

VIRGINIA UNIFORM STATEWIDE BUILDING CODE

VOLUME I NEW CONSTRUCTION CODE



COMMONWEALTH OF VIRGINIA
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT



1990 EDITION - THIRD AMENDMENT
VIRGINIA UNIFORM STATEWIDE BUILDING CODE
VOLUME I - NEW CONSTRUCTION CODE

VR 394-01-21

Adopted by the State

Board of Housing and Community Development

Effective March 1, 1993

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and Community Development

Issued by the
Division of Building Regulation
Department of Housing and Community Development
501 North Second Street
Richmond, Virginia 23219-1321



PREFACE

The Code of Virginia directs the Board of Housing and Community Development to adopt and promulgate a Uniform Statewide Building Code (USBC) to provide mandatory, statewide, uniform regulations for the construction, maintenance, and use of buildings and structures. To satisfy this mandate the Board has developed two volumes of the USBC; Volume I regulates new construction, and Volume II regulates the maintenance of existing buildings and structures. Volume I must be complied with when a building or structure is constructed, altered, enlarged, repaired or converted to another use. Volume II requires that all existing buildings and structures be properly maintained to protect the occupants from the health and safety hazards that might arise from improper maintenance or use of the building.

The Code of Virginia also requires that the Board adopt several other regulations to address specific forms of construction. Each of these regulations, and their relationship to the USBC, are listed below.

- Virginia Industrialized Building and Manufactured Home Safety Regulations (IBR): Supersedes the USBC for the design and construction of industrialized buildings and manufactured homes. The USBC regulates the placement of these structures at the site, such as utility connections, certificates of occupancy, building permits, etc.
- Virginia Amusement Device Regulations (VADR): Provides for the administration and enforcement of uniform, statewide standards for the construction, maintenance, operation, and inspection of portable and fixed amusement devices. The VADR is intended to supplement those provisions of the USBC which are applicable to the regulation of amusement devices.
- Virginia Liquefied Petroleum Gas Regulations (LPGR): The LPGR is a mandatory, statewide, uniform regulation that must be complied with in the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and utilizing LP gases for fuel purposes, and for odorization of LP gases. Any provisions of the USBC which are applicable to this issue supersede the LPGR.

The Code of Virginia also requires the Board to adopt a mandatory Statewide Fire Prevention Code (SFPC). The SFPC provides statewide standards to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents. Local governments are authorized to adopt fire prevention regulations that are more restrictive or more extensive in scope than the SFPC provided such regulations do not affect the manner of construction, or the materials to be used in the erection, alteration, repair, or use of a building or structure. Any provision of the SFPC which is in conflict with the USBC (Volume I or II), or any other applicable laws of the Commonwealth, is invalid.

The Code of Virginia mandates local government to enforce Volume I of the USBC and the VADR. Enforcement of Volume II and the SFPC by local governments is optional. The IBR is administered by the Department of Housing and Community Development. Local government regulates the placement of industrialized buildings and manufactured homes through enforcement of the USBC. The State Fire Marshal is authorized to enforce the SFPC in those jurisdictions in which the local governments do not enforce the code. All of the regulations contain enforcement procedures that must be used by the enforcing agency. An administrative appeals system is also established in each regulation to resolve any disagreements that may occur between the enforcing agency and the aggrieved party.

The technical requirements of Volume I, Volume II and the SFPC are based on the appropriate national model code published by the Building Officials and Code Administrators, International (BOCA). For example, the technical provisions of the USBC Volume I are based on the BOCA National Building Code. Provisions are made for modifications to the model codes or standards when alternate means will provide an equivalent level of compliance.

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:

Code Development Office
Department of Housing and Community Development
501 North Second Street
Richmond, Virginia 23219-1321
Telephone (804) 371-7170

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 New Construction Code, a request for an interpretation may be made to the State Building Code Technical Review Board. Request forms are available from the Code Development Office.

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 Enforcement Office
Department of Housing and Community Development
501 North Second Street
Richmond, Virginia 23219-1321
Telephone (804) 371-7160

Code Development Office
Department of Housing and Community Development
501 North Second Street
Richmond, Virginia 23219-1321
Telephone (804) 371-7170

Training and Certification Office
Department of Housing and Community Development
501 North Second Street
Richmond, Virginia 23219-1321
Telephone (804) 371-7180

NOTE TO UNIFORM STATEWIDE BUILDING CODE USERS

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

The line indicates amendments effective March 1, 1993. For more information on previous editions and amendments, see Addendum 5.

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ARTICLE 1.
ADOPTION, ADMINISTRATION AND ENFORCEMENT.

SECTION 100.0. GENERAL.

100.1. Title: These regulations shall be known as Volume I - New Construction Code of the 1990 edition of the Virginia Uniform Statewide Building Code. Except as otherwise indicated, USBC, and code, as used herein, shall mean Volume I - New Construction Code of the 1990 edition of the Virginia Uniform Statewide Building Code.

Note: See Volume II - Building Maintenance Code for maintenance regulations applying to existing buildings.

100.2. Authority: The USBC is adopted under 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. Purpose and scope: The purpose of the USBC is to ensure safety to life and property from all hazards incident to building design, construction, use, repair, removal or demolition. Buildings shall be permitted to be constructed at the least possible cost consistent with nationally recognized standards for health, safety, energy conservation, water conservation, adequate egress facilities, sanitary equipment, light and ventilation, fire safety, structural strength, and physically handicapped and aged accessibility. As provided in the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia, the USBC supersedes the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies, relating to any construction, reconstruction, alterations, conversion, repair or use of buildings and installation of equipment therein. The USBC does not supersede zoning ordinances or other land use controls that do not effect the manner of construction or materials to be used in the construction, alteration or repair of a building.

100.4. Adoption: The 1990 edition of the USBC was adopted by order of the Board of Housing and Community Development on November 19, 1990. This order was prepared according to 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.

100.5. Effective date: The 1990 edition of the USBC shall become effective on March 1, 1991.

100.6. Application: The USBC shall apply to all buildings, structures and associated equipment which are constructed, altered, repaired or converted in use after March 1, 1991. Buildings and structures that were designed within one year prior to March 1, 1991, shall be subject to the previous edition of the code provided that the permit application is submitted by March 1, 1992. This provision shall also apply to subsequent amendments to this edition of the code based on the effective date of the amendments.

Exception: Buildings and structures for which a permit application is submitted after February 1, 1992, shall comply with applicable provisions of Section 512.0.

100.6.1. Industrialized buildings and manufactured homes: Industrialized buildings registered under the Virginia Industrialized Building Safety Law and manufactured homes labeled under the Federal Manufactured Housing Construction and Safety Standards shall be exempt from the USBC; however, the building official shall be responsible for issuing permits, inspecting the site work and installation of industrialized buildings and manufactured homes, and issuing certificates of occupancy for such buildings when all work is completed satisfactorily.

100.7. Exemptions: The following buildings, structures and equipment are exempted from the requirements of the USBC:

1. Farm buildings and structures not used for residential purposes; however, such buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to the applicable flood proofing or mudslide regulations.
2. Equipment installed by a provider of publicly regulated utility service and electrical equipment used for radio and television transmission. The exempt equipment shall be under the exclusive control of the public service agency and located on property by established rights; however, the buildings, including their service equipment, housing such public service agencies shall be subject to the USBC.
3. Manufacturing and processing machines and equipment; however, the buildings, including service equipment, housing such machinery and equipment shall be subject to the USBC.
4. Parking lots and sidewalks; however, parking lots and sidewalks

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which form part of an accessible route, as defined by ANSI A117.1 - 1986 shall comply with the requirements of Section 512.0.

5. Recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps, and similar equipment when such equipment is a residential accessory use not regulated by the Virginia Amusement Device Regulations.

SECTION 101.0. REFERENCE STANDARDS AND AMENDMENTS.

101.1. Adoption of model codes and standards: The following model building codes and all portions of other model codes and standards that are referenced in this Code are hereby adopted and incorporated in the USBC. Where differences occur between provisions of the USBC and the referenced model codes or standards, the provisions of the USBC shall apply. Where differences occur between the technical provisions of the model codes and their referenced standards, the provisions of the model code shall apply.

The referenced model codes are:

THE BOCA NATIONAL BUILDING CODE/1990 EDITION
(also referred to herein as BOCA Code)

Published by:
Building Officials and Code Administrators
International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60478-5795
Telephone No. (708) 799-2300

Note: The following major subsidiary model codes are among those included by reference as part of the BOCA National Building Code/1990 Edition:

BOCA National Plumbing Code/1990 Edition
BOCA National Mechanical Code/1990 Edition
NFPA National Electrical Code/1990 Edition

The permit applicant shall have the option to select as an acceptable alternative for detached one and two family dwellings and one family

townhouses not more than three stories in height and their accessory structures the following standard:

CABO ONE AND TWO FAMILY DWELLING CODE/1989 EDITION and 1990 Amendments (also referred to herein as One and Two Family Dwelling Code)

Jointly published by:

Building Officials and Code Administrators International, Inc.

Southern Building Code Congress and International Conference of Building Officials.

101.2. General administrative and enforcement amendments to referenced codes: All requirements of the referenced model codes that relate to fees, permits, certification of fitness, unsafe notices, unsafe conditions, maintenance, disputes, condemnation, inspections, existing buildings, existing structures, certification of compliance, approval of plans and specifications and other procedural, administrative and enforcement matters are deleted and replaced by the provisions of Article 1 of the USBC.

Note: The purpose of this provision is to eliminate overlap, conflict and duplication by providing a single standard for administration and enforcement of the USBC.

101.3. Amendments to the BOCA Code: The amendments noted in Addendum 1 of the USBC shall be made to the specified articles and sections of the BOCA National Building Code/1990 Edition for use as part of the USBC.

101.4. Amendments to the One and Two Family Dwelling Code: The amendments noted in Addendum 2 of the USBC shall be made to the indicated chapters and sections of the One and Two Family Dwelling Code/1989 Edition and 1990 Amendments for use as part of the USBC.

SECTION 102.0. LOCAL BUILDING DEPARTMENTS.

102.1. Responsibility of local governments: Enforcement of the USBC Volume I shall be the responsibility of the local building department in

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accordance with § 36-105 of the Code of Virginia. Whenever a local government does not have such a building department, it shall enter into an agreement with another local government or with some other agency, or a State agency approved by the Virginia Department of Housing and Community Development for such enforcement. The local building department and its employees may be designated by such names or titles as the local government considers appropriate.

102.2. Building Official: Each local building department shall have an executive official in charge, hereinafter referred to as the building official.

102.2.1. Appointment: The building official shall be appointed in a manner selected by the local government having jurisdiction. After appointment, he shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority. The local government shall notify the Office of Professional Services within 30 days of the appointment or release of the building official. The building official must complete an orientation course approved by the Department of Housing and Community Development within 90 days after appointment.

102.2.2. Qualifications: The building official shall have at least five years of building experience as a licensed professional engineer or architect, building inspector, contractor or superintendent of building construction, with at least three years in responsible charge of work, or shall have any combination of education and experience which would confer equivalent knowledge and ability. The building official shall have general knowledge of sound engineering practice in respect to the design and construction of buildings, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants and the public. The local governing body may establish additional qualification requirements.

102.2.3. Certification: The building official shall be certified in accordance with Part III of the Virginia Certification Standards for Building and Amusement Device Inspectors, Blasters and Tradesmen within three years after the date of employment.

Exception: An individual employed as the building official in any locality in Virginia prior to April 1, 1983 shall be exempt from certification while employed as the building official in that jurisdiction. This exemption shall not apply to subsequent employment as the building official in another jurisdiction.

102.3. Qualifications of technical assistants: A technical assistant shall have at least three years of experience in general building construction. Any combination of education and experience which would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The local governing body may establish additional qualification requirements.

102.3.1. Certification of technical assistants: Any person employed by, or under contract to, a local governing body for determining compliance with the USBC shall be certified in their trade field within three years after the date of employment, in accordance with Part III of the Virginia Certification Standards for Building and Amusement Device Inspectors, Blasters and Tradesmen.

Exception: An individual employed as the building, electrical, plumbing, mechanical, fire protection systems inspector or plans examiner in Virginia prior to March 1, 1988 shall be exempt from certification while employed as the technical assistant in that jurisdiction. This exemption shall not apply to subsequent employment as a technical assistant in another jurisdiction.

102.4. Relief from personal responsibility: The local building department 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 building official or 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 department 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 that officer or employee in the discharge of

official duties and under the provisions of the USBC may be defended by the department's legal representative.

102.5. Control of conflict of interest: The minimum standards of conduct for building officials and technical assistants shall be in accordance with the provisions of the Virginia Comprehensive Conflict of Interest Act, Chapter 40.1 (§ 2.1-639.1 et seq.) of Title 2.1 of the Code of Virginia.

SECTION 103.0. DUTIES AND POWERS OF THE BUILDING OFFICIAL.

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

103.2. Modifications: The building official may grant modifications to any of the provisions of the USBC upon application by the owner or the owner's agent provided the spirit and intent of the USBC are observed and public health, welfare and safety are assured.

Note: The current editions of many nationally recognized model codes and standards are referenced by the Uniform Statewide Building Code. Future amendments do not automatically become part of the USBC; however, the building official should give consideration to such amendments in deciding whether a requested modification should be granted. See State Building Code Technical Review Board Interpretation Number 64/81, issued November 16, 1984.

103.2.1. Supporting data: The building official may require the application to include architectural and engineering plans and specifications that include the seal of a professional engineer or architect. The building official may also require and consider a statement from a professional engineer, architect or other competent person as to the equivalency of the proposed modification.

103.2.2. Records: The application for modification and the final decision of the building official shall be in writing and shall be officially recorded with the copy of the certificate of use and occupancy in the permanent records of the local building department.

103.3. Delegation of duties and powers: The building 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 USBC.

103.4. Department records: The building official shall keep records of applications received, permits and certificates issued, reports of inspections, notices and orders issued and such other matters as directed by the local government. A copy of the certificate of use and occupancy and a copy of any modification of the USBC issued by the building official shall be retained in the official records, as long as the building to which it relates remains in existence. Other records may be disposed of in accordance with the provisions of the Virginia Public Records Act, (a) after one year in the case of buildings under 1,000 square feet in area and one and two family dwellings of any area, or (b) after three years in the case of all other buildings.

SECTION 104.0. FEES.

104.1. Fees: Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with § 36-105 of the Code of Virginia.

104.2. When payable: A permit shall not be issued until the fees prescribed by the local government have been paid to the authorized agency of the jurisdiction, nor shall an amendment to a permit be approved until any required additional fee has been paid. The local government may authorize delayed payment of fees.

104.3. Fee schedule: The local government shall establish a fee schedule. The schedule shall incorporate unit rates which may be based on square footage, cubic footage, cost of construction or other appropriate criteria.

104.4. Refunds: In the case of a revocation of a permit or abandonment or discontinuance of a building project, the local government shall provide fee refunds for the portion of the work which was not completed.

104.5. Fee Levy: Local governing bodies shall charge each permit applicant an additional 1.0% (levy) of the total fee for each building

permit. This additional 1.0% levy shall be transmitted quarterly to the Department of Housing and Community Development, and shall be used to support the training programs of the Virginia Building Code Academy.

Exception: Localities which maintain training academies that are accredited by the Department of Housing and Community Development may retain such levy.

104.5.1. Levy adjustment: The Board of Housing and Community Development shall annually review the percentage of this levy and may adjust the percentage not to exceed 1.0%. The annual review shall include a study of the operating costs for the previous year's Building Code Academy, the current balance of the levy collected, and the operational budget projected for the next year of the Building Code Academy.

104.5.2. Levy cap: Annual collections of this levy which exceed \$500,000, or any unobligated fund balance greater than one-third of that fiscal year's collections shall be credited against the levy to be collected in the next fiscal year.

SECTION 105.0. APPLICATION FOR CONSTRUCTION PERMIT.

105.1. When permit is required: Written application shall be made to the building official when a construction permit is required. A permit shall be issued by the building official before any of the following actions subject to the USBC may be commenced:

1. Constructing, enlarging, altering, repairing, or demolishing a building or structure.
2. Changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions.
3. Installing or altering any equipment which is regulated by this code.
4. Removing or disturbing any asbestos containing materials during demolition, alteration, renovation of or additions to buildings or structures.

Exceptions

1. Ordinary repairs which do not involve any violation of the USBC shall be exempt from this provision. Ordinary repairs shall not include the removal, addition or relocation of any wall or partition, or the removal or cutting of any structural beam or bearing support, or the removal, addition or relocation of any parts of a building affecting the means of egress or exit requirements. Ordinary repairs shall not include the removal, disturbance, encapsulation, or enclosure of any asbestos containing material. Ordinary repairs shall not include additions, alterations, replacement or relocation of the plumbing, mechanical, or electrical systems, or other work affecting public health or general safety. The term "ordinary repairs" shall mean the replacement of the following materials with like materials:
 - a. Painting.
 - b. Roofing when not exceeding 100 square feet of roof area.
 - c. Glass when not located within specific hazardous locations as defined in Section 2203.2 of the BOCA Code and all glass repairs in Use Group R-3 and R-4 buildings.
 - d. Doors, except those in fire-rated wall assemblies or exitways.
 - e. Floor coverings and porch flooring.
 - f. Repairs to plaster, interior tile work, and other wall coverings.
 - g. Cabinets installed in residential occupancies.
 - h. Wiring and equipment operating at less than 50 volts.
2. A permit is not required to install wiring and equipment which operates at less than 50 volts provided the installation is not located in a noncombustible plenum, or is not penetrating a fire-resistance rated assembly.
3. Detached utility sheds 150 square feet or less in area and 8 feet 6 inches or less in height when accessory to Use Group R-3 or R-4 buildings.

105.1.1. Authorization of work: The building official may authorize work to commence pending receipt of written application.

105.2. Who may apply for a permit: Application for a permit shall be made by the owner or lessee of the building or agent of either, or by

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the licensed professional engineer, architect, contractor or subcontractor (or their respective agents) employed in connection with the proposed work. If the application is made by a professional engineer, architect, contractor or subcontractor (or any of their respective agents), the building official shall verify that the applicant is either licensed to practice in Virginia, or is exempt from licensing under the Code of Virginia. The full names and addresses of the owner, lessee and the applicant, and of the responsible officers if the owner or lessee is a corporate body, shall be stated in the application. The building official shall accept and process permit applications through the mail. The building official shall not require the permit applicant to appear in person.

105.3. Form of application: The application for a permit shall be submitted on forms supplied by the building official.

105.4. Description of work: The application shall contain a general description of the proposed work, its location, the use of all parts of the building, and of all portions of the site not covered by the building, and such additional information as may be required by the building official.

