

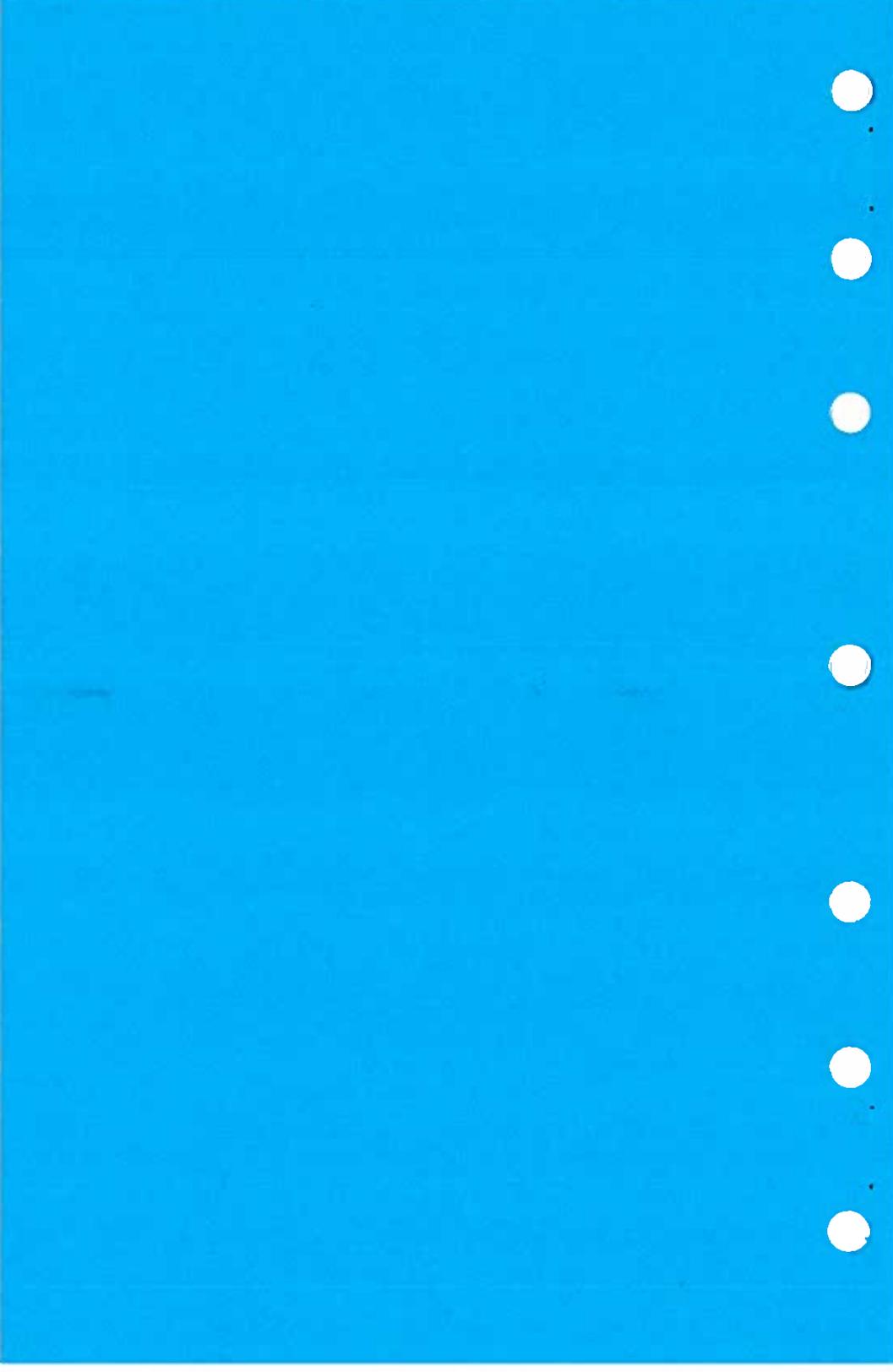
1984
EDITION

VIRGINIA
UNIFORM STATEWIDE
BUILDING CODE



VOLUME II
BUILDING MAINTENANCE CODE

COMMONWEALTH OF VIRGINIA
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT



1984 EDITION

1984 EDITION VIRGINIA UNIFORM STATEWIDE BUILDING CODE
VOLUME II - BUILDING MAINTENANCE CODE

VR 394-01-22

Adopted by the State

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Effective October 1, 1986

Issued by the
Division of Building Regulatory Services
Department of Housing and Community Development
205 North Fourth Street
Richmond, Virginia 23219

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SUMMARY

Volume II - Building Maintenance Code of the 1984 Edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide, uniform set of regulations that must be complied with in all buildings to protect the occupants from health and safety hazards that might arise from improper maintenance and use. Technical requirements of the Building Maintenance Code are based on the BOCA model Existing Structures Code, a companion document to the BOCA model Building Code which serves as the basis for Volume I of the USBC, the New Construction Code. Enforcement procedures are provided that must be used when the Building Maintenance Code is enforced by local agencies. Local enforcement of the Code is optional. An administrative appeals system is established for resolution of disagreements between the building owner and the code official.

ARRANGEMENT OF 1984 EDITION

The 1984 edition of the USBC represents a change in organization and format from the 1981 edition. Requirements of the USBC are now divided into two volumes:

- Volume I - New Construction Code
- Volume II - Building Maintenance Code

Volume I governs the design and equipment of buildings hereafter constructed. Local governments are required by law to enforce Volume I. Local enforcement of Volume II is optional.

