this code, quick-response or residential automatic sprinklers shall be installed in the following areas in accordance with Section 903.3.1 and their listings:

- 1 Throughout all spaces within a smoke compartment containing patient care recipient sleeping units in Group I-2 in accordance with this code.
- 2 Dwelling units, and sleeping units in Group R and I-1 occupancies.
- 3 Light-hazard occupancies as defined in NFPA 13.

[F] 907.2.6 (IFC 907.2.6) Group I. A manual fire alarm system that activates the occupant notification system shall be installed in Group I occupancies. An automatic smoke detection system that activates the occupant notification system shall be provided in accordance with Sections 907.2.6.1, 907.2.6.2 and 907.2.6.3.3.

Exceptions:

- 1 Manual fire alarm boxes in ~~resident or patient~~ sleeping units of Group I-1 and I-2 occupancies shall not be required at *exits* if located at all nurses' care providers' control stations or other constantly attended staff locations, provided such stations are visible and continuously accessible and that travel distances required in Section 907.4.2 are not exceeded.
- 2 Occupant notification systems are not required to be activated where private mode signaling installed in accordance with NFPA 72 is *approved* by the fire code official.

[F] 907.2.6.2 (IFC 907.2.6.2) Group I-2. An automatic smoke detection system shall be installed in *corridors* in nursing homes, long term care facilities ~~(both intermediate care and skilled nursing facilities)~~, assisted living, detoxification facilities and spaces permitted to be open to the *corridors* by Section 407.2. The system shall be activated in accordance with Section 907.5. Hospitals shall be equipped with smoke detection as required in Section 407.

Exceptions:

- 1 *Corridor* smoke detection is not required in smoke compartments that contain patient sleeping units where such units are provided with smoke detectors that comply with UL 268. Such detectors shall provide a visual display on the *corridor* side of each patient-sleeping unit and shall provide an audible and visual alarm at the care provider ~~nursing-station~~ attending each unit. *Corridor* smoke detection is not required in smoke compartments that contain patient-sleeping units where patient-sleeping unit doors are equipped with automatic door-closing devices with integral smoke detectors on the unit sides installed in accordance with their listing, provided that the integral detectors perform the required alerting function.

Justification

The above proposed changes have been discussed and supported by the representatives of the Virginia Health Care Association, Virginia Association of Nonprofit Homes for the Aging, Department of Social Services, and Department of Health. The changes are to the 2009 ICC Building Code which I believe is the base document for this code cycle. Some of the changes are similar to the ICC Code Technology Committee proposed change G20 which was passed at the ICC code development hearings in Baltimore October 24-November 11, 2009. Several proposed changes were submitted regarding resident protection and care in Assisted Living Facilities and other care facilities. The changes submitted were to the 2009 ICC International Building Code for the update cycle to the 2012 ICC International Building Code. These particular proposed changes were heard by the General Committee on November 7 and included proposal G20. As indicated above, change G20 was the proposal by the ICC's Code Technology Committee (CTC) after several months and possibly years of studying the issue of "care" including reviews of federal regulations. Virginia was well represented on the CTC.

The 2009 ICC Building Code and the code changes proposed for the 2012 ICC Building Code require automatic sprinklers in all Use Group R, including the IRC, and Use Group I facilities with no exceptions. Also, neither edition allows residents incapable of self preservation in any Assisted Living Facilities (ALF) unless it is classified as a Use Group I-2. The CTC committee's work reflects the actual current reality of the thinking across the country regarding protection required for facilities providing care such as ALFs. Virginia has had a long history of lowering requirements of national model codes when addressing Assisted Living Facilities including allowing 8 residents in a single family dwelling, 5 of whom are not capable of self preservation and with no additional protection. While old BOCA interpretations supported allowing the 5 residents who are not capable of self preservation to be housed in other than an I-2 facility, current codes have changed the wording and do not support that interpretation. No model code has ever supported 8 residents requiring care in a single family dwelling with no protection. Virginia has consistently put these residents at risk.