105.5. Plans and Specifications: The application for the permit shall be accompanied by not less than two copies of specifications and of plans drawn to scale, with sufficient clarity and dimensional detail to show the nature and character of the work to be performed. Such plans and specifications shall include the seal and signature of the architect or engineer under whose supervision they were prepared, or if exempt under the provisions of State law, shall include the name, address, and occupation of the individual who prepared them. When quality of materials is essential for conformity to the USBC, specific information shall be given to establish such quality. In cases where such plans and specifications are exempt under State law, the building official may require that they include the signature and seal of a professional engineer or architect.

Exceptions

1. The building official may waive the requirement for filing plans and specifications when the work involved is of a minor nature.
2. Detailed plans may be waived by the building official for buildings in Use Group R-4, provided specifications and outline plans are submitted which satisfactorily indicate compliance

with the USBC.

Note: Information on the types of construction exempted from the requirement for a professional engineer's or architect's seal and signature is included in Addenda 4 and 10.

105.5.1. Site plan: The application shall also contain a site plan showing to scale the size and location of all the proposed new construction and all existing buildings on the site, distances from lot lines, the established street grades and the proposed finished grades. The building official may require that the application contain the elevation of the lowest floor of the building. It shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing buildings and construction that are to remain on the site. In the case of alterations, renovations, repairs and installation of new equipment, the building official may waive submission of the site plan or any parts thereof.

105.6. Plans review: The building official shall examine all plans and applications for permits within a reasonable time after filing. If the application or the plans do not conform to the requirements of the USBC, the building official shall reject such application in writing, stating the reasons for rejection. Plans review comments requiring: additional information, engineering details, or stating reasons for rejection of plans and specifications, shall be made in writing either by letter or a plans review form from the building official's office, in addition to notations or markings on the plans.

105.7. Approved plans: The building official shall stamp "Approved" or provide an endorsement in writing on both sets of approved plans and specifications. One set of such approved plans shall be retained by the building official. The other set shall be kept at the building site, open to inspection by the building official at all reasonable times.

105.8. Approval of partial plans: The building official may issue a permit for the construction of foundations or any other part of a building before the plans and specifications for the entire building have been submitted, provided adequate information and detailed statements have been filed indicating compliance with the pertinent requirements of the USBC. The holder of such permit for the foundations or other

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part of a building shall proceed with construction operations at the holder's risk, and without assurance that a permit for the entire building will be granted.

105.9. Engineering details: The building official may require adequate details of structural, mechanical, plumbing, and electrical work to be filed, including computations, stress diagrams and other essential technical data. All engineering plans and computations shall include the signature of the professional engineer or architect responsible for the design. Plans for buildings more than two stories in height shall indicate where floor penetrations will be made for pipes, wires, conduits, and other components of the electrical, mechanical and plumbing systems. The plans shall show the material and methods for protecting such openings so as to maintain the required structural integrity, fireresistance ratings, and firestopping affected by such penetrations.

105.10. Asbestos inspection in buildings to be renovated or demolished: A local building department shall not issue a building permit allowing a building for which an initial building permit was issued before January 1, 1978 to be renovated or demolished until the local building department receives a certification from the owner or the owner's 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 of the Code of Virginia 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 of the Code of Virginia, and the asbestos worker protection requirements established by the U. S. Occupational Safety and Health Administration for construction workers (29 CFR 1926.58).

Exceptions:

1. Single family dwellings.
2. Residential housing with four or fewer units.
3. Farm buildings.
4. Buildings less than 3,500 square feet in area.
5. Buildings with no central heating system.
6. 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.

105.10.1. Replacement of roofing, floorcovering, or siding materials: To meet the inspection requirements of Section 105.10 except with respect to schools, asbestos inspection of renovation projects consisting only of repair or replacement of roofing, floorcovering, or siding materials may be satisfied by:

1. A statement that the materials to be repaired or replaced are assumed to contain asbestos and that asbestos installation, removal, or encapsulation will be accomplished by a licensed asbestos contractor or a licensed asbestos roofing, flooring, siding contractor; or
2. A certification by the owner that sampling of the material to be renovated was accomplished by an RFS inspector as defined in § 54.1-500 of the Code of Virginia and analysis of the sample showed no asbestos to be present.

105.11. Amendments to application: Amendments to plans, specifications or other records accompanying the application for permit may be filed at any time before completion of the work for which the permit is issued. Such amendments shall be considered part of the original application and shall be filed as such.

105.12. Time limitation of application: An application for a permit for any proposed work shall be considered to have been abandoned six months after notification by the building official that the application is defective unless the applicant has diligently sought to resolve any problems that are delaying issuance of the permit; except that for reasonable cause, the building official may grant one or more extensions of time.

SECTION 106.0. PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES.

106.1. Special professional services; when required: The building official may require representation by a professional engineer or architect for buildings and structures which are subject to special inspections as required by Section 1308.0.

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106.2. Attendant fees and costs: All fees and costs related to the performance of special professional services shall be the responsibility of the building owner.

SECTION 107.0. APPROVAL OF MATERIALS AND EQUIPMENT.

107.1. Approval of materials; basis of approval: The building official shall require that sufficient technical data be submitted to substantiate the proposed use of any material, equipment, device or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the building official may approve its use subject to the requirements of the USBC. In determining whether any material, equipment, device or assembly complies with the USBC, the building official shall approve items listed by nationally recognized research, testing and product certification organizations or may consider the recommendations of engineers and architects certified in this State.

107.2. Used materials and equipment: Used materials, equipment and devices may be used provided they have been reconditioned, tested or examined and found to be in good and proper working condition and approved for use by the building official.

107.3. Approved materials and equipment: All materials, equipment, devices and assemblies approved for use by the building official shall be constructed and installed in accordance with the conditions of such approval.

SECTION 108.0. INTERAGENCY COORDINATION - FUNCTIONAL DESIGN.

108.1. Functional design approval: Pursuant to § 36-98 of the Code of Virginia, certain State agencies have statutory authority to approve functional design and operation of building related activities not covered by the USBC. The building official may refuse to issue a permit until the applicant has supplied certificates of functional design approval from the appropriate State agency or agencies. State agencies with functional design approval are listed in Addendum 4. For purposes of coordination, the local governing body may require reports to the building official by other departments as a condition for issuance of a building permit or certificate of use and occupancy. Such reports shall be based upon review of the plans or inspection of the project as

determined by the local governing body.

SECTION 109.0. CONSTRUCTION PERMITS.

109.1. Issuance of permits: If the building official is satisfied that the proposed work conforms to the requirements of the USBC, and all applicable laws and ordinances, a permit shall be issued as soon as practicable. The building official may authorize work to commence prior to the issuance of the permit.

109.2. Signature on permit: The signature of the building official or authorized representative shall be attached to every permit.

109.3. Separate or combined permits: Permits for two or more buildings on the same lot may be combined. Permits for the installation of equipment such as plumbing, electrical or mechanical systems may be combined with the structural permit or separate permits may be required for the installation of each system. Separate permits may also be required for special construction considered appropriate by the local government.

109.4. Annual permit: The building official may issue an annual permit for alterations to an already approved equipment installation.

109.4.1. Annual permit records: The person to whom an annual permit is issued shall keep a detailed record of all alterations to an approved equipment installation made under such annual permit. Such records shall be accessible to the building official at all times or shall be filed with the building official when so requested.

109.5. Posting of permit: A copy of the building permit shall be posted on the construction site for public inspection until the work is completed.

109.6. Previous permits: No changes shall be required in the plans, construction or designated use of a building for which a permit has been properly issued under a previous edition of the USBC, provided the permit has not been revoked or suspended in accordance with Section 109.7 or 109.8.

109.7. Revocation of permits: The building official may revoke a permit

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or approval issued under the provisions of the USBC in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

109.8. Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work; however, permits issued for building equipment such as plumbing, electrical and mechanical work shall not become invalid if the building permit is still in effect. Upon written request the building official may grant one or more extensions of time not to exceed six months per extension.

109.9. Compliance with code: The permit shall be a license to proceed with the work in accordance with the application and plans for which the permit has been issued and any approved amendments thereto and shall not be construed as authority to omit or amend any of the provisions of the USBC, except by modification pursuant to Section 103.2.

SECTION 110.0. INSPECTIONS.

110.1. Right of entry: The building official may inspect buildings for the purpose of enforcing the USBC in accordance with the authority granted by § 36-105 of the Code of Virginia. The building official and assistants shall carry proper credentials of office when inspecting buildings and premises in the performance of duties under the USBC.

Note: § 36-105 of the Code of Virginia provides, pursuant to enforcement of the USBC, that any building may be inspected at any time before completion. It also permits local governments to provide for the reinspection of buildings.

110.2. Preliminary inspection: Before issuing a permit, the building official may examine all buildings and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof.

110.3. Minimum inspections: Inspections shall include but are not limited to the following:

1. The bottom of footing trenches after all reinforcement steel is set and before any concrete is placed.
2. The installation of piling. The building official may require the installation of pile foundations be supervised by the owner's professional engineer or architect or by such professional service as approved by the building official.
3. Reinforced concrete beams, or columns and slabs after all reinforcing is set and before any concrete is placed.
4. Structural framing and fastenings, prior to covering with concealing materials.
5. All electrical, mechanical and plumbing work prior to installation of any concealing materials.
6. Required insulating materials before covering with any materials.
7. Upon completion of the building, and before issuance of the certificate of use and occupancy, a final inspection shall be made to ensure that any violations have been corrected and all work conforms with the USBC.

110.3.1. Special inspections: Special inspections required by this code shall be limited to only those required by Section 1308.0.

110.4. Notification by permit holder: It shall be the responsibility of the permit holder or the permit holder's representative to notify the building official when the stages of construction are reached that require an inspection under Section 110.3 and for other inspections as directed by the building official. All ladders, scaffolds and test equipment required to complete an inspection or test shall be provided by the property owner, permit holder or their representative.

110.5. Inspections to be prompt: The building official shall respond to inspection requests without unreasonable delay. The building official shall approve the work or give written notice of defective work to the permit holder or the agent in charge of the work. Such defects shall be corrected and reinspected before any work proceeds that would conceal them.

Note: A reasonable response time should normally not exceed 2 working days.

110.6. Approved inspection agencies: The building official may accept

reports from individuals or inspection agencies which satisfy qualifications and reliability requirements, and shall accept such reports under circumstances where the building official is unable to make the inspection by the end of the following working day. Inspection reports shall be in writing and shall be certified by the individual inspector or by the responsible officer when the report is from an agency. An identifying label or stamp permanently affixed to the product indicating that factory inspection has been made shall be accepted instead of the written inspection report, if the intent or meaning of such identifying label or stamp is properly substantiated.

110.7. In-plant inspections: When required by the provisions of this code, materials or assemblies shall be inspected at the point of manufacture or fabrication. The building official shall require the submittal of an evaluation report of each prefabricated assembly, indicating the complete details of the assembly, including a description of the assembly and its components, the basis upon which the assembly is being evaluated, test results, and other data as necessary for the building official to determine conformance with this code.

110.8. Coordination with other agencies: The building official shall cooperate with fire, health and other State and local agencies having related maintenance, inspection or functional design responsibilities, and shall coordinate required inspections for new construction with the local fire official whenever the inspection involves provisions of the BOCA National Fire Prevention Code.

SECTION 111.0. WORKMANSHIP.

111.1. General: All construction work shall be performed and completed so as to secure the results intended by the USBC.

SECTION 112.0. VIOLATIONS.

112.1. Code violations prohibited: No person, firm or corporation shall construct, alter, extend, repair, remove, demolish or use any building or equipment regulated by the USBC, or cause same to be done, in conflict with or in violation of any of the provisions of the USBC.

112.2. Notice of violation: The building official shall serve a notice of violation on the person responsible for the construction, alteration,

extension, repair, removal, demolition or use of a building in violation of the provisions of the USBC, or in violation of plans and specifications approved thereunder, or in violation of a permit or certificate issued under the provisions of the USBC. Such order shall reference the code section that serves as the basis for the violation, and direct the discontinuance and abatement of the violation. Such notice of violation shall be in writing, and be served by either delivering a copy of the notice to such persons by mail to the last known address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or by posting the notice in a conspicuous place at the entrance door or accessway if such person cannot be found on the premises.

112.3. Prosecution of violation: If the notice of violation is not complied with, the building official shall request, in writing, 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 the USBC. Compliance with a notice of violation notwithstanding, the building official may request legal proceedings be instituted for prosecution when a person, firm or corporation is served with three or more notices of violation within one calendar year for failure to obtain a required construction permit prior to commencement of work regulated under the USBC.

112.4. Violation penalties: Violations are a misdemeanor in accordance with § 36-106 of the Code of Virginia. Violators, upon conviction, may be punished by a fine of not more than \$2,500.

112.5. Abatement of violation: Conviction of a violation of the USBC shall not preclude the institution of appropriate legal action to require correction or abatement of the violation or to prevent other violations or recurring violations of the USBC relating to construction and use of the building or premises.

SECTION 113.0. STOP WORK ORDER.

113.1. Notice to owner: When the building official finds that work on any building is being executed contrary to the provisions of the USBC or in a manner endangering the general public, an order may be issued to stop such work immediately. The stop work order shall be in

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writing. It shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. It shall state the conditions under which work may be resumed. No work covered by a stop work order shall be continued after issuance, except under the conditions stated in the order.

113.2. Application of order limited: The stop work order shall apply only to the work that was being executed contrary to the USBC or in a manner endangering the general public, provided other work in the area would not cause concealment of the work for which the stop work order was issued.

SECTION 114.0. POSTING BUILDINGS.

114.1. Use group and form of sign: Prior to its use, every building designed for Use Groups B, F, H, M or S shall be posted by the owner with a sign approved by the building official. It shall be securely fastened to the building in a readily visible place. It shall state the use group, the live load, the occupancy load, and the date of posting.

114.2. Occupant load in places of assembly: Every room constituting a place of assembly or education shall have the approved occupant load of the room posted on an approved sign in a conspicuous place, near the main exit from the room. Signs shall be durable, legible, and maintained by the owner or the owner's agent. Rooms or spaces which have multiple-use capabilities shall be posted for all such uses.

114.3. Street numbers: Each structure to which a street number has been assigned shall have the number displayed so as to be readable from the public right of way.

SECTION 115.0. CERTIFICATE OF USE AND OCCUPANCY.

115.1. When required: Any building or structure constructed under this code shall not be used until a certificate of use and occupancy has been issued by the building official.

115.2. Temporary use and occupancy: The holder of a permit may request the building official to issue a temporary certificate of use and occupancy for a building, or part thereof, before the entire work covered by the permit has been completed. The temporary certificate of

use and occupancy may be issued provided the building official determines that such portion or portions may be occupied safely prior to full completion of the building.

115.3. Contents of certificate: When a building is entitled thereto, the building official shall issue a certificate of use and occupancy. The certificate shall state the purpose for which the building may be used in its several parts. When the certificate is issued, the building shall be deemed to be in compliance with the USBC. The certificate of use and occupancy shall specify the use group, the type of construction, the occupancy load in the building and all parts thereof, the edition of the USBC under which the building permit was issued, and any special stipulations, conditions and modifications.

115.4. Changes in use and occupancy: A building hereafter changed from one use group to another, in whole or in part, whether or not a certificate of use and occupancy has heretofore been issued, shall not be used until a certificate for the changed use group has been issued.

115.5. Existing buildings: A building constructed prior to the USBC shall not be prevented from continued use. The building official shall issue a certificate of use and occupancy upon written request from the owner or the owner's agent, provided there are no violations of Volume II of the USBC and the use of the building has not been changed.

115.6. Suspension or revocation of certificate of occupancy: The building official may suspend or revoke the certificate of occupancy for failure to correct repeated violations in apparent disregard for the provisions of the USBC.

SECTION 116.0. LOCAL BOARD OF BUILDING CODE APPEALS.

116.1. Local Board of Building Code Appeals: Each local government shall have a local Board of Building Code Appeals to act on applications for appeals as required by § 36-105 of the Code of Virginia; or it shall enter into an agreement with the governing body of another county or municipality or with some other agency, or a State agency approved by the Virginia Department of Housing and Community Development, to act on appeals.

116.1.1. Separate divisions: The local Board of Building Code Appeals

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may be divided into separate divisions to consider appeals relating to separate areas of regulation of the USBC. When separate divisions are created, the scope of each shall be clearly stated. The local Board of Appeals may permit appeals from a division to be submitted directly to the State Building Code Technical Review Board. Each division shall comply with the membership requirements and all other requirements of the USBC relating to the local Board of Building Code Appeals.

116.2. Membership: The local Board of Building Code Appeals shall consist of at least five members appointed by the local government. Members may be reappointed.

Note: In order to provide continuity, it is recommended that the terms of local Board members be staggered so that less than half of the terms expire in any one year.

116.2.1. Qualifications of Board members: Board members shall be selected by the local government on the basis of their ability to render fair and competent decisions regarding application of the code, and shall to the extent possible, represent different occupational or professional fields. Employees or officials of the local government appointing the Board shall not serve as Board members.

Note: At least one member should be an experienced builder. At least one other member should be a licensed professional engineer or architect.

116.3. Officers of the Board: The Board shall select one of its members to serve as chairman. The building official shall designate an employee from the department to serve as secretary to the Board. The secretary shall keep a detailed record of all proceedings on file in the local building department.

116.4. Alternates and absence of members: The local government may appoint alternate members who may sit on the Board in the absence of any regular members of the Board and, while sitting on the Board, shall have the full power and authority of the regular member. A procedure shall be established for use of alternate members in case of absence of regular members.

116.5. Control of conflict of interest: A member of the Board shall not

vote on any appeal in which that member is currently engaged as contractor or material dealer, has prepared the plans or specifications, or has any personal interest.

116.6. 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 30 calendar days of the filing of an appeal.

116.7. Application for appeal: The owner of a building, the owner's agent, or any other person, firm or corporation directly involved in the design and/or construction of a building or structure may appeal to the local Building Code Board of Appeals within 90 calendar days from a decision of the building official when it is claimed that:

1. The building official has refused to grant a modification which complies with the intent of the provisions of the USBC; or
2. The true intent of the USBC has been incorrectly interpreted; or
3. The provisions of the USBC do not fully apply; or
4. The use of a form of construction that is equal to or better than that specified in the USBC has been denied.

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

116.8. Hearing open to public: All hearings shall be public and conducted in accordance with the applicable provisions of the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia.

116.9. Postponement of hearing: When a quorum (more than 50%) 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 14 calendar days.

116.10. Decision: A vote equivalent to a majority of the quorum of the Board is required to reverse or modify the decision of the building official. Every action of the Board shall be by resolution. Certified copies shall be furnished to the appellant and to the building official.

