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**1987**

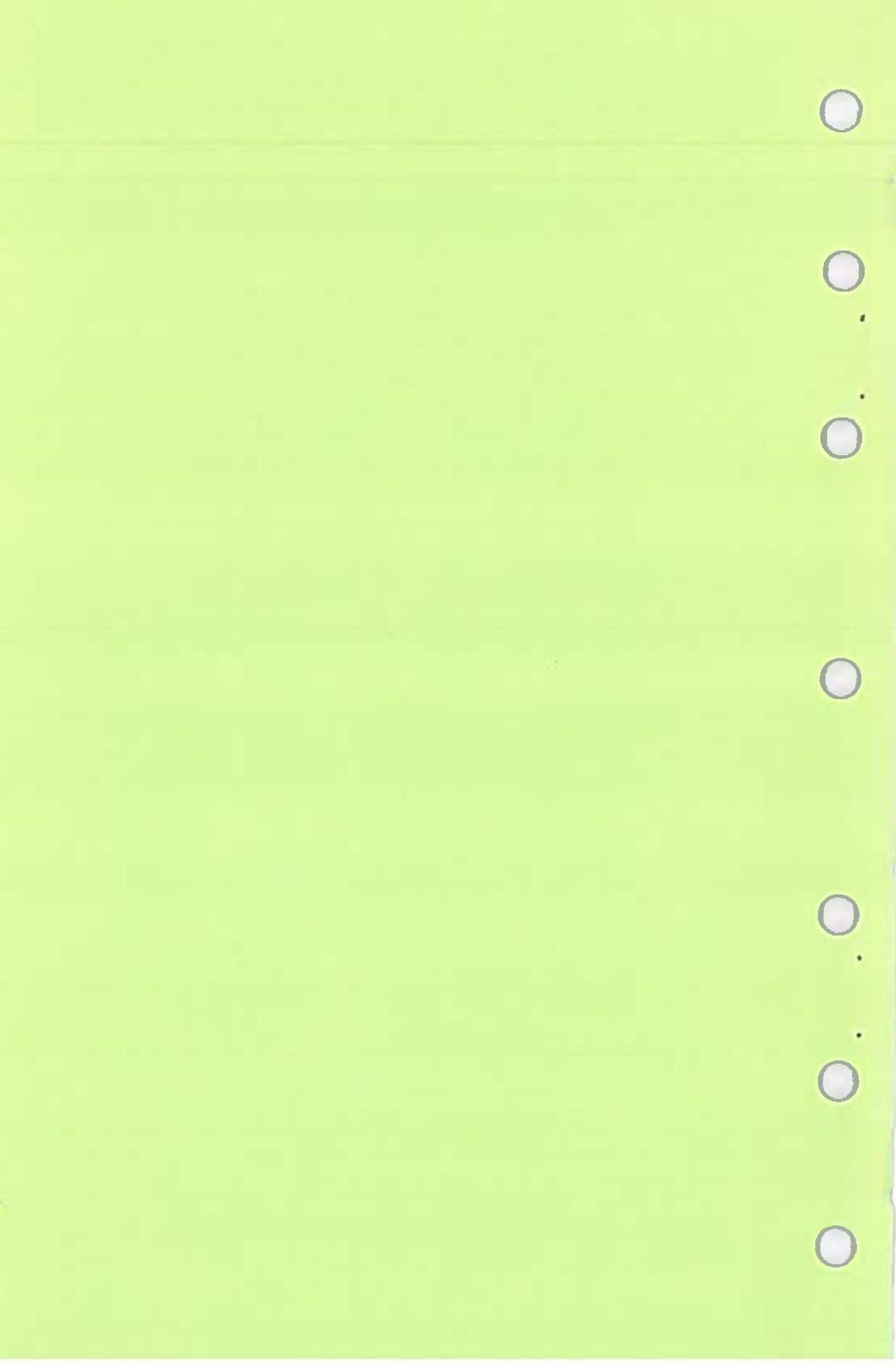
**EDITION - SECOND AMENDMENT**

**VIRGINIA  
UNIFORM STATEWIDE  
BUILDING CODE**



**VOLUME II  
BUILDING MAINTENANCE CODE**

**COMMONWEALTH OF VIRGINIA  
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**



**VIRGINIA  
UNIFORM STATEWIDE BUILDING CODE  
VOLUME II  
BUILDING MAINTENANCE CODE  
1987 EDITION**

**VR 394-01-22**

**Adopted by the State**

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

**SECOND AMENDMENT  
Effective October 1, 1990**

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



## SUMMARY

Volume II - Building Maintenance Code of the 1987 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 National Existing Structures Code, a companion document to the BOCA National 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 1987 EDITION