USE OF NATIONALLY RECOGNIZED MODEL CODES AND STANDARDS

The Board bases the technical requirements of the USBC on nationally accepted model codes and standards. It makes as few amendments as possible. The purpose is to benefit the citizens of Virginia by promoting efficiency in the building industry, many aspects of which are interstate in nature. For this reason, the Board encourages anyone who believes that a technical amendment is needed to submit his proposal directly to the organization which publishes the affected model code or standard. Amendments made by such organizations will then be considered for inclusion in future editions of the USBC. Information on how to present proposals to the model code and standards organizations is available from:

Office of Uniform Building Code
Department of Housing and Community Development
205 North Fourth Street
Richmond, Virginia 23219
Tel. (804) 786-5041

FUTURE EDITIONS

State law requires the Board of Housing and Community Development to keep the USBC up-to-date. The Board plans to do this by updating the USBC every three years when new editions of the model codes become publicly available. Suggestions for improvements are invited at any time. They should be addressed to the Board of Housing and Community Development in care of the Office of Uniform Building Code.

Because enforcement of the Building Maintenance Code is reserved to local government, the local enforcing agency should be consulted for information and assistance. Copies of the model codes and standards referenced by the Building Maintenance Code are available for public inspection in the Office of Uniform Building Code. They may be purchased through:

Building Officials and Code Administrators
International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60477
Tel. (312) 799-2300

INTERPRETATIONS

In case of doubt as to the meaning of any specific provision of the Building Maintenance Code, a request for an interpretation may be made to the State Building Code Technical Review Board. Request forms are available from the Office of Uniform Building Code.

1984 EDITION
VIRGINIA UNIFORM STATEWIDE BUILDING CODE
VOLUME II - BUILDING MAINTENANCE CODE

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VIRGINIA UNIFORM STATEWIDE BUILDING CODE

VOLUME II - BUILDING MAINTENANCE CODE

Article 1

ADOPTION, ADMINISTRATION AND ENFORCEMENT

SECTION 100.0 GENERAL

100.1 Title: These regulations shall be known as Volume II - Building Maintenance Code of the 1984 edition of the Virginia Uniform Statewide Building Code. Except as otherwise indicated, Building Maintenance Code or Code, shall mean Volume II - Building Maintenance Code of the 1984 edition of the Virginia Uniform Statewide Building Code.

Note: See Volume I - New Construction Code for regulations applicable to new construction.

100.2 Authority: The Building Maintenance Code is adopted according to regulatory authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia.

100.3 Adoption: The Building Maintenance Code was adopted by order of the Board of Housing and Community Development on November 18, 1985. This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4 Effective date: The Building Maintenance Code shall become effective on October 1, 1986.

100.5 Effect on other codes: The Building Maintenance Code shall apply to all buildings and structures as defined in the Uniform Statewide Building

Code Law, Chapter 6, Title 36, Code of Virginia. The Building Maintenance Code supersedes all building maintenance codes and regulations of the counties, municipalities, political subdivisions and State agencies that have been or may be enacted or adopted, except as modified by Section 100.5.1, below.

Note: This will not prevent adoption in accordance with Chapter 1, Title 15, Code of Virginia or other special or general legislation, of other requirements by local governments which do not affect the manner of construction or materials to be used in the erection, alteration, repair, maintenance or use of a building or structure.

100.5.1 Application to pre-USBC buildings: Buildings or portions thereof constructed, altered, converted or repaired before the effective date of the initial edition of the Virginia Uniform Statewide Building Code (USBC) shall be maintained in compliance with the Building Maintenance Code and with the Virginia Public Building Safety Regulation/1984 Edition (VPBSR); provided, however, that the Code Official shall exempt from the provisions of the Uniform Statewide Building Code, Volume II, Building Maintenance Code, alterations of building uses, designs and equipment existing under a current certificate of occupancy unless an unsafe or unhealthy condition exists.

100.5.2 Application to post-USBC buildings: Buildings or portions thereof that were subject to the Uniform Statewide Building Code when constructed, altered, converted or repaired shall be maintained in compliance with the Building Maintenance Code and with the edition of the USBC that was in effect at that time.

100.6 Exemptions for certain equipment: The provisions of the Building Maintenance Code shall not apply to distribution equipment installed by a

provider of public regulated utility services, or to electrical equipment used for radio and television transmission. However, the buildings, including their service equipment, housing such utility services shall be subject to this Code. The exempt equipment shall be under the exclusive control of the public service agency and located on property by established rights.

100.7 Exemptions for farm structures: Farm structures not used for residential purposes shall be exempt from the provisions of the Building Maintenance Code. However, such structures lying within a flood plain or in a mudslide-prone area shall be subject to the applicable floodproofing regulations or mudslide regulations.

100.8 Purpose: The purpose of the Building Maintenance Code is to ensure public safety, health and welfare through proper building maintenance and use and continued compliance with minimum standards of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility.

SECTION 101.0 REQUIREMENTS

101.1 Adoption of model code: The following model code, as amended by §101.2 and 101.3, is hereby adopted and incorporated in the Building Maintenance Code.

- ° The BOCA BASIC/NATIONAL EXISTING STRUCTURES
CODE/1984 EDITION

Published by:
Building Officials and Code Administrators
International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60477

101.2 Administrative and enforcement amendments to the referenced model code: All requirements of the referenced model code and of standards referenced therein that relate to administrative and enforcement matters are deleted and replaced by Article 1 of the Building Maintenance Code.

101.3 Other amendments to the referenced model code: The amendments noted in Addendum 1 shall be made to the specified articles and sections of the BOCA Basic/National Existing Structures Code/1984 edition for use as part of this Code.

101.4 Limitation of application of model code: No provision of the model code may be used to require alterations to the design or equipment of any portion of a building that was subject to the USBC when constructed, altered or converted as to use group, and which is occupied in accordance with the certificate of occupancy issued under the applicable edition of the USBC. In the application of the model code to other buildings, no requirement of the current edition of the USBC shall be exceeded.