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

116.12. Appeal by State Fire Marshal: This section shall apply only to buildings subject to inspection by § 36-139.3 of the Code of Virginia. The State Fire Marshal, appointed pursuant to § 36-139.2 of the Code of Virginia, shall have the right to inspect applications for building permits or conversions of use group. The State Fire Marshal may appeal to the local Building Code Board of Appeals from the decision of the building official when it is claimed that the true intent of the USBC has been incorrectly interpreted as applied to the proposed construction or conversion. Such appeals shall be filed before the required permits are issued. The State Fire Marshal may also inspect the building during construction, repair or alteration and may appeal to the local Building Code Board of Appeals from the decision of the building official when it is claimed that the construction, repairs or alterations do not comply with the approved plans. Such appeals shall be filed prior to the issuance of the new or revised certificate of occupancy. Copies of all appeals shall be furnished to the building official and to the applicant for the building permit.

Note: The building official is encouraged to have plans submitted to the State Fire Marshal for buildings subject to State licensure in order to prevent delays in construction.

SECTION 117.0. APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD.

117.1. 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 21 calendar days of receipt of the decision of the local appeals board by the aggrieved party.

117.2. Control of conflict of interest: A member of the State Technical Review Board shall not vote on any appeal in which that member is currently engaged as contractor or material dealer, has prepared plans or specifications, or has any personal interest.

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

117.4. 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 may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4, (§ 9-6.14:15 of Chapter 1.1:1 of Title 9 of the Code of Virginia.

SECTION 118.0. EXISTING BUILDINGS AND STRUCTURES.

118.1. Additions, alterations, and repairs: Additions, alterations or repairs to any structure shall conform to that required of a new structure without requiring the existing structure to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. Any building plus new additions shall not exceed the height, number of stories and area specified for new buildings. Alterations or repairs to an existing structure which are structural or adversely affect any structural member or any part of the structure having a fire-resistance rating shall be made with materials required for a new structure.

Exception: Existing materials and equipment may be replaced with materials and equipment of a similar kind or replaced with greater capacity equipment in the same location when not considered a hazard.

Note 1: Alterations after construction may not be used by the building official as justification for requiring any part of the old building to be brought into compliance with the current edition of the USBC. For example, replacement of worn exit stair treads that are somewhat deficient in length under current standards does not, of itself, mean that the stair must be widened. It is the intent of the USBC that alterations be made in such a way as not to lower existing levels of health and safety.

Note 2: The intent of this Section is that when buildings are altered by the addition of equipment that is neither required nor prohibited by the USBC, only those requirements of the USBC that regulate the health and safety aspects thereof shall apply. For example, a partial automatic alarm system may be installed when no alarm system is required provided it does not violate any of the electrical safety or other safety

requirements of the Code.

118.1.1. Damage, restoration or repair in flood hazard zones: Buildings located in any flood hazard zone which are altered or repaired shall comply with the floodproofing requirements applicable to new buildings in the case of damages or cost of reconstruction or restoration which equals or exceeds 50% of the market value of the building before either the damage occurred or the start of construction of the improvement.

Exceptions:

1. Improvements required under Volume II of the USBC necessary to assure safe living conditions.
2. Alterations of historic buildings provided the alteration would not preclude the building's continued designation as a historic building.

118.1.2. Requirements for accessibility: Buildings and structures which are altered or to which additions are added shall comply with applicable requirements of Section 512.0.

118.2. Conversion of building use: No change shall be made in the use of a building which would result in a change in the use group classification unless the building complies with all applicable requirements for the new use group classification in accordance with Section 105.1(2). An application shall be made and a certificate of use and occupancy shall be issued by the building official for the new use. Where it is impractical to achieve exact compliance with the USBC the building official shall, upon application, consider issuing a modification under the conditions of Section 103.2 to allow conversion.

118.3. Alternative method of compliance: Compliance with the provisions of Article 32 for repair, alteration, change of use of, or additions to existing buildings shall be an acceptable method of complying with this code.

SECTION 119.0. MOVED BUILDINGS.

119.1. General: Any building moved into or within the jurisdiction shall be brought into compliance with the USBC unless it meets the following requirements after relocation.

1. No change has been made in the use of the building.

2. The building complies with all State and local requirements that were applicable to it in its previous location and that would have been applicable to it if it had originally been constructed in the new location.
3. The building has not become unsafe during the moving process due to structural damage or for other reasons.
4. Any alterations, reconstruction, renovations or repairs made pursuant to the move have been done in compliance with the USBC.

119.2. Certificate of use and occupancy: Any moved building shall not be used until a certificate of use and occupancy is issued for the new location.

SECTION 120.0. UNSAFE BUILDINGS.

120.1. Right of condemnation before completion: Any building under construction that fails to comply with the USBC through deterioration, improper maintenance, faulty construction, or for other reasons, and thereby becomes unsafe, unsanitary, or deficient in adequate exit facilities, and which constitutes a fire hazard, or is otherwise dangerous to human life or the public welfare, shall be deemed either a public nuisance or an unsafe building. Any such unsafe building shall be made safe through compliance with the USBC or shall be taken down and removed, as the building official may deem necessary.

120.1.1. Inspection of unsafe buildings; records: The building official shall examine every building reported as unsafe, and shall prepare a report to be filed in the records of the department. 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.

120.1.2. Notice of unsafe building: If a building is found to be unsafe the building official shall serve a written notice on the owner, the owner's agent or person in control, describing the unsafe condition and specifying the required repairs or improvements to be made to render the building safe, or requiring the unsafe building or portion thereof to be taken down and removed within a stipulated time. Such notice shall require the person thus notified to declare without delay to the building official the acceptance or rejection of the terms of the notice.

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120.1.3. 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.

120.1.4. Disregard of notice: Upon refusal or neglect of the person served with a notice of unsafe building to comply with the requirement of the notice to abate the unsafe condition, the legal counsel of the jurisdiction shall be advised of all the facts and shall be requested to institute the appropriate legal action to compel compliance.

120.1.5. Vacating building: When, in the opinion of the building official, there is actual and immediate danger of failure or collapse of a building, or any part thereof, which would endanger life, or when any building or part of a building has fallen and life is endangered by occupancy of the building, the building official may order the occupants to vacate the building forthwith. The building official shall cause a notice to be posted at each entrance to such building reading as follows: "This Structure is Unsafe and its Use or Occupancy has been Prohibited by the Building Official". No person shall thereafter enter such a building except 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 authorized by the building official.

120.1.6. Temporary safeguards and emergency repairs: When, in the opinion of the building official, there is immediate danger of collapse or failure of a building or any part thereof which would endanger life, or when a violation of this code results in a fire hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants; he shall cause the necessary work to be done to the extent permitted by the local government to render such building or part thereof temporarily safe, whether or not legal action to compel compliance has been instituted.

120.2. Right of condemnation after completion: Authority to condemn unsafe buildings on which construction has been completed and a certificate of occupancy has been issued, or which have been occupied, may be exercised after official action by the local governing body pursuant to § 36-105 of the Code of Virginia.

120.3. Abatement or removal: Whenever the owner of a building that has been deemed to be a public nuisance or unsafe, pursuant to Section 120.1 or Section 120.2, fails to comply with the requirements of the notice to abate, the building official may cause the building to be razed or removed.

Note: A local governing body may, after official action pursuant to § 15.1-29.21 or 15.1-11.2 of the Code of Virginia, maintain an action to compel a responsible party to abate, raze, or remove a public nuisance. If the public nuisance presents an imminent and immediate threat to life or property, then the governing body of the county, city or town may abate, raze, or remove such public nuisance, and a county, city or town may bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

SECTION 121.0. DEMOLITION OF BUILDINGS.

121.1. General: Demolition permits shall not be issued until the following actions have been completed:

1. The owner or the owner's agent has obtained a release from all utilities having service connections to the building stating that all service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.
2. Any certificate required by Section 105.10 has been received by the building official.
3. The owner or owner's agent has given written notice to the owners of adjoining lots and to the owners of other lots affected by the temporary removal of utility wires or other facilities caused by the demolition.

121.2. Hazard prevention: When a building is demolished or removed, the established grades shall be restored and any necessary retaining walls and fences shall be constructed as required by the provisions of Article 30 of the BOCA Code.

ADDENDUM 1.

AMENDMENTS TO THE BOCA NATIONAL BUILDING CODE/1990 EDITION.

As provided in Section 101.3 of the Virginia Uniform Statewide Building Code, the amendments noted in this Addendum shall be made to the BOCA National Building Code/1990 Edition for use as part of the USBC.

ARTICLE 1.

ADMINISTRATION AND ENFORCEMENT.

- (A) Entire article is deleted and replaced by Article 1, Adoption, Administration and Enforcement, of the Virginia Uniform Statewide Building Code.

ARTICLE 2.

DEFINITIONS.

- (A) Change the following definitions in Section 201.0, General Definitions to read:

"Building" means a combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property; provided, however, that 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 USBC, but such buildings 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 building shall be construed as though followed by the words "or part or parts and fixed equipment thereof" unless the context clearly requires a different meaning. The word building includes the word structure.

Dwellings

"Boarding house" means a building arranged or used for lodging, with or without meals, for compensation and not occupied as a single family unit.

"Dormitory" means a space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.

"Hotel" means any building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

"Multi-family apartment house" means a building or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.

"One-family dwelling" means a building containing one dwelling unit.

"Two-family dwelling" means a building containing two dwelling units.

"Jurisdiction" means the local governmental unit which is responsible for enforcing the USBC under State law.

"Mobile unit" means a structure of vehicular, portable design, built on a chassis and designed to be moved from one site to another, subject to the Industrialized Building and Manufactured Home Safety Regulations, and designed to be used without a permanent foundation.

"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.

"Structure" means an assembly of materials forming a construction for 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. 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.

(B) Add these new definitions to Section 201.0, General Definitions:

"Family" means an individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not

more than eight unrelated persons, living together as a single housekeeping unit in a dwelling unit.

"Farm building" means a structure located on a farm utilized for the storage, handling or production of agricultural, horticultural and floricultural products normally intended for sale to domestic or foreign markets and buildings used for the maintenance, storage or use of animals or equipment related thereto.

"Historic building" means any building that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Federal Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Virginia Department of Historic Resources' inventory of historic places; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Virginia Department of Historic Resources.

"Local government" means any city, county or town in this State, or the governing body thereof.

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

"Night club" means a place of assembly that provides exhibition, performance or other forms of entertainment; serves food and/or alcoholic beverages; and provides music and space for dancing.

"Plans" means all drawings that together with the specifications, describe the proposed building construction in sufficient detail and provide sufficient information to enable the building official to determine whether it complies with the USBC.

"Public nuisance" means, for the purposes of this code, any public or private building, wall or structure deemed to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy or use, or the condition of which constitutes a menace to the health and safety of the occupants thereof or to the public.

"Skirting" means a weather-resistant material used to enclose the space from the bottom of a manufactured home to grade.

"Specifications" means all written descriptions, computations, exhibits, test data and other documents that together with the plans, describe the proposed building construction in sufficient detail and provide sufficient information to enable the building official to determine whether it complies with the USBC.

**ARTICLE 3.
USE GROUP CLASSIFICATION.**

(A) Change Section 307.2 to read as follows:

307.2. Use Group I-1: This use group shall include buildings and structures, or parts thereof, which house six or more individuals who, because of age, mental disability or other reasons, must live in a supervised environment but who are physically capable of responding to an emergency situation without personal assistance. Where accommodating persons of the above description, the following types of facilities shall be classified as I-1 facilities: board and care facilities, half-way houses, group homes, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or less occupants shall be classified as a residential use group.

Exception: Group homes licensed by the Virginia Department of

Mental Health, Mental Retardation and Substance Abuse Services which house no more than eight mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors, shall be classified as Use Group R-3.

(B) Change Section 309.4 to read as follows:

309.4. Use Group R-3 structures: This use group shall include all buildings arranged for the use of one- or two-family dwelling units and multiple single family dwellings where each unit has an independent means of egress and is separated by a 2-hour fire separation assembly (see Section 909.0).

Exception: In multiple single-family dwellings which are equipped throughout with an approved automatic sprinkler system installed in accordance with Section 1004.2.1 or 1004.2.2, the fireresistance rating of the dwelling unit separation shall not be less than 1 hour. Dwelling unit separation walls shall be constructed as fire partitions (see Section 910.0).

**ARTICLE 4.
TYPES OF CONSTRUCTION CLASSIFICATION.**

(A) Add the following to line 5 of Table 401:

Dwelling unit separations for buildings of Type 2C, 3B and 5B construction shall have fireresistance ratings of not less than 1/2 hour in buildings sprinklered throughout in accordance with Section 1004.2.1 or 1004.2.2.

**ARTICLE 5.
GENERAL BUILDING LIMITATIONS.**

(A) Change Section 502.3 to read:

502.3. Automatic sprinkler system: When a building of other than Use Group H is equipped throughout with an automatic sprinkler system in accordance with Section 1004.2.1 or 1004.2.2, the area limitation specified in Table 501 shall be increased by 200% for one and two story buildings and 100% for buildings more than two stories in height. An approved limited area sprinkler system is not considered as an

automatic sprinkler system for the purpose of this section.

(B) Change Section 503.1 to read:

503.1. Automatic sprinkler system: When a building is equipped throughout with an automatic sprinkler system in accordance with Section 1004.2.1, the building height limitation specified in Table 501 shall be increased one story and twenty feet (6096mm). This increase shall not apply to buildings of Use Group I-2 of Types 2C, 3A, 4 and 5A construction nor to buildings of Use Group H. An approved limited-area sprinkler system is not considered an automatic sprinkler system for the purpose of this section. The building height limitations for buildings of Use Group R specified in Table 501 shall be increased 1 story and 20 feet, but not to exceed a height of 4 stories and 60 feet, when the building is equipped with an automatic sprinkler system in accordance with Section 1004.2.2.

(C) Replace Section 512.0, Physically Handicapped and Aged with the following new section:

SECTION 512.0. ACCESSIBILITY FOR DISABLED.

512.1. General: This section establishes requirements for accessibility by individuals with disabilities to be applied during the design, construction and alteration of buildings and structures.

512.2. Where required: The provisions of this section shall apply to all buildings and structures, including their exterior sites and facilities.

Exceptions

1. Buildings of Use Group R-3 and accessory structures and their associated site and facilities.
2. Buildings and structures classified as Use Group U.
3. Those buildings or structures or portions thereof which are expressly exempted in the standards incorporated by reference in this section.
4. Those buildings or structures or portions thereof which are used exclusively for either private club or religious worship activities.

512.2.1. Identification of parking spaces: All spaces reserved for the use of handicapped persons shall be identified by an above grade sign

with the bottom edge no lower than four feet nor higher than seven feet above the parking surface.

512.3. Referenced standards: The following standards or parts thereof are hereby incorporated by reference for use in determining compliance with this section:

1. Title 24 Code of Federal Regulations, Chapter 1 - Fair Housing Accessibility Guidelines, Sections 2 through 5, 56 F.R. 9499-9515 (March 6, 1991).
2. Title 28 Code of Federal Regulations, Part 36 - Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, Subpart A - General, § 36.104 Definitions and Subpart D - New construction and Alterations, 56 F.R. 35593-35594 and 35599-35602 (July 26, 1991).

ARTICLE 6.

SPECIAL USE AND OCCUPANCY REQUIREMENTS.

(A) Change Section 610.2.1 to read as follows:

610.2.1. Waiting areas: Waiting areas shall not be open to the corridor, except where all of the following criteria are met:

1. The aggregate area of waiting areas in each smoke compartment does not exceed 600 square feet (56 m²);
2. Each area is located to permit direct visual supervision by facility staff;
3. Each area is equipped with an automatic fire detection system installed in accordance with Section 1017.0;
4. Each area is arranged so as not to obstruct access to the required exits; and
5. The walls and ceilings of the space are constructed as required for corridors.

(B) Delete Section 610.2.2 Waiting areas on other floors, but do not renumber remaining sections.

(C) Change Section 610.2.3 to read as follows:

610.2.3. Waiting areas of unlimited area: Spaces constructed as

required for corridors shall not be open to a corridor, except where all of the following criteria are met:

1. The spaces are not used for patient sleeping rooms, treatment rooms or specific use areas as defined in Section 313.1.4.1;
2. Each space is located to permit direct visual supervision by the facility staff;
3. Both the space and corridors that the space opens into in the same smoke compartment are protected by an automatic fire detection system installed in accordance with Section 1017.0; and
4. The space is arranged so as not to obstruct access to the required exits.

(D) Change Section 610.2.5 to read as follows:

610.2.5. Mental health treatment areas: Areas wherein only mental health patients who are capable of self-preservation are housed, or group meeting or multipurpose therapeutic spaces other than specific use areas as defined in Section 313.1.4.1, under continuous supervision by facility staff, shall not be open to the corridor, except where all of the following criteria are met:

1. Each area does not exceed 1,500 square feet (140 m²);
2. The area is located to permit supervision by the facility staff;
3. The area is arranged so as not to obstruct any access to the required exits;
4. The area is equipped with an automatic fire detection system installed in accordance with Section 1017.0;
5. Not more than one such space is permitted in any one smoke compartment; and
6. The walls and ceilings of the space are constructed as required for corridors.

(E) Change Section 610.3 and Subsection 610.3.1 to read as follows:

610.3. Corridor walls: Corridor walls shall form a barrier to limit the transfer of smoke. The walls shall extend from the floor to the underside of the floor or roof deck above or to the underside of the ceiling above where the ceiling membrane is constructed to limit the transfer of smoke.

610.3.1. Corridor doors: All doors shall conform to Section 916.0. Corridor doors, other than those in a wall required to be rated by Section 313.1.4.1 or for the enclosure of a vertical opening, shall not have a required fire-resistance rating, but shall provide an effective barrier to limit the transfer of smoke.

(F) Change Section 610.5 to read as follows:

610.5. Automatic fire detection: An automatic fire detection system shall be provided in corridors and common spaces open to the corridor as permitted by Section 610.2.

(G) Delete Section 610.5.1, Rooms and Section 610.5.2, Corridors.

(H) Add new Section 618.10 to read as follows:

SECTION 618.10. MAGAZINES.

618.10. Magazines: Magazines for the storage of explosives, ammunition and blasting agents shall be constructed in accordance with the Statewide Fire Prevention Code as adopted by the Board of Housing and Community Development.

(I) Change Section 619.1 to read as follows:

619.1. Referenced codes: The storage systems for flammable and combustible liquids shall be in accordance with the mechanical code and the fire prevention code listed in Appendix A.