Requirements of the USBC are 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 the 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 organization is available from:

Code Development Office  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219  
Tel. (804) 371-7772

### 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 Code Development Office.

### 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:

Code Development Office  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219  
Telephone (804) 225-3530

## USER ASSISTANCE

Enforcement of the Virginia USBC is the responsibility of local government. The local building department should be consulted for information and assistance. Further information may also be available from:

Code Development Office  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219  
Telephone (804) 371-7772

Copies of the model codes and standards referenced by the Building Maintenance Code are available for public inspection in the Code Enforcement Office. They may be purchased through:

Building Officials and Code Administrators International, Inc.  
4051 West Flossmoor Road  
Country Club Hills, Illinois 60478-5795

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### NOTE TO UNIFORM STATEWIDE BUILDING CODE USERS

This edition of the USBC, Volume II contains, for the benefit and convenience of code users, a vertical line in the outside margins of some pages.

This line indicates amendments effective October 1, 1990.

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# 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 1987 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 1987 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 December 14, 1987. 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 March 1, 1988.

**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 of the 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 of the 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.)

**100.6 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; 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.

**100.6.1 Hotels and motels:** Pre-USBC hotels and motels shall also comply with applicable provisions of Section 111.0.

**100.6.2 Nursing homes and Homes for Adults:** Pre-USBC nursing homes licensed by the Virginia Department of Health, and pre-USBC Homes for Adults licensed by the Virginia Department of Social Services shall also comply with applicable provisions of Section 111.0.

**100.7 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.

**100.7.1 Hotels and motels:** Post-USBC hotels and motels shall also comply with applicable provisions of Section 111.0.

**100.7.2 Nursing homes and Homes for Adults:** Post-USBC nursing homes licensed by the Virginia Department of Health, and post-USBC Homes for Adults licensed by the Virginia Department of Social

## ADOPTION, ADMINISTRATION AND ENFORCEMENT

Services shall also comply with applicable provisions of Section 111.0.

**100.8 Exemptions for certain equipment:** The provisions of the Building Maintenance Code shall not apply to distribution equipment installed by a provider of publicly 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.

**100.9 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.

**100.10 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. Proper building maintenance shall be deemed to include the maintenance and inspection of building equipment defined by Section 36-97(13) of the Code of Virginia.

**100.11 Workmanship:** All repairs, maintenance work, alterations or installations which are required for compliance with this code shall be executed and installed in a workmanlike and acceptable manner so as to secure the results intended by this code.

### SECTION 101.0 REQUIREMENTS

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

\* **BOCA NATIONAL EXISTING STRUCTURES CODE/1987 EDITION**

Published by:

Building Officials and Code Administrators International, Inc.

4051 West Flossmoor Road

Country Club Hills, Illinois 60478-5795

**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 National Existing Structures Code/1987 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

## ADOPTION, ADMINISTRATION AND ENFORCEMENT

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.

**102.2 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.

**102.3 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.

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

**102.4.1 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 technical assistants adequate to insure proper administration and enforcement of the Building Maintenance Code. (Note: Detailed requirements for the qualifications of the building official and technical 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 certification programs approved by the

Department of Housing and Community Development and of the Fire Inspection Certification Program of the State Department of Fire Programs in the selection and training 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 code official or the code official's 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 such officer or employee in the discharge of official 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:** The minimum standards of conduct for officials and employees of the enforcing agency shall be in accordance with the provisions of the Virginia Comprehensive Conflict of Interest Act.