Note: Efforts have been made to remove conflicts between Volume I - New Construction Code and Volume II - Building Maintenance Code. However, although the two codes are compatible, they may not always be comparable. The purpose of this section is to resolve any unforeseen conflicts with Volume I.

SECTION 102.0 LOCAL ENFORCING AGENCY

102.1 Enforcement by local governments: Any local government may, after official action, enforce the Building Maintenance Code, or any portion of the Code. The local governing body may assign responsibility for enforcement of the Building Maintenance Code, or any portion thereof, to a local agency or agencies of its choice. The terms "enforcing agency" and "code official" are intended to apply to the

agency or agencies to which responsibility for enforcement has been assigned. However, the terms "building official" or "building department" apply only to the local building official or building department.

102.1.1 Right of inspection: The local governing body may inspect existing buildings to enforce the Building Maintenance Code, as authorized by Section 36-105 of the Code of Virginia.

102.2 Interagency coordination: Where enforcement of any portion of the Building Maintenance Code is assigned to an agency other than the building department, such as the fire prevention bureau, such agency shall coordinate its reports of inspection with the building department. All required alterations, repairs, installations or construction shall be subject to the building permit and certificate of use and occupancy provisions of the Uniform Statewide Building Code, Volume I, New Construction Code.

102.3 Code official: Each local enforcing agency shall have an executive official in charge, hereinafter referred to as the code official.

102.4 Appointment: The code official shall be appointed by the local government.

102.5 Qualifications of local enforcing agency personnel: The local government shall establish qualifications for the code official and his assistants adequate to insure proper administration and enforcement of the Building Maintenance Code.

Note: Detailed requirements for the qualifications of the building official and his assistants are provided in Volume I - New Construction Code of the Uniform Statewide Building Code. However, if a person from another agency is appointed as the code official to enforce the Building Maintenance Code,

the requirements of Volume I - New Construction Code would not apply. In such cases, it is recommended that the code official have at least five years of related experience. Consideration should be given to the use of the Virginia Voluntary Certification Program for Building Officials and Assistants and of the Fire Inspection Certification Program of the State Department of Fire Programs in the selection and maintenance of enforcing agency personnel.

102.6 Relief from personal responsibility: The local enforcing agency personnel shall not be personally liable for any damages sustained by any person in excess of the policy limits of errors and omissions insurance, or other equivalent insurance obtained by the locality to insure against any action that may occur to persons or property as a result of any act required or permitted in the discharge of official duties while assigned to the department as employees. The official or his subordinates shall not be personally liable for costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of the USBC as a result of any act required or permitted in the discharge of official duties while assigned to the enforcing agency as employees, whether or not said costs are covered by insurance. Any suit instituted against any officer or employee because of an act performed by him in the discharge of his duties and under the provisions of the Building Maintenance Code may be defended by the enforcing agency's legal representative.

102.7 Control of conflict of interest: An official or employee of the enforcing agency except one whose only connection is that of a member of the local Board of Building Code Appeals, shall not be engaged in or connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or specifications thereof, unless that person is the owner of the building; such officer or

employee shall not engage in any work which conflicts with official duties or with the interests of the enforcing agency within the jurisdiction in which the official or employee works.

102.8 Assistance by State: Upon notification of appointment of a code official, the Office of Uniform Building Code shall advise the official of all services offered and will keep him continually informed of developments affecting the Code and its interpretation and administration.

SECTION 103.0 DUTIES AND POWERS
OF THE CODE OFFICIAL

103.1 General: The code official shall enforce the provisions of the Building Maintenance Code as provided herein and as interpreted by the State Building Code Technical Review Board in accordance with Section 36-118, Code of Virginia.

Note: Section 36-105 of the Code of Virginia provides that fees may be levied by the local governing body in order to defray the cost of enforcement and appeals.

103.2 Notices and orders: The code official shall issue all necessary notices or orders to ensure compliance with the requirements of this Code for the health, safety and general welfare of the public.

103.3 Delegation of duties and powers: The code official may delegate duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the Code.

103.4 Maintenance inspections: When the local government has acted under Section 36-105 of the Code of Virginia to enforce the requirements of this Code,

the code official may inspect buildings to which it applies to assure continued compliance.

103.5 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 which was constructed, altered, converted, or repaired before the effective date of the initial edition of the Uniform Statewide Building Code, and when such condition was not caused by faulty maintenance, or by failure to comply with the applicable State and local regulations that were in effect at the time, he may order the minimum changes needed to remedy the hazardous condition. Such order shall be in writing and shall be made a part of the permanent records of the code official relating to the building affected.

Note: The Building Maintenance Code does not generally provide for retrofitting existing buildings. However, conditions may exist in older buildings, because of faulty design or equipment, that constitute such serious and dangerous hazards that correction is necessary to protect life and health. It is not the intent of this section that such changes comply fully with the requirements of the current edition of the Uniform Statewide Building Code. Only those changes that are needed to remedy the serious and dangerous hazards to life or health may be required by the code official. Reference is also made to Section 107.0 of the administrative provisions of the Uniform Statewide Building Code - Volume I, which provides authority for modifications to be issued for alternate means to be used that provide the same level of safety.

103.6 Annual report: At least annually, the code official shall submit to the authority designated by the local government a written statement of operations in the form and content prescribed by such local government. A copy shall be forwarded to the

Office of Uniform Building Code for use in studies to improve the Virginia Uniform Statewide Building Code system.

103.7 Enforcing agency records: The code official shall keep records of reports of inspections, notices and orders issued and such other matters as directed by the local government. Records may be disposed of in accordance with the provisions of the Virginia Public Records Act and, (a) after retention for 1 year in the case of buildings under 1,000 square feet in area and one and two family dwellings of any area, and (b) after retention for 3 years in the case of all other buildings.