Exception: Aboveground tanks which are used to store or dispense motor fuels, aviation fuels or heating fuels at commercial, industrial, governmental or manufacturing establishments shall be allowed when in compliance with NFPA 30, 30A, 31 or 407 listed in Appendix A.

(J) Change Section 620.0 to read as follows:

SECTION 620.0. MOBILE UNITS AND MANUFACTURED HOMES.

620.1. General: Mobile units, as defined in Section 201.0, shall be designed and constructed to be transported from one location to

another and not mounted on a permanent foundation. Manufactured homes shall be designed and constructed to comply with the Federal Manufactured Housing Construction and Safety Standards and used with or without a permanent foundation.

620.2. Support and anchorage of mobile units: The manufacturer of each mobile unit shall provide with each unit specifications for the support and anchorage of the mobile unit. The manufacturer shall not be required to provide the support and anchoring equipment with the unit. Mobile units shall be supported and anchored according to the manufacturer's specifications. The anchorage shall be adequate to withstand wind forces and uplift as required in Article 11 for buildings and structures, based upon the size and weight of the mobile unit.

620.3. Support and anchorage of manufactured homes: The manufacturer of the home shall provide with each manufactured home printed instructions specifying the location, required capacity and other details of the stabilizing devices to be used with or without a permanent foundation (i.e. tiedowns, piers, blocking, footings, etc.) based upon the design of the manufactured home. Manufactured homes shall be supported and anchored according to the manufacturer's printed instructions or supported and anchored by a system conforming to accepted engineering practices designed and engineered specifically for the manufactured home. Footings or foundations on which piers or other stabilizing devices are mounted shall be carried down to the established frost lines. The anchorage system shall be adequate to resist wind forces, sliding and uplift as imposed by the design loads.

620.3.1. Hurricane zone: Manufactured homes installed or relocated in the hurricane zone shall be of Hurricane and Windstorm Resistive design in accordance with the Federal Manufactured Housing Construction and Safety Standards and shall be anchored according to the manufacturer's specifications for the hurricane zone. The hurricane zone includes the following counties and all cities located therein, contiguous thereto, or to the east thereof: Accomack, King William, Richmond, Charles City, Lancaster, Surry, Essex, Mathews, Sussex, Gloucester, Middlesex, Southampton, Greensville, Northumberland, Westmoreland, Isle of Wight, Northampton, York, James City, New Kent, King & Queen and Prince George.

620.3.2 Flood hazard zones: Manufactured homes and mobile units

which are located in a flood hazard zone shall comply with the requirements of Section 2101.6.

Exception: Manufactured homes installed on sites in an existing manufactured home park or subdivision shall be permitted to be placed no less than 36 inches above grade in lieu of being elevated at or above the base flood elevation provided no manufactured home at the same site has sustained flood damage exceeding 50% of the market value of the home before the damage occurred.

620.4. Used mobile/manufactured homes: When used manufactured homes or used mobile homes are being installed or relocated and the manufacturer's original installation instructions are not available, installations complying with the applicable portions of NCSBCS/ANSI A225.1 listed in Appendix A shall be accepted as meeting the USBC.

620.5. Skirting: Manufactured homes installed or relocated after July 1, 1990, shall have skirting installed within sixty days of occupancy of the home. Skirting materials shall be durable, suitable for exterior exposures, and installed in accordance with the manufacturer's installation instructions. Skirting shall be secured as necessary to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Each manufactured home shall have a minimum of one opening in the skirting providing access to any water supply or sewer drain connections under the home. Such openings shall be a minimum of eighteen inches in any dimension and not less than three square feet in area. The access panel or door shall not be fastened in a manner requiring the use of a special tool to open or remove the panel or door. On-site fabrication of the skirting by the owner or installer of the home shall be acceptable, provided that the material meets the requirements of the USBC.

(K) Add new Section 627.0 to read as follows:

SECTION 627.0. UNDERGROUND STORAGE TANKS.

627.1. General: The installation, upgrade, or closure of any underground storage tanks containing an accumulation of regulated substances, shall be in accordance with the Underground Storage Tank Regulations adopted by the State Water Control Board. Underground

storage tanks containing flammable or combustible liquids shall also comply with the applicable requirements of Section 619.0.

**ARTICLE 7.
INTERIOR ENVIRONMENTAL REQUIREMENTS.**

(A) Add new Section 706.2.3 as follows:

706.2.3. Insect screens: Every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than 16 mesh per inch.

(B) Change Section 714.0 to read as follows:

**SECTION 714.0. SOUND TRANSMISSION CONTROL
IN RESIDENTIAL BUILDINGS.**

714.1. Scope: This section shall apply to all common interior walls, partitions and floor/ceiling assemblies between adjacent dwellings or between a dwelling and adjacent public areas such as halls, corridors, stairs or service areas in all buildings of Use Group R.

714.2. Airborne noise: Walls, partitions and floor/ceiling assemblies separating dwellings from each other or from public or service areas shall have a sound transmission class (STC) of not less than 45 for airborne noise when tested in accordance with ASTM E90 listed in Appendix A. This requirement shall not apply to dwelling entrance doors, but such doors shall be tight-fitting to the frame and sill.

714.3. Structure borne sound: Floor/ceiling assemblies between dwellings and between a dwelling and a public or service area within the structures shall have an impact insulation class (IIC) rating of not less than 45 when tested in accordance with ASTM E492 listed in Appendix A.

714.4. Tested assemblies: Where approved, assemblies of building construction listed in GA 600, NCMA TEK 69A and BIA TN 5A listed in Appendix A shall be accepted as having the STC and IIC ratings

specified therein for determining compliance with the requirements of this section.

(C) Add new Section 715.0 to read as follows:

SECTION 715.0. HEATING FACILITIES.

715.1. Residential buildings: Every owner of any structure who rents, leases, or lets one or more dwelling units or guest rooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65°F (18°C), in all habitable spaces, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60°F (16°C) during other hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from exterior walls.

Exception: When the exterior temperature falls below 0°F (-18°C) and the heating system is operating at its full capacity, a minimum room temperature of 60°F (16°C) shall be maintained at all times.

715.2. Other structures: Every owner of any structure who rents, leases, or lets the structure or any part thereof on terms, either express or implied, to furnish heat to the occupant thereof; and every occupant of any structure or part thereof who rents or leases said structure or part thereof on terms, either express or implied, to supply its own heat, shall supply sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C), during all working hours in all enclosed spaces or rooms where persons are employed and working. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from exterior walls.

Exceptions:

1. Processing, storage and operations areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

MEANS OF EGRESS.

(A) Change Exception 6 of Section 813.4.1 to read as follows:

6. Devices such as double cylinder dead bolts which can be used to lock doors to prevent egress shall be permitted on egress doors in Use Groups, B, F, M or S. These doors may be locked from the inside when all of the following conditions are met:
 - a. The building is occupied by employees only and all employees have ready access to the unlocking device.
 - b. The locking device is of a type that is readily distinguished as locked, or a "DOOR LOCKED" sign with red letters on white background is installed on the locked doors. The letters shall be 6" high and 3/4" wide.
 - c. A permanent sign is installed on or adjacent to lockable doors stating "THIS DOOR TO REMAIN UNLOCKED DURING PUBLIC OCCUPANCY." The sign shall be in letters not less than 1" high on a contrasting background.

(B) Add new Exception 7 to Section 813.4.1 to read as follows:

Exception

7. Locking arrangements conforming to Section 813.4.5.

(C) Add new Section 813.4.5 to read as follows:

813.4.5. Building entrance doors: In Use Groups A, B, E, M, R-1 and R-2, the building entrance doors in a means of egress are permitted to be equipped with an approved entrance and egress control system which shall be installed in accordance with items 1 through 6 below.

1. A sensor shall be provided on the egress side arranged to detect an occupant approaching the doors. The doors shall be arranged to unlock by a signal from or loss of power to the sensor.
2. Loss of power to that part of the access control system which locks the doors shall automatically unlock the doors.
3. The doors shall be arranged to unlock from a manual exit device located 48 inches (1219 mm) vertically above the floor and within 5 feet (1524 mm) of the secured doors. The manual exit device shall be readily accessible and clearly identified by a sign. When operated, the manual exit device shall result in

direct interruption of power to the lock - independent of the access control system electronics - and the doors shall remain unlocked for a minimum of 30 seconds.

4. Activation of the building fire protective signaling system, if provided, shall automatically unlock the doors, and the doors shall remain unlocked until the fire protective signaling system has been reset.
5. Activation of the building sprinkler or detection system, if provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire protective signaling system has been reset.
6. The doors shall not be secured from the egress side in Use Groups A, B, E and M during periods when the building is accessible to the general public.

(D) Add new Section 826.0 to read as follows:

SECTION 826.0. EXTERIOR DOORS.

826.1. Swinging entrance doors: Exterior swinging doors of each dwelling unit in buildings of Use Group R-2 shall be equipped with a dead bolt lock, with a throw of not less than one inch, and shall be capable of being locked or unlocked by key from the outside and by turn-knob from the inside.

826.2. Exterior sliding doors: In dwelling units of Use Group R-2 buildings, exterior sliding doors which are one story or less above grade, or shared by two dwelling units, or are otherwise accessible from the outside, shall be equipped with locks. The mounting screws for the lock case shall be inaccessible from the outside. The lock bolt shall engage the strike in a manner that will prevent its being disengaged by movement of the door.

Exception: Exterior sliding doors which are equipped with removable metal pins or charlie bars.

826.3. Entrance doors: Entrance doors to dwelling units of Use Group R-2 buildings shall be equipped with door viewers with a field of vision of not less than 180 degrees.

Exception: Entrance doors having a vision panel, or side vision

panels.

**ARTICLE 10.
FIRE PROTECTION SYSTEMS.**

(A) Delete Section 1000.3.

(B) Change Section 1002.6 to read as follows:

1002.6. Use Group I: Throughout all buildings with a Use Group I fire area.

Exception: Use Group I-2 child care facilities located at the level of exit discharge and which accommodate 100 children or less. Each child care room shall have an exit door directly to the exterior.

(C) Change Section 1002.8 to read as follows:

1002.8. Use Group R-1: Throughout all buildings of Use Group R-1.

Exception: Use Group R-1 buildings where all guestrooms are not more than three stories above the lowest level of exit discharge of the exits serving the guestroom. Each guestroom shall have at least one door opening directly to an exterior exit access which leads directly to the exits.

(D) Change Section 1002.9 to read as follows:

1002.9. Use Group R-2: Throughout all buildings of Use Group R-2.

Exceptions

1. Use Group R-2 buildings where all dwelling units are not more than one story above the lowest level of exit discharge and not more than one story below the highest level of exit discharge of exits serving the dwelling unit.
2. Use Group R-2 buildings where all dwelling units are not more than three stories above the lowest level of exit discharge and not more than one story below the highest level of exit discharge of exits serving the dwelling unit and every two dwelling units are separated from other dwelling units in the building by fire separation assemblies (see Sections 909.0 and

913.0) having a fireresistance rating of not less than two hours.

(E) Add new Section 1002.12 to read as follows:

1002.12. Use Group B, when more than 50 feet in height: Fire suppression systems shall be installed in buildings and structures of Use Group B, when more than 50 feet in height and less than 75 feet in height according to the following conditions:

1. The height of the building shall be measured from the point of the lowest grade level elevation accessible by fire department vehicles at the building or structure to the floor of the highest occupiable story of the building or structure.
2. Adequate public water supply is available to meet the needs of the suppression system.
3. Modifications for increased allowable areas and reduced fire ratings permitted by Sections 502.3, 503.1, 905.2.2, 905.3.1, 921.7.2, 921.7.2.2, 922.8.1, and any others not specifically listed shall be granted.
4. The requirements of Section 602.0 for high-rise buildings, such as, but not limited to; voice alarm systems, central control stations, and smoke control systems, shall not be applied to buildings and structures affected by this section.

(F) Change Sections 1004.1 through 1004.2.2 to read as follows:

1004.1. General: Automatic sprinkler systems shall be approved and shall be designed and installed in accordance with the provisions of this code.

1004.2. Equipped throughout: Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system, the system shall be designed and installed in accordance with Sections 1004.2.1, 1004.2.2 or 1004.2.3.

Exception: Where the use of water as an extinguishing agent is not compatible with the fire hazard (see Section 1003.2) or is prohibited by a law, statute or ordinance, the affected area shall be equipped with an approved automatic fire suppression system utilizing a suppression agent that is compatible with the fire hazard.

1004.2.1. NFPA 13 systems: The systems shall be designed and installed

evidence of significant progressive combustion and the flame front shall not progress more than 10.5 feet (3200 mm) beyond the centerline of the burner at any time during the test. Fire-retardant treated wood shall be dried to a moisture content of 19% or less for lumber and 15% or less for plywood before use.

(B) Add new Sections 1702.4.1.1 and 1702.4.1.2 as follows:

1702.4.1.1. Strength modifications: Design values for untreated lumber, as specified in Section 1701.1, shall be adjusted when the lumber is pressure impregnated with fire-retardant chemicals. Adjustments to the design values shall be based upon an approved method of investigation which takes into consideration the effects of the anticipated temperature and humidity to which the fire-retardant treated wood will be subjected, the type of treatment, and the redrying procedures.

1702.4.1.2. Labeling: Fire-retardant treated lumber and plywood shall bear the label of an approved agency in accordance with Section 1307.3.2. Such label shall contain the information required by Section 1307.3.3.

ARTICLE 21. EXTERIOR WALLS.

(A) Delete Section 2101.6.9, Alterations and repairs, but do not renumber remaining sections.

ARTICLE 25. MECHANICAL EQUIPMENT AND SYSTEMS.

(A) Change Section 2500.2 to read as follows:

2500.2. Mechanical code: All mechanical equipment and systems shall be constructed, installed and maintained in accordance with the mechanical code listed in Appendix A, as amended below:

1. Delete Article 17, Air Quality:
2. Add Note to M-2000.2 to read as follows:

Note: Boilers and pressure vessels constructed under this Article

shall be inspected and have a certificate of inspection issued by the Department of Labor and Industry.

**ARTICLE 27.
ELECTRIC WIRING AND EQUIPMENT.**

(A) Add Section 2700.5 to read as follows:

2700.5. Telephone outlets: Each dwelling unit shall be pre-wired to provide at least one telephone outlet. All dwelling unit telephone wiring shall be a minimum of two-pair twisted wire cable. In multifamily dwellings, the telephone wiring shall terminate inside or outside of the building at a point prescribed by the telephone company.

**ARTICLE 28.
PLUMBING SYSTEMS.**

(A) Change Section 2800.1 to read as follows:

2800.1. Scope: The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in buildings shall comply with the requirements of this article and the plumbing code listed in Appendix A (BOCA National Plumbing Code/1990) as amended below:

1. Change Section P-303.1 to read as follows:

P-303.1. General: The water distribution and drainage system of any building in which plumbing fixtures are installed shall be connected to public water main and sewer respectively, if available. Where a public water main is not available, an individual water supply shall be provided. Where a public sewer is not available, a private sewage disposal system shall be provided conforming to the Regulations of the Virginia Department of Health.

2. Change Section P-303.2 to read as follows:

P-303.2. Public systems available: A public water supply system or public sewer system shall be deemed available to premises used for human occupancy if such premises are within (number of feet and inches as determined by the local government) measured along a street,

alley, or easement, of the public water supply or sewer system, and a connection conforming with the standards set forth in the USBC may be made thereto.

3. Change Section P-308.3 to read as follows:

P-308.3. Freezing: Water service piping and sewers shall be installed below recorded frost penetration but not less than (number of feet and inches to be determined by the local government) below grade for water piping and (number of feet and inches to be determined by the local government) below grade for sewers. In climates with freezing temperatures, plumbing piping in exterior building walls or areas subjected to freezing temperatures shall be adequately protected against freezing by insulation or heat or both.

4. Delete Section P-311.0, Toilet Facilities for Workers.

5. Add new Section P-604.2.1 to read as follows:

P-604.2.1. Alarms: Malfunction alarms shall be provided for sewage pumps or sewage ejectors rated at 20 gallons per minute or less when used in Use Group R-3 buildings.

6. Add the following exception to Section P-1001.1:

4. A grease interceptor listed for use as a fixture trap may serve a single fixture or a combination sink of not more than three compartments when the vertical distance of the fixture drain to the inlet of the grease interceptor does not exceed 30 inches and the horizontal distance does not exceed 60 inches.

7. Change Note d of Table P-1202.1 to read:

Note d. For attached one and two family dwellings one automatic clothes washer connection shall be required per 20 dwelling units. Automatic clothes washer connections are not required for Use Group R-4.

8. Revise Table P-1202.1 for Building Use Groups A-1, A-3, A-4 and A-5.

Table P-1202.1

Building Use Group	Water Closets, Male (Urinals, see section P- 1218.2)	Water Closets, Females
A-1 Assembly, theaters	1 per 125	1 per 65
A-2 Assembly, nightclubs	1 per 40	1 per 40
A-3 Assembly, restaurants	1 per 75	1 per 75
A-3 Assembly, halls, museums, etc.	1 per 125	1 per 65
A-4 Assembly, churches ^b	1 per 150	1 per 75
A-5 Assembly, stadiums, pools, etc.	1 per 100	1 per 50

9. Add Note e to Table P-1202.1 to reference Use Group F-2 day nurseries to read as follows:

Note e. Day nurseries shall only be required to provide one bathtub or shower regardless of the number of occupants.

10. Delete Section P-1203.0, Handicap Plumbing Facilities, but do not renumber the remaining sections in the Article.

11. Add new Section P-1501.3:

P-1501.3. Public water supply and treatment: The approval, installation and inspection of raw water collection and transmission facilities, treatment facilities and all public water supply transmission mains shall be governed by the Virginia Waterworks Regulations. The internal plumbing of buildings and structures, up to the point of connection to the water meter shall be governed by this code. Where no meter is installed, the point of demarcation shall be at the point of connection to the public water main; or, in the case of an owner of both public water supply system and the building served, the point of demarcation is the point of entry into the building.

Note: See Memorandum of Agreement between the Board of Housing and Community Development and the Virginia Department of Health, signed July 21, 1980.

12. Add the following exception to P-1503.8:

Exception: Pursuant to § 36-99.10 of the Code of Virginia, based upon the lack of present or future water supply, local government may elect to apply the provisions of Section P-1503.9 to all or a portion of their locality.

13. Add new Section P-1503.9 to read as follows:

P-1503.9. Maximum flow and water consumption: The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with Table P-1503.9. Water consumption for water closets listed in the exceptions below shall use a maximum of 4 gallons per flushing cycle. Water consumption for urinals listed in the exceptions below shall use a maximum of 1½ gallons per flush.