**102.8 Assistance by State:** Upon notification of appointment of a code official, the Division of Building Regulation shall advise the official of all services offered and will keep the official 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

## ADOPTION, ADMINISTRATION AND ENFORCEMENT

Section 36-118 of the 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, the official 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 103.2 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 Professional Services 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, (i) after retention for one year in the case of buildings under 1,000 square feet in area and one and two family dwellings of any area, and (ii) after retention for three 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 the owner's 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

## ADOPTION, ADMINISTRATION AND ENFORCEMENT

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 \$1,000.

**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 UNSAFE BUILDINGS

**107.1 General:** This section shall apply to buildings and their equipment that fail to comply with the Building Maintenance Code through damage, deterioration, infestation, 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, health or safety, or the public welfare. All such buildings shall be declared by the code official to be a public nuisance and unfit for human habitation and shall be made safe through compliance with this code or shall be vacated, and either secured against public entry, or taken down and removed as directed by the code official. A vacant building, unsecured or open at door or window, may be deemed a fire hazard and unsafe within the meaning of this section.

**107.2 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.

**107.3 Notice of unsafe buildings:** If a building is found to be unsafe, the code official shall serve a notice to the owner, the owner's 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 acceptance or rejection of the terms of the notice. (Note: Whenever possible, the notice of unsafe building should also be given to the tenants of the unsafe building.)

**107.4 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.

**107.5 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 certificate of occupancy. In the case of a vacant building, including one vacated through revocation of the certificate of occupancy, the code official may cause the building to be closed through any available means.

**107.6 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; or when a building is declared a public nuisance, and unfit for human habitation, 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 OR UNFIT FOR HABITATION 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: (i) to make the required repairs; (ii) to take the building down and remove it; or (iii) to make inspections.

**107.7 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 108.0 APPEAL TO THE LOCAL BOARD OF BUILDING CODE APPEALS

**108.1 Grounds for appeal:** The owner of a building or the owner's 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 within 20 days after the day the notice was served 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.

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

**108.3 Notice of meeting:** The board shall meet upon notice of the chairman or at stated periodic meetings if warranted by the volume of work. The board shall meet within 20 working days of the filing of an appeal.

**108.4 Hearing open to public:** All hearings shall be public in accordance with the Virginia Freedom of Information Act. The appellant, the appellant's representative, the code official of the jurisdiction and any other person whose interest may be affected by the matter on appeal, shall be given an opportunity to be heard.

**108.5 Postponement of Hearing:** A quorum shall be more than 50% of the board. When a quorum of the board, as represented by members or alternates, is not present to consider a specific appeal, either the appellant, the building official or their representatives may, prior to the start of the hearing, request a single postponement of the hearing of up to ten (10) working days. A vote equivalent to a majority of the quorum of the board is required to reverse or modify the decision of the building official.

**108.6 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.

**108.7 Enforcement of decision:** The code official shall take immediate

## ADOPTION, ADMINISTRATION AND ENFORCEMENT

action in accordance with the decision of the board.

### SECTION 109.0 APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD

**109.1 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, 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.

**109.2 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.

**109.3 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 of Chapter 1.1:1 of Title 9 of the Code of Virginia.

### 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 SPECIAL PROVISIONS

**111.1 General:** The provisions of this section contain requirements for improving the safety of certain buildings by requiring the installation of materials or equipment not originally required. Unless otherwise noted, these provisions shall apply equally to both pre- and post-USBC buildings.

**111.2 Hotels and motels:** Existing hotels and motels shall comply with the provisions of this section.

**111.2.1 Fire sprinkler system:** An automatic sprinkler system meeting the requirements of the USBC, Volume I, 1987 Edition, Second Amendment (effective date March 1, 1990), for Use Group R-1, shall be installed throughout existing hotels and motels by either March 1, 1997, or within seven years of the date upon which an adequate water supply is made available to meet the needs of the suppression system, whichever is later.

**Exceptions**

1. Hotels and motels that are equipped throughout with an automatic sprinkler system.
2. Hotels and motels which are three stories or less in height.

