

Volume 1

PREFACE

The Virginia State Building Code Technical Review Board is a governor-appointed board within the Virginia Department of Housing and Community Development. This board is responsible for hearing appeals arising under the application of the Virginia Uniform Statewide Building Code, the Virginia Statewide Fire Prevention Code and other regulations of the Department. As a secondary function, the Board interprets the provisions of those codes and makes recommendations to the Virginia Board of Housing and Community Development for future modification, amendment or repeal of such provisions.

Over the past 20 years, the Review Board has issued over 650 interpretations, a vast majority under the earlier editions of the codes. This printing contains only those interpretations issued under the 1990 and 1993 editions of the Virginia Uniform Statewide Building Code, Volume I; and the 1987, 1990 and 1993 editions of Volume II and which are still applicable under the 1993 editions of those codes. The earlier interpretations are on file in the Department's records and may need to be considered in the case of an existing building constructed under an earlier edition of the codes, however, the enforcing agencies need only consider the interpretations listed herein as representing the official interpretations currently espoused by the Review Board members.

Code enforcement personnel may request the Review Board to reconsider older interpretations for applicability to the current codes and may request new interpretations on confusing or unclear provisions of the codes. Inquiries should be directed to the State Building Code Office, Department of Housing and Community Development, 501 North Second Street, Richmond, Virginia 23219.

Interpretations of the
Virginia Uniform Statewide Building Code, Volume 1
New Construction Code

Sections 100.3 & 100.6

Code Interpretation No. 6/93

First Issued: 11/20/95

QUESTION: Do shipping containers fall within the scope of the definition of "structures" when they meet the following criteria:

1. are situated on a piece of property for more than 180 calendar days
2. are not accessory to an active building construction project
3. are used for purposes directly related to primary business activity on the property

ANSWER: Yes. However, since this is a building constructed off site, it would be considered an unregistered industrialized building and would be regulated under Section 102.3 of the Industrialized Building and Manufactured Home Safety Regulations.

Section 100.6

Code Interpretation No. 2/90

First Issued: 5/17/91, 1990 Edition

QUESTION: Is a 115 volt, cord and plug connected customer deposit conveyor system installed at a bank drive-up teller window considered to be "equipment" subject to the USBC?

ANSWER: Yes

Section 100.7

Code Interpretation No. 36/90

First Issued: 2/19/93, 1990 Edition

QUESTION: Is Exemption No. 5 of this section intended to exempt playground equipment when such equipment is installed at a park, school, church or day care center, or if not, what standards apply in the review and inspection of this equipment?

ANSWER: No. Exemption No. 5 is for residential accessory recreational equipment.

Section 107.1 requires the permit applicant to submit sufficient technical data to substantiate the proposed use of any material, equipment, device or assembly.

Sections 101.1, 117.1 & CABO M-1006.3

Code Interpretation No. 34/90

First Issued: 1/22/93, 1990 Edition

A permit applicant wants to replace an existing oil furnace (located in a garage) with a new gas furnace and has selected the CABO Code.

QUESTION #1: Is the new gas furnace considered equipment of a similar kind, and allowed to meet the exception under Section 117.1?

ANSWER: Yes. Replacing an existing furnace with a new furnace utilizing a different type of fuel qualifies as meeting the exception to Section 117.1.

QUESTION #2: Are the fuel lines and fuel storage considered equipment of a similar kind, and allowed to meet the exception under Section 117.1?

ANSWER: No. Any new fuel lines and fuel storage tanks must conform to current code requirements for the new type of fuel.

QUESTION #3: Can the new gas furnace be placed on the floor where the oil furnace was, or is the new gas furnace required to meet the 18 inch above the floor requirement of Section M-1006.3 of CABO?

ANSWER: The replacement furnace may be placed on the floor instead of being elevated as long as the burners, burner ignition devices or heating elements and switches are not lower than those of the existing installation.

Sections 101.1 & CABO M-1601.3

Code Interpretation No. 5/93

First Issued: 1/20/95, 1993 Edition

QUESTION: Is mechanical equipment required by the manufacturer to be vented to a chimney, allowed to be vented by a power vented as an alternative method?

ANSWER: No. Unless the manufacturer of the mechanical equipment permits such a venting method.

Sections 101.1 & CABO M-1707.9

Code Interpretation No. 7/93

First Issued: 1/20/95, 1993 Edition

QUESTION: Does Section M-1707.9 require the metallic gas piping system to be bonded to a separate grounding electrode than is required in accordance with Part VI of the code (NFPA 70A)?