Exceptions:

1. Blowout design fixtures.
2. Penalware.
3. Clinical sinks.
4. Service sinks.
5. Emergency showers.
6. Water closets provided for public use in buildings of Use Groups A-1, A-2, A-3, and A-5.
7. Water closets provided for patients and residents in buildings of Use Group I-2.
8. Water closets provided for inmates and residents in buildings of Use Group I-3.

Table P-1503.9
Maximum Flow Rates and Consumption for
Plumbing Fixtures and Fixture Fittings

PLUMBING FIXTURE OR FIXTURE FITTING	MAXIMUM FLOW RATE OR QUANTITY
Water closet	1.6 gallon per flushing cycle
Urinal	1.0 gallon per flushing cycle

PLUMBING FIXTURE OR FIXTURE FITTING	MAXIMUM FLOW RATE OR QUANTITY
Shower head	2.5 gallon per minute at 80 psi
Lavatory nonpublic	2.2 gallon per minute at 60 psi
Lavatory public	0.5 gallon per minute at 80 psi
Lavatory public metering self-closing	0.25 gallon per metering cycle
Sink faucet	2.2 gallon per minute at 60 psi

14. Add Note to P-1506.3 to read as follows:

Note: Water heaters which have a heat input of greater than 200,000 BTU per hour, a water temperature of over 210° F, or contain a capacity of more than 120 gallons shall be inspected and have a certificate of inspection issued by the Department of Labor and Industry.

15. Delete Article 16, Individual Water Supply.

(B) Change Section 2804.3 to read as follows:

2804.3. Private water supply: When public water mains are not used or available, a private source of water supply may be used. The Health Department shall approve the location, design and water quality of the source prior to the issuance of the permit. The building official shall approve all plumbing, pumping and electrical equipment associated with the use of a private source of water.

(C) Change Section 2807.1 to read as follows:

2807.1. Private sewage disposal: When water closets or other plumbing fixtures are installed in buildings which are not located within a reasonable distance of a sewer, suitable provisions shall be made for disposing of the building sewage by some method of sewage treatment and disposal satisfactory to the administrative authority having jurisdiction. When an individual sewage system is required, the control and design of this system shall be as approved by the State Department of Health, which must approve the location and design of the system and septic tanks or other means of disposal. Approval of pumping and electrical equipment shall be the responsibility of the building official.

Modifications to this section may be granted by the local building official, upon agreement by the local health department, for reasons of hardship, unsuitable soil conditions or temporary recreational use of a building. Temporary recreational use buildings shall mean any building occupied intermittently for recreational purposes only.

**ARTICLE 29.
SIGNS.**

- (A) Delete Section 2901.1, Owner's consent.
- (B) Delete Section 2901.2, New signs.
- (C) Delete Section 2906.0, Bonds and Liability Insurance.

**ARTICLE 30.
PRECAUTIONS DURING BUILDING OPERATIONS.**

- (A) Change Section 3000.1 to read as follows:

3000.1. Scope: The provisions of this article shall apply to all construction operations in connection with the erection, alteration, repair, removal or demolition of buildings and structures. It is applicable only to the protection of the general public. Occupational health and safety protection of building-related workers are regulated by the Virginia Occupational Safety and Health Standards for the Construction Industry, which are issued by the Virginia Department of Labor and Industry.

APPENDIX A - REFERENCED STANDARDS.

- (A) Add the following standards:

NCSBCS/ANSI A225.1-87 Manufactured Home Installations
(referenced in Section 620.4).

NFiPA 13D-89 Installation of Sprinkler Systems in One-
and Two-Family Dwellings and Mobile
Homes (referenced in Section 1004.2.3)

NFiPA 30A-87 Automotive and Marine Service Station

ADDENDUM 2.

**AMENDMENTS TO THE CABO ONE AND TWO FAMILY
DWELLING CODE/1989 EDITION AND 1990 AMENDMENTS.**

As provided in Section 101.4 of the Virginia Uniform Statewide Building Code, the amendments noted in this Addendum shall be made to the CABO One and Two Family Dwelling Code/1989 Edition and 1990 Amendments for use as part of the USBC.

PART I - ADMINISTRATIVE.

Chapter 1 - ADMINISTRATIVE.

- (A) Any requirements of Sections R-101 through R-113 that relate to administration and enforcement of the CABO One and Two Family Dwelling Code are superseded by Article 1, Adoption, Administration and Enforcement of the USBC.

PART II - BUILDING PLANNING.

Chapter 2 - BUILDING PLANNING.

- (A) Add Section R-203.5, Insects Screens:

R-203.5. Insect Screens: Every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than 16 mesh per inch.

- (B) Change Section R-206 to read as follows:

SECTION R-206 - SANITATION.

Every dwelling unit shall be provided with a water closet, lavatory and a bathtub or shower.

Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink of approved nonabsorbent material.

All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

All plumbing fixtures shall be connected to an approved water supply and provided with hot and cold running water, except water closets may be provided with cold water only.

Modifications to this section may be granted by the local building official, upon agreement by the local health department, for reasons of hardship, unsuitable soil conditions or temporary recreational use of the building.

(C) Add to Section R-211:

Key operation is permitted from a dwelling unit provided the key cannot be removed when the door is locked from the side from which egress is to be made.

(D) Change Section R-214.2 to read as follows:

R-214.2. Guardrails: Porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails not less than 36 inches in height.

Required guardrails on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which will not allow passage of an object 6 inches or more in diameter.

(E) Change Section R-215.1 to read:

R-215.1. Smoke Detectors Required: Smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each story of the dwelling, including basements and cellars, but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than one full story below the upper level, except that if there is a door between levels then a detector is required on each level. All detectors shall be connected to a sounding device or other detectors to provide, when activated, an alarm which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturers instructions. When one or more sleeping rooms are added or created in existing dwellings, the addition

shall be provided with smoke detectors located as required for new dwellings.

(F) Add new Section R-220:

SECTION R-220 - TELEPHONE OUTLETS.

Each dwelling unit shall be prewired to provide at least one telephone outlet. All dwelling unit telephone wiring shall be a minimum of two-pair twisted wire cable. The telephone wiring shall terminate on the exterior of the building at a point prescribed by the telephone company.

(G) Add new Section R-221:

SECTION R-221 - LEAD BASED PAINT.

Lead based paint with a lead content of more than .06% by weight shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations.

PART III - CONSTRUCTION.

Chapter 3 - FOUNDATIONS.

(A) Add Section R-301.6 to read as follows:

R-301.6. Floodproofing: All buildings or structures located in areas prone to flooding as determined by the governing body having jurisdiction shall be floodproofed in accordance with the provisions of Section 2101.6 of the 1990 BOCA National Building Code.

Chapter 9 - CHIMNEYS AND FIREPLACES.

(A) Add Section R-903.10 as follows:

R-903.10. Spark Arrestor: Spark arrestor screens shown in Figure R-903.1 are optional unless specifically required by the manufacturer of the fireplace stove or other appliance utilizing a chimney.

PART IV - MECHANICAL

(A) Add new Section M-1101.1:

M-1101.1. Residential Buildings: Every owner of any structure who rents, leases, or lets one or more dwelling units or guest rooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65°F (18°C), in all habitable spaces, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60°F (16°C) during other hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from exterior walls.

Exception: When the exterior temperature falls below 0°F (-18°C) and the heating system is operating at its full capacity, a minimum room temperature of 60°F (16°C) shall be maintained at all times.

PART V - PLUMBING.

Chapter 22 - PLUMBING, DRAINAGE, WASTE
AND VENT SYSTEMS (DWV).

(A) Change Section P-2206.8.2 to read as follows:

P-2206.8.2. Sewage ejectors or sewage pumps: A sewage ejector, sewage pump or grinder pump receiving discharge from a water closet shall have a minimum discharge velocity of 1.9 feet per second throughout the discharge piping to the point of connection with a gravity building drain, gravity sewer or pressure sewer system. A non-grinding pump or ejector shall be capable of passing a 1½ inch-diameter solid ball, and the discharge piping shall have a minimum diameter of 2 inches. The discharge piping of grinder pumps shall have a minimum diameter of 1¼ inches. All pumps shall be protected from backflow by a backwater or check valve. Malfunction alarms shall be provided on sewage pumps or sewage ejectors rated at 20 gallons per minute or less.

(B) Change Section P-2301 - Fixtures, fittings and appurtenances to read as follows:

P-2301.1. General: Plumbing fixtures, fittings, and appurtenances shall conform to the standards specified in Table No. P-2301 and shall be provided with an adequate supply of potable water to flush and keep the fixtures in a clean and sanitary condition without danger of backflow or cross-connection.

Exception: Pursuant to § 36-99.10 of the Code of Virginia, based upon the lack of present or future water supply, local government may elect to apply the provisions of Section P-2301.2 to all or a portion of their locality:

P-2301.2. Maximum flow and water consumption: The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall comply with the following criteria:

1. Shower heads shall be of the water conserving type, which deliver a maximum flow rate of 2.5 gpm at 80 psi.
2. Faucets on lavatories shall be of the water conserving type, which deliver a maximum flow rate of 2.2 gpm at 60 psi.
3. Water closets shall be of the 1.6 gpf type and shall be provided with a flush tank or similar device designed and installed to supply water in sufficient quantity and flow to flush the contents of the fixture and refill the fixture trap.
4. Sink faucets shall be of the water conserving type, which deliver a maximum flow rate of 2.2 gpm at 60 psi.

PART VI - ELECTRICAL

(A) Revise Part VI as follows:

The electrical installations shall conform to the Electrical Code for One and Two Family Dwellings (NFPA 70A-1990) published by the National Fire Protection Association.

PART VII - ENERGY CONSERVATION.

(A) Revise Part VII as follows:

The energy conservation requirements shall conform to Article 31 of the BOCA National Building Code/1990.

ADDENDUM 3.

RELATED LAWS.

(Excerpts from the Code of Virginia)

CHAPTER 6.

UNIFORM STATEWIDE BUILDING CODE.

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.)

§ 36-98.01. Mechanics lien agent included on building permit for residential property at request of applicant. - In addition to any information required by the Uniform Statewide Building Code, a building permit issued for any one- or two-

family residential dwelling unit shall at the time of issuance contain, at the request of the applicant, the name, mailing address, and telephone number of the mechanics' lien agent as defined in § 43-1. If the designation of a mechanics' lien agent is not so requested by the applicant, the building permit shall at the time of issuance state that none has been designated with the words "None Designated." (1992, cc. 779, 787.)

Effective date. This section is effective June 1, 1992.

§ 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 (i) a device or

structure open to the public by which persons are conveyed or moved in an unusual manner for diversion and (ii) passenger tramways. A "passenger tramway" means a device used to transport passengers uphill, and suspended in the air by the use of steel cables, chains or belts, or by ropes, and usually supported by trestles or towers with one or more spans. 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; 1991, c. 152.)

§ 36-99. Provisions of Code. - The Building Code 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; 9181, 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 Youth and Family 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 have 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, adult day care centers and nursing homes and facilities. - A. Battery or AC-powered smoke detector devices shall be installed in all homes for adults and adult day care centers licensed by the Department of Social Services, regardless of when the building was constructed. 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 or center 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.

B. The Board of Housing and Community Development shall promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) establishing standards for requiring smoke detectors in nursing homes and nursing facilities. All nursing homes and nursing facilities which are already equipped with sprinkler systems shall comply with these regulations. (1988, c. 55; 1990, cc. 448, 703; 1992, c. 356.)

§ 36-99.6 Underground storage tank inspections. - A. The Board of Housing and 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.

B. The Board is also authorized to incorporate, as part of the Building Code, regulations developed by the State Water Control Board pursuant to § 62.1-44.34:15.1 governing aboveground storage tanks.

C. 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. 1992, c.456.)

§ 36-99.6:1. Aboveground storage tanks. - Aboveground storage tank systems located at commercial, industrial, governmental or manufacturing establishments for motor fuels, aviation fuels and heating fuels shall comply with National Fire Protection Association (NFPA) standards. (1990, c. 589.)

§ 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 and 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. To meet the inspection requirements of subsection A except with respect to schools, asbestos inspection of renovation projects consisting only of repair or replacement of roofing, floorcovering, or siding materials may be satisfied by:

1. A statement that the materials to be repaired or replaced are assumed to contain asbestos and that asbestos installation, removal, or encapsulation will be accomplished by a licensed asbestos contractor or a licensed RFS contractor; or

2. A certification by the owner that sampling of the material to be renovated was accomplished by an RFS inspector as defined in § 54.1-500 and analysis of the sample showed no asbestos to be present.

C. 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.

D. 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; 1990, c. 823.)

§ 36-99.8 Skirting. - Manufactured homes installed or relocated pursuant to the Building Code shall have skirting installed within sixty days of occupancy of the home. Skirting materials shall be durable, suitable for exterior exposures, and installed in accordance with the manufacturer's installation instructions. Skirting shall be secured as necessary to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Each manufactured home shall have a minimum of one opening in the skirting providing access to any water supply or sewer drain connections under the home. Such openings shall be a minimum of eighteen inches in any dimension and not less than three square feet in area. The access panel or door shall not be fastened in a manner requiring the use of a special tool to open or remove the panel or door. On-site fabrication of the skirting by the owner or installer of the home shall be acceptable, provided that the material meets the requirements of the Building Code.

As used in this section, "skirting" means a weather-resistant material used to enclose the space from the bottom of the manufactured home to grade. (1990, c. 593.)

§ 36-99.9. Standards for fire suppression systems in certain facilities. - The Board of Housing and Community Development shall promulgate regulations by October 1, 1990, in accordance with the Administrative Process Act, Chapter 1.1:1 (§§ 9-6.14:1 et seq.) of Title 9, establishing standards for fire suppression systems in nursing facilities and nursing homes, regardless of when such facilities or institutions were constructed. In the development of these standards, the Board shall seek input from relevant state agencies.

Units consisting of certified long-term care beds described in this section and § 32.1-126.2 located on the ground floor of general hospitals shall be exempt from the requirements of this section. (1990, c. 804.)

§ 36-99.10. Standards for water saving conservation. - The Board of Housing and Community Development shall promulgate standards that provide for the installation of water conservation devices and low consumption fixtures in construction as part of the Building Code. Such standards shall provide for implementation at the option of the local governing body, and may be applied to all or a portion of their local government based upon the lack of present or future water supply to serve citizens of that local government. (1992, c. 515.)

§ 36-99.11 Identification of handicapped parking spaces by above grade signage. - A. All parking spaces reserved for the use of handicapped persons shall be identified by above grade signs, regardless of whether identification of such spaces by above grade signs was required when any particular space was reserved for the use of handicapped persons. A sign or symbol painted or otherwise displayed on the pavement of a parking space shall not constitute an above grade sign. Any parking space not identified by an above grade sign shall not be a parking space reserved for the handicapped within the meaning of this section.

B. All above grade handicapped parking space signs shall have the bottom edge of the sign no lower than four feet nor higher than seven feet above the parking surface. Such signs shall be designed and constructed in accordance with the provisions of the Uniform Statewide Building Code.

C. Building owners shall install above grade signs identifying all parking spaces reserved for the use of handicapped persons in accordance with this section and the applicable provisions of the Uniform Statewide Building Code by January 1, 1993. (1992, cc. 753, 764.)

§ 36-100. Notice and hearings on adoption of Code, amendments and repeals. - The Board shall adopt, amend, or repeal any Code provisions in accordance with the Administrative Process Act, Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9. Before any such action, the Board shall hold at least one public hearing. In addition to the notice requirement contained therein, the Board shall notify in writing the building official or, where none, the local governing body of every city or county in the Commonwealth. At any such hearing all persons desiring to do so shall be afforded an opportunity to present their views. (1972, c. 829; 1977, c. 613; 1991, c. 49.)

§ 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 and 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, 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. For the purposes of this section, towns with a

population of less than 3,500 may elect to administer and enforce the Building Code for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the Building Code for that portion of the town which is situated within their respective boundaries. 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; 1992, c. 73.)

§ 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. - A. 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 \$2,500; additionally, if the violation concerns a residential unit and if the violation remains uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation within six months of the date of conviction.

B. Any owner or any other person, firm or corporation violating any Code provisions relating to the removal or the covering of lead-base paint which poses a hazard to the health of pregnant women and children under the age of six years who occupy the premises shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than \$2,500. If the court convicts pursuant

to this subsection and sets a time by which such hazard must be abated, each day the hazard remains unabated after the time set for the abatement has expired shall constitute a separate violation of the Uniform Statewide Building Code. Upon a reasonable showing to the court by a landlord as defined in § 55-248.4, that such landlord is financially unable to abate the lead-base paint hazard, the court shall order any rental agreement related to the affected premises terminated effective thirty days from the entry of the court order. For the purposes of the preceding sentence, termination of the rental agreement shall not be deemed noncompliance by the landlord pursuant to § 55-248.21.

C. Any prosecution under this section shall be commenced within two years as provided in § 19.2-8. (1972, c. 829; 1975, c. 367; 1991, c. 655; 1992, cc. 435, 650.)

§ 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.)

ARTICLE 2.

State Building Code Technical Review Board.

§ 36-107.1. **Sale of residential structure with lead-based paint levels exceeding Code standards; penalty.** - Whenever any property owner has been notified by local building officials or representatives of local health departments that any residential premise has levels of lead-based paint in violation of the Uniform Statewide Building Code (§ 36-97 et seq.), such property owner shall notify prospective purchasers in writing of the presence of unacceptable levels of lead-based paint in such premises and the requirements concerning the removal of the same. Such notification shall include a copy of any notice the property owner received from local building officials or representatives of local health departments advising of the presence of unacceptable levels of lead-based paint in such premises.

The notice required herein shall be provided to prospective purchasers prior to the signing of a purchase and sales agreement or, if there is no purchase or sales agreement, prior to the signing of a deed. The requirements shall not apply to purchase and sales agreements or deeds signed prior to July 1, 1991. Transactions in which sellers have accepted written offers prior to July 1, 1991, but have not signed a purchase or sales agreement or a deed prior to July 1, 1991, shall be subject to the notice requirements.

Any person who fails to comply with the provisions of this section shall be liable for all damages caused by his failure to comply and shall, in addition, be liable for a civil penalty not to exceed \$1,000. (1991, c. 266.)

§ 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 Commonwealth 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, 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.)