SECTION 104.0 APPLICATIONS AND PERMITS

104.1 Procedures: Applications for permits for construction or alterations necessary to comply with this code shall be made to the building official under the procedures prescribed in Volume I - New Construction Code of the Uniform Statewide Building Code.

SECTION 105.0 MODIFICATIONS

105.1 Modifications: When there are practical difficulties involved in carrying out any provision of the Code, the owner or his agent, or the code official, may apply to the building official for a modification under the procedures of Volume I - New Construction Code of the Uniform Statewide Building Code when the proposed modification involves alterations or construction for which a building permit would be required. When the proposed modification does not involve any alterations or construction for which a building permit would be required, the code official may issue the modification.

105.2 Records: A copy of the application for modification and a copy of the final decision of the

official to whom the application was made shall be kept in the permanent records of the enforcing agency.

SECTION 106.0 VIOLATIONS

106.1 Code violations prohibited: No person, firm or corporation shall maintain or use any building or equipment in conflict with or in violation of any of the provisions of this Code.

106.2 Notice of violation: The code official shall serve a notice of violation on the person responsible for maintenance or use of a building in violation of the provisions of this Code. Such order shall direct the discontinuance and abatement of the violation.

106.3 Prosecution of violation: If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation; or to require the removal or termination of the use of the building in violation of the provisions of this Code.

106.4 Violation penalties: Violations of this Code are a misdemeanor in accordance with Section 36-106 of the Code of Virginia, and upon conviction, may be punished by a fine of not more than one thousand dollars.

106.5 Abatement of violation: Conviction of a violation of this Code shall not preclude the institution of appropriate legal action to prevent other violations or recurring violations of this Code relating to maintenance and use of the building or premises.

SECTION 107.0 APPEAL TO THE LOCAL BOARD
OF BUILDING CODE APPEALS

107.1 Grounds for appeal: The owner of a building or his agent may appeal from a decision of the code official to the local Building Code Board of Appeals established under Volume I - New Construction Code of the Uniform Statewide Building Code when it is claimed that:

1. The code official has refused to grant a modification of the provisions of the Code;
2. The true intent of this Code has been incorrectly interpreted;
3. The provisions of this Code do not fully apply;
4. The use of a form of compliance that is equal to or better than that specified in this Code has been denied.

107.2 Form of application: Applications for appeals shall be submitted in writing to the Local Building Code Board of Appeals.

107.3 Form of decision, notification: Every action of the Board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant, to the building official, and to the code official.

107.4 Enforcement of decision: The code official shall take immediate action in accordance with the decision of the Board.

SECTION 108.0 APPEAL TO THE STATE BUILDING CODE
TECHNICAL REVIEW BOARD

108.1 Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the local Board of Building Code Appeals, who was a

party to the appeal, or any officer or member of the governing body of the local jurisdiction, may appeal to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within 15 days of receipt of the decision of the local appeals board by the aggrieved party.

108.2 Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the code official shall take immediate action in accordance with the decision.

108.3 Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board shall be to the circuit court of original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4, Title 9-6.14:1 of the Code of Virginia.

SECTION 109.0 UNSAFE BUILDINGS

109.1 Right of condemnation: This section shall apply to buildings and their equipment that fail to comply with the Building Maintenance Code through deterioration, improper maintenance, or for other reasons, and thereby become unsafe, unsanitary, or deficient in adequate exit facilities, and which constitute a hazard, or are otherwise dangerous to human life or the public welfare. All such buildings shall be made safe through compliance with this Code or shall be vacated, taken down and removed. A vacant building, unsecured or open at door or window, may be deemed a fire hazard and unsafe within the meaning of this section.

109.2 Inspection of unsafe buildings: The code official shall examine every such building reported as unsafe, and shall prepare a report to be filed in

the records of the enforcing agency. In addition to a description of unsafe conditions found, the report shall include the use of the building, and nature and extent of damages, if any, caused by a collapse or failure.

109.3 Notice of unsafe buildings: If a building is found to be unsafe, the code official shall serve a notice to the owner, his agent or person in control of the unsafe building. The notice shall specify the required repairs or improvements to be made to the building, or require the unsafe building, or portion of the building to be taken down and removed within a stipulated time. Such notice shall require the person notified to declare to the designated official without delay his acceptance or rejection of the terms of the notice.

109.4 Posting of unsafe building notice: If the person named in the notice of unsafe building cannot be found after diligent search, such notice shall be sent by registered or certified mail to the last known address of such person. A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.

109.5 Disregard of notice: Upon refusal or neglect of the person served with a notice of unsafe building to comply with requirements of the notice to abate the unsafe condition, the code official may revoke the occupancy permit.

109.6 Authority to vacate building: When in the opinion of the code official, there is actual and immediate danger of failure or collapse of a building or any part of a building which would endanger life; or when any building or part of a building has fallen and life is endangered by occupancy of the building; or when any other hazardous condition poses an immediate and serious threat to life, the code

official may order the occupants to vacate the building. The code official shall post a notice at each entrance to such building that reads: "THIS STRUCTURE IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." Upon the posting of the notice, no person shall enter such a building except upon authorization of the code official for one of the following purposes: (a) to make the required repairs; (b) to take the building down and remove it; or (c) to make inspections.

109.7 Temporary safeguards and emergency repairs:

When, in the opinion of the code official, there is immediate danger of collapse or failure of a building or any part of a building which would endanger life, or when a violation of this code results in a hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants, the code official shall have the necessary work done to the extent permitted by the local government to make such building or part of the building temporarily safe, whether or not legal action to force compliance has begun.

SECTION 110.0 DEMOLITION OF BUILDINGS

110.1 Procedures for demolition: Whenever a building is to be demolished pursuant to any provision of this Code, the work shall be carried out in compliance with the requirements of Volume I - New Construction Code of the Uniform Statewide Building Code.