These proposed code changes require protection that do fall well below those of the current national model codes but substantially increase protection above that which currently exists in the 2006 USBC. Protection for ALFs in the current 2006 USBC was also well below the 2006 ICC Building Code. The changes also are in response to the Board of Housing and Community Development's action to remove sprinkler requirements from the base document proposed in Virginia for the 2009 Code. The other changes in this proposal continue to allow 5 residents requiring assistance to evacuate but require sprinkler protection and limit resident rooms for those residents to the 1st floor.

Without any sprinkler protection, 5 residents who are not able to exit without assistance would not be able to exit. As a reminder 80%+ of fire deaths are in single family dwellings with a majority being the young and elderly. By removing the requirements vetted at the national level, we may send a wrong message to owners of these facilities that the safety of their staff and residents has been provided when in fact it has not based on current national model codes and those who develop those standards across the country. After decisions are made based on "all" facts, owners will have a better understanding of what the requirements are and what protection is in place.

Cost Impact: Will impact those facilities that Virginia has historically lessened requirements from the national model codes.

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

2009 Code Change Cycle – Code Change Evaluation Form

**USBC – Virginia Construction Code
Code Change No. C-308.2(a)**

Nature of Change:

To clarify that the term “convalescent facilities” as used in the classification provisions relate to Group I-2 facilities as opposed to Group I-1 facilities.

Proponent: Carrie Eddy, Virginia Department of Health and DHCD Staff

Staff Comments:

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

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Number: C-308.2(a)

Proponent Information

Name: Carrie Eddy, VDH
Emory Rodgers, DHCD

(Check one):

Individual

Government Entity

Company

Representing: Workgroup 2 - 12/1/09

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

Code(s) and Section(s): USBC VCC 308.2 Group I-1 & VCC 308.3 Group I-2 & VCC 310.2 Definitions relative to convalescent facilities

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

308.2 Group I-1. Delete "convalescent facilities"

308.3 Group I-2. Add "convalescent facilities"

310.2 Definitions.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, and alcohol and drug abuse centers and convalescent facilities.

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

Section 32.1-123 of the Code of Virginia defines nursing home (facility) to include such facilities known as, or called, 'convalescent facilities'. This regulatory change assures the USBC comports with state law and is consistent with the Virginia Department of Health licensure program.

Submittal Information

Date Submitted: 11/24/09

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

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

Email Address: tsu@dhcd.virginia.gov

Fax Number: (804) 371-7092

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



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

2009 Code Change Cycle – Code Change Evaluation Form

**USBC – Virginia Construction Code
Code Change No. C-308.2(b)**

Nature of Change:

To maintain the 2006 and previous USBC requirements permitting up to five occupants of care facilities to need assistance in exiting.

Proponent: DHCD Staff

Staff Comments:

Due to a change in the Group I-2 requirements in the 2009 IBC, the long-standing allowance in the USBC for up to five residents of assisted living facilities and group homes in both small facilities with up to eight occupants classified as Group R-5 and in larger facilities classified as Group R-4 to need assistance in exiting is brought into question. The 2009 IBC requirements lowered the overall threshold for Group I-2 from facilities with more than five occupants to facilities with one or more occupants. However, the IBC definition of “nursing home” and its classification of “residential care/assisted living facilities” still applies to only facilities with five or more occupants. The proposed regulations kept the exception for group homes and small assisted living facilities to permit up to five of the residents to need assistance in exiting. As this requirement is a state amendment to the IBC, under Section 101.6, it would supersede any conflicting requirements of the IBC. However, for larger facilities, it has been established based on an interpretation issued under the current language, that up to five residents may need assistance in exiting. With the change in the IBC, that interpretation is in question. This proposal would eliminate the need for the interpretation while maintaining the status quo.

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-308.2(b)

Proponent Information

(Check one): Individual Government Entity Company

Name: Emory Rodgers, DHCD

Representing: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

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

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

Change Section 308.2 as shown below:

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

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

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

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

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

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

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

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

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

Exception Exceptions :

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

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

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

Submittal Information

Date Submitted: 11/24/2009

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

Please submit the proposal to:

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

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



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

2009 Code Change Cycle – Code Change Evaluation Form

**USBC – Virginia Construction Code
Code Change No. C-308.3.1**

Nature of Change:

To establish separate requirements for hospice facilities.