CHAPTER 8.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

§ 36-137. Powers and duties of Board. - The Board shall exercise the following powers and duties, and such others as may be provided by law:

1. Provide a means of citizen access to the Department.
2. Provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities.
3. Monitor the policies and activities of the Department and have the right of access to departmental information.
4. Advise the Governor and the Director on matters relating to housing and community development.
5. Make such rules and regulations as may be necessary to carry out its responsibilities and repeal or amend such rules when necessary.
6. Issue a certificate of competence concerning the content, application, and intent of specified subject areas of the Uniform Statewide Building Code to present or prospective personnel of local governments and to any other persons seeking to become qualified to perform inspections pursuant to Chapter 6 (§ 36-97 et seq.) of this title and any regulations adopted thereunder, who have completed training programs or in other ways demonstrated adequate knowledge.
7. Levy by regulation up to one percent of building permit fees authorized pursuant to § 36-105 to support training programs of the Building Code Academy established pursuant to § 36-139. Local building departments shall collect such levy and transmit it quarterly to the Department of Housing and Community Development. Localities which maintain, individual or regional, training academies accredited by the Department of Housing and Community Development shall retain such levy. However, such localities may send employees to training programs of the Building Code Academy upon payment of a fee calculated to cover the cost of such training. Any unspent balance shall be reappropriated each year for the continued operation of the Building Code Academy. Annual collections of such levy in excess of \$500,000 or any unobligated fund balance greater than one-third of that year's collections shall be credited against the levy to be collected in the next fiscal year.
8. Establish general policies, procedures, and programs for the Virginia Housing Partnership Revolving Fund established in Chapter 9 (§ 36-141 et seq.) of this title.
9. Determine the categories of housing programs, housing sponsors and persons and families of low and moderate income eligible to participate in grant or loan programs of the Virginia Housing Partnership Revolving Fund and designate the proportion of such grants or loans to be made available in each category.
10. Advise the Director of the Department on the program guidelines required to accomplish the policies and procedures of the Virginia Housing Partnership Revolving Fund.
11. Advise the Virginia Housing Development Authority on matters relating to the administration and management of loans and grants from the Virginia Housing Partnership Revolving Fund.
12. Establish the amount of the low-income housing credit, the terms and conditions for qualifying for such credit, and the terms and conditions for computing any credit recapture amount for the Virginia income tax return.

13. Serve in an advisory capacity to the Center for Housing Research established by § 23-135.7:14.

14. Advise the Department in the development of the Comprehensive Housing Affordability Strategy to guide and coordinate the housing programs of the Department, the Virginia Housing Development Authority, and other state agencies and instrumentalities. (1977, c. 613; 1978, c. 751; 1980, c. 107; 1981, c. 309; 1984, c. 720; 1986, c. 427; 1988, c. 687; 1989, c. 279; 1992, c. 754.)

§ 36-139. Powers and duties of Director. - The Director of the Department of Housing and Community Development shall have the following responsibilities.

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.

2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.

3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.

4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.1-1412.

5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.

6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.

7. Developing a Comprehensive Housing Affordability Strategy to guide the development and implementation of housing programs in the Commonwealth for the purpose of meeting the housing needs of the Commonwealth and, in particular, those of low-income and moderate-income persons and families.

8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Comprehensive Housing Affordability Strategy, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.

9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.

10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental

housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

13. Administering the provisions of the Statewide Fire Prevention Code (§ 27-94 et seq.).

14. Establishing and operating a Building Code Academy for the training of personnel in building regulations promulgated by the Board of Housing and Community Development.

15. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

16. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.

17. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.

18. Advising the Board on matters relating to policies and programs of the Virginia Housing Partnership Revolving Fund.

19. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Partnership Revolving Fund and to carry out the policies and procedures established by the Board.

20. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Partnership Revolving Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be made from such Fund; directing the Virginia Housing Development Authority as to the closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing the Virginia Housing Development Authority as to the regulation and monitoring of the ownership, occupancy and operation of the housing developments and residential housing financed or assisted by such loans and grants; and providing direction and guidance to the Virginia Housing Development Authority as to the investment of moneys in such Fund.

21. Advising the Board on matters relating to policies for the low-income housing credit and administering the approval of low-income housing credits as provided in §36-55.63.

22. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department. (1977, c. 613; 1978, cc. 737, 751; 1981, cc. 309, 315; 1982, c. 36; 1986, c. 427; 1988, c. 687; 1989, cc. 258, 279; 1992, c. 754.)

CHAPTER 1.1:1

ADMINISTRATIVE PROCESS ACT.

ARTICLE 1.

General Provisions.

§ 9-6.14:4. **Definitions.** - As used in this chapter:

A. "Agency" means any authority, instrumentality, officer, board or other unit of the state government empowered by the basic laws to make regulations or decide cases.

B. "Agency action" means either an agency's regulation or case decision or both, any violation, compliance, or noncompliance with which could be a basis for the imposition of injunctive orders, penal or civil sanctions of any kind, or the grant or denial of relief or of a license, right, or benefit by any agency or court.

C. "Basic law" or "basic laws" means provisions of the Constitution and statutes of the Commonwealth of Virginia authorizing an agency to make regulations or decide cases or containing procedural requirements therefor.

D. "Case" or "case decision" means any agency proceeding or determination that, under laws or regulations at the time, a named party as a matter of past or present fact, or of threatened or contemplated private action, either is, is not, or may or may not be (i) in violation of such law or regulation or (ii) in compliance with any existing requirement for obtaining or retaining a license or other right or benefit.

E. "Hearing" means agency processes other than those informational or factual inquiries of an informal nature provided in §§ 9-6.14:7.1 and 9-6.14:11 of this chapter and includes only (i) opportunity for private parties to submit factual proofs in formal proceedings as provided in § 9-6.14:8 of this chapter in connection with the making of regulations or (ii) a similar right of private parties or requirement of public agencies as provided in § 9-6.14:12 hereof in connection with case decisions.

F. "Rule" or "regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic laws.

G. "Subordinate" means (i) one or more but less than a quorum of the members of a board constituting an agency, (ii) one or more of its staff members or employees, or (iii) any other person or persons designated by the agency to act in its behalf.

H. [Repealed.] (1975, c. 503; 1977, cc. 377, 381; 1979, c. 613; 1984, c. 187; 1985, cc. 67, 602.)

§ 9-6.14:4.1. **Exemptions and exclusions.** - A. Although required to comply with §9-6.18 of the Virginia Register Act (§ 9-6.15 et seq.), the following agencies are exempted from the provisions of this chapter, except to the extent that they are specifically make subject to §§ 9-6.14:1, 9-6.14:21 and 9-6.14:22:

1. The General Assembly.
2. Courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.
3. The Department of Game and Inland Fisheries.
4. The Virginia Housing Development Authority.
5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities, except for those created under Chapter 27 (§ 15.1-1228 et seq.) of Title 15.1.

6. Educational institutions operated by the Commonwealth provided that, with respect to § 9-6.14:22, such educational institutions shall be exempt from the publication requirements only with respect to regulations which pertain to (i) their academic affairs; (ii) the selection, tenure, promotion and disciplining of faculty and employees; (iii) the selection of students; and (iv) rules of conduct and disciplining of students.

7. The Milk Commission.

8. The Virginia Resources Authority.

9. Agencies expressly exempted by any other provision of this Code.

10. The Virginia Voluntary Formulary Board in formulating recommendations regarding amendments to the Formulary pursuant to § 32.1-81.

11. The Council on Information Management.

12. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.1-526.14.

13. [Repealed.]

14. [Repealed.]

15. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23-9.6:2.

16. The Commissioner of the Department of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.1-726.

17. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsection A of § 3.1-884.21:1.

18. The Board of Medicine when specifying therapeutic pharmaceutical agents for the treatment of certain conditions of the human eye and its adnexa by certified optometrists pursuant to § 54.1-2957.2.

19. The Board of Medicine, in consultation with the Board of Pharmacy, when promulgating amendments to the Physician's Assistant Formulary established pursuant to § 54.1-2952.1.

20. The Boards of Medicine and Nursing in promulgating amendments to the Nurse Practitioner Formulary established pursuant to § 54.1-2957.01.

21. The Virginia War Memorial Foundation.

B. Agency action relating to the following subjects is exempted from the provisions of this chapter:

1. Money damage claims against the Commonwealth or agencies thereof.

2. The award or denial of state contracts, as well as decisions regarding compliance therewith.

3. The location, design, specifications or construction of public buildings or other facilities.

4. Grants of state or federal funds or property.

5. The chartering of corporations.

6. Customary military, naval or police functions.

7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of the Commonwealth.

8. The conduct of elections or eligibility to vote.

9. The custody of persons in, or sought to be placed in, mental, penal or other state institutions as well as the treatment, supervision, or discharge of such persons.

11. Traffic signs, for application or renewal of a license, certificate, or registration required by law.

12. Instruction for application or renewal of a license, certificate, or registration required by law.

13. Content of, or rules for the conduct of, any examination required by law.

14. The administration of a pool or pools authorized by Article 7.1 § 2.1-234.9:1 et seq.) of Chapter 14 of Title 2.1.

15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent with duly adopted regulations of the State Lottery Board, and provided that such regulations are published and posted.

16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Chapter 7 (§ 28.1-175 et seq.) of Title 28.1.

C. The following agency actions otherwise subject to this chapter and § 9-6.18 of the Virginia Register Act are excluded from the operation of Article 2 (§ 9-6.14:7.1 et seq.) of this chapter:

1. Agency orders or regulations fixing rates or prices.

2. Regulations which establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations which consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations which:

(a) Are necessary to conform to changes in Virginia statutory law where no agency discretion is involved;

(b) Are required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or

(c) Are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing; notice of the proposed adoption of these regulations and the Registrar's above determination shall be published in the Virginia Register not less than thirty days prior to the effective date thereof.

5. Regulations which an agency finds are necessitated by an emergency situation. In such cases, the agency shall state in writing the nature of the emergency and of the necessity for such action and may adopt such regulations with the prior approval of the Governor. Such regulations shall be limited to no more than twelve months in duration.

6. [Repealed.]

7. Preliminary program permit fees of the Department of Air Pollution Control assessed pursuant to subsection C of § 10.1-1322.2.

Whenever regulations are adopted under this subsection C, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this subsection shall be in accordance

with the provisions of § 9-6.14:9.3, except in the case of emergency regulations, which shall become effective as provided in § 9-6.14:9 A.

D. The following agency actions otherwise subject to this chapter are excluded from the operation of Article 3 (§ 9-6.14:11 et seq.) of this chapter:

1. The assessment of taxes or penalties under the tax laws.
2. The award or denial of claims for workers' compensation.
3. The grant or denial of public assistance.
4. Temporary injunctive or summary orders authorized by law.
5. The determination of claims for unemployment compensation or special unemployment.
6. The award or denial of individual student loans by the Virginia Education Loan Authority.

7. The determination of applications for guaranty of individual student loans or the determination of default claims by the State Education Assistance Authority.

E. The Marine Resources Commission, otherwise subject to this chapter and § 9-6.18 of the Virginia Register Act, is excluded from the operation of subsection C of this section and of Article 2 (§ 9-6.14:7.1 et seq.) of this chapter; however, the authorization for any general permit or guidelines for activity undertaken pursuant to Title 62.1 by the Marine Resources Commission shall be in accordance with the provisions of this chapter. (1985, c. 602; 1986, c. 615; 1987, cc. 375, 652; 1988, cc/ 364, 424, 498, 723, 765, 820; 1989, cc. 54, 299, 478,; 1990, cc. 80, 294, 344; 1992, cc. 200, 409, 488, 592, 793.)

ARTICLE 2.

Regulations.

§ 9-6.14:7.1. Public participation; informational proceedings; effect of noncompliance. - A. Public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations shall be developed, adopted and utilized by each agency pursuant to the provisions of this chapter. Such guidelines shall not only be utilized prior to the formation and drafting of the proposed regulation, but shall also be utilized during the entire formation, promulgation and final adoption process of a regulation. The guidelines shall set out methods for the identification and notification of interested parties, specific means of seeking input from interested persons or groups and, whenever appropriate, may provide for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency.

B. In formulating any regulation, including but not limited to those in public assistance programs, the agency pursuant to its public participation guidelines shall afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing, to the agency or its specially designated subordinate.

C. In the case of all regulations, except those regulations exempted by § 9-6.14:4.1, the proposed regulation and general notice of opportunity for oral or written submittals as to that regulation shall be published in the Virginia Register of Regulations in accordance with the provisions of subsection B of § 9-6.14:22 and

such notice shall be published in a newspaper of general circulation published at the state capital and, in addition, as the agency may determine, it may be similarly published in newspapers in localities particularly affected, as well as publicized through press releases and such other media as will best serve the purpose and subject involved. The Register and newspaper publication shall be made at least sixty days in advance of the last date prescribed in the notice for such submittals. All notices, written submittals, and transcripts, summaries or notations of oral presentations, as well as any agency action thereon, shall be matters of public record in the custody of the agency.

The Registrar shall develop the format for the proper advertisement of proposed regulations in newspapers. The Registrar shall also be responsible for the publication of the newspaper advertising pertaining to proposed regulations. As used in this chapter "Registrar" means the Registrar of Regulations appointed as provided in § 9-6.17.

Before promulgating any regulation under consideration, the agency shall deliver a copy of that regulation to the Registrar together with a summary and separate and concise statement of the basis, purpose, substance, issues and the estimated impact of that regulation with respect to the number of persons affected and the projected costs for the implementation and compliance thereof. The summary and the statement of the basis, purpose, substance, issues and estimated impact shall be published in the Virginia Register of Regulations, together with the notice of hearing required above. However, only the summary shall be printed in the newspapers unless the agency requests publication of the statement of basis, purpose, substance, issues and estimated impact.

D. When an agency formulating regulations in public assistance programs cannot comply with the public comment requirements of subsection C of this section due to time limitations imposed by state or federal laws or regulations for the adoption of such regulation, the Secretary of Health and Human Resources may shorten the time requirements of subsection C. If, in the Secretary's sole discretion, such time limitations reasonably preclude any advance published notice, he may waive the requirements of subsection C. However, the agency shall, as soon as practicable after the adoption of the regulation in a manner consistent with the requirements of subsection C, publish notice of the promulgation of the regulation and afford an opportunity for public comment. The precise factual basis for the Secretary's determination shall be stated in the published notice.

E. For the purpose of this article, public assistance programs shall consist of those specified in § 63.1-87 of the Code.

F. In no event shall the failure to comply with the requirements of subsection C of this section be deemed mere harmless error for the purposes of § 9-6.14:17.

G. This section shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations. (1984, c. 5; 1985, c. 602; 1989, c. 71; 1991, c. 488.)

§ 9-6.14:8. **Evidential hearings.** - Where an agency proposes to consider the exercise of authority to promulgate a regulation, it may conduct or give interested persons an opportunity to participate in a public evidential proceeding; and the agency shall always do so where the basic law requires a hearing. Such evidential

hearings may be limited to the trial of factual issues directly relevant to the legal validity of the proposed regulation in any of the relevant respects outlined in § 9-6.14:17 of this chapter.

General notice of such proceedings shall be published as prescribed in § 9-6.14:7.1. In addition, where the proposed regulation is to be addressed to named persons, the latter shall also be given the same notice individually by mail or otherwise if acknowledged in writing. The proceedings may be conducted separately from, and in any event the record thereof shall be separate from, any other or additional proceedings the agency may choose or be required to conduct for the reception of general data, views, and argument pursuant to § 9-6.14:7.1 or otherwise. Any probative evidence may be received except that the agency shall as a matter of efficiency exclude irrelevant, immaterial, insubstantial, privileged, or repetitive proofs, and may in its discretion deny rebuttal, or cross-examination. Testimony may be admitted in written form provided those who have prepared it are made available for examination in person. There shall preside at the taking of such evidence the agency or one or more of its subordinates specially designated for the purpose, who may administer oaths and affirmations. The proceedings shall be recorded verbatim and the record thereof shall be made available to interested persons for transcription at their expense or, if transcribed by or for the agency, for inspection or purchase at cost.

Where subordinates preside at the reception of the evidence, they shall make a report with recommendations and proposed findings and conclusions which shall be made available upon request to the participants in the taking of evidence as well as other interested persons and serve as a basis for exceptions, briefs, or oral argument to the agency itself. Whether or not subordinates take the evidence, after opportunity for the submittal of briefs on request and such oral argument as may be scheduled in its discretion, the agency may settle the terms of the regulation and shall promulgate it only upon (i) its findings of fact based upon the record of evidence made pursuant to this section and facts of which judicial notice may be taken, (ii) statements of basis and purpose as well as comment upon data received in any informational proceedings held under § 9-6.14:7.1 and (iii) the conclusion or conclusions required by the terms of the basic law under which the agency is operating. (1975, c. 503; 1985, c. 602.)

§ 9-6.14:9. Adoption; effective date; filing; emergency regulations; duties of Registrar of Regulations. - A. Not set out.

B. Subject to the provisions of §§ 9-6.14:9.1 and 9-6.14:9.2, all regulations, including those as to which agencies pursuant to § 9-6.14:4.1 may elect to dispense with the public procedures provided by §§ 9-6.14:7.1 and 9-7.14:8, may be formally and finally adopted by the signed order of the agency so stating. No regulation except an emergency regulation shall be effective until the expiration of the applicable period as provided in § 9-6.14:9.3. In the case of an emergency regulation filed in accordance with subdivision C 5 of § 9-6.14:4.1, the regulation shall become operative upon its adoption and filing with the of Regulations, unless a later date is specified. The originals of all regulations shall remain in the custody of the agency as public records subject to judicial notice by all courts and agencies. They, or facsimiles thereof, shall be made available by the agency for public

inspection or copying. Full and true copies shall also be additionally filed, registered, published, or otherwise made publicly available as may be required by other laws.

Emergency regulations shall be published as soon as practicable in the Register.

C. Prior to the publication for hearing of a proposed regulation, copies of the regulation and copies of the summary and statement as to the basis, purpose, substance, issues and impact of the regulation and the agency's comments thereon as required by § 9-6.14:7.1 shall be transmitted to the Registrar of Regulations, who shall retain these documents..

D. All regulations adopted pursuant to this chapter shall contain a citation to the section of the Code of Virginia that authorizes or requires such regulations and, where such regulations must conform to federal law or regulation in order to be valid, a citation to the specific federal law or regulation to which conformity is required.

E. Immediately upon the adoption by any agency of any regulation in final form, a copy of (i) the regulation, (ii) a then current summary and statement as to the basis, purpose, substance, issues, and impact of the regulation, and (iii) the agency's summary description of the nature of the oral and written data, views, or arguments presented during the public proceedings and the agency's comments thereon shall be transmitted to the Registrar of Regulations, who shall retain these documents as permanent records. (1975, c. 503; 1977, cc. 450, 459; 1981, c. 387; 1982, c. 425; 1983, c. 295; 1984, c. 5; 1989, c. 71; 1992, c. 829.)