**111.2.2 Single and multiple station smoke detectors:** Single and multiple station smoke detectors meeting the requirements of the USBC, Volume I, 1987 Edition, Second Amendment, for Use Group R-1, shall be installed in existing hotels and motels by March 1, 1993.

**Exception:** Hotels and motels that are equipped throughout with single and multiple station smoke detectors.

**111.3 Nursing homes and nursing facilities:** Existing nursing homes and nursing facilities licensed by the Virginia Department of Health shall comply with the provisions of this section.

**111.3.1 Automatic sprinkler system:** An automatic sprinkler system meeting the requirements of the USBC, Volume I, 1987 Edition, Third Amendment (effective date October 1, 1990), for Use Group I-2, shall be installed in existing nursing homes and nursing facilities by January 1, 1993 as follows:

1. NFIPA 13D Standard for one story buildings.
2. NFIPA 13R Standard for buildings two or three stories in height.
3. NFIPA 13 Standard for buildings four or more stories in height.

## ADOPTION, ADMINISTRATION AND ENFORCEMENT

### Exceptions

1. Nursing homes and nursing facilities which are equipped throughout with an automatic sprinkler system.
2. Nursing facilities consisting of certified long-term care beds located on the ground floor of general hospitals.

**111.3.1.1 Quick response sprinklers:** Quick response sprinklers shall be installed in patient sleeping rooms of buildings subject to Section 111.3.1.

**111.3.1.2 Exceptions provided for:** Buildings equipped throughout with an automatic fire sprinkler system meeting the requirements of NFPA 13 shall be permitted to use the exceptions provided in the USBC, Volume I, 1987 Edition, Third Amendment including, but not limited to, the following:

1. Section 502.3 (Area Increase)
2. Section 503.1 (Height Increase)
3. Section 610 (Use Group I-2 Areas)
4. Section 807 (Types and Location of Means of Egress)
5. Section 808 (Capacity of Egress Components)
6. Section 809 (Number of Exits)
7. Section 810 (Exit Access Passageways and Corridors)
8. Section 921 (Firestopping and Draftstopping)

**111.3.2 Fire protective signaling system:** A fire protective signaling system meeting the requirements of the USBC, Volume I, 1987 Edition, Third Amendment, for Use Group I-2, shall be installed in existing nursing homes and nursing facilities by August 1, 1994.

**Exception:** Nursing homes and nursing facilities that are equipped throughout with an automatic fire protective signaling system.

**111.3.3 Fire detection system:** An automatic fire detection system meeting the requirements of the USBC, Volume I, 1987 Edition, Third Amendment, for Use Group I-2, shall be installed in existing nursing homes and nursing facilities by August 1, 1994.

**111.3.3.1 Fire detection system in existing sprinklered facilities:** Nursing homes and nursing facilities that are exempt from Section 111.3.1 because of an existing automatic sprinkler system shall install a fire detection system meeting the requirements of the USBC, Volume I, 1987 Edition, Second Amendment, for Use Group I-2.

**111.4 Homes for Adults:** Existing Homes for Adults licensed by the Virginia Department of Social Services shall comply with this section.

**111.4.1 Fire protective signaling system and fire detection system:** A fire protective signaling system and an automatic fire detection system meeting the requirements of the USBC, Volume I, 1987 Edition, Third Amendment, shall be installed in Homes for Adults by August 1, 1994.

**Exception:** Homes for Adults that are equipped throughout with a fire protective signaling system and an automatic fire detection system.

**111.4.2 Single and multiple station smoke detectors:** Battery or AC-powered single and multiple station smoke detectors meeting the requirements of the USBC, Volume I, 1987 Edition, Third Amendment, shall be installed in Homes for Adults by August 1, 1994.

**Exception:** Homes for adults that are equipped throughout with single and multiple station smoke detectors:

# ADDENDUM 1

## AMENDMENTS TO THE BOCA NATIONAL EXISTING STRUCTURES CODE/1987 EDITION

As provided in section 101.3 of Volume II - Building Maintenance Code of the 1987 edition of the Virginia Uniform Statewide Building Code, the amendments noted in this Addendum shall be made to the BOCA National Existing Structures Code/1987 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 301.10.2

## 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 4.0% 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 three 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 5

### PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Change Section ES-503.5 to read:

**ES-503.5 Water Conservation:** Plumbing fixtures which are replaced shall be of water saving construction and use as required by the energy and plumbing codes listed in the Virginia Uniform Statewide Building Code, Volume I, New Construction.