SECTION 111.0 VALIDITY

Section 111.0 Partial invalidity: In the event any part or provision of the USBC is held to be illegal or void, such holdings shall not have the effect of making void or illegal any of the other parts or provisions thereof. It shall be presumed that the USBC would have been adopted without such illegal or invalid part or provision if the determination of invalidity had been known at the time of adoption.

ADDENDUM 1AMENDMENTS TO THE BOCA BASIC/NATIONAL EXISTING
STRUCTURES CODE/ 1984 EDITION

As provided in Section 101.3 of Volume II - Building Maintenance Code of the 1984 edition of the Virginia Uniform Statewide Building Code, the amendments noted in this Addendum shall be made to the BOCA Basic/-National Existing Structures Code/1984 edition for use as part of the Building Maintenance Code.

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

1. Article 1, Administration and Enforcement, is deleted in its entirety and replaced with Article 1 of the Building Maintenance Code.

ARTICLE 3

ENVIRONMENTAL REQUIREMENTS

1. Delete Section ES-301.1
2. Delete Section ES 301.1.1
3. Delete Section ES-301.3
4. Delete Section ES-301.4
5. Delete Section ES-301.6
6. Delete Section ES-301.7

Note: The above sections of this code have been deleted because the agency's Attorney General representative advises that they cannot be interpreted as building regulations under the current language of § 36-99(7) of the Code of Virginia.

7. Delete Section ES-301.10
8. Delete Section ES-301.10.1
9. Delete Section ES-301.10.2
10. Delete Section ES-301.11

ARTICLE 4

LIGHT, VENTILATION AND SPACE REQUIREMENTS

Change Section ES-401.2 to read:

ES-401.2 Habitable spaces: Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 4 percent of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the building code. Whenever walls or other portions of a structure face a window of any other room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

ARTICLE 6

Note: See § 36-97(13) of the Code of Virginia for equipment definition.

ARTICLE 8

1. Delete Section ES-801.2
2. Delete Section ES-801.3

ARTICLE 9

Delete Article 9

APPENDIX A

Delete Appendix A

APPENDIX B

Delete Appendix B

APPENDIX C

Delete Appendix C

VIRGINIA UNIFORM STATEWIDE BUILDING CODE LAWS

CODE OF VIRGINIA, TITLE 36
CHAPTER 6, UNIFORM STATEWIDE BUILDING CODE

Article 1
General Provisions

§ 36-97. Definition.--As used in this chapter, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them, respectively:

(1) "Board" means the Board of Housing and Community Development.

(2) (3) [Repealed.]

(4) "Review Board" means the State Building Code Technical Review Board.

(5) "Building Code" means the Uniform Statewide Building Code.

(6) "Code provisions" means the provisions of the Uniform Statewide Building Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated by such Board from time to time.

(7) "Building regulations" means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions, or other agencies thereof, relating to construction, reconstruction, alteration, conversion, repair, maintenance, or use of structures and buildings and installation of equipment therein. The term does not include zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

(8) "Municipality" means any city or town in this State.

(9) "Local governing body" means the governing body of any city, county or town in this State.

(10) "Local building department" means the agency or agencies of any local governing body charged with the administration, supervision, or enforcement of building codes and regulations, approval of plans, inspection of buildings, or issuance of permits, licenses, certificates or similar documents prescribed or required by State or local building regulations.

(11) "State agency" means any State department, board, bureau, commission, or agency of this State.

(12) "Building" means a combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property; however farm buildings not used for residential purposes and frequented generally by the owner, members of his family, and farm employees shall be exempt from the provisions of the Uniform Statewide Building Code, but such buildings lying within flood plain or in a mudslide-prone area shall be subject to flood proofing regulations or mudslide regulations, as applicable. 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.

(13) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning and refrigeration equipment, elevators, dumbwaiter, escalators, and other mechanical additions or installation.

(14) "Construction" means the construction, reconstruction, alteration, repair or conversion of buildings.

(15) "Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.

(16) [Repealed].

(17) "Director" means the Director of the Department of Housing and Community Development.

(18) "Structure" means an assembly of materials forming a construction for occupancy or use including

stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature, but excluding water wells. Farm structures not used for residential purposes shall be exempt from the provisions of the Uniform Statewide Building Code, but such structures lying within a flood plain or in a mudslide-prone area shall be subject to flood proofing regulations or mudslide regulations, as applicable. The structure shall be construed as though followed by the words or part or parts thereof unless the context clearly requires a different meaning.

(19) "Department" means the Department of Housing and Community Development. (1972, c. 829; 1974, cc. 622, 668; 1975, C. 394; 1977, cc. 423, 613; 1978, c. 703; 1986, c. 401.)

§ 36-98. Board to promulgate Statewide Code; other codes and regulations superseded; exceptions.--The Board is hereby directed and empowered to adopt and promulgate a Uniform Statewide Building Code. Such building code shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. However, such Code shall not supersede the regulations other state agencies which require and govern the functional design and operation of building related activities not covered by the Uniform Statewide Building Code including but not limited to: (1) public water supply systems, (2) waste water treatment and disposal systems, and (3) solid waste facilities. Nor shall state agencies be prevented from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of the Uniform Statewide Building Code. (1972), c. 829; 1977, c. 718; 1980, c. 104; 1982, c. 267.)

§ 36-98.1. State buildings.--The Building Code

shall be applicable to all State-owned buildings and structures, with the exception that §§ 2.1-514 through 2.1-521.1 shall provide the standards for ready access to and use of state-owned building by the physically handicapped.

Any state-owned building or structure for which preliminary plans were prepared or on which construction commenced after the initial effective date of the Uniform Statewide Building Code, shall remain subject to the provisions of the Uniform Statewide Building Code that were in effect at the time such plans were completed or such construction commenced. Subsequent reconstruction, renovation or demolition of such building or structure shall be subject to the pertinent provisions of the Building Code.

Acting through the Division of Engineering and Buildings, the Department of General Services shall function as the building official for state-owned buildings. The Department shall review and approve plans and specifications, grant modifications, and establish such rules and regulations as may be necessary to implement this section. It shall provide for the inspection of state-owned buildings and enforcement of the Building Code and standards for access by the physically handicapped by delegating inspection and Building Code enforcement duties to the State Fire Marshal's Office, to other appropriate state agencies having needed expertise, and to local building departments, all of which shall provide such assistance within a reasonable time and in the manner requested. State agencies and institutions occupying buildings shall pay to the local building department the same fees as would be paid by a private citizen for the services rendered when such services are requested by the Department of General Services. The Department of General Services may alter or overrule any decision of the local building department after having first considered the local building department's report or other rationale given for its decision. When altering or overruling any decision of a local building department, the Depart-

ment of General Services shall provide the local building department with a written summary of its reasons for doing so. (1981, c. 325; 1982, c. 97.): 1986

§ 36-98.2. Appeals from decisions of Building Official regarding state-owned buildings.--Appeals by the involved state agency from the decision of the Building Official for state-owned buildings shall be made directly to the State Building Code Technical Review Board. (1982, c. 97.)

§ 36-99. Provisions of Code.--The Building Code shall prescribe building regulations to be complied with in the construction of buildings and structures, and the equipment therein as defined in § 36-97, and shall prescribe regulations to insure that such regulations are properly maintained, and shall also prescribe procedures for the administration and enforcement of such regulations. The provisions thereof shall be such as to protect the health, safety and welfare of the residents of this Commonwealth, 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 and barrier-free provisions for the physically handicapped and aged. Such regulations shall be reasonable and appropriate to the objectives of this chapter.

In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the Southern Building Code Congress, the Building Officials Conference of America and the National Fire Protection Association.

Where practical, the Code provisions shall be stated in terms of required level of performance, so as to facilitate the prompt acceptance of new building materials and methods. When generally recognized

standards of performance are not available, such provisions shall provide for acceptance of materials and methods whose performance has been found by the Board, on the basis of reliable test and evaluation data, presented by the proponent, to be substantially equal in safety to those specified. (1972, c. 829; 1974, c. 433; 1975, c. 394; 1977, cc. 423, 613; 1978, c. 581; 1981, c. 2; 1982, c. 267.)

§ 36-99.1. Certification of electrical, plumbing and building related mechanical workers.--No electrical worker or plumbing worker or building related mechanical worker shall be required to be examined or certified by the Board or by the locality at the direction of the Board if such person was certified or licensed prior to July 1, 1978, in accordance with provisions made by any local governing body, provision required of any local governing body or provision made by the Commonwealth. (1974, c. 437; 1977, c. 613; 1978, cc. 268, 751; 1979, c. 352; 1982, c. 314.)

§ 36-99.2. Standards for replacement glass.-- Any replacement glass installed in buildings constructed prior to the effective date of the Uniform Statewide Building Code shall meet the quality and installation standards for glass installed in new buildings as are in effect at the time of installation. (1976, C. 137)

§ 36-99.3. Smoke detectors in colleges and universities.-- College or university buildings containing dormitories for sleeping purposes shall be provided with battery or AC powered smoke detector devices installed therein in accordance with the Uniform Statewide Building Code. After January 1, 1984, all college and university dormitories shall have installed and use due diligence in maintaining in good working order such detectors regardless of when the building was constructed.

The chief administrative office of the college or university shall obtain a certificate of compliance

from the building official of the locality in which the college or university is located or in the case of state-owned buildings, from the Director of the Department of General Services.

The provisions of this section shall not apply to any dormitory at a state-supported military college or university which is patrolled twenty-four hours a day by military guards. (1982, c 375.)

§ 36-99.4. Smoke detectors in certain juvenile care facilities.-- Battery or AC-powered smoke detector devices shall be installed in all local and regional detention homes, group homes, and other residential care facilities for children or juveniles which are operated by or under the auspices of the Department of Corrections, regardless of when the building was constructed, in accordance with the provision of the Uniform Statewide Building Code by June 1, 1986. Administrators of such homes and facilities shall be responsible for the installation and maintenance of the smoke detector devices. (1984, c. 179.)

§ 36-99.5. Smoke detectors for the deaf and hearing-impaired.-- Smoke detectors providing a light signal sufficient to warn a deaf or hearing-impaired individual shall be provided, upon written request by the occupant to the landlord or proprietor, to any deaf or hearing-impaired occupant of any of the following occupancies, regardless of when constructed:

1. All dormitory buildings arranged for the shelter and sleeping accommodations of more than twenty individuals;

2. All multiple-family dwellings having more than two dwelling units, including all dormitories, boarding and lodging houses arranged for shelter and sleeping accommodations of more than five and not more than twenty individuals; or

3. All buildings arranged for use of one-family or two-family dwelling units, including not more than five lodgers or boarders per family.

A tenant shall be responsible for the maintenance and operation of the smoke detector in the tenant's unit.

A hotel or motel shall have available no fewer than one such smoke detector for each 100 units, except that this requirement shall not apply to any hotel or motel with fewer than fifty units.

The proprietor or landlord may require a refundable deposit for a smoke detector, not to exceed the original cost or replacement cost whichever is greater of the smoke detector.

Failure to comply with the provisions of this section within a reasonable time shall be punishable as a Class 4 misdemeanor.

This law shall have no effect upon existing local law or regulation which exceeds the provisions prescribed herein. (1984, C. 753.)

§ 36-100. Notice and hearings on adoption of Code, amendments and repeals. --Before any Code provisions are adopted, the Board shall hold at least one public hearing. At least thirty days' notice thereof shall be given by publication in at least four newspapers of general circulation published in the State. In addition to notice by publication, the Board shall notify in writing the mayor or other like official of every municipality in the State, and the chairman of the governing body of every county in the State of such hearing, but failure to give or receive any such notice shall not in anywise impair the validity of any Code provisions adopted, amended or repealed. At any such hearing all persons desiring to do so shall be afforded an opportunity to present their views. Notice of amendments to or repeal of any Code provisions theretofore adopted shall be given as aforesaid. (1972, c. 829; 1977, c. 613.)

§ 36-101. Effective date of Code; when local codes may remain in effect.--No Code provisions shall be made effective prior to January 1, 1973, or later than September 1, 1973; provided that the initial

Building Code shall not become effective earlier than 180 days after the publication thereof.

It is further provided that where, in the opinion of the Review Board, local codes are in substantial conformity with the State Code the local code may, with the concurrence of the Review Board remain in effect for two years from the effective day of the State Code for transition to implementation of the State Code.(1972, c. 829.)

§ 36-102. Modification, amendment or repeal of Code provisions.--The Board may modify, amend or repeal any Code provisions from time to time as the public interest requires, after notice and hearing as provided in § 36-100 of this chapter. No such modification or amendment shall be made effective earlier than thirty days from the adoption thereof. (1972, c. 829; 1977, c. 613.)

§ 36-103. Buildings, etc., existing or projected before effective date of Code.--Any building or structure, for which a building permit has been issued or on which construction has commenced, or for which working drawings have been prepared in the year prior to the effective date of the Building Code, shall remain subject to the building regulations in effect at the time of such issuance or commencement of construction. However, the Board may adopt and promulgate as part of the Building Code, minimum building regulations for existing buildings to ensure the protection of public health, safety and welfare. Subsequent reconstruction, renovation, repair or demolition of such buildings or structures shall be subject to the pertinent provisions of the Building Code. The provisions of this section shall be applicable to equipment. However, building owners may elect to install partial or full fire alarms or other safety equipment that was not required by the Building Code in effect at the time a building was constructed without meeting current Building Code requirements, provided the installation does not

create a hazardous condition. Permits for installation shall be obtained in accordance with the Uniform Statewide Building Code. (1972. c. 829; 1976, c. 638; 1982, c 267.) :1986

§ 36-104. Code to be printed and furnished on request; true copy.--The Department shall have printed from time to time and keep available in pamphlet form all Code provisions. Such pamphlets shall be furnished upon request to members of the public. A true copy of all such provisions adopted and in force shall be kept in the office of the Department, accessible to the public. The Department may charge a reasonable fee for distribution of the Building Code based on production and distribution costs. (1972, c. 829; 1974, c. 298; 1977, c. 613.)

§ 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings.--Enforcement of the Building Code shall be the responsibility of the local building department. There shall be established within each local building department a local board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the Building Code. Appeals from the local building department concerning application of the Building Code or refusal to grant a modification to the provisions of the Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure shall first lie to the local board of Building Code appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals. Whenever a county or a municipality does not have such a building department or board of Building Code appeals, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by the Department for such enforcement and appeals resulting therefrom. Fees may be

levied by the local governing body in order to defray the cost of such enforcement and appeals.

Any building may be inspected at any time before completion, and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than \$1,000, however, the building inspection may, in the discretion of the inspecting authority, be waived. A local governing body may provide that buildings and structures, permanent or temporary, which are used to store hazardous materials, or occupied or to be used by twenty or more persons who are employed, lodged, housed, assembled, served, entertained or instructed therein, or the common areas of residential structures containing four or more units, including buildings owned by the Commonwealth or by any of its political subdivisions and the equipment therein, be inspected periodically after completion to insure that the Building Code regulations are properly maintained. The building official shall coordinate all reports with inspections for compliance of the Building Code, from fire health officials delegated such authority, prior to issuance of an occupancy permit.

The local governing body may inspect and enforce the building regulations promulgated by the Board for existing buildings. Such enforcement shall be carried out by an agency or department designated by the governing body. (1972, c. 829; 1974, c. 433; 1977, cc. 423, 613; 1978, c. 578; 1981, c. 498; 1982, c. 267.)

§ 36-106. Violation a misdemeanor.--It shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of such a violation shall be punished by a

fine of not more than \$1,000. (1972, c. 829; 1975, c. 367.)

§ 36-107. Employment of personnel for administration of chapter. --Subject to the provisions of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1 of the Code of Virginia, the Director may employ such permanent and temporary clerical, technical and other assistants as are necessary or advisable for the proper administration of the provision of this chapter. (1972, c. 829; 1974, c. 668; 1977, c. 613.)

§ 36-108. Board continued; members.--There is hereby continued, in the Department, the State Building Code Technical Review Board, consisting of seven members, appointed by the Governor subject to confirmation by the General Assembly. The members shall include one member who is a registered architect, selected from a slate presented by the Virginia Society of the American Institute of Architects; one member who is a professional engineer in private practice, selected from a slate presented by the Virginia Society of Professional Engineers; one member who is a residential builder selected from a slate presented by the Home Builders Association of Virginia; one member who is a general contractor selected from a slate presented by the Virginia Branch, Associated General Contractors of America; one member who has had experience in the field of enforcement of building regulations, selected from a slate presented by the Virginia Building Officials Conference; one member who is employed by a public agency as a fire prevention officer selected from a slate presented by the Virginia Fire Chiefs' Association; and one member from the State at large who may be a member of a local governing body. The members shall serve at the pleasure of the Governor. (1972, c. 829; 1974, c. 668; 1976, c. 484; 1977, cc. 92, 613.)