§ 9-6.14:9.1. Executive review of proposed regulations; substantial changes. -

A. The Governor shall adopt procedures by executive order for review of all proposed regulations governed by this chapter. The procedures shall include (i) review by the Attorney General to ensure statutory authority for the proposed regulations; (ii) examination by the Governor to determine if the proposed regulations are necessary to protect the public health, safety and welfare; and (iii) examination by the Governor to determine if the proposed regulations are clearly written and easily understandable. The procedures may also include review of the proposed regulation by the appropriate Cabinet Secretary.

The Governor's review of a proposed regulation shall begin upon the publication of that proposed regulation in the Register. The Governor shall transmit his comments on that proposed regulation to the Registrar and the agency prior to the completion of the public comment period provided for in § 9-6.14:7.1. The Governor may recommend amendments or modifications to any regulation which would bring that regulation into conformity with statutory authority or state or federal laws, regulations or judicial decisions.

Upon receipt of the Governor's comments on the proposed regulation, the agency (i) may adopt the proposed regulation if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's objections or suggestions; or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

B. Upon final adoption of the regulation, the agency shall forward a copy of the regulation to the Registrar of Regulations for publication as soon as practicable in the Register. Substantial changes to the proposed regulation shall be highlighted

and explained in the final regulation.

C. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days to require the promulgating agency to solicit additional public comment on the substantial changes. An additional public comment period shall not be required if the Governor determines that the substantial changes were made in response to public comment.

D. A thirty-day final adoption period for regulations shall commence upon the publication of the final regulation in the Register. The Governor shall review the final regulation during this thirty-day final adoption period and if he objects to any portion or all of a regulation he shall forward his objections to the Registrar and agency prior to the conclusion of the thirty-day final adoption period. The Governor shall be deemed to have acquiesced in a promulgated regulation if he fails to object to it during the thirty-day final adoption period. The Governor's objection shall be published in the Register.

A regulation shall become effective as provided in § 9-6.14:9.3.

E. This section shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations. (1984, c. 5.)

§ 9-6.14:9.2. *Legislative review of proposed regulation.* - After the legislative members have received copies of the Register pursuant to § 9-6.14:24, the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable may meet and, during the promulgation or final adoption process, file with the Registrar and the promulgating agency an objection to a proposed or final adopted regulation. The Registrar shall publish any such objection received by him as soon as practicable in the Register. Within twenty-one days after the receipt by the promulgating agency of a legislative objection, that agency shall file a response with the Registrar, the objecting legislative committee and the Governor. If a legislative objection is filed within the final adoption period, paragraph 1 of § 9-6.14:9.3 shall govern.

A regulation shall become effective as provided in § 9-6.14:9.3.

This section shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations. (1984, c. 5.)

§ 9-6.14:9.3. *Effective date of regulation.* - A regulation adopted in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) and the Virginia Register Act (§ 9-6.15 et seq.), shall become effective at the conclusion of the thirty-day final adoption period provided for in subsection D of § 9-6.14:9.1, or any other later date specified by the promulgating agency, unless:

1. A legislative objection has been filed in accordance with § 9-6.14:9.2, in which event the regulation, unless withdrawn by the promulgating agency, shall become effective on a date specified by the promulgating agency which shall be after the expiration of the applicable twenty-one-day extension period provided for in § 9-6.14:9.2; or

2. The Governor has exercised his authority in accordance with § 9-6.14:9.1 to suspend the regulatory process for solicitation of additional public comment on substantial changes to the proposed regulation, in which event the regulation, unless withdrawn by the promulgating agency, shall become effective on a date

specified by the promulgating agency which shall be after the period for which the Governor has suspended the regulatory process.

This section shall not apply to the issuance by the State Air Pollution Control Board of variances to its regulations. (1984, c. 5.)

Title 19.2.

**CHAPTER 1.
GENERAL PROVISIONS.**

§ 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 § Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 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 § 36-106 shall commence within two years of 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. 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, 55-79.95, 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. 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. Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed. 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.

A prosecution for any violation of the Virginia Fair Elections Practices Act (§ 24.1-251 et seq.) shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense. (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; 1990, cc. 575, 976; 1992, cc. 177, 435, 650.)

Title 54.1.

CHAPTER 4.

ARCHITECTS, ENGINEERS, SURVEYORS AND LANDSCAPE ARCHITECTS.

§ 54.1-402. Further exemptions from license requirements for architects and professional engineers. - A. No license as an architect or professional engineer shall be required pursuant to § 54.1-406 for persons who prepare plans, specifications, documents and designs for the following, provided any such plans, specifications, documents or designs bear the name and address of the author and his occupation:

1. Single- and two-family homes, townhouses and multi-family dwellings, excluding electrical and mechanical systems, not exceeding three stories; or

2. All farm structures used primarily in the production, handling or storage of agricultural products or implements, including, but not limited to, structures used for the handling, processing, housing or storage of crops, feeds, supplies, equipment, animals or poultry; or

3. Buildings and structures classified with respect to use as business (Use Group B) and mercantile (Use Group M), as provided in the Uniform Statewide Building Code and churches with an occupant load of 100 or less, excluding electrical and mechanical systems, where such building or structure does not exceed 5,000 square feet in total net floor area, or three stories; or

4. Buildings and structures classified with respect to use as factory and industrial (Use Group F) and storage (Use Group S) as provided in the Uniform Statewide Building Code, excluding electrical and mechanical systems, where such building or structure does not exceed 15,000 square feet in total net floor area, or three stories; or

5. Additions, remodeling or interior design without a change in occupancy or occupancy load and without modification to the structural system or a change in access or exit patterns or increase in fire hazard; or

6. Electric installations which comply with all applicable codes and which do not exceed 600 volts and 800 amps, where work is designed and performed under the direct supervision of a person licensed as a master's level electrician or Class A electrical contractor by written examination, and where such installation is not contained in any structure exceeding three stories or located in any of the following categories:

- a. Use Group A-1 theaters which exceed assembly of 100 persons;
- b. Use Group A-4 except churches;
- c. Use Group I, institutional buildings, except day care nurseries and clinics

without life-support systems; or

7. Plumbing and mechanical systems using packaged mechanical equipment, such as equipment of catalogued standard design which has been coordinated and tested by the manufacturer, which comply with all applicable codes. These mechanical systems shall not exceed gauge pressures of 125 pounds per square inch, other than refrigeration, or temperatures other than flue gas of 300° F (150° C) where such work is designed and performed under the direct supervision of a person licensed as a master's level plumber, master's level heating, air conditioning and ventilating worker, or Class A contractor in those specialties by written examination. In addition, such installation may not be contained in any structure exceeding three stories or located in any structure which is defined as to its use in any of the following categories:

- a. Use Group A-1 theaters which exceed assembly of 100 persons;
- b. Use Group A-4 except churches
- c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems; or

8. The preparation of shop drawings, field drawings and specifications for components by a contractor who will supervise the installation and where the shop drawings and specifications (i) will be reviewed by the licensed professional engineer or architect responsible for the project or (ii) are otherwise exempted; or

9. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted but which are of standard design, provided they bear the certification of a professional engineer or architect registered or licensed in another state, and provided that the design is adapted for the specific location and for conformity with local codes, ordinances and regulations, and is so certified by a professional engineer or architect licensed in Virginia.

B. No person shall be exempt from licensure as an architect or engineer who engages in the preparation of plans, specifications, documents or designs for:

1. Any unique design of structural elements for floors, walls, roofs or foundations; or
2. Any building or structure classified with respect to its use as high hazard (Use Group H).

C. Terms used in this section, and not otherwise defined in this chapter, shall have the meanings provided in the Uniform Statewide Building Code in effect on July 1, 1982, including any subsequent amendments. (1982, c. 590, § 54-37.1; 1988, cc. 294, 765.)

ADDENDUM 4.

STATE AGENCIES WITH FUNCTIONAL DESIGN RESPONSIBILITIES.

Although the USBC supersedes the building codes and regulations of State agencies, § 36-98 of the Code of Virginia provides that it shall not supersede State Agency regulations which require and govern the functional design and operation of building related activities not covered by the USBC. However, under Section 108.0 of the USBC, the building official may require applicants for building permits to submit evidence of compliance with State agency functional design requirements prior to issuance of the permit.

Functional design activities include but are not limited to: public water supply systems, waste water treatment and disposal systems, and solid waste facilities. State agencies may also require, when authorized by other State law to do so, that buildings and equipment related to these functions be maintained in accordance with the provisions of the USBC under which constructed.

What follows is a list of the functional design, operation, and maintenance approval authority for which certain State agencies are currently responsible under State law. It is intended as a guide to users of the USBC.

In a few cases, a memorandum of agreement has been concluded between the Department of Housing and Community Development and the affected State agency for purposes of coordination. A note has been placed in the following listing wherever such an agreement exists. Copies may be obtained from the Code Development Office upon request.

Buildings Regulated: Scope

Information Source

Adult homes and day care centers;
Functional Design

Division of Licensing Programs
Department of Social Services
Tyler Building Suite 221
8007 Discovery Drive
Richmond, VA 23229-8699
(804) 662-9025

Buildings Regulated: Scope

Information Source

Armories;
Functional Design

Staff Engineer
Department of Military Affairs
600 E. Broad Street
Richmond, VA 23219
(804) 775-9431 Att: VAFM

Boilers, Pressure vessels;
Installation, operation,
maintenance (Memorandum of
Agreement available from
Code Enforcement Office)

Chief Boiler Inspector
Department of Labor and Industry
13 S. 13th Street
Richmond, VA 23219
(804) 786-3169

Child care facilities, Group homes
for children, Family day care homes;
Functional design

(Same as Adult homes)

Correctional facilities, jails, and
related facilities including out-
reach detention, learning centers,
adult community residential
services, family group homes,
emergency shelter care, and pre-
and post-dispositional group
homes;
Functional design and security

Planning and Evaluation Director
Planning and Engineering Services
Department of Corrections
6900 Atmore Dr.
Richmond, VA 23261
(804) 674-3102

Dairies, Milk processing plants;
Functional design and
sanitation

Director of Milk Sanitation
Department of Health
109 Governor Street
Richmond, VA 23219
(804) 786-3559

Buildings Regulated: Scope

Information Source

Driveways entering State highways;
Functional design

District Engineers
VA Department of Transportation
--as follows:

P.O.Box 1768
Bristol, VA 24203-1768
(703) 669-6151

P.O. Box 671
Culpeper, VA 22701-0671
(703) 829-7500

P.O. Box 808
Fredericksburg, VA 22404-0808
(703) 899-4288

P.O. Box 11649
Lynchburg, VA 24506
(804) 947-6504

P.O. Box 3071
Salem, VA 24153
(703) 387-5320

P.O. Box 2249
Staunton, VA 24401-1054
(703) 332-9075

P.O. Box 1070
Suffolk, VA 23434-1070
(804) 925-2500

Food processing and storage;
Functional design and
sanitation

Division of Dairy and Foods
Department of Agriculture
Washington Building
1100 Bank Street
Richmond, VA 23219
(804) 786-6060

Buildings Regulated: Scope

Information Source

Historic Buildings and landmarks;
Preservation regulations

Dept. of Historic Resources
221 Governor Street
Richmond, VA 23219
(804) 786-3143

Hospitals;
Functional and sanitation
standards

Division of Licensure and
Certification
Department of Health
3600 W. Broad Street, Suite 216
Richmond, VA 23219
(804) 367-2102

Hotels and Motels, Restaurants,
Swimming pools, Camps and
camping and tourist areas;
Functional design and
sanitation
(Bureau of Tourist Establishment)

Division of Sanitarian Services
Department of Health
1500 E. Main Street, Suite 214
Richmond, VA 23219
(804) 786-1768

Incinerators, chimneys, commercial
heating plants;
Pollution control

Division of Technical Evaluation
Dept. of Air Pollution Control
Ninth Street Office Building
P.O. Box 10089
Richmond, VA 23240
(804) 786-4867

Landfill, solid waste disposal
facilities;
Functional and sanitation
standards

Local Public Health Office

Mental Health facilities (providing
psychological care, drug treatment,
alcohol treatment and mental
treatment);
Health, safety and functional
design

Department of Mental Health,
Mental Retardation and Substance
Abuse Services
Architecture and Engineering
Services
109 Governor Street
Richmond, VA 23219
(804) 786-3926

Buildings Regulated: Scope	Information Source
Migrant labor camps; Sanitation	Local Public Health Office
Nursing homes; Functional and sanitation standards	(Same as Hospitals)
Public buildings; Maintenance of fire safety requirements of the Uniform Statewide Building Code (Memorandum of Agreement available from Code Enforcement Office)	<p data-bbox="537 511 941 625">Regional Managers, Code Enforcement Office Department of Housing and Community Development--as follows</p> <p data-bbox="537 649 915 795">Northern Virginia Regional Office Suite 22, SPR Building 70 Main Street Warrenton, VA 22186 (703) 347-7651</p> <p data-bbox="537 820 840 966">Southwest Regional Office 200 West Hull Building 554 S. Main Street Marion, VA 24354 (703) 783-3461</p> <p data-bbox="537 998 883 1144">Tidewater Regional Office Building Number 5, Suite 223 Koger Executive Center Norfolk, VA 23501 (804) 455-3820</p> <p data-bbox="537 1177 946 1291">Central Regional Office 501 North Second Street -2nd Floor Richmond, VA 23219-1321 (804) 371-7153</p> <p data-bbox="537 1323 909 1464">Western Regional Office Suite B40, Commonwealth Bldg. 212 Church Avenue, SW Roanoke, VA 24011 (703) 857-7360</p>

Buildings Regulated: Scope

Information Source

School buildings (public);
Functional standards

Supervisor of Energy and Facilities
Department of Education
James Monroe Building
P.O. Box 6-Q
Richmond, VA 23219
(804) 225-2035

Sewage treatment and septic tanks;
Sanitation
(Memorandum of Agreement available from Code Enforcement Office)

Local Public Health Office

Sewage treatment and Water
treatment facilities, ground
water, rivers and streams;
Pollution Control

State Water Control Board
4900 Cox Road
Glen Allen, Virginia 23060
(804) 527-5000

Signs for outdoor advertising;
Function design

Coordinator, Environmental
Division
VA Department of Transportation
1401 East Broad Street
Richmond, VA 23219
(804) 786-4304

Training schools for juveniles
and adults;
Functional design

Same as School Buildings

Utilities affected by highway
construction;
Functional design

Right of Way Division
VA Department of Transportation
1401 East Broad Street
Richmond, VA 23219
(804) 786-2923

Buildings Regulated: Scope

Information Source

Waterworks, public water supply;
Functional design and
sanitation
(Memorandum of Agreement
available from Code Enforcement
Office)

Local Public Health Office

Toilet facilities for construction
workers;

Department of Labor and Industry
13 S. Thirteenth Street
Richmond, VA 23219
(804) 786-2376

ADDENDUM 5.

PREVIOUS ADOPTIONS AND AMENDMENTS.

The Virginia Uniform Statewide Building Code (USBC) was first adopted in 1973 by the State Board of Housing. Responsibility for the USBC passed to the State Board of Housing and Community Development on July 1, 1978. The initial adoption and subsequent amendments by these Boards are indicated below:

* **1973 Edition**

Adoption date: January 29, 1973

Effective date: September 1, 1973

Title: Virginia Uniform Statewide Building Code, Administrative Amendments, 1973 Edition

Major reference standards:

BOCA Basic Building Code/1970, with 1972 Accumulative Supplement

BOCA Basic Mechanical Code/1971

BOCA Basic Plumbing Code/1970, with 1972 Accumulative Supplement

NFiPA National Electrical Code/1971

One and Two Family Dwelling Code/1971

* **1974 Accumulative Supplement**

Adoption date: November 26, 1973

Effective date: April 1, 1974

Title: 1974 Accumulative Supplement to Virginia Uniform Statewide Building Code

Major reference standards:

BOCA Basic Building Code/1970 with 1972 Accumulative Supplement

BOCA Basic Mechanical Code/1971

BOCA Basic Plumbing Code/1970 with 1972 Accumulative Supplement

NFiPA National Electrical Code/1971, with 1973 Supplement

* **1975 Accumulative Supplement**

Adoption date: November 17, 1975

Effective date: February 7, 1976

Title: 1975 Accumulative Supplement to Virginia Uniform Statewide Building Code

Major reference standards:

BOCA Basic Building Code/1975

BOCA Basic Mechanical Code/1975
BOCA Basic Plumbing Code/1975
NFIPA National Electrical Code/1975
One and Two Family Dwelling Code/1975

- * **1978 Accumulative Supplement**
Adoption date: June 19, 1978
Effective date: August 1, 1978
Title: 1978 Accumulative Supplement to Virginia Uniform
Statewide Building Code
Major reference standards:
 - BOCA Basic Building Code/1978
 - BOCA Basic Mechanical Code/1978
 - BOCA Basic Plumbing Code/1978
 - NFiPA National Electrical Code/1978
 - One and Two Family Dwelling Code/1975

- * **1978 Accumulative Supplement (First Amendment)**
Adoption date: November 17, 1980
Effective date: January 1, 1981

Note: The 1978 Accumulative Supplement to the Virginia Uniform Statewide Building Code was continued, but with a few changes to the previously referenced BOCA Basic Building Code/1978.

- * **1981 Edition**
Adoption date: March 15, 1982
Effective date: July 16, 1982
Title: Virginia Uniform Statewide Building Code, 1981 Edition
Major reference standards:
 - BOCA Basic Building Code/1981
 - BOCA Basic Mechanical Code/1981
 - BOCA Basic Plumbing Code/1981
 - NFiPA National Electric Code/1981
 - One and Two Family Dwelling Code/1979 with 1980
Amendments
- * **1981 Edition (First Amendment)**
Adoption date: March 19, 1984
Effective date: June 20, 1984

Title: Sections 515.4 and 515.5 of Article 5 of the 1981 Edition,
Virginia Uniform Statewide Building Code

* **1984 Edition**

Adoption date: November 18, 1984

Effective date: April 1, 1986

Title: Virginia Uniform Statewide Building Code, Volume I - New
Construction Code, 1984 Edition

Major reference standards:

BOCA Basic/National Building Code/1984

BOCA Basic/National Mechanical Code/1984

BOCA Basic/National Plumbing Code/1984

NFiPA National Electric Code/1984

CABO One and Two Family Dwelling Code/1983 with 1984
Amendments

* **1987 Edition**

Adoption date: December 14, 1987

Effective date: March 1, 1988

Title: Virginia Uniform Statewide Building Code, Volume I - New
Construction Code, 1987 Edition

Major reference standards:

BOCA National Building Code/1987

BOCA National Mechanical Code/1987

BOCA National Plumbing Code/1987

NFiPA National Electric Code/1987

CABO One & Two Family Dwelling Code/1986 with 1987
Amendments

* **1987 Edition (First Amendment)**

Adoption date: November 19, 1988

Effective date: March 1, 1989

Title: Virginia Uniform Statewide Building Code, Volume I - New
Construction Code, 1987 Edition

Major reference standards: Same as 1987 Edition.

* **1987 Edition (Second Amendment)**

Adoption date: October 23, 1989

Effective date: March 1, 1990

Title: Virginia Uniform Statewide Building Code, Volume I - New
Construction Code, 1987 Edition

Major reference standards: Same as 1987 Edition.

* **1987 Edition (Third Amendment)**

Adoption date: August 1, 1990

Effective date: October 1, 1990

Title: Virginia Uniform Statewide Building Code, Volume I - New
Construction Code, 1987 Edition

Major reference standards: Same as 1987 Edition.

* **1990 Edition**

Adoption date: November 19, 1990

Effective date: March 1, 1991

Title: Virginia Uniform Statewide Building Code, Volume I - New
Construction Code, 1990 Edition

Major reference standards:

BOCA National Building Code/1990

BOCA National Mechanical Code/1990

BOCA National Plumbing Code/1990

NFiPA National Electric Code/1990

CABO One & Two Family Dwelling Code/1989 with 1990
Amendments

* **1990 Edition (First Amendment)**

Adoption date: August 30, 1991

Effective date: November 1, 1991

Title: Virginia Uniform Statewide Building Code, Volume I - New
Construction Code, 1990 Edition - First Amendment

Major reference standards: Same as 1990 Edition.

* **1990 Edition (Second Amendment)**

Adoption date: October 22, 1991

Effective date: February 1, 1992

Title: Virginia Uniform Statewide Building Code, Volume I - New
Construction Code, 1990 Edition - Second Amendment

Major reference standards: Same as 1990 Edition.

ADDENDUM 6.
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT.

The Honorable James W.
Robinson, Chairman
Box 187
Pound, Virginia 24279

Ms. Margaret W. DeMallie
Vice Chairman
Post Office Box 2555
Charlottesville, VA 22902

Mr. Frederic J. Betz
803 Corn Tassel Trail
Martinsville, Virginia 24115

Mr. Steven D. Eanes
County of Henry
Post Office Box 7
Collinsville, Virginia 24078

Mr. Jules L. Elliott
Post Office Box 194
Fredericksburg, VA 22404

Mr. Francis H. Fife
Post Office Box 557
Charlottesville, VA 22902

Dr. John H. Foster
Post Office Box 1638
Norfolk, Virginia 23501-1638

Ms. Edith R. Jones
1103 Louisa Street
Norfolk, Virginia 23523

Mr. Robert J. Leipertz, Jr.
7913 Stiles Road
Richmond, Virginia 23235

George Keith Martin, Esquire
McGuire, Woods, Battle &
Boothe
One James Center
Richmond, Virginia 23219

Ms. Nikki P. Nicholau
Virginia Employment
Commission
703 East Main Street
Richmond, VA 23219

Mr. Jimmy L. Reamy
1537 Swiftwood Drive
Powhatan, Virginia 32139

Mr. John Ritchie, Jr.,
Executive Director
Virginia Housing Development
Authority
601 South Belvidere Street
Richmond, Virginia 23220

Secretary (Non-member)
Neal J. Barber, Director
Dept. of Housing and
Community Development
501 North Second Street
Richmond, Virginia 23219-
1321

ADDENDUM 7.

STATE BUILDING CODE TECHNICAL REVIEW BOARD.

Curtis R. Jennings, Jr.,
Chairman
305 South Jefferson Street
Roanoke, VA 24011-2000

Stanley C. Harris
Vice Chairman
4210 Southhaven Road
Richmond, Virginia 23235

Michael Conner, Sr., CPCA
301 King St.
Suite 4200
Alexandria, Virginia 22314

Bill Dupler
P. O. Box 40
Chesterfield, Virginia 23832

W. O. Jones, III
Kjellstrom & Lee, Inc.
5516 Falmouth St.
Suite 200
Richmond, Virginia 23230

Terrell D. Moseley
Post Office Box 3095
Lynchburg, Virginia 24503

Ronald E. Ponzo
4 Frances Street
Newport News, Virginia 23601

Secretary (Non-member)
Jack A. Proctor
Deputy Director
Division of Building
Regulation, DHCD
501 North Second Street
Richmond, Virginia 23219-
1321

ADDENDUM 8.

FORMS.

TECHNICAL REVIEW BOARD INTERPRETATION REQUEST FORM

The State Building Code Technical Review Board has the authority to interpret the provisions of the Uniform Statewide Building Code, Volumes I and II and the Statewide Fire Prevention Code (Section 36-118 of the Code of Virginia).

To request a formal interpretation from the State Technical Review Board, please complete the form provided on the reverse side in accordance with the following instructions.

1. Type or print all information except the signature.
2. Give a telephone number where the person requesting the interpretation may be reached during normal working hours.
3. List the appropriate code as one of the following:
USBC, Volume I, New Construction Code
USBC, Volume II, Building Maintenance Code
Virginia Statewide Fire Prevention Code
4. Give the year of the edition of the code listed.
5. List all pertinent code sections.
6. Number all attachments and note in the space provided.
7. Ask the question in a direct and concise manner and give only information that is related to the referenced code section(s).

If you should need assistance with this form, please contact the Code Development Office at (804) 371-7170.

REQUEST FOR INTERPRETATION

TO: OFFICE OF STATE TECHNICAL REVIEW BOARD
c/o Code Development Office
Second Floor
501 North Second Street
Richmond, Virginia 23219-1321
(804) 371-7170

FROM: _____

Phone: _____ Date: _____
Code: _____ Edition: _____
Section: _____ No. of Attachments: _____
Signature: _____

QUESTION(S):

Commonwealth of Virginia
Department of Housing and Community Development
501 N. Second Street
Richmond, Virginia 23219-1321

APPLICATION FOR APPEAL

Date: _____

Pursuant to § 36-114 of the Code of Virginia, I hereby request an appeal before the State Building Code Technical Review Board, relative to the following:

Appellant (Applicant)

Name: _____

Address: _____

Representing: _____

vs.

Appellee

Name: _____

Address: _____

Representing: _____

If the building is owned by other than the Appellant, show owner's complete name and address:

OVER

Background Information:

- 1. Type or Use of Building or Structure: _____

- 2. Location: _____

- 3. Modification Request: _____

COMMENTS:

- Copy of Building Official's Decision
- Copy of Decision of local Board of Appeals
- Supplemental Data

Action for Appeal.

- ___ Building Official refuses to grant modification:
 - ___ True intent of code or rules legally adopted:
 - ___ Provisions of code do not fully apply:
 - ___ Alternative method of construction can be used:
-

(Staff use only)

- Request for Appeal Received: _____
- Chairman Contacted: _____
- Date of Approval: _____
- Notice Mailed: _____
- Staff input, if any: _____
- _____
- _____

TO: Commonwealth of Virginia
 Board of Housing
 Community Development
 501 North Second Street
 Richmond, Virginia 23219-1321

Code Change No. _____
 See also No. _____
 (for official use only)

Submitted By: _____
 Address and Phone Number: _____
 Code Edition: _____ Code Section: _____

PROPOSED CHANGE

State current code provision together with proposed changes (use extra pages if needed). Material to be deleted from current text should be shown stricken (~~example~~). Material to be added should be underlined. Check appropriate space below.

- | | |
|---|--|
| <input type="checkbox"/> Change provision to read | <input type="checkbox"/> Delete provision |
| <input type="checkbox"/> Add new provision | <input type="checkbox"/> Delete provision and
add new provision |
| <input type="checkbox"/> Other | |

SUPPORTING STATEMENT (See back of form for instructions, use additional pages if necessary)

Submit 2 copies of each proposed change with 2 copies of supporting information. For assistance, contact the Code Development Office.

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
CODE DEVELOPMENT OFFICE
(804) 371-7170

- I. INSTRUCTIONS FOR COMPLETING THE SUPPORTING STATEMENT OF THE CODE CHANGE FORM.
 - A. Summarize the purpose of the code change proposal.
 1. What is the credibility of the proposal; practicality?
 2. What are the problems; needs to be met?
 3. Offer statistical evidence in support of the proposal.
 4. Is there support by regulatory authorities, users and designers?
 5. What are the objectives in terms of outcome; what is to be accomplished?
 - B. Budget projections. Clearly delineate costs and financial impact; how much will it cost?
 1. Project costs that will be incurred in terms of manpower, workmanship, materials, services and maintenance.
 2. Examine direct and indirect costs both present and future.
 3. Cost effectiveness; is cost disproportionate to value received?
 4. Describe compensatory features.
 5. Are design alternatives cost effective?
 - C. Moral and political considerations. Identify the issues affecting the acceptance or rejection of this proposal:
 1. Effects on "affordable" housing.
 2. Effects on mobility impaired.
 3. Recent catastrophic incidents bearing on this proposal.
 4. Does society accept the risk as reasonable?
 5. Is the proposal "palatable"?

**CHALLENGE FORM - PROPOSED CHANGES TO THE
UNIFORM STATEWIDE BUILDING CODE**

A notice of Challenge to the Board of Housing and Community Development's Recommendation for Proposed Changes to the Uniform Statewide Building Code.

TO: Chairman, Codes and Standards Committee
Board of Housing and Community Development

FROM: _____
(Name of Challenger) (Title/Position)

(Company/Agency/Association)

(Street Address) (A/C-Telephone Number)

(City) (State) (Zip)

RE: I challenge the Recommendation of the Board of Housing and Community Development for the proposed change to:

(Article)

(Section)

(Volume)

(Signature)

SUPPORTING STATEMENT (See back of form for instructions.)

DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
CODE DEVELOPMENT OFFICE

I. INSTRUCTIONS FOR COMPLETING THE SUPPORTING
STATEMENT OF THE CHALLENGE FORM.

The supporting statement should provide the following information:

- A. Statement of purpose: This statement should explain the desired or end result (the objective) of the proposed change.
- B. Need: Tell why the proposal is necessary and any potential consequences the regulation is designed to avoid. The need statement describes the situation the change is to affect.
- C. Estimated impact: This statement should list the entities or persons affected by the proposal and the fiscal impact or costs to the affected entities. This would include costs to the "typical" business or person regulated and the total projected cost for all regulated entities.
- D. Technical data: All substantiating material, such as research reports, statistical analysis and technical data that support the change should be submitted.

ADDENDUM 9.

A/E SEAL ON DRAWINGS.

The purpose of this chart is for a quick reference to determine in accordance with § 54.1-402 of the Code of Virginia if an architects or engineers seal is required on drawings for proposed construction.

This does not restrict the authority of the building official to require that drawings by certified by an architect or engineer or the authority to interpret the Building Code. (UBC)

LICENSED ARCHITECT OR PROFESSIONAL ENGINEER Requirement Under Virginia Law (§ 54.1-402 of the Code of Virginia)

CHART A – GENERAL DESIGN

A proposed structure which falls into any of the categories marked "Yes" requires the seal of an architect or engineer on the plans. Separate requirements apply as to whether the electrical or mechanical systems in such structures require an a/e seal (see charts B & C).

Use Group	Description	5,000 sq. ft. or less	5,001-15,000 sq. ft.	Over 15,000 sq. ft.	3 or less Stories	Over 3 Stories
A **	Assembly	Yes	Yes	Yes	Yes	Yes
B	Business	-	Yes	Yes	-	Yes
E *	Educational (Schools, Day care centers)	Yes	Yes	Yes	Yes	Yes
F	Factory & Industry	-	-	Yes	-	Yes
H-	High Hazard	Yes	Yes	Yes	Yes	Yes
I	Institutional	Yes	Yes	Yes	Yes	Yes
M	Mercantile	-	Yes	Yes	-	Yes
R-1	Hotel, Motel, Dormitory	Yes	Yes	Yes	Yes	Yes
R-2	Multi-Family, Residential	-	-	-	-	Yes
R-3	1 & 2 Family, Attached	-	-	-	-	Yes
R-4	1 & 2 Family, Detached	-	-	-	-	Yes
S	Storage (Farm)	-	-	-	-	-

Use Group	Description	5,000 sq. ft. or less	5,001-15,000 sq. ft.	Over 15,000 sq. ft.	3 or less Stories	Over 3 Stories
S	Storage (Non-Farm)	-	-	Yes	-	Yes
U ***	Utility & Miscellaneous	-	-	-	-	-

- * Educational type uses with a total occupant load less than 50 shall be classified as Use Group B.
- ** Assembly (churches) are exempt if building does not exceed 5,000 square feet or three stories, and the occupant load does not exceed 100.
- *** Not addressed in the Code

- NOTES:
1. A local building official may require a seal project even if not required to do so by this chart. Refer to BOCA Table S01 for additional information on building heights.
 2. The law requires that, where an a/e seal is not present, the plans must be signed by the individual (not company) responsible for the design, including his/her occupation and address.
 3. The above chart applies to new construction and to additions or remodeling which involves a change in occupancy (i.e., use group), occupancy load (i.e., increase in allowable occupancy), modification of the structural system, change in access or exit patterns, or increase in fire hazard. Additions or remodeling which do not involve any of these factors may not require an a/e seal under § 54.1 of the Code of Virginia, although notes 1 and 2 still apply.
 4. Any unique design of structural elements for floors, walls, roofs, or foundations requires the seal of an architect or engineer, regardless of whether or not the remainder of the plans require such certification.
 5. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted but which are of standard design, provided they bear the certification of a professional engineer or architect registered or licensed in another state, and provided that the design is adapted for the specific location and conformity with local codes, ordinances and regulations, and is so certified by a professional engineer or architect licensed in Virginia may not require an a/e seal.

CHART B – ELECTRICAL DESIGN

A proposed electrical system which falls into any of the categories marked "Yes" requires the seal of an architect or engineer on the plans. Those marked with an asterisk may not require an a/e seal only if designed by a licensed masters electrician or Class A electrical contractor (see notes 2 and 4). Separate requirements apply as to whether the mechanical systems or the general design of such structures require an a/e seal (see charts A & C).

Use Group	Brief Description	Height (Stories)		Occ. Load		Voltage		Amperage	
		3 or Less	Over 3	100 or	Over	600 or	Over	800 or	Over
A-1	Theatres	*	Yes	*	Yes	*	Yes	*	Yes
A-2	Dance Halls	*	Yes	*	*	*	Yes	*	Yes
A-3	Restaurants, etc.	*	Yes	*	*	*	Yes	*	Yes
A-4	Churches	*	Yes	*	*	*	Yes	*	Yes
A-5	(Only) Grandstands, etc.	*	Yes	*	*	*	Yes	*	Yes
B	Business	*	Yes	*	*	*	Yes	*	Yes
E	Schools and Day care centers	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
F	Factory and Industrial	*	Yes	*	*	*	Yes	*	*
H	High Hazard	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
I	Institutional, general	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
I	Day Nurseries and Clinics <u>w/o life support systems</u>	*	Yes	*	*	*	Yes	*	Yes
M	Mercantile	*	Yes	*	*	*	Yes	*	Yes
R	Residential	*	Yes	*	*	*	Yes	*	Yes
S	Storage (Farm)	-	-	-	-	-	-	-	-
S	Storage (Non-Farm)	*	Yes	*	*	*	Yes	*	Yes
U	Utility and Miscellaneous	*	Yes	*	*	*	Yes	*	Yes

CHART B – ELECTRICAL DESIGN (con't)

- NOTES: 1. A local building official may require an a/e seal for electrical work even if not required to do so by this chart. Refer to BOCA Table 501 for additional information on building heights.
2. The law requires that, where an a/e seal is not present, the plans must be signed by the individual (not company) responsible for the design, including his/her occupation and address.
3. The above chart applies both to new construction and to additions or remodeling.
4. The exemption for electrical contractors and electricians is applicable only when both design and installation are under his/her direction or control.

CHART C – PLUMBING & MECHANICAL SYSTEM DESIGN

A proposed plumbing or mechanical system which falls into any of the categories marked "Yes" requires the seal of an architect or engineer on the plans. Those marked with an asterisk may not require an a/e seal only if designed by a person licensed as a master level plumber, master's level heating, air conditioning and ventilating worker, or Class A contractor in those specialties by written examination (see notes 3 & 5). Separate requirements apply as to whether the electrical system or the general design of such structures requires an a/e seal (see Charts A & B).

Use Group	Brief Description	Height (Stories)		Occupant Load			
		3 or Less	Over 3	100 or Over	Below Threshold Level	Above Threshold Level	
A-1	Theatres	*	Yes	*	Yes	*	Yes
A-2	Dance Halls	*	Yes	*	*	*	Yes
A-3	Restaurants, etc	*	Yes	*	*	*	Yes
A-4	Churches (<u>Only</u>)	*	Yes	*	*	*	Yes
A-5	Grandstands, etc.	*	Yes	*	*	*	Yes
B	Business	*	Yes	*	*	*	Yes
E	Schools & Day care centers	Yes	Yes	Yes	Yes	Yes	Yes
F	Factory & Industrial	*	Yes	*	*	*	Yes
H	High Hazard	Yes	Yes	Yes	Yes	Yes	Yes
I	Institutional, general	Yes	Yes	Yes	Yes	Yes	Yes
I	Day Nurseries & Clinics <u>w/o life support systems</u>	*	Yes	*	*	*	Yes
M	Mercantile	*	Yes	*	*	*	Yes
R	Residential	*	Yes	*	*	*	Yes
S	Storage (Farm) Storage (Non-Farm)	-	-	-	-	-	-
S	Storage (Non-Farm)	*	Yes	*	*	*	Yes
U	Utility & Miscellaneous	*	Yes	*	*	*	Yes

CHART C – PLUMBING AND MECHANICAL SYSTEM DESIGN (con't)

- NOTES: 1. The "Threshold Level" is defined in the law as "Plumbing and mechanical systems using packaged mechanical equipment, such as equipment of cataloged standard design which has been coordinated and tested by the manufacturer, which comply with all applicable codes. These mechanical systems shall not exceed gauge pressure of 125 pounds per square inch, other than refrigeration, or temperatures other than flue gas of 300^oF (150^oC)..."
2. A local building official may require an a/e seal for plumbing and mechanical systems even if not required to do so by this chart. Refer to BOCA Table 501 for additional information on building heights.
3. The law requires that, where an a/e seal is not present, the plans must be signed by the individual (not company) responsible for the design, including his/her occupation and address.
4. The above chart applies to both new construction and to additions or remodeling.
5. The exemptions for plumbers, HVAC workers, and mechanical contractors are applicable only when both design and installation are under his/her direction or control.

Department of Housing
and Community Development
501 North Second Street
Richmond, Virginia 23219-1321