## ARTICLE 6

1. Delete Section ES-601.5 Boiler inspections:

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

## ARTICLE 7

Add new Section ES-704.2.1

**ES-704.2.1 Visual and Audible Alarms:** Visual and audible alarms meeting the requirements of ANSI/UL Standard 1638 and ANSI/NFPA 72G shall be provided in occupancies housing the hard of hearing as required by Section 36-99.5 of the Code of Virginia; however, all visual alarms shall provide a minimum intensity of 100 candela. Portable alarms meeting these requirements shall be accepted.

## ARTICLE 8

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

## ARTICLE 9

Delete Article 9

**APPENDIX A**

Change Appendix A as follows:

1. Delete standard reference number NECC-87 National Energy Conservation Code.
2. Delete standard reference number NFPC-87 National Fire Prevention Code and substitute the Uniform Statewide Fire Prevention Code as adopted by the Virginia Department of Housing and Community Development.

# ADDENDUM 2

## UNIFORM STATEWIDE BUILDING CODE LAW

### CODE OF VIRGINIA

### TITLE 36 CHAPTER 6

(and other related laws)

ARTICLE 1.

*General Provisions.*

§ 36-97. **Definitions.** — 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 Commonwealth.

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

(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 Commonwealth.

(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, dumbwaiters, escalators, and other mechanical additions or installations.

(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 word "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 of 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. 613; 1979, 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 buildings 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 Department 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, c. 133.)

**§ 36-98.2. Appeals from decision 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.)

**§ 36-98.3. Amusement devices.** — A. The Board shall have the power and duty to promulgate regulations pertaining to the construction, maintenance, operation and inspection of amusement devices. Amusement device means a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion. Regulations promulgated hereunder shall include provisions for the following:

1. The issuance of certificates of inspection prior to the operation of an amusement device;

2. The demonstration of financial responsibility of the owner or operator of the amusement device prior to the operation of an amusement device;

3. Maintenance inspections of existing amusement devices;

4. Reporting of accidents resulting in serious injury or death;

5. Immediate investigative inspections following accidents involving an amusement device that result in serious injury or death;

6. Certification of amusement device inspectors;

7. Qualifications of amusement device operators;

8. Notification by amusement device owners or operators of an intent to operate at a location within the Commonwealth; and

9. A timely reconsideration of the decision of the local building department when an amusement device owner or operator is aggrieved by such a decision.

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

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

D. Inspections required by this section shall be performed by persons certified by the Board pursuant to subdivision 7 of § 36-137 of the Code of Virginia as competent to inspect amusement devices. The provisions of

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

E. To the extent they are not superseded by the provisions of this section and the regulations promulgated hereunder, the provisions of this chapter and the Uniform Statewide Building Code shall apply to amusement devices. (1986, c. 427.)

§ 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. 329; 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. 357.)

**§ 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 July 1, 1986. Administrators of such homes and facilities shall be responsible for the installation and maintenance of the smoke detector devices. (1984, c. 179.)

**§ 36-99.4. (Effective July 1, 1990) 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 Youth Services, regardless of when the building was constructed, in accordance with the provision of the Uniform Statewide Building Code by July 1, 1986. Administrators of such homes and facilities shall be responsible for the installation and maintenance of the smoke detector devices. (1984, c. 179; 1989, c. 733.)

**§ 36-99.5. Smoke detectors for the deaf and hearing-impaired.** — Smoke detectors providing an effective intensity of not less than 100 candela to warn a deaf or hearing-impaired individual shall be provided, upon 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 individuals; or
3. All buildings arranged for use of one-family or two-family dwelling units.

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 seventy units or portion thereof, except that this requirement shall not apply to any hotel or motel with fewer than thirty-five units. The proprietor of the hotel or motel shall post in a conspicuous place at the registration desk or counter a permanent sign stating the availability of smoke detectors for the hearing-impaired. Visual detectors shall be provided

for all meeting rooms for which an advance request has been made.

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. Rental fees shall not be increased as compensation for this requirement.

Landlords shall notify hearing-impaired tenants of the availability of special smoke detectors; however, no landlord shall be civilly or criminally liable for failure to so notify. New tenants shall be asked, in writing, at the time of rental, whether visual smoke detectors will be needed.

Failure to comply with the provisions of this section within a reasonable time shall be punishable as a Class 3 misdemeanor.

This law shall have no effect upon existing local law or regulation which exceeds the provisions prescribed herein. (1984, c. 753; 1988, c. 183.)

**§ 36-99.5:1. Smoke detectors in homes for adults.** — Battery or AC-powered smoke detector devices shall be installed in all homes for adults licensed by the Department of Social Services, regardless of when the building was constructed, by January 1, 1989. The location and installation of the smoke detectors shall be determined by the Uniform Statewide Building Code.

The licensee shall obtain a certificate of compliance from the building official of the locality in which the home is located, or in the case of state-owned buildings, from the Department of General Services.

The licensee shall maintain the smoke detector devices in good working order.

This section shall not apply to homes for adults or portions of such homes, which are equipped with automatic fire detection systems or sprinkler systems. (1988, c. 55.)

**§ 36-99.6. Underground storage tank inspections.** — The Board of Housing Community Development is authorized to incorporate, as part of the Building Code, regulations developed by the State Water Control Board governing the installation and closure of underground storage tanks. Inspections undertaken pursuant to such regulations shall be done by employees of the local building department or another individual authorized by the local building department. (1987, c. 528.)

**§ 36-99.7. Asbestos inspection in buildings to be renovated or demolished; exceptions.** — A. After January 1, 1989, a local building department shall not issue a building permit allowing a building built prior to 1978 to be renovated or demolished until the local building department receives certification from the owner or his agent that the building has been inspected for asbestos in accordance with standards developed pursuant to subdivision 1 of subsection A of § 2.1-526.14:1 that response actions will be undertaken in accordance with the requirements of the Clean Air Act National Emission Standard for the Hazardous Air Pollutant (NESHAPS) (40 CFR 61, Subpart M), the management standards for asbestos-containing materials prepared by the Department of General Services in accordance with § 2.1-526.14:2, and the asbestos worker protection requirements established by the U.S. Occupational Safety and Health Administration for construction workers (29 CFR 1926.58).

B. The provisions of this section shall not apply to single-family dwellings, residential housing with four or fewer units, farm buildings, buildings with less than 3,500 square feet and buildings with no central heating system, or to public utilities required by law to give notification to the Commonwealth of

Virginia and to the United States Environmental Protection Agency prior to removing asbestos in connection with the renovation or demolition of a building.

C. The Board of Housing and Community Development may amend the standards for inspections and management for renovation and demolition of buildings subject to this section, in accordance with the requirements of the Virginia Administrative Process Act (§ 9-6.14:1 et seq.), (1987, c. 656; 1988, c. 723; 1989, c. 398.)

**§ 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. 529; 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. 367; 1986, c. 32.)

§ 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 and 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.)

§ 36-105.1. Inspection and review of plans of buildings under construction. — Inspections of buildings other than state-owned buildings under construction and the review and approval of building plans for these structures for enforcement of the Uniform Statewide Building Code shall be the sole responsibility of the appropriate local building inspectors. Upon completion of such structures, responsibility for fire safety protection shall pass to the State Fire Marshal pursuant to the Statewide Fire Prevention Code in those localities which do not enforce the Statewide Fire Prevention Code (§ 27-94 et seq.). (1989, c. 258.)

§ 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 Building Code, Fire Prevention Code, and Industrialized Building Safety Law.** — The Review Board shall have the power and duty to hear all appeals from decisions arising under application of the Building Code, the Fire Prevention Code adopted under the Statewide Fire Prevention Code Act (§ 27-94 et seq.), and the Industrialized Building Safety Law (§ 36-70 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 provisions 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 provisions of the Fire Prevention Code promulgated by the Board under § 27-97, 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 under which the 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; 1988, c. 199.)

§ 9-6.14:11. Informal fact finding. — A. Save to the extent that case decisions are made as provided by § 9-6.14:12, agencies shall, unless the parties consent, ascertain the fact basis for their decisions of cases through informal conference or consultation proceedings. Such conference-consultation procedures include rights of parties to the case (i) to have reasonable notice thereof, (ii) to appear in person or by counsel or other qualified representative before the agency or its subordinates, or before a hearing officer as provided by subsection A of § 9-6.14:14.1, for the informal presentation of factual data, argument, or proof in connection with any case, (iii) to have notice of any contrary fact basis or information in the possession of the agency which can be relied upon in making an adverse decision, (iv) to receive a prompt decision of any application for a license, benefit, or renewal thereof, and (v) to be informed, briefly and generally in writing, of the factual or procedural basis for an adverse decision in any case.

B. Agencies may, in their case decisions, rely upon public data, documents or information only when the agencies have provided all parties with advance notice of an intent to consider such public data, documents or information. This requirement shall not apply to an agency's reliance on case law and administrative precedent. (1975, c. 503; 1986, c. 615; 1989, c. 601.)

§ 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 petit 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, 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 (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense. A prosecution for any violation of §§ 10.1-1320, 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, 55-79.93, 55-79.94, 55-79.96, 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. Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after 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; 1987, c. 488.)

**§ 2.1-343. Meetings to be public; notice of meetings; recordings; minutes; voting.** — Except as otherwise specifically provided by law and except as provided in §§ 2.1-344 and 2.1-345, all meetings shall be public meetings, including meetings and work sessions during which no votes are cast or any decisions made. Notice including the time, date and place of each meeting shall be furnished to any citizen of this Commonwealth who requests such information. Requests to be notified on a continual basis shall be made at least once a year in writing and include name, address, zip code and organization of the requestor. Notice, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided members of the public body conducting the meeting.

Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings.

Voting by secret or written ballot in an open meeting shall be a violation of this chapter.

Minutes shall be recorded at all public meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly, (ii) legislative interim study commissions and committees, including the Virginia Code Commission, (iii) study committees or commissions appointed by the Governor, or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or school board. (1968, c. 479; 1973, c. 461; 1976, c. 467; 1977, c. 677; 1982, c. 333; 1989, c. 358.)

The 1989 amendment rewrote this section.

**§ 2.1-343.1. Electronic communication meetings prohibited; exception, experimental program.** — A. It is a violation of this chapter for any political subdivision or any governing body, authority, board, bureau, commission, district or agency of local government to conduct a meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

B. Public bodies of the Commonwealth, as provided in the definition of "meeting" in § 2.1-341, but excluding any political subdivision or any governing body, authority, board, bureau, commission, district or agency of local government, may conduct any meeting, except executive or closed meetings held pursuant to § 2.1-344, wherein the public business is discussed or transacted through telephonic or video means. For the purposes of subsections B through G of this section, "public body" shall mean any state legislative body, authority, board, bureau, commission, district or agency of the Commonwealth and shall exclude those of local governments.

Meetings conducted through telephonic or video means shall be on an experimental basis commencing on July 1, 1989, and ending on June 30, 1991. The Director of the Department of Information Technology shall submit an evaluation of the effectiveness of meetings by telephonic or video means by public bodies of the Commonwealth prior to January 1, 1992, to the Governor and the General Assembly.

C. Notice of any meetings held pursuant to this section shall be provided at least thirty days in advance of the date scheduled for the meeting. The notice shall include the date, time, place and purpose for the meeting and shall identify the location or locations for the meeting. All locations for the meeting shall be made accessible to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

Thirty-day notice shall not be required for telephonic or video meetings continued to address an emergency situation as provided in subsection F of this section or to conclude the agenda of a telephonic or video meeting of the public body for which the proper notice has been given, when the date, time, place and purpose of the continued meeting are set during the meeting prior to adjournment.

The public body shall provide the Director of the Department of Information Technology with notice of all public meetings held through telephonic or video means pursuant to this section.

D. An agenda and materials which will be distributed to members of the public body and which have been made available to the staff of the public body in sufficient time for duplication and forwarding to all location sites where public access will be provided shall be made available to the public at the time of the meeting. Minutes of all meetings held by telephonic or video means shall be recorded as required by § 2.1-343. Votes taken during any meeting conducted through telephonic or video means shall be recorded by name in roll-call fashion and included in the minutes. In addition, the public body shall make an audio recording of the meeting, if a telephonic medium is used, or an audio/visual recording, if the meeting is held by video means. The recording shall be preserved by the public body for a period of three years following the date of the meeting and shall be available to the public.

E. No more than twenty-five percent of all meetings held annually by a public body, including meetings of any ad hoc or standing committees, may be held by telephonic or video means. Any public body which meets by telephonic or video means shall file with the Director of the Department of Information Technology by July 1 of each year a statement identifying the total number of meetings held during the preceding fiscal year, the dates on which the meetings were held and the number and purpose of those conducted through telephonic or video means.

§ 2.1-343.2. Transaction of public business other than by votes at meetings prohibited. — Unless otherwise specifically provided by law, no vote of any kind of the membership, or any part thereof, of any public body shall be taken to authorize the transaction of any public business, other than a vote taken at a meeting conducted in accordance with the provisions of this chapter. Notwithstanding the foregoing, nothing contained herein shall be construed to prohibit separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business. (1987, c. 71.)

§ 15.1-29.9. **Smoke detectors in certain buildings.** — The governing body of any county, city, or town, notwithstanding any contrary provision of law, general or special, may require by ordinance that smoke detectors be installed in the following structures or buildings: (i) any building containing one or more dwelling units, (ii) any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and (iii) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations. Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. The ordinance shall allow the type of smoke detector to be either battery operated or AC powered units. Such ordinance shall require that the owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant, with a certificate that all required smoke detectors are present, have been inspected, and are in good working order. Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair, or replace any malfunctioning smoke detectors within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement.

Local ordinances shall provide that any building containing fewer than four dwelling units which was not in compliance with the preceding paragraph on July 1, 1984, shall be exempted from the requirements of that ordinance until such time as that building or any dwelling unit therein is sold or rented to another person. (1981, c. 324; 1984, c. 387.)

§ 63.1-174.1. **Admission and discharge of residents.** — In determining whether to deny admission to a home for adults which is licensed to accept only ambulatory residents or to discharge from such a home a person who is nonambulatory and who objects to being denied admission or being discharged, the operator of the home shall consider the opinion of a physician as to the ability of the person to exit the home in an emergency. In enforcing regulations governing the kinds of residents accepted by a home for adults, the Department shall consider any medical opinions received by the operators of such homes as to the ability of residents to exit in an emergency and shall have the option of requiring additional medical evaluations, if deemed advisable.

For purposes of this section, an "ambulatory resident" is one who is either (i) independently mobile, meaning he is physically and mentally capable of exiting the particular home from the area thereof used by the resident without assistance in an emergency and can ascend or descend stairs if present in any necessary exit path, or (ii) semimobile, meaning he is able to exit the home with assistance of a wheelchair, walker, cane, prosthetic device or verbal command. A nonambulatory resident is a person who by reason of physical or mental disability or condition is unable to vacate the home in case of an emergency without the assistance of another person.

Buildings licensed for ambulatory residents, semimobile residents or nonambulatory residents shall be classified by and meet the specifications for the proper Use Group as required by the Virginia Uniform Statewide Building Code. (1981, c. 275; 1986, c. 430; 1989, c. 173.)



# ADDENDUM 3

## BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

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# ADDENDUM 4

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

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# ADDENDUM 5

## FORMS AVAILABLE

The Division of Building Regulation has prepared certain forms for the assistance of users of the Uniform Statewide Building Code. Their use is optional and is not required by the Code. Copies of the forms may be obtained free-of-charge in reasonable quantities from:

Code Development Office  
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