Proponent: Ron Clements, Chesterfield County Building Department, representing the Assisted Living Facility Client Interest Group

Staff Comments:

The proposal resulted from discussion in the assisted living facility sub-workgroup meetings with representatives of the Virginia Department of Health, the licensing entity for hospice facilities. Hospice facilities range in size from caring for only one person at a time (typically home hospice) to multiple persons. The Health Department representatives believe that any building used as a hospice facility should at a minimum have a sprinkler system as the person receiving care will at times be incapacitated. The proposal would permit facilities with up to five occupants to be in a single family home, but would require the home to be sprinklered. Facilities with more than five occupants up to 16 occupants would be classified as Group R-4 (assisted living/residential care) and larger facilities would be classified as Group I-2. As noted in the staff comments to Code Change No. C-308.1, this proposal would also be difficult to implement as small hospice facilities with up to five occupants would be classified as Group R-5, yet with a sprinkler requirement. However, it would not be considered a change of occupancy to use an existing single family dwelling for a hospice facility, so there would be no way to require the sprinklers to be added. In addition, in facilities with up to 16 occupants (Group R-4), all occupants could be incapacitated, yet Group R-4 is only for occupants who may evacuate without assistance. The current USBC and proposed 2009 USBC would permit facilities with up to five occupants to be in a single family dwelling and facilities with more than five occupants would be classified as Group I-2.

Codes and Standards Committee Action:

_____ Approve as presented.

_____ Disapprove.

_____ Approve as modified (specify):

_____ Carry over to next cycle.

_____ Other (specify):

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: C-308.3.1

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: ALF client interest group

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): IBC sections: 202, 310.2, 308.3, 310.1

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

Add the following definition:

202

Hospice facility. See section 308.3.1

308.3.1 Definitions

Hospice facility. An institution, place, or building owned or operated by a hospice provider and licensed by the Virginia Department of Health as a hospice facility to provide room, board, and palliative and supportive medical and other health services to terminally ill patients and their families, including respite and symptom management, on a 24-hour basis to individuals requiring such care pursuant to the orders of a physician.

Revised section 308.3 as follows:

308.3 Group I-2. This occupancy shall include buildings shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care for persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

Child care facilities
Detoxifications facilities
Hospitals
Mental Hospitals
Nursing homes
Hospice facilities

Exception: Hospice facilities occupied by 16 or less occupants, excluding staff, are permitted to be classified as Group R-4.

Revised section 310.1 as follows:

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

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code. ~~or shall comply with the *International Residential Code* provided the building is protected by an automatic sprinkler system in accordance with Section 903.2.7.~~

Exceptions:

1. Residential care/assisted living facilities are permitted to comply with the *International Residential Code* provided the building is protected by an automatic sprinkler system in accordance with IRC section P2904 or IBC Section 903.3.

2. Hospice facilities for 5 or fewer occupants, excluding staff, are permitted to comply with the *International Residential Code* provided the building is protected by an automatic sprinkler system in accordance with IRC section P2904 or IBC Section 903.3.

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

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

This code change attempts to address reasonable occupancy classifications of small hospice care facilities. The definition of Hospice Facility is based on the Code of VA definition. Under 2009 code provisions a hospice would be classified as group I-2. Group I-2 would be prohibitive to retro-fit existing buildings, especially type 5B dwellings, into to achieve code compliance. Based on the low occupant loads of these structures and the need to allow type 5B combustible construction, group R-4 is the best fit for an occupancy classification. This change does not permit the allowance to use the R-5 designation as an alternative to group R-4 for Hospice Facilities if the number of residents is over 5 because doing so would loose the NFPA 72 based fire alarm system that is required for group R-4 per section 907.2.10 and allow a 13D sprinkler system. To maintain as much safety as possible the group R-4 classification will require an NFPA 13 or 13R sprinkler system, an NFPA 72 fire alarm system and height and area limits per table 503. This is also fairly consistent with state licensure requirements. Less than 5 residents is still allowed as group R-2, R-3 or R-5 to allow in home hospice provide the building is sprinklered in accordance with the single family dwelling sprinkler standards in NFPA 13 or the IRC Plumbing code provisions for residential sprinkler installations. Over 16 occupants would be a full group I-2 occupancy.

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: