

DHCD, DBFR 2009 Code Change Process

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

CARRY OVER ISSUES FROM LAST WORKGROUP MEETING:

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

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

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

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

NEW ISSUES/PROPOSALS

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

**Board of Housing and Community Development (BHCD), Fire Services Board
(FSB) and BHCD's Codes and Standards Committee
2009 Regulatory Action and Meeting Dates**

These dates are subject to change.

January 26, 2009: BHCD presented with 2009 regulatory schedule.

March 23, 2009: BHCD approves Notice of Intended Regulatory Action (NOIRA).

May 18, 2009: BHCD's Codes and Standards Committee will meet from approximately 11:00 a.m. to 4:00 p.m. at DHCD, 1st floor board room (right after the BHCD board meeting that will be from 10:00 a.m. to 11:00 p.m.). Four Work Groups, advisory committees, Fire Services Code Committee and associations should have identified their 2009 code changes and gained consensus where possible.

June 22, 2009: BHCD's Codes and Standards Committee will meet to review non-consensus items at DHCD, 1st floor board room from 9:30 a.m. to 4:00 p.m.

July 27, 2009: BHCD will meet at VDHA, 4224 Cox Road (Innsbrook), 1st floor. BHCD and FSB Public Hearing at 9:30 a.m., Codes and Standards Committee following the hearing from approximately 11:00 a.m. to 12:15 p.m. and BHCD Board meeting at 1:00 p.m. to approve the 2009 proposed regulations.

August, September, and October, 2009: No meetings during this time as regulations are approved for publication and 60 days comment period.

November 16th or December 21st, 2009: BHCD's Codes and Standards Committee will meet to review public comments on the proposed regulations, carry-over code changes and new code changes.

January 18th or 25th, 2010: BHCD and FSB will hold a public hearing on the proposed regulations.

March 1, 2010: Deadline for new code changes.

May 17, 2010: BHCD's Codes and Standards Committee will meet to consider all code changes not approved, public comments or any new code changes and a final review of the regulations and approval to submit for the BHCD to approve.

June 21, 2010: BHCD approve final regulations with input from the FSB on the SFPC. Codes and Standards Committee will have a short meeting prior to the BHCD meeting.

September 30, 2010: Effective date of final regulations if approved by the OAG and Governor's Office.

(Updated March 27, 2009)

2009 BHCD Regulatory Cycle Schedule and Meetings for the USBC, SFPC, VADR, VCS, MHSR and the IBSR

March 19, 2009: Work Group 2 - Administrative and Selected Technical Issues for the USBC, SFPC, MHSR, IBSR, VADR and VCS Regulations meets.

March 23, 2009: BHCD approves the publication of the NOIRA's for each regulation.

March 26, 2009: Work Group 1 - USBC Energy Code Requirements meets.

April 2, 2009: Work Group 3 - USBC/SFPC Technical Amendments meets.

April 9, 2009: Work Group 4 - International Residential Code meets.

April 23, 2009: Work Group 1 - USBC Energy Code Requirements meets.

April 30, 2009: Work Group 2 - Administrative and Selected Technical Issues for the USBC, SFPC, MHSR, IBSR, VADR and VCS Regulations meets.

May 6, 2009: Work Group 3 - USBC/SFPC Technical Amendments meets.

May 13, 2009: Work Group 4 - International Residential Code meets.

May 18, 2009: BHCD's Codes and Standards Committee meets - 1st floor board room at DHCD from approximately 11:00 to 4:00 (following the regular scheduled BHCD meeting).

June 22, 2009: BHCD's Codes and Standards Committee meets 1st floor board room at DHCD from 9:30 to 4:00.

July 27, 2009: BHCD and Fire Services Board will hold a public hearing at 9:30 a.m. The Codes and Standards Committee will meet from approximately 11:00 to 12:15. The BHCD will meet at 1:00 to approve the draft regulations. The meetings will be held at VDHA in Innsbrook at 4224 Cox Road, 1st floor.

August to October, 2009: 60 day public comment period for the proposed USBC, SFPC and related regulations.

November 16th or December 21st, 2009: BHCD's Codes and Standards Committee meets to consider public comments, carry-over code changes from the Work Groups 1-4 meetings and any new code changes.

January 18th or 25th, 2010: BHCD and Fire Service Board will hold a second public hearing.

March 1, 2010: Deadline for 2009 code changes.

May 17, 2010: BHCD's Codes and Standards Committee meets to consider all remaining code changes and approve the final regulations for submission to the full BHCD.

June 21, 2010: BHCD approve final regulations with input from the FSB.

Effective Date: September 30, 2010.

(Updated March 27, 2009)

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulations _____

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

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

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

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

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

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

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

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

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

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

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

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

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

13 VAC 5-91-70. Appeals.

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

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

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

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



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

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(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulations _____

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

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Updated language to make regulations easier to read and understand. Language was updated to provide clarification for enforcement of the IBSR for the installation or erection of registered industrialized buildings or unregistered industrialized buildings.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Staff

Representing: Division of Building and Fire Regulation

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

Email Address: taso@dhcd.virginia.gov

Telephone Number: (804) 371-7150

Proposal Information

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

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

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

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

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

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

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

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

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

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

The codes and standards referenced above may be procured from:

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

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

Update regulation to reference the newest I-codes.

Submittal Information

Date Submitted: _____

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

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Proponent Information

(Check one): Individual Government Entity Company

Name: Staff _____

Representing: Division of Building and Fire Regulation _____

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

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

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

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

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

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

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

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

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

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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DIVISION OF BUILDING AND FIRE REGULATION

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Name: Staff _____

Representing: Division of Building and Fire Regulation _____

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

Email Address: taso@dhcd.virginia.gov _____

Telephone Number: (804) 371-7150 _____

Proposal Information

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

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

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

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

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

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

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

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)
The Jackson Center
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Richmond, VA 23219-1321

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Telephone Number: (804) 371-7150

Proposal Information

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

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

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

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

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

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

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

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

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

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

Submittal Information

Date Submitted: _____

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DHCD DBFR TASO (Technical Assistance and Services Office)
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Telephone Number: (804) 371-7150 _____

Proposal Information

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

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

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

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

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

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

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

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

Supporting Statement (including intent, need, and impact of the proposal):
Currently only one industrialized building certification seal is required per structure, regardless of size. This proposed change acknowledges that the buildings may consist of only one modular section, or may consist of thirty modular sections. It is more equitable to require one seal per modular section. The cost of the seals has been reduced from \$75 per seal to \$50. This adjustment was made more equitably distribute the cost of administering the industrialized building program.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Amusement Device Tech. Adv. Committee _____

Representing: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

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

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

Change § 50A to read as follows:

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

Change § 75C to read as follows:

C. A permit application ... of the local building department. In addition to the information required on the permit application, the applicant shall provide proof of liability insurance of an amount not less than \$100,000 per person and \$1,000,000 in the aggregate for each amusement device insuring the owner or operator against liability for injury suffered by persons riding the amusement device or by persons in, on, under or near the amusement device; per occurrence or proof of liability insurance or financial responsibility during the period covered by the permit. The local ... by the permit.

Change § 75F to read as follows:

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

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

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

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

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

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

Submittal Information

Date Submitted: April 22, 2009

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

Please submit the proposal to:

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

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



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

FYI

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

Clinton,

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

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

So, to summarize, the MHB can make the requested change if it chooses to do so, but DPB may not be able to require MHB to make that change.

Steve

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

From: Wallace, Clinton [mailto:Clinton.Wallace@dhcd.virginia.gov]
Sent: Thursday, April 09, 2009 7:00 AM
To: Jack, Steven P.
Cc: Rodgers, Emory
Subject: Transaction Recovery Fund Regulations

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

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

broker, dealer, or manufacturer whose license has been revoked or not renewed by the Board.

Planning and Budget would like the below changes made:

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

broker, dealer, or manufacturer whose license has been revoked or not renewed for cause by the Board.

My question is can make this change in the regulation?

Clinton Wallace
State Building Codes Administrator
Division of Building and Fire Regulation
Department of Housing and Community Development
Commonwealth of Virginia
804-371-7161 Office
804-371-7092 Fax
Clinton.Wallace@dhcd.virginia.gov

Hodge, Vernon

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

Thank You Vernon,

I have mailed you copies of:

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

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

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

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

More information to follow.

Regards,

Bill

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

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

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

4/21/2009

2006 VIRGINIA AMUSEMENT DEVICE REGULATIONS – Effective May 1, 2008

separate controls provided the distance between controls is no more than 35 feet and the controls are equipped with a positive pressure switch; and

3. The operator of an amusement device shall not be (i) under the influence of any drugs which may affect the operator's judgment or ability to assure the safety of the public or (ii) under the influence of alcohol.

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

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

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

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

13VAC5-31-60. Appeals.

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

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

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

13VAC5-31-75. Local building department.

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

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

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

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DEVELOPMENT OF THE 2003 BUILDING AND FIRE REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: DHCD Staff _____

Representing: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

Proposal Information

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

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

Change IFC Section 311.5 to read as follows:

311.5 Placards. Any vacant or abandoned buildings or structures determined by the fire official to be unsafe pursuant to Section 110 of this code relating dangerous to fire-fighting operations due to structural or interior hazards shall be marked as required by Sections 311.5.1 through 311.5.5.

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

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

Submittal Information

Date Submitted: April 22, 2009 _____

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

Please submit the proposal to:

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

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



INDUSTRIALIZED BUILDING. A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes shall not be considered industrialized buildings for the purpose of this code.

LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA). See Section 119.1.

LOCAL BUILDING DEPARTMENT. The agency or agencies of any local governing body charged with the administration, supervision, or enforcement of this code, approval of construction documents, inspection of buildings or structures, or issuance of permits, licenses, certificates or similar documents.

LOCAL GOVERNING BODY. The governing body of any city, county or town in this Commonwealth.

LOCALITY. A city, county or town in this Commonwealth.

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

NIGHT CLUB. Any building in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing.

SKIRTING. A weather-resistant material used to enclose the space from the bottom of the manufactured home to grade.

SOUND TRANSMISSION CLASS (STC) RATING. See Section 1202.1.

STATE REGULATED CARE FACILITY (SRCF). A building with an occupancy in Group R-2, R-3, R-4 or R-5 occupied by persons in the care of others where program oversight is provided by the Virginia Department of Social Services, the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, the Virginia Department of Education or the Virginia Department of Juvenile Justice.

STATE REVIEW BOARD. The Virginia State Building Code Technical Review Board as established under Section 36-108 of the Code of Virginia.

TECHNICAL ASSISTANT. Any person employed by or under an extended contract to a local building department or local enforcing agency for enforcing the USBC. For the purposes of this definition, an extended contract shall be a contract with an aggregate term of 18 months or longer.

VADR. The Virginia Amusement Device Regulations (13 VAC 5-31).

VCS. The Virginia Certification Standards (13 VAC 5-21).

WORKING DAY. A day other than Saturday, Sunday or a legal local, state or national holiday.

Change the following definitions in Section 202 of the IBC to read:

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

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

appeal to the TRB. Application shall be made to the TRB within 21 calendar days of receipt of the decision to be appealed. Application for appeal to the TRB arising from the SFMO's enforcement of the code shall be made to the TRB within 14 calendar days of receipt of the decision to be appealed and shall be accompanied by copies of the inspection reports and other relevant information. Failure to submit an application for appeal within the time limit established by this section shall constitute an acceptance of the BFPCA's resolution or fire official's decision.

112.9.1 Information to be submitted. Copies of the fire official's decision and the resolution of the BFPCA shall be submitted with the application for appeal. Upon request by the office of the TRB, the BFPCA shall submit a copy of all inspection reports and all pertinent information from the record of the BFPCA.

112.9.2 Decision of TRB: Procedures of the TRB are in accordance with Article 2 (Section 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the TRB shall be final if no appeal is made therefrom and the appellant and the code official shall act accordingly.

CHAPTER 2 DEFINITIONS

Add the following definitions:

BACKGROUND CLEARANCE CARD. See Section 3302.1

BLASTER, RESTRICTED. See Section 3302.1

BLASTER, UNRESTRICTED. See Section 3302.1

DHCD. The Virginia Department of Housing and Community Development.

LOCAL GOVERNMENT, LOCAL GOVERNING BODY OR LOCALITY. The governing body of any county, city, or town, other political subdivision and state agency in this Commonwealth charged with the enforcement of the SFPC under state law.

NIGHT CLUB. Any building or portion thereof in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing.

STATE FIRE MARSHAL. The State Fire Marshal as provided for by Section 36-139.2 of the Code of Virginia.

STATE REGULATED CARE FACILITY (SRCF). A building or part thereof occupied by persons in the care of others where program regulatory oversight is provided by the Virginia Department of Social Services; Virginia Department Mental Health, Mental Retardation and Substance Abuse Services; Virginia Department of Education or Virginia Department of Juvenile Justice (Groups R-2, R-3, R-4 and R-5).

TECHNICAL ASSISTANT. Any person employed by or under an extended contract to a local enforcing agency for enforcing the SFPC. For the purposes of this definition, an extended contract shall be a contract with an aggregate term of eighteen months or longer.

TRB. The Virginia State Building Code Technical Review Board.

USBC. The Virginia Uniform Statewide Building Code (13 VAC 5-63).

Add the following definition under the term "Occupancy Classification – Residential Group R":

R-5 Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures. The terms "R-5" and "one and two-family dwelling" where used in this code shall be interchangeable.

Change the following definitions to read:

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

FIRE CODE OFFICIAL. The officer or other designated authority charged with administration and enforce of this code, or a duly authorized representative. For the purpose of this code, the terms “code official” and “fire official” shall have the same meaning as the term “fire code official” and, in addition, such official shall have the powers outlined in Section 27-98.1 of the Code of Virginia.

CHAPTER 3 GENERAL PRECAUTIONS AGAINST FIRE

Add Section 301.3 to read:

301.3 Occupancy. The occupancy of a structure shall be continued as originally permitted under and in full compliance with the codes in force at the time of construction or alteration. The occupancy of a structure shall not change to another occupancy that will subject the structure to any special provisions of this code or the USBC without the approval of the building official.

Change Section 304.3.2 to read:

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

Change Section 314.1 to read:

314.1 General. Indoor displays constructed within any building or structure shall comply with Sections 314.2 through 314.5.

Add Section 314.5 to read:

314.5 Smokeless powder and small arms primers. Venders shall not store, display or sell smokeless powder or small arms primers during trade shows inside exhibition halls except as follows:

1. The amount of smokeless powder displayed by each vender is limited to the amount established in Section 3306.5.1.1.
2. The amount of smokeless powder each vender may store is limited to the storage arrangements and storage amounts established in Section 3306.5.2.1. Smokeless powder shall remain in the manufacturer’s original sealed container and the container shall remain sealed while inside the building. The repackaging of smokeless powder shall not be performed inside the building. Damaged containers shall not be repackaged inside the building and shall be immediately removed from the building in such manner to avoid spilling any powder.
3. There shall be at least 50 feet separation between venders and 20 feet from any exit.
4. Small arms primers shall be displayed and stored in the manufacturer’s original packaging and in accordance with the requirements of Section 3306.5.2.3.

Change Section 315.3 to read:

315.3 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any *court*, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, *bleacher*, pier, wharf, manufactured home, recreational vehicle or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the *owner* or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the *International Wildland-Urban Interface Code*.

304.1.3 Space underneath seats. Spaces underneath grandstand and bleacher seats shall be kept free from combustible and flammable materials. Except where enclosed in not less than 1-hour fire-resistance-rated construction in accordance with the *International Building Code*, spaces underneath grandstand and bleacher seats shall not be occupied or utilized for purposes other than *means of egress*.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

304.3 Containers. Combustible rubbish, and waste material kept within or near a structure shall be stored in accordance with Sections 304.3.1 through 304.3.4.

304.3.1 Spontaneous ignition. Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a *listed* disposal container. Contents of such containers shall be removed and disposed of daily.

304.3.2 Capacity exceeding 5.33 cubic feet. Containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 m³) shall be provided with lids. Containers and lids shall be constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exception: Wastebaskets in Group I-3 occupancies shall comply with Section 808.1.

304.3.3 Capacity exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

1. Dumpsters or containers in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

304.3.4 Capacity of 1 cubic yard or more. Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exceptions:

1. Dumpsters in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

SECTION 305 IGNITION SOURCES

305.1 Clearance from ignition sources. Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an *approved* manner.

305.2 Hot ashes and spontaneous ignition sources. Hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall not be deposited in a combustible receptacle, within 10 feet (3048 mm) of other combustible material including combustible walls and partitions or within 2 feet (610 mm) of openings to buildings.

Exception: The minimum required separation distance to other combustible materials shall be 2 feet (610 mm) where the material is deposited in a covered, noncombustible receptacle placed on a noncombustible floor, ground surface or stand.

305.3 Open-flame warning devices. Open-flame warning devices shall not be used along an excavation, road, or any place where the dislodgment of such device might permit the device to roll, fall or slide on to any area or land containing combustible material.

305.4 Deliberate or negligent burning. It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of *persons* or property.

SECTION 306 MOTION PICTURE PROJECTION ROOMS AND FILM

306.1 Motion picture projection rooms. Electric arc, xenon or other light source projection equipment which develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection, shall be operated within a motion picture

projection room complying with Section 409 of the *International Building Code*.

306.2 Cellulose nitrate film storage. Storage of cellulose nitrate film shall be in accordance with NFPA 40.

SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and *approved* in accordance with this section.

307.1.1 Prohibited open burning. *Open burning* that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

307.2 Permit required. A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. The *fire code official* is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of *open burning* that creates or adds to a hazardous or objectionable situation.

307.4 Location. The location for *open burning* shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires. *Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family *dwellings*.

307.5 Attendance. *Open burning*, bonfires, *recreational fires* and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

SECTION 308 OPEN FLAMES

308.1 General. Open flame, fire and burning on all premises shall be in accordance with Sections 308.1.1 through 308.4.1 and with other applicable sections of this code.

308.1.1 Where prohibited. A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar *approved* device.

308.1.2 Throwing or placing sources of ignition. No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

308.1.3 Torches for removing paint. *Persons* utilizing a torch or other flame-producing device for removing paint from a structure shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The *person* doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family *dwellings*.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

308.1.5 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

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

Interpretation Number: 3/2006

Code: Virginia Statewide Fire Prevention Code

Section No(s): 315.3.1.

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

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

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


Vice-Chairman, State Building Code Technical Review Board

CHAPTER 4

EMERGENCY PLANNING AND PREPAREDNESS

SECTION 401 GENERAL

401.1 Scope. Reporting of emergencies, coordination with emergency response forces, emergency plans and procedures for managing or responding to emergencies shall comply with the provisions of this section.

Exception: Firms that have *approved* on-premises fire-fighting organizations and that are in compliance with *approved* procedures for fire reporting.

401.2 Approval. Where required by this code, fire safety plans, emergency procedures and employee training programs shall be *approved* by the *fire code official*.

401.3 Emergency responder notification. Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3.3.

401.3.1 Fire events. In the event an unwanted fire occurs on a property, the *owner* or occupant shall immediately report such condition to the fire department.

401.3.2 Alarm activations. Upon activation of a fire alarm signal, employees or staff shall immediately notify the fire department.

401.3.3 Delayed notification. A *person* shall not, by verbal or written directive, require any delay in the reporting of a fire to the fire department.

401.4 Required plan implementation. In the event an unwanted fire is detected in a building or a fire alarm activates, the emergency plan shall be implemented.

401.5 Making false report. A *person* shall not give, signal or transmit a false alarm.

401.6 Emergency evacuation drills. The sounding of a fire alarm signal and the carrying out of an emergency evacuation drill in accordance with the provisions of Section 405 shall be allowed.

401.7 Unplanned evacuation. Evacuations made necessary by the unplanned activation of a fire alarm system or by any other emergency shall not be substituted for a required evacuation drill.

401.8 Interference with fire department operations. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of a fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

SECTION 402 DEFINITIONS

402.1 Definition. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

EMERGENCY EVACUATION DRILL. An exercise performed to train staff and occupants and to evaluate their efficiency and effectiveness in carrying out emergency evacuation procedures.

LOCKDOWN. An emergency situation, in other than a Group I-3 occupancy, requiring that the occupants be sheltered and secured in place within a building when normal evacuation would put occupants at risk.

SECTION 403 PUBLIC ASSEMBLAGES AND EVENTS

403.1 Fire watch personnel. When, in the opinion of the *fire code official*, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of *persons*, or the nature of the performance, exhibition, display, contest or activity, the *owner*, agent or lessee shall provide one or more fire watch personnel, as required and *approved*, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

403.1.1 Duties. Fire watch personnel shall keep diligent watch for fires, obstructions to *means of egress* and other hazards during the time such place is open to the public or such activity is being conducted and take prompt measures for remediation of hazards, extinguishment of fires that occur and assist in the evacuation of the public from the structures.

403.2 Public safety plan. In other than Group A or E occupancies, where the *fire code official* determines that an indoor or outdoor gathering of *persons* has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the *fire code official* shall have the authority to order the development of, or prescribe a plan for, the provision of an *approved* level of public safety.

403.2.1 Contents. The public safety plan, where required by Section 403.2, shall address such items as emergency vehicle ingress and egress, fire protection, emergency medical services, public assembly areas and the directing of both attendees and vehicles (including the parking of vehicles), vendor and food concession distribution, and the need for the presence of law enforcement, and fire and emergency medical services personnel at the event.

403.3 Crowd managers. Trained crowd managers shall be provided for facilities or events where more than 1,000 *persons* congregate. The minimum number of crowd managers shall be

established at a ratio of one crowd manager to every 250 *persons*. Where *approved* by the *fire code official*, the ratio of crowd managers shall be permitted to be reduced where the facility is equipped throughout with an *approved automatic sprinkler system* or based upon the nature of the event.

SECTION 404 FIRE SAFETY AND EVACUATION PLANS

404.1 General. Fire safety, evacuation and lockdown plans and associated drills shall comply with the requirements of Sections 404.2 through 404.5.1.

404.2 Where required. An *approved* fire safety and evacuation plan shall be prepared and maintained for the following occupancies and buildings.

1. Group A, other than Group A occupancies used exclusively for purposes of religious worship that have an *occupant load* less than 2,000.
2. Group B buildings having an *occupant load* of 500 or more *persons* or more than 100 *persons* above or below the lowest *level of exit discharge*.
3. Group E.
4. Group F buildings having an *occupant load* of 500 or more *persons* or more than 100 *persons* above or below the lowest *level of exit discharge*.
5. Group H.
6. Group I.
7. Group R-1.
8. Group R-2 college and university buildings.
9. Group R-4.
10. High-rise buildings.
11. Group M buildings having an *occupant load* of 500 or more *persons* or more than 100 *persons* above or below the lowest *level of exit discharge*.
12. Covered malls exceeding 50,000 square feet (4645 m²) in aggregate floor area.
13. Underground buildings.
14. Buildings with an atrium and having an occupancy in Group A, E or M.

404.3 Contents. Fire safety and evacuation plan contents shall be in accordance with Sections 404.3.1 and 404.3.2.

404.3.1 Fire evacuation plans. Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where *approved*, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for assisted rescue for *persons* unable to use the general *means of egress* unassisted.
4. Procedures for accounting for employees and occupants after evacuation has been completed.

5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

404.3.2 Fire safety plans. Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants, including occupants who need assistance.
3. Site plans indicating the following:
 - 3.1. The occupancy assembly point.
 - 3.2. The locations of fire hydrants.
 - 3.3. The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
 - 4.1. Exits.
 - 4.2. Primary evacuation routes.
 - 4.3. Secondary evacuation routes.
 - 4.4. Accessible egress routes.
 - 4.5. Areas of refuge.
 - 4.6. Exterior areas for assisted rescue.
 - 4.7. Manual fire alarm boxes.
 - 4.8. Portable fire extinguishers.
 - 4.9. Occupant-use hose stations.
 - 4.10. Fire alarm annunciators and controls.
5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

404.3.3 Lockdown plans. Where facilities develop a lockdown plan, the lockdown plan shall be in accordance with Sections 404.3.3.1 through 404.3.3.3.

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: Chesterfield County Building Inspection Dept.

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

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

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

913.1 General. (No change)

Exceptions:

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

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

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

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



ers to which such devices are connected, shall be maintained so as not to create a fire hazard.

603.6.1 Masonry chimneys. Masonry chimneys that, upon inspection, are found to be without a flue liner and that have open mortar joints which will permit smoke or gases to be discharged into the building, or which are cracked as to be dangerous, shall be repaired or relined with a *listed* chimney liner system installed in accordance with the manufacturer's installation instructions or a flue lining system installed in accordance with the requirements of the *International Building Code* and appropriate for the intended class of chimney service.

603.6.2 Metal chimneys. Metal chimneys which are corroded or improperly supported shall be repaired or replaced.

603.6.3 Decorative shrouds. Decorative shrouds installed at the termination of factory-built chimneys shall be removed except where such shrouds are *listed* and *labeled* for use with the specific factory-built chimney system and are installed in accordance with the chimney manufacturer's installation instructions.

603.6.4 Factory-built chimneys. Existing factory-built chimneys that are damaged, corroded or improperly supported shall be repaired or replaced.

603.6.5 Connectors. Existing chimney and vent connectors that are damaged, corroded or improperly supported shall be repaired or replaced.

603.7 Discontinuing operation of unsafe heating appliances. The *fire code official* is authorized to order that measures be taken to prevent the operation of any existing stove, oven, furnace, incinerator, boiler or any other heat-producing device or appliance found to be defective or in violation of code requirements for existing appliances after giving notice to this effect to any *person, owner, firm* or agent or operator in charge of the same. The *fire code official* is authorized to take measures to prevent the operation of any device or appliance without notice when inspection shows the existence of an immediate fire hazard or when imperiling human life. The defective device shall remain withdrawn from service until all necessary repairs or *alterations* have been made.

603.7.1 Unauthorized operation. It shall be a violation of this code for any *person, user, firm* or agent to continue the utilization of any device or appliance (the operation of which has been discontinued or ordered discontinued in accordance with Section 603.7) unless written authority to resume operation is given by the *fire code official*. Removing or breaking the means by which operation of the device is prevented shall be a violation of this code.

603.8 Incinerators. Commercial, industrial and residential-type incinerators and chimneys shall be constructed in accordance with the *International Building Code*, the *International Fuel Gas Code* and the *International Mechanical Code*.

603.8.1 Residential incinerators. Residential incinerators shall be of an *approved* type.

603.8.2 Spark arrestor. Incinerators shall be equipped with an effective means for arresting sparks.

603.8.3 Restrictions. Where the *fire code official* determines that burning in incinerators located within 500 feet (152 m) of mountainous, brush or grass-covered areas will create an undue fire hazard because of atmospheric conditions, such burning shall be prohibited.

603.8.4 Time of burning. Burning shall take place only during *approved* hours.

603.8.5 Discontinuance. The *fire code official* is authorized to require incinerator use to be discontinued immediately if the *fire code official* determines that smoke emissions are offensive to occupants of surrounding property or if the use of incinerators is determined by the *fire code official* to constitute a hazardous condition.

603.9 Gas meters. Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier complying with Section 312 or otherwise protected in an *approved* manner.

SECTION 604

EMERGENCY AND STANDBY POWER SYSTEMS

604.1 Installation. Emergency and standby power systems required by this code or the *International Building Code* shall be installed in accordance with this code, NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval.

604.1.1 Stationary generators. Stationary emergency and standby power generators required by this code shall be *listed* in accordance with UL 2200.

604.2 Where required. Emergency and standby power systems shall be provided where required by Sections 604.2.1 through 604.2.18.4.

604.2.1 Group A occupancies. Emergency power shall be provided for emergency voice/alarm communication systems in Group A occupancies in accordance with Section 907.2.1.1.

604.2.2 Smoke control systems. Standby power shall be provided for smoke control systems in accordance with Section 909.11.

604.2.3 Exit signs. Emergency power shall be provided for *exit* signs in accordance with Section 1011.5.3.

604.2.4 Means of egress illumination. Emergency power shall be provided for *means of egress* illumination in accordance with Section 1006.3.

604.2.5 Accessible means of egress elevators. Standby power shall be provided for elevators that are part of an accessible *means of egress* in accordance with Section 1007.4.

604.2.6 Accessible means of egress platform lifts. Standby power in accordance with this section or ASME A18.1 shall be provided for platform lifts that are part of an accessible *means of egress* in accordance with Section 1007.5.

CHAPTER 6 BUILDING SERVICES AND SYSTEMS

Add a note to Section 603.7 to read:

Note: The fire code official may request a copy of the latest certificate of inspection from the Virginia Department of Labor and Industry for boilers and pressure vessels subject to such requirements. When the certificate is not available, the fire code official shall notify the Department of Labor and Industry to ensure that the required maintenance and testing is performed in accordance the Virginia Boiler and Pressure Vessel Regulations (16 VAC 25-50).

Add Section 604.6 to read:

604.6 Testing of Battery Powered Emergency Lights and Exit Signs. Required emergency lighting utilizing battery powered emergency lights or exit signs, or both, shall be tested annually. The emergency lights and exit signs shall be tested for proper operation for the time period established in the building code in effect when the equipment was installed. Written records of tests shall be retained by the owner of the building for a minimum of two years after the test is conducted and shall be made available to the fire code official upon request.

CHAPTER 8 INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS

Add exception 3 to Section 806.1.1 to read:

3. Trees shall be permitted in places of worship in Group A occupancies.

Change Section 807.1 to read:

807.1 General requirements. In occupancies in Groups A, E, I and R-1 and dormitories in Group R-2, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 806.2 or be noncombustible.

Exception: In dwelling units or sleeping rooms in Group R-2 dormitories, the permissible amount of decorative material suspended from or attached to the walls shall not exceed 50 percent of the aggregate area of the walls where the building has an approved automatic sprinkler system or 20 percent of the aggregate area of the walls where approved smoke alarms are provided and in the corridors of such buildings, the permissible amount of decorative material suspended from or attached to the walls shall not exceed 10 percent of the aggregate area of the walls.

In Groups I-1 and I-2, combustible decorative materials shall meet the flame propagation criteria of NFPA 701 unless the decorative materials, including, but not limited to, photographs and paintings, are of such limited quantities that a hazard of fire development or spread is not present. In Group I-3, combustible decorative materials are prohibited.

Fixed or movable walls and partitions, paneling, wall pads and crash pads, applied structurally or for decoration, acoustical correction, surface insulation or other purposes, shall be considered interior finish if they cover 10 percent or more of the wall or of the ceiling area, and shall not be considered decorative materials or furnishings.

In Group B and M occupancies, fabric partitions suspended from the ceiling and not supported by the floor shall meet the flame propagation performance criteria in accordance with Section 807.2 and NFPA 701 or shall be noncombustible.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Code Change Evaluation Form

VIRGINIA STATEWIDE FIRE PREVENTION CODE
(Code Change No. F-603.7)

Nature of Change (text is on the actual code change form):

Two changes to reference the certificate for boiler and pressure vessels by the Virginia Department of Labor and Industry (DLI).

Proponent: State Fire Chiefs and the Fire Services Board Code Committee

Staff Comments:

The change is to add an identical note to two sections of the International Fire Code (IFC) for its use as a referenced standard under the Statewide Fire Prevention Code (SFPC). The supporting statement indicates the purpose of the change is provide the fire official with a means to ensure that DLI requirements for annual testing and certification for boiler and pressure vessels is conducted. Staff reviewed DLI's Boiler and Pressure Vessel Regulations (16 VAC 25-50) and found that the inspection period differs depending upon the type of boiler or pressure vessel and in some cases no interval is specified as the frequency is determined by DLI. Staff believes it would appropriate for a fire inspector to request a copy of a DLI boiler or pressure vessel certificate when conducting an inspection under the SFPC and if a valid certificate was not available, then the fire inspector could contact DLI to determine whether the boiler or pressure vessel needs to be inspected. Staff also believes that action is already permissible under Sections 101.2, 101.3, 102.2, 102.3, 102.8 and 110.2 of the SFPC. If a reference to DLI's regulations is determined to be necessary, staff suggests the appropriate place is Section 106.3.1, where violations of other laws, ordinances or codes are already addressed. Staff would suggest the following wording:

"Note: The fire official may request a copy of the latest certificate of inspection from the Virginia Department of Labor and Industry for boilers and pressure vessels subject to such requirements."

*Comment pg. 483 - suggests staff read
new proposal on 484 -*

Codes and Standards Committee Action:

Approve as presented. Disapprove.

Approve as modified. (484)

Carry over to next cycle. Other (specify):

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY
CHANGE FORM

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

Address to submit to:

DHCD, the Jackson Center
501 North Second Street
Richmond, VA 23219-1321

Tel. No. (804) 371 - 7150
Fax No. (804) 371 - 7092
Email: bhcd@dhcd.state.va.us

Document No. _____

Committee Action: _____

BHCD Action: _____

Submitted by: William R. Smith

Representing: State Fire Chiefs FSB Code Committee

Address: 2408 Courthouse DR. Virginia Beach, Virginia 23456-9065 Phone No.: (757) 427-8584

Regulation Title: SFPC 13 VAC 5-51 Section No(s): 603.7

Proposed Change:

Add the underlined text to the code section

603.7 Discontinuing operation of unsafe heating appliances.

The code official is authorized to order that measures be taken to prevent the operation of any existing stove, oven, furnace, incinerator, boiler or any other heat-producing device or appliance found to be defective or in violation of code requirements for existing appliances after giving notice to this effect to any person, owner, firm or agent or operator in charge of the same. The code official is authorized to take measures to prevent the operation of any device or appliance without notice when inspection shows the existence of an immediate fire hazard or when imperiling human life. The defective device shall remain withdrawn from service until all necessary repairs or alterations have been made.

Note: The code official shall notify the Department of Labor and Industry to ensure that the required maintenance and testing is performed in accordance with the ASME Boiler and Pressure Vessel Code, DOTn49 CFR Part 1 and the Code of Virginia Section 40.1-51.6.

Justification:

The addition of the above text provides a means to ensure that State Code requirements for annual testing/certification for boilers is conducted.

~~The code section 2703.3.1 Unauthorized discharges provides for the ability to maintain records, control and mitigate discharges, container failure reporting, and cleanup~~

Staff Note: Excerpt from June 2, 2005 letter from Fire Services Board's Code Change and Development Subcommittee.

F-603.7 **Approve as modified**

Modify as follows:

The fire official may request a copy of the latest certificate of inspection from the Virginia Department of Labor and Industry for boilers and pressure vessels subject to such requirements. When the certificate is not available, the fire official shall notify the Department of Labor and Industry to ensure that the required maintenance and testing is performed in accordance with the ASME Boiler and Pressure Vessel Code, DOTn49 CFR Part 1 and the Code of Virginia Section 40.1-51.6.

This modification combines the staff recommendation and the proponent's proposal. The staff suggestion by itself does not require the fire official to do anything if the certificate of inspection is not available.

CHAPTER 7

FIRE-RESISTANCE-RATED CONSTRUCTION

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall specify the requirements for and the maintenance of fire-resistance-rated construction. New buildings shall comply with the *International Building Code*.

701.2 Unsafe conditions. Where any components in this chapter are not maintained and do not function as intended or do not have the *fire resistance* required by the code under which the building was constructed, remodeled or altered, such component(s) or portion thereof shall be deemed an unsafe condition, in accordance with Section 110.1.1. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed, remodeled, altered or this chapter, as deemed appropriate by the *fire code official*.

Where the extent of the conditions of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the *fire code official* shall act in accordance with Section 110.2.

SECTION 702 DEFINITIONS

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

[B] DRAFTSTOP. A material, device or construction installed to restrict the movement of air within open spaces of concealed areas of building components such as crawl spaces, floor/ceiling assemblies, roof/ceiling assemblies and attics.

[B] FIRE-RESISTANT JOINT SYSTEM. An assemblage of specific materials or products that are designed, tested and fire-resistance rated in accordance with either ASTM E 1966 or UL 2079 to resist for a prescribed period of time the passage of fire through joints made in or between fire-resistance-rated assemblies.

[B] FIREBLOCKING. Building materials, or materials *approved* for use as fireblocking, installed to resist the free passage of flame to other areas of the building through concealed spaces.

SECTION 703 FIRE-RESISTANCE-RATED CONSTRUCTION

703.1 Maintenance. The required *fire-resistance rating* of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, *smoke barriers*, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the

owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

703.1.1 Fireblocking and draftstopping. Required *fire-blocking* and draftstopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

703.1.2 Smoke barriers and smoke partitions. Required *smoke barriers* and smoke partitions shall be maintained to prevent the passage of smoke. All openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

703.1.3 Fire walls, fire barriers and fire partitions. Required *fire walls*, *fire barriers* and *fire partitions* shall be maintained to prevent the passage of fire. All openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

703.2 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. Fire doors and *smoke barrier* doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged. Fire door assemblies shall not be modified.

703.2.1 Signs. Where required by the *fire code official*, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR—DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR—KEEP CLOSED.

703.2.2 Hold-open devices and closers. Hold-open devices and automatic door closers, where provided, shall be maintained. During the period that such device is out of service for repairs, the door it operates shall remain in the closed position.

703.2.3 Door operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Charles L. Walker

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

Mailing Address: 4511 Helton Drive, Florence, AL 35630

Email Address: walkerc@tntfireworks.com

Telephone Number: 800-243-1189

Proposal Information

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

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

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

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

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

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

Submittal Information

Date Submitted: April 20, 2009

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Charles L. Walker

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

Mailing Address: 4511 Helton Drive, Florence, AL 35630

Email Address: walkerc@tntfireworks.com

Telephone Number: 800-243-1189

Proposal Information

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

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

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

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

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

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

Submittal Information

Date Submitted: April 20, 2009

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Charles L. Walker

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

Mailing Address: 4511 Helton Drive, Florence, AL 35630

Email Address: walkerc@tntfireworks.com

Telephone Number: 800-243-1189

Proposal Information

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



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4004.2.2 Distance from storage to exposures for oxidizer gases. Outdoor storage areas for oxidizing gases shall be located in accordance with Table 4004.2.2.

4004.2.2.1 Oxidizing cryogenic fluids. Outdoor storage areas for oxidizing *cryogenic fluids* shall be located in accordance with Chapter 32.

4004.2.3 Storage configuration for liquid and solid oxidizers. Storage configuration for liquid and solid oxidizers shall be in accordance with Tables 4004.1.7(1) through 4004.1.7(4).

4004.2.4 Storage configuration for oxidizing gases. Storage configuration for oxidizing gases shall be in accordance with Table 4004.2.2.

**SECTION 4005
USE**

4005.1 Scope. The use of oxidizers in amounts exceeding the *maximum allowable quantity per control area* indicated in Table 2703.1.1(1) or 2703.1.1(3) shall be in accordance with Sections 2701, 2703, 2705 and this chapter. Oxidizing gases shall also comply with Chapter 30.

**SECTION 4006
LIQUID OXYGEN IN HOME HEALTH CARE**

4006.1 General. The storage and use of liquid oxygen (LOX) in home health care in Group I-1, I-4 and R occupancies shall comply with Sections 4006.2 through 4006.6, or shall be stored and used accordance with Chapter 27.

4006.2 Information and instructions to be provided. The seller of liquid oxygen shall provide the user with information in written form that includes, but is not limited to, the following:

1. Manufacturer's instructions and labeling for safe storage and use of the containers.
2. Locating containers away from ignition sources, *exits*, electrical hazards and high temperature devices in accordance with Section 4006.3.3.
3. Restraint of containers to prevent falling in accordance with Section 4006.3.4.

4. Requirements for handling containers in accordance with Section 4006.3.5.
5. Safeguards for refilling containers in accordance with Section 4006.3.6.
6. Signage requirements in accordance with Section 4006.6.

4006.3 Liquid oxygen home care containers. Containers of liquid oxygen in home health care shall be in accordance with Sections 4006.3.1 through 4006.3.6.

4006.3.1 Maximum individual container capacity. Liquid oxygen home care containers shall not exceed an individual capacity of 15.8 gallons (60 L) in Group I-1, I-4 and R occupancies. Liquid oxygen ambulatory containers are allowed in Group I-1, I-4 and R occupancies. Containers of liquid oxygen in home health care shall also be stored, used and filled in accordance with Sections 4006, 3203.1 and 3203.2.

4006.3.2 Manufacturer's instructions and labeling. Containers shall be stored, used and operated in accordance with the manufacturer's instructions and labeling.

4006.3.3 Locating containers. Containers shall not be located in areas where:

1. They can be overturned due to operation of a door;
2. They are in the direct path of egress;
3. They are subject to falling objects;
4. They can become part of an electrical circuit; or
5. Open flames and high-temperature devices can cause a hazard.

4006.3.4 Restraining containers. Liquid oxygen home care containers shall be restrained while in storage or use to prevent falling caused by contact, vibration or seismic activity. Containers shall be restrained by one of the following methods:

1. Restraining containers to a fixed object with one or more restraints.
2. Restraining containers within a framework, stand or assembly designed to secure the container.
3. Restraining containers by locating a container against two points of contact such as the walls of a corner of a

**TABLE 4004.2.2
OXIDIZER GASES—DISTANCE FROM STORAGE TO EXPOSURES^a**

QUANTITY OF GAS STORED (cubic feet at NTP)	DISTANCE TO A BUILDING NOT ASSOCIATED WITH THE MANUFACTURE OR DISTRIBUTION OF OXIDIZING GASES OR PUBLIC WAY OR LOT LINE THAT CAN BE BUILT UPON (feet)	DISTANCE BETWEEN STORAGE AREAS (feet)
0 - 50,000	5	5
50,001 - 100,000	10	10
100,001	15	10

For SI: 1 foot = 304.8 mm, 1 cubic foot = 0.02832 m³.

a. The minimum required distances shall not apply when fire barriers without openings or penetrations having a minimum fire-resistance rating of 2 hours interrupt the line of sight between the storage and the exposure. The configuration of the fire barrier shall be designed to allow natural ventilation to prevent the accumulation of hazardous gas concentrations.

101.6 Order of precedence. The provisions of Chapter 1 of this code supersede any conflicting provisions of Chapters 2 – 35 of the IBC and any conflicting provisions of the codes and standards referenced in the IBC. In addition, the state amendments to the IBC supersede any conflicting provisions of Chapters 2 – 35 of the IBC and any conflicting provisions of the codes and standards referenced in the IBC. Further, the provisions of Chapters 2 – 35 of the IBC supersede any conflicting provisions of the codes and standards referenced in the IBC.

101.7 Administrative provisions. The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope of the code, enforcement, fees, permits, inspections and disputes. Any provisions of Chapters 2 – 35 of the IBC or any provisions of the codes and standards referenced in the IBC that address the same subject matter and impose differing requirements are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IBC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 – 35 of the IBC or of the codes and standards referenced in the IBC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IBC, then such requirements are not deleted and replaced.

Note: The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.

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

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

SECTION 102 PURPOSE AND SCOPE

102.1 Purpose. In accordance with Section 36-99 of the Code of Virginia, the purpose of the USBC is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be constructed at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.

102.2 Scope. This section establishes the scope of the USBC in accordance with Section 36-98 of the Code of Virginia. The USBC shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. This code also shall supersede the provisions of local ordinances applicable to single-family residential construction that (i) regulate dwelling foundations or crawl spaces, (ii) require the use of specific building materials or finishes in construction, or (iii) require minimum surface area or numbers of windows; however, this code shall not supersede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, conditions imposed upon a clustering of single-family homes and preservation of open space development through standards, conditions, and criteria established by a locality pursuant to subdivision 8 of Section 15.2-2242 of the Code of Virginia or subdivision A 12 of Section 15.2-2286 of the Code of Virginia, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to Section 15.2-2306 of the Code of Virginia, or local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.

Note: Requirements relating to functional design are contained in Section 103.11 of this code.

102.2.1 Invalidity of provisions. To the extent that any provisions of this code are in conflict with Chapter 6 (Section 36-97 et seq.) of Title 36 of the Code of Virginia or in conflict with the scope of the USBC, those provisions are considered to be invalid to the extent of such conflict.

102.3 Exemptions. The following are exempt from this code:

1. Equipment and related wiring installed by a provider of publicly regulated utility service or a franchised cable television operator and electrical equipment and related wiring used for radio, broadcast or cable television,

telecommunications or information service transmission. The exemption shall apply only if under applicable federal and state law the ownership and control of the equipment and wiring is by the service provider or its affiliates. Such exempt equipment and wiring shall be located on either public rights-of-way or private property for which the service provider has rights of occupancy and entry; however, the structures, including their service equipment, housing or supporting such exempt equipment and wiring shall be subject to the USBC. The installation of equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.