ANSWER: No. The CABO Code, Section M-1707.9, does not require a grounding electrode in addition to the requirements of the NEC.

Section 105.1

Code Interpretation No. 18/90

First Issued: 4/17/92, 1990 Edition

QUESTION: Does the USBC require permits to be obtained for the installation of low voltage wiring when such wiring is located in a non-combustible plenum, or penetrates a fire resistance rated assembly?

ANSWER: Yes. See Section 105.1, Exception #2.

Section 105.10.2

Code Interpretation No. 2/93

First Issued: 6/21/94, 1993 Edition

QUESTION: Can the intent of Section 105.10.2 be met by submitting the certification statement when applying for a permit?

ANSWER: Yes. The intent of this certification, and the one required by Section 105.10, is to notify the building official that the owner has provided certification which indicates all statutes applicable to the inspection and removal of asbestos-containing materials and to the measurement of final air clearances prior to re occupancy will be complied with.

Section 110.3

Code Interpretation No. 7/90

First Issued: 7/19/91, 1990 Edition

QUESTION: Are the electrical services to a building (dwelling unit, etc.) required to be hot (power on) for an electrical inspector to perform a final inspection?

ANSWER: The building official is authorized by Section 110.3 of the USBC to perform various inspections of buildings under construction to determine compliance with the provisions of the USBC. In accordance with Section 110.3, Item 7, the building official is required to perform a final inspection to insure that all work conforms with the USBC. The building official has authority to require that building electrical systems, components or devices be energized as part of the final inspection.

Section 110.3

Code Interpretation No. 25/90

First Issued: 10/20/92, 1990 Edition

QUESTION: Can the building official require a permit holder to have the footing inspection which is required under Section 110.3 be performed by a third party not employed by the jurisdiction in which the work is being performed?

ANSWER: No

Section 110.3.1

Code Interpretation No. 1/90

First Issued: 4/19/91, 1990 Edition

QUESTION #1: Are special inspections required for a building which is not required to be designed by a licensed architect or professional engineer, if included in its construction are elements identified in Sections 1705.2 through 1705.11?

ANSWER: No. Section 101.2 of the USBC deletes any requirements of the model code related to inspections.

QUESTION #2: Section 54.1-402 of the Code of Virginia requires that the design of structural elements for floors, walls, roofs or foundations that are unique in nature to be prepared by a professional engineer or architect. Does this mean that special inspections must be performed on structures that are otherwise exempt from Section 1705.0 where the structural elements of the floors, walls, roofs or foundations are determined to be unique by the building official and are therefore designed by a professional engineer or architect?

ANSWER: No. Special inspections are required only for the unique elements, if such elements consist of materials addressed in Sections 1705.2 through 1705.11.

QUESTION #3: Does Section 1705.1 require special inspections for all buildings, structures, or building components which are required to be designed by persons licensed as an architect or professional engineer in accordance with Sections 54.1-401, 54.1-402 and 54.1-406 of the Code of Virginia?

ANSWER: Special inspections are required for those building components addressed in Sections 1705.2 through 1705.11 when the design involves the practice of professional engineering or architecture as required by Sections 54.1-401, 54.1-402 and 54.1-406 of the Code of Virginia.

QUESTION #4: Does Section 110.7 require in-plant inspections of manufactured wood roof trusses regardless of building use group classification?

ANSWER: Yes. The applicable provision of the model code for fabricated wood trusses is Section 2313.4 which requires the fabricated process for prefabricated wood components to be subject to special inspections as required by Section 1705.1. The requirements of Section 110.7 are in addition to those found in Section 1705.2.

Section 112.2

Code Interpretation No. 9/93

First Issued: 8/18/95, 1993 Edition

QUESTION: Is a building official required to issue a notice of violation authorized by Section 112.2 of the USBC for every USBC violation he discovers or for which has been brought to his attention, regardless of when it is discovered?

ANSWER: No. A building official is only required to issue a notice of violation if other attempts to correct the defective work or remedy the code violation have been unsuccessful. The provisions for issuing a notice of violation apply regardless of when a violation is discovered and regardless of whether any certificate of occupancy has been issued.