§ 36-109. Officers; secretary.--The Review Board,

under rules adopted by itself, shall elect one of its members as chairman, for a term of two years, and may elect one of its members as vice-chairman. The Review Board may also elect a secretary, who may be a nonmember. (1972, c. 829.)

§ 36-110: Repealed by Acts 1980, c. 728.

§ 36-111. Oath and bonds.--Before entering upon the discharge of his duties, each member of the Review Board shall take an oath that he will faithfully and honestly execute the duties of his office during his continuance therein; and shall give bond with corporate surety in such penalty as may be fixed by the Governor, conditioned upon the faithful discharge of his duties. The premiums on such bonds shall be paid for as other expenses of the Department are paid. (1972, c. 829; 1974, c. 668; 1977, c. 613.)

§ 36-112. Meetings.--The Review Board shall meet at the call of the chairman, or at the written request of at least three of its members; provided that it shall act within thirty days following receipt of any appeal made under the provisions of this chapter. (1972, c. 829.)

§ 36-113. Offices.--The Review Board shall be furnished adequate space and quarters in the suite of offices of the Department, and such Board's main office shall be therein. (1972, c. 829; 1974, c. 668; 1977, c. 613.)

§ 36-114. Board to hear appeals from decisions under Code.--The Review Board shall have the power and duty to hear all appeals from decisions arising under application of the Building Code and of the Fire Prevention Code adopted under the Statewide Fire Prevention Code Act (§ 27-94 et seq.), and to render its decision on any such appeal, which decision shall be final if no appeal is made therefrom. Proceedings of the Review Board shall be governed by the provi-

sions of the Administrative Process Act (§ 9-6.14:1 et seq.) (1972, c. 829; 1977, c. 423; 1986, cc. 37, 429.)

§ 36-115. Subpoenas; witnesses; designation of subordinates.--In any matter before it on appeal for hearing and determination, the Review Board, or its designated subordinates, may compel the attendance of all needed witnesses in like manner as a circuit court, save the Review Board shall not have the power of imprisonment. In taking evidence, the chairman or any member of the Review Board, or its designated subordinates, shall have the power to administer oaths to witnesses. Where a designated subordinate or the Review Board presides over hearings on appeals, such subordinate shall submit recommended findings and a decision to the Review Board pursuant to § 9-6.14:12 of the Code of Virginia. (1972, c. 829; 1977, c. 423.)

§ 36-116: Repealed by Acts 1977, c. 613.

§ 36-117. Record of decisions.--A record of all decisions of the Review Board, properly indexed, shall be kept in the office of such Board. Such record shall be open to public inspection at all times during business hours. (1972, c. 829.)

§ 36-118. Interpretation of Code; recommendation of modifications.--The Review Board shall interpret the provisions of the Building Code, the Fire Safety Code, and the Fire Prevention Code, and shall make such recommendations, which it deems appropriate, to the Board for modification, amendment or repeal of any of such provisions. A record of all such recommendations, and of the Board's actions thereon, shall be kept in the office of the Review Board. Such record shall be open to public inspection at all times during business hours. (1972, c. 829; 1977, c. 613; 1986, c. 429.)

§ 36-119. Rules and regulations under § 36-73 not superseded.--This chapter shall not amend, supersede, or repeal the rules and regulations prescribing standards to be complied with, in industrialized building units and mobile homes promulgated under § 36-73 of the Code of Virginia. (1972, c. 829.)

§ 36-119.1. Existing buildings.--This chapter shall not supersede state building regulations, heretofore or hereafter promulgated by the Board of Housing and Community Development under §§ 27-72 and 27-97 of the Code of Virginia, that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code nor shall the Fire Prevention Code impose requirements that are more restrictive than the applicable building code under which said buildings or structures were constructed. Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the Building Code. (1986, c. 429.)

OTHER RELATED LAWS

§ 19.2-8. Limitation of prosecutions.--A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petty larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense. In a prosecution for violation of laws governing the placement of children for adoption without a license pursuant to §63.1-196 of the Code, no action shall be commenced after the expiration of one year from the date of the filing of the petition for adoption. A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§60.1-1 et seq.) shall be commenced within three years next after the commission of the offense. A prosecution for any violation of §§10-17-29, 62.1-44.32 (b) 62.1 194.1, or §62.1-195 which involves the discharge, dumping or emission of any toxic substance as defined in §32.1-239 shall be commenced within three years next after the commission of the offense. Prosecution of Building Code violations under §36-105 shall commence within one year of either commission of the offense or discovery of the offense by the owner or by the building official; provided that such discovery occurs within one year of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later, but in either event not more than two years from the date of the commission of the offense. Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense. Prosecution of any violation of §§55-79.87, 55-79.88,

55-79.89, 55-79.90, 55-79.94, 55-79-95, 55.79-103, or any rule adopted under or order issued pursuant to §55-79.98, shall commence within three years next after the commission of the offense. Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without this Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child. (Code 1950, §19.1-8; 1960, c. 366; 1974, c. 466; 1975, c. 495; 1976, cc. 114; 620; 1977, c. 108; 1978, c. 730; 1979, c. 243; 1980, c. 496; 1981, c. 31; 1984, c. 601.)

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ADDENDUM 4

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FORMS AVAILABLE

The Office of Uniform Building Code has prepared certain forms for the assistance of users of the Uniform Statewide Building Code. Copies of the forms may be obtained free-of-charge in reasonable quantities from:

Office of Uniform Building Code
Department of Housing and Community Development
205 North Fourth Street - Fourth Floor
Richmond, Virginia 23219

Forms available at this time include:

- ° Request for Interpretation to the State Building Code Technical Review Board
- ° Application for Appeal to the State Building Code Technical Review Board
- ° Proposed Changes to the Uniform Statewide Building Code