2. Manufacturing and processing machines, 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.
3. Parking lots and sidewalks, which are not part of an accessible route.
4. Nonmechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps, and similar equipment where no admission fee is charged for its use or for admittance to areas where the equipment is located.
5. Industrialized buildings subject to the Virginia Industrialized Building Safety Regulations (13 VAC 5-91) and manufactured homes subject to the Virginia Manufactured Home Safety Regulations (13 VAC 5-95); except as provided for in Section 421.
6. Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et. seq.) of Title 35.1 of the Code of Virginia. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

SECTION 103 APPLICATION OF CODE

103.1 General. In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein.

103.2 When applicable to new construction. Construction for which a permit application is submitted to the local building department after May 1, 2008, shall comply with the provisions of this code, except for permit applications submitted during a one-year period after May 1, 2008. The applicant for a permit during such one-year period shall be permitted to choose whether to comply with the provisions of this code or the provisions of the code in effect immediately prior to May 1, 2008. This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments. In addition, when a permit has been properly issued under a previous edition of this code, this code shall not require changes to the approved construction documents, design or construction of such a building or structure, provided the permit has not been suspended or revoked.

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 structural strength, fire protection, means of egress, ventilation or sanitation. When such a greater degree is required, 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.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REGULATORY CHANGE FORM

<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>Last revised 2/19/2009</p>	<p>Document No. _____</p> <p>Committee Action: _____</p> <p>BHCD Action: _____</p>
<p>Submitted by: Chuck Bajnai Representing: Chesterfield County Address: 9800 Government Parkway, Chesterfield, VA 23832 Phone No.: (804) 717-6428 Regulation Title: 2006 IRC</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>VCC, Section 103.2 Application of Code</p> </div>		

Proposed Change:

103.2. When applicable to new construction. The effective date for the technical changes of this document will be one year after it is approved by the BHCD. Construction for which a permit application is submitted to the local building department after May 1, 2008 the effective date shall comply with the provisions of this code. Prior to the effective date, if the applicant requests the building be reviewed under the new code, the building official will be permitted to allow such a request, except for permit applications submitted during a one-year period after May 1, 2008. The applicant for a permit during such one-year period shall be permitted to choose whether to comply with the provisions of this code or the provisions of the code in effect immediately prior to May 1, 2008...."

Supporting Statement:

1. Recent history

The 2000 VCC:

"Construction for which a permit application is submitted to the building official after October 1, 2003 shall comply with the provisions of this code, except when construction documents for proposed construction were *substantially complete* prior to the above date and a permit application is submitted to the building official within one year after the above date. In such cases, construction shall comply with either the provisions of this code or the provisions of the code in effect immediately prior to October 1, 2003...."

The 2003 and 2006 VCC eliminated the "substantially complete" concept and opted for a one-year, across the board, grace period.

2. Problem

The problems with the 2006 VCC are:

1. The forty-five days between the approval date and effective date for the 2006 VCC was insufficient for training.
2. The one-year grace period puts all parties in limbo for twelve months and in many cases, may create double work

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: DHCD staff _____

Representing: DHCD _____

Mailing Address: 501 North 2nd Street Richmond Virginia 23219 _____

Email Address: tsu@dhcd.virginia.gov _____

Telephone Number: 804.371.7140 _____

Proposal Information

Code(s) and Section(s): USBC, Part I – VCC Section 3410.2.5; USBC Part II – VRC Section 1301.2.5 _____

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

Modify sections as follows:

VCC 3410.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Chapter 11. All alterations of existing buildings or portions thereof shall conform to the accessibility provisions of Section 3409.

VRC 1301.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Chapter 11 of the *International Building Code*. All alterations of existing buildings or portions thereof shall conform to the accessibility provisions of Section 308.

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

These additional provisions are necessary to align the compliance alternative provisions relative to alterations of existing structures and buildings, and portions thereof, with the provisions of the Americans with Disabilities Act in order to be eligible for certification by the U.S. Department of Justice as equivalent to the ADA.

Submittal Information

Date Submitted: April 24, 2009 _____

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

Please submit the proposal to:

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

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



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.

1. Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for network powered broadband communications systems, or (iii) is exempt under Section 102.3(1), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following.
 - 1.1. Fire alarm system.
 - 1.2. Fire detection system.
 - 1.3. Fire suppression system.
 - 1.4. Smoke control system.
 - 1.5. Fire protection supervisory system.
 - 1.6. Elevator fire safety control system.
 - 1.7. Access or egress control system or delayed egress locking or latching system.
 - 1.8. Fire damper.
 - 1.9. Door control system.
2. Detached accessory structures used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed 150 square feet (14 m²) and the structures are not accessory to a Group F or H occupancy.
3. Detached pre-fabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet (14 m²).
4. Tents or air-supported structures, or both, that cover an area of 900 square feet (84 m²) or less, including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures have an occupant load of 50 or less persons.
5. Fences and privacy walls not part of a building, structure or of the barrier for a swimming pool, provided such fences and privacy walls do not exceed six feet in height above the finished grade. Ornamental post caps shall not be considered to contribute to the height of the fence or privacy wall and shall be permitted to extend above the six feet height measurement.
6. Retaining walls supporting less than two feet of unbalanced fill. This exemption shall not apply to any wall impounding Class I, II or III-A liquids or supporting a surcharge other than ordinary unbalanced fill.
7. Swimming pools that have a surface area not greater than 150 square feet (13.95 m²), do not exceed 5,000 gallons (19 000 L) and are less than 24 inches (610 mm) deep.
8. Signs under the conditions in Section H101.2 of Appendix H.
9. Replacement of above-ground existing LP-gas containers of the same capacity in the same location and associated regulators when installed by the serving gas supplier.
10. Ordinary repairs that include the following.
 - 10.1. Replacement of windows and doors 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.

- 10.2. Replacement of plumbing fixtures in all groups without alteration of the water supply and distribution systems, sanitary drainage systems or vent systems.
- 10.3. Replacement of general use snap switches, dimmer and control switches, 125 volt-15 or 20 ampere receptacles, luminaries (lighting fixtures) and ceiling (paddle) fans in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5.
- 10.4. Replacement of mechanical appliances provided such equipment is not fueled by gas or oil in Group R-2 where serving a single family dwelling and in Groups R-3, R-4 and R-5.
- 10.5. Replacement of an unlimited amount of roof covering or siding in Groups R-3, R-4 or R-5 provided the building or structure is not in an area where the design (3 second gust) wind speed is greater than 100 miles per hour (160 km/hr) and replacement of 100 square feet (9.29 m²) or less of roof covering in all groups and all wind zones.
- 10.6. Replacement of 100 square feet (9.29 m²) or less of roof decking in Groups R-3, R-4 or R-5 unless the decking to be replaced was required at the time of original construction to be fire-retardant-treated or protected in some other way to form a fire-rated wall termination.
- 10.7. Installation or replacement of floor finishes in all occupancies.
- 10.8. Replacement of Class C interior wall or ceiling finishes installed in Groups A, E and I and replacement of all classes of interior wall or ceiling finishes in other groups.
- 10.9. Installation of replacement cabinetry or trim.
- 10.10. Application of paint or wallpaper.
- 10.11. Other repair work deemed by the building official to be minor and ordinary which does not adversely affect public health or general safety.

Exception: Application for a permit may be required by the building official for the installation of replacement siding, roofing and windows in buildings within a historic district designated by a locality pursuant to Section 15.2-2306 of the Code of Virginia.

108.3 Applicant information, processing by mail. Application for a permit shall be made by the owner or lessee of the relevant property or the agent of either or by the Registered Design Professional, contractor or subcontractor associated with the work or any of their agents. The full name and address of the owner, lessee and applicant shall be provided in the application. If the owner or lessee is a corporate body, when and to the extent determined necessary by the building official, the full name and address of the responsible officers shall also be provided.

A permit application may be submitted by mail and such permit applications shall be processed by mail, unless the permit applicant voluntarily chooses otherwise. In no case shall an applicant be required to appear in person.

The building official may accept applications for a permit through electronic submissions provided the information required by this section is obtained.

108.4 Prerequisites to obtaining permit. In accordance with Section 54.1-1111 of the Code of Virginia, any person applying to the building department for the construction, removal or improvement of any structure shall furnish prior to the issuance of the permit, either (i) satisfactory proof to the building official that he is duly licensed or certified under the terms or Chapter 11 (Section 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same, or (ii) file a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Chapter 11 of Title 54.1 of the Code of Virginia. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

From: "NoReplyBot@governor.virginia.gov" Date: 1/29/2009 11:35:51 PM To: IMA@governor.virginia.gov Subject: Revenue Opportunity SCCMAIL Mr. Ronald D Feuerstein Jr. 11001 Elmont Woods Drive Glen Allen VA 23059 804-550-1299 ronald.feuerstein@coldwellbanker.com Revenue Opportunity Virginia Resident Dear Governer Kaine, A tremendous revenue opportunity being passed upon which would greatly impact the Virginia budget shortfall is, the need for required mechanical permitting and inspections for the replacement of Heating and Cooling Systems (Heat Pumps) statewide in Virginia. Only permits are required for fossil fuel installations and replacements on a residential applications to my knowledge. At a time when efficiency and financial conservation are at the forefront, many homeowners ask me why inspections are not required for the systems that they had purchased many years ago and have been running at 70% of their rated capacity due to a poor installation. This is one recommendation worth doing the math on, will create many jobs, help the environment (less energy use), and increase revenue in all Virginia municipalities. Sincerely, Ronald D. Feuerstein Jr.