Section 116.0

Code Interpretation No. 4/93

First Issued: 12/16/94, 1993 Edition

QUESTION #1: In appealing a decision of the building official, are the current appeals procedures used, or, if the building or structure was constructed under a previous edition of the code, are the appeal procedures under the previous edition used; and, how does this correlate with Section 100.6?

ANSWER: The edition of the USBC in effect at the time the application for appeal is made is used for appeal procedures. Technical issues upon which the appeal is based are according to the model code enforced at the time of the building permit application.

QUESTION #2: If a locality's legal representative is representing the building official at an appeal before the local appeals board, who would serve as legal counsel for the appeals board?

ANSWER: The USBC does not address the issue of legal counsel for the local appeals board. The local board may request representation from the jurisdiction.

Section 117.1

Code Interpretation No. 4/90

First Issued: 6/14/91, 1990 Edition

QUESTION: If a non pressure balanced valve was installed before March 1, 1991 and is replaced after March 1, 1991; is it required to be replaced with a pressure balanced valve?

ANSWER: No. Section 117.1 permits the valve to be replaced without meeting the requirements for a pressure balancing or a thermostatic mixing valve, since its replacement does not create a hazard.

Section 310.0

Code Interpretation No. 21/90

First Issued: 7/17/92, 1990 Edition

QUESTION #1: Is a bed and breakfast with one bedroom and one transient lodger Use Group R- 1?

ANSWER: No

QUESTION #2: How many transient lodgers make a bed and breakfast Use Group R-1, R-2 or R-3?

ANSWER: A bed and breakfast with no more than 8 occupants total most nearly resembles a Use Group R-3 single family dwelling under the provisions of Section 302.1.

Section 310.5.1

Code Interpretation No. 5/90

First Issued: 6/14/91, 1990 Edition

QUESTION #1: Is there a change of use present in a single family dwelling if 5 children, more than 2 1/2 years of age are cared for less than 24 hours per day?

ANSWER: No

QUESTION #2: Is there a change of use present in a single family dwelling if 5 children, less than 2 1/2 years of age are cared for less than 24 hours a day?

ANSWER: No

QUESTION #3: Is there a change of use present in a single family dwelling if 5 children, 2 1/2 years old or less, and 5 children more than 2 1/2 years of age are cared for less than 24 hours a day?

ANSWER: Yes. A building that functions as a child care facility may accommodate five or less children of any age and be classified as Use Group R-3. To accommodate greater numbers of children for the purpose of providing child care would constitute changing the use of the building.

Section 403.1

Code Interpretation No. 17/90

First Issued: 4/17/92, 1990 Edition

QUESTION: Would a building with a height to the top floor of less than 75-ft. above the lowest level of fire department vehicle access, with an occupiable roof at a level of greater than 75-ft. need to comply with the high-rise requirements?

ANSWER: No

Section 423.1

Code Interpretation No. 30/90

First Issued: 1/22/93, 1990 Edition

QUESTION: Is it the responsibility of the local government to enforce the Virginia regulations entitled, "VR 680-13-02, Underground Storage Tanks; Technical Standards and Corrective Action Requirements?"

ANSWER: If the owner/operator installs, upgrades or closes any underground storage tank, then a building permit is required and the building official shall enforce the structural specifications set out in Parts II and VII of the regulations.

Sections 904.9 & 1010.3

Code Interpretation No. 26/90

First Issued: 11/20/92, 1990 Edition

Table 1010.3 specifies the requirements for buildings with one exit. A building of Use Group R-2 with four dwelling units per floor, three stories above grade and equipped throughout with a sprinkler system in accordance with Section 906.2.1 or 906.2.2 would be allowed to have one exit.

QUESTION: Is it the intent of the USBC to allow that same building to have one exit when it meets Exception No. 2 of Section 904.9, which eliminates the requirement for a sprinkler system?

ANSWER: Yes. To achieve compliance with Section 1010.3, Section 904.9 equates a three story building in which every two dwelling units are separated with a two hour fire separation assembly to that of a three story building provided with sprinklers in accordance with Section 906.2.1 or 906.2.2.

Section 914.7

Code Interpretation No. 9/90

First Issued: 10/31/91, 1990 Edition

QUESTION: Are standpipe hose connections required to be located in accordance with NFPA 14 so that all parts of a floor area may be reached by a 30 foot hose stream from a nozzle attached to not more than 100 feet of hose connected to the riser outlet?

ANSWER: No. See Sections 101.1 and 914.7.

Section 917.7.1

Code Interpretation No