Timothy M. Kaine
Governor

Patrick O. Gottschalk
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

William C. Shelton
Director

DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT
March 5, 2009

Mr. Ronald D. Feuerstein, Jr.
11001 Elmont Woods Drive
Glen Allen, Virginia 23059

Dear Mr. Feuerstein:

Thank you for your e-mail communication to Governor Timothy M. Kaine regarding the need to require local building permits for the replacement of heating and cooling system components. Governor Kaine has asked me to respond on his behalf.

Your communication is being forwarded to Mr. Bill Shelton, the Director of the Virginia Department of Housing and Community Development (DHCD), which houses the Virginia Board of Housing and Community Development, the Governor-appointed board having authority to add new provisions to Virginia's building code.

I am informed by Mr. Shelton that DHCD is currently preparing to accept new proposals for changes to the building code. Your suggestions will be considered by workgroups established to assist with a review of the existing code provisions and to consider other important code issues such as energy conservation and green building construction methods.

Should you need further information or assistance, or wish to actively participate in DHCD's code process, please contact Emory Rodgers, the Deputy Director of the Division of Building and Fire Regulation, at DHCD. Mr. Rodgers telephone number is (804) 371-7150, or you may contact him by e-mail at emory.rodgers@dhcd.virginia.gov.

Sincerely,

Patrick O. Gottschalk

POG/vbh

cc: Mr. Bill Shelton, Director, DHCD
Mr. Emory Rodgers, Deputy Director, Division of Building & Fire Regulation

Partners for Better Communities



www.dhcd.virginia.gov

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

Address to submit to: DHCD, The Jackson Center 501 North Second Street Richmond, VA 23219-1321 Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.virginia.gov		Document No. _____ Committee Action: _____ BHCD Action: _____
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Submitted by: Douglas S. Jones

Representing: Keystone – RM, LLC

Address: 1207 Roseneath Road #200

Phone No. 804-358-5768 x303

Regulation Title: Part I of the Uniform Statewide Building Code, The Virginia Construction Code (2006 Edition)

Section No(s): 115.2 Notice of Violations

Date: February 27, 2009

Proposed Change:

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

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

Supporting Statement:

Rationale for Revision:

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

Activist Local Building Officials

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

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

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

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

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

Submitted by:
Keystone – RM, LLC
January, 2009

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

Address to submit to: DHCD, The Jackson Center 501 North Second Street Richmond, VA 23219-1321 Tel. No. (804) 371 – 7150 Fax No. (804) 371 – 7092 Email: bhcd@dhcd.virginia.gov		Document No. _____ Committee Action: _____ BHCD Action: _____
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Submitted by: State Building Code Technical Review Board

Address: _____ Phone No. _____

Regulation Title: USBC, Virginia Construction Code Section No(s): 106.2

Date Submitted: January 23, 2009

Proposed Change:

Change Section 106.2 to read:

106.2 Delegation of authority. The building official may delegate powers and duties except where such authority is limited by the local government. However, such limitations of authority by the local government are not applicable to the third-party inspector policy required by Section 113.7.1 nor shall such limitations of authority by the local government have the effect of altering the provisions of this code or creating building regulations. When such delegations are made, the building official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

Supporting Statement:

This change is to clarify that the third party inspector program provisions implemented in the 2006 code were intended to authorize the building official to establish the criteria for the approval of third-party inspectors, without a local government dictating a differing policy. The change stems from a court decision concerning an appeal of a local government's mandate that all third-party inspectors be architects or engineers, where the court held that the wording in existing Section 106.2 did in fact authorize the local government to mandate a different policy from that established by the building official.

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: DHCD staff _____

Representing: DHCD _____

Mailing Address: 501 North 2nd Street Richmond Virginia 23219 _____

Email Address: tsu@dhcd.virginia.gov _____

Telephone Number: 804.371.7140 _____

Proposal Information

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

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

Add new subsection under Section 103.13 as follows:

103.13.1 Certification of state enforcement personnel. Persons performing enforcement functions under the USBC as the building official or technical assistants for state-owned buildings and structures shall comply with the applicable requirements of this code for certification, periodic certification maintenance training, and continuing education for building officials or technical assistants, respective to their position.

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

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

Submittal Information

Date Submitted: April 24, 2009 _____

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____
Proponent Information (Check one): Individual Government Entity Company
Name: DHCD staff Representing: DHCD

Mailing Address: 501 North 2nd Street Richmond Virginia 23219

Email Address: tsu@dhcd.virginia.gov

Telephone Number: 804.371.7140

Proposal Information

Code(s) and Section(s): USBC, Part I – VCC Sections 113.7.2 & 202

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

Modify sections as follows:

113.7.2 Qualifications. In determining third-party inspector qualifications, the building official may consider such items as DHCD certifications, other state and national certifications, state professional registrations, related experience, education, and any other factors that would demonstrate competency and reliability to conduct inspections. In addition, all third-party inspectors shall be certified in the appropriate subject area, respective to their function, in accordance with the VCS and shall be subject to the periodic certification maintenance training and continuing education requirements in Section 105.2.3.

202 Definitions

Technical Assistant. Any person employed by or under an ~~extended~~ contract to a local building department or local enforcing agency for enforcing enforcement of the USBC. ~~For the purposes of this definition, an extended contract shall be a contract with an aggregate term of 18 months or longer.~~

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

This provision establishes a baseline qualification for all code enforcement personnel and third-party inspectors performing inspections under the USBC. This provision stipulates that those third-party inspectors performing inspection functions be subject to and achieve the equivalent level of certification and education as required of building officials and technical assistants employed by or under contract to a local building department or local enforcing agency for enforcement of the USBC. The modification of the definition applies the qualification to all third-party inspectors under contract to a local building department or local enforcing agency for enforcement of the USBC, regardless of the length of contract term, and circumvents the avoidance of certification through intermittent contracts.

Submittal Information

Date Submitted: April 24, 2009

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

The Jackson Center

501 N. 2nd Street

Richmond, VA 23219-1321

Email Address: taso@dhcd.virginia.gov

Fax Number: (804) 371-7092

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



Note: The USBC references nationally recognized model codes and standards. Future amendments to such codes and standards are not automatically included in the USBC; however the building official should give them due consideration in deciding whether to approve a modification.

106.3.1 Substantiation of modification. The building official may require or may consider a statement from an RDP or other person competent in the subject area of the application as to the equivalency of the proposed modification. In addition, the building official may require the application to include construction documents sealed by an RDP.

106.3.2 Use of performance code. Compliance with the provisions of a nationally recognized performance code when approved as a modification shall be considered to constitute compliance with this code. All documents submitted as part of such consideration shall be retained in the permanent records of the local building department.

SECTION 107 FEES

107.1 Authority for charging fees. In accordance with Section 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement of the USBC.

107.1.1 Fee schedule. The local governing body shall establish a fee schedule incorporating unit rates, which may be based on square footage, cubic footage, estimated cost of construction or other appropriate criteria. A permit or any amendments to an existing permit shall not be issued until the designated fees have been paid, except that the building official may authorize the delayed payment of fees.

107.1.2 Refunds. When requested in writing by a permit holder, the locality shall provide a fee refund in the case of the revocation of a permit or the abandonment or discontinuance of a building project. The refund shall not be required to exceed an amount which correlates to work not completed.

107.2 Code Academy fee levy. In accordance with subdivision 7 of Section 36-137 of the Code of Virginia, the local building department shall collect a 1.75% levy of fees charged for building permits issued under this code and transmit it quarterly to DHCD to support training programs of the Virginia Building Code Academy. The foregoing levy shall remain effective until July 1, 2009, after which time the fee levy shall be increased to 2%. Localities which maintain individual or regional training academies accredited by DHCD shall retain such levy.

SECTION 108 APPLICATION FOR PERMIT

108.1 When applications are required. Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day that follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit.

1. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems or fuel supply systems or (viii) any equipment regulated by the USBC.
2. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required under Section 103.3.
3. Movement of a lot line that increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.
4. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

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.

1. Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for network powered broadband communications systems, or (iii) is exempt under Section 102.3(1), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following.
 - 1.1. Fire alarm system.
 - 1.2. Fire detection system.
 - 1.3. Fire suppression system.
 - 1.4. Smoke control system.
 - 1.5. Fire protection supervisory system.
 - 1.6. Elevator fire safety control system.
 - 1.7. Access or egress control system or delayed egress locking or latching system.
 - 1.8. Fire damper.
 - 1.9. Door control system.
2. Detached accessory structures used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed 150 square feet (14 m²) and the structures are not accessory to a Group F or H occupancy.
3. Detached pre-fabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet (14 m²).
4. Tents or air-supported structures, or both, that cover an area of 900 square feet (84 m²) or less, including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures have an occupant load of 50 or less persons.
5. Fences and privacy walls not part of a building, structure or of the barrier for a swimming pool, provided such fences and privacy walls do not exceed six feet in height above the finished grade. Ornamental post caps shall not be considered to contribute to the height of the fence or privacy wall and shall be permitted to extend above the six feet height measurement.
6. Retaining walls supporting less than two feet of unbalanced fill. This exemption shall not apply to any wall impounding Class I, II or III-A liquids or supporting a surcharge other than ordinary unbalanced fill.
7. Swimming pools that have a surface area not greater than 150 square feet (13.95 m²), do not exceed 5,000 gallons (19 000 L) and are less than 24 inches (610 mm) deep.
8. Signs under the conditions in Section H101.2 of Appendix H.
9. Replacement of above-ground existing LP-gas containers of the same capacity in the same location and associated regulators when installed by the serving gas supplier.
10. Ordinary repairs that include the following.
 - 10.1. Replacement of windows and doors 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.

- 10.2. Replacement of plumbing fixtures in all groups without alteration of the water supply and distribution systems, sanitary drainage systems or vent systems.
- 10.3. Replacement of general use snap switches, dimmer and control switches, 125 volt-15 or 20 ampere receptacles, luminaries (lighting fixtures) and ceiling (paddle) fans in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5.
- 10.4. Replacement of mechanical appliances provided such equipment is not fueled by gas or oil in Group R-2 where serving a single family dwelling and in Groups R-3, R-4 and R-5.
- 10.5. Replacement of an unlimited amount of roof covering or siding in Groups R-3, R-4 or R-5 provided the building or structure is not in an area where the design (3 second gust) wind speed is greater than 100 miles per hour (160 km/hr) and replacement of 100 square feet (9.29 m²) or less of roof covering in all groups and all wind zones.
- 10.6. Replacement of 100 square feet (9.29 m²) or less of roof decking in Groups R-3, R-4 or R-5 unless the decking to be replaced was required at the time of original construction to be fire-retardant-treated or protected in some other way to form a fire-rated wall termination.
- 10.7. Installation or replacement of floor finishes in all occupancies.
- 10.8. Replacement of Class C interior wall or ceiling finishes installed in Groups A, E and I and replacement of all classes of interior wall or ceiling finishes in other groups.
- 10.9. Installation of replacement cabinetry or trim.
- 10.10. Application of paint or wallpaper.
- 10.11. Other repair work deemed by the building official to be minor and ordinary which does not adversely affect public health or general safety.

Exception: Application for a permit may be required by the building official for the installation of replacement siding, roofing and windows in buildings within a historic district designated by a locality pursuant to Section 15.2-2306 of the Code of Virginia.

108.3 Applicant information, processing by mail. Application for a permit shall be made by the owner or lessee of the relevant property or the agent of either or by the Registered Design Professional, contractor or subcontractor associated with the work or any of their agents. The full name and address of the owner, lessee and applicant shall be provided in the application. If the owner or lessee is a corporate body, when and to the extent determined necessary by the building official, the full name and address of the responsible officers shall also be provided.

A permit application may be submitted by mail and such permit applications shall be processed by mail, unless the permit applicant voluntarily chooses otherwise. In no case shall an applicant be required to appear in person.

The building official may accept applications for a permit through electronic submissions provided the information required by this section is obtained.

108.4 Prerequisites to obtaining permit. In accordance with Section 54.1-1111 of the Code of Virginia, any person applying to the building department for the construction, removal or improvement of any structure shall furnish prior to the issuance of the permit, either (i) satisfactory proof to the building official that he is duly licensed or certified under the terms or Chapter 11 (Section 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same, or (ii) file a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Chapter 11 of Title 54.1 of the Code of Virginia. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 – 8 of the IPMC or of the codes and standards referenced in the IPMC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IPMC, then such requirements are not deleted and replaced.

Note: The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.

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

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

SECTION 102 PURPOSE AND SCOPE

102.1 Purpose. In accordance with Section 36-103 of the Code of Virginia, the Virginia Board of Housing and Community Development may adopt and promulgate as part of the Virginia Uniform Statewide Building Code, building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare. Further, in accordance with Section 36-99 of the Code of Virginia, the purpose of this code is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.

102.2 Scope. In accordance with Section 36-98 of the Code of Virginia, the Virginia Maintenance Code shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies.

102.3 Exemptions. This code shall not regulate those buildings and structures specifically exempt from the Virginia Construction Code, except that existing industrialized buildings and manufactured homes shall not be exempt from this code.

SECTION 103 APPLICATION OF CODE

103.1 General. This code prescribes regulations for the maintenance of all existing buildings and structures and associated equipment, including regulations for unsafe buildings and structures.

103.2 Maintenance requirements. Buildings and structures shall be maintained and kept in good repair in accordance with the requirements of this code and when applicable in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building or structure or to equipment unless conditions are present which meet the definition of an unsafe structure or a structure unfit for human occupancy.

103.2.1 Maintenance of non-required fire protection systems. Non-required fire protection systems shall be maintained to function as originally installed. If any such systems are to be reduced in function or discontinued, approval shall be obtained from the building official in accordance with Section 103.8.1 of the Virginia Construction Code.

103.3 Continued approval. Notwithstanding any provision of this code to the contrary, alterations shall not be required to be made to existing buildings or structures which are occupied in accordance with a certificate of occupancy issued under any edition of the USBC.

103.4 Rental inspections. In accordance with Section 36-105.1:1 of the Code of Virginia, this section is applicable to rental inspection programs. For purposes of this section:

contacting the code official within the time frame established for any reinspections to assure the violations have been corrected. The code official will be responsible for making such inspection and verifying the violations have been corrected. In addition, the notice of violation shall indicate the right of appeal by referencing the appeals section of this code.

104.5.5 Coordination of inspections. The code official shall coordinate inspections and administrative orders with any other state or local agencies having related inspection authority and shall coordinate those inspections required by the Virginia Statewide Fire Prevention Code (13 VAC 5-51) for maintenance of fire protection devices, equipment and assemblies so that the owners and occupants will not be subjected to numerous inspections or conflicting orders.

Note: The Fire Prevention Code requires the fire official to coordinate such inspections with the code official.

104.5.6 Further action when violation not corrected. If the responsible party has not complied with the notice of violation, the code official shall submit a written request to the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved. In cases where the locality so authorizes, the code official may issue or obtain a summons or warrant.

104.5.7 Penalties and abatement. Penalties for violations of this code shall be as set out in Section 36-106 of the Code of Virginia. The successful prosecution of a violation of the code shall not preclude the institution of appropriate legal action to require correction or abatement of a violation.

SECTION 105 UNSAFE STRUCTURES OR STRUCTURES UNFIT FOR HUMAN HABITATION

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

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

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

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

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

105.4 Notice of unsafe structure or structure unfit for human occupancy. When a building or structure is determined to be unsafe or unfit for human occupancy by the code official, a written notice of unsafe structure or structure unfit for human occupancy shall be issued in person to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: Chesterfield County Building Inspection Dept.

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): 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.

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.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: Chesterfield County Building Inspection Dept.

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): 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.

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. 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.

Submittal Information

Date Submitted: _____

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

Please submit the proposal to:

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

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



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

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Ron Clements

Representing: Chesterfield County Building Inspection Dept.

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

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

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

Alter the following Exemption to section 108.2:

- ~~2. Detached accessory structures used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed 150 square feet (14m²) and the structures are not accessory to a group F or H occupancy.~~
Detached accessory structures that are 150 square feet (14m²) or less in area and are not a Group H occupancy.

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

This change removes the non-specific, commentary style, language from the exemption and clearly states that the structure itself cannot be a high hazard 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:

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The Jackson Center
501 N. 2nd Street
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: David J. Thomas, PE Representing: Self

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

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

Proposal Information

Code(s) and Section(s): USBC, Volume 1, Section 109. Add the following Section 109.7:

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

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

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

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

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

Submittal Information

Date Submitted: April 8, 2009

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

Please submit the proposal to:

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

Email Address: taso@dhcd.virginia.gov
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2009 Code Change Cycle

Code Change Number: _____

Proponent Information

(Check one): Individual Government Entity Company

Name: Schaefer Oglesby, State TRB

Representing: Self

Mailing Address: 2309 Heron Hill Pl. Lynchburg, Va 24503

Email Address: ssoglesby@comcast.net

434-258-6616

Proposal Information

Code(s) and Section(s): VCC Section 119.2; VMC Section 106.2

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

Change VCC and VMC Sections 119.2 and 106.2 to read:

Membership of board. The LBBCA shall consist of at least five members ... the terms of the members may be of different length so that less than half will expire in any one-year period. The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary and receive such training on the code as may be appropriate or necessary from staff of the locality.

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

Many local appeals boards do not meet very often and when an appeal is filed, they find that members are no longer available to serve and have not been kept up to date on current code issues. This minimal new requirement will help to assure that the local appeals boards are more able to adequately respond to a request for an appeal without having to delay to address appointment issues or elect new officers.

Submittal Information

Date Submitted: April 24, 2009

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

Please submit the proposal to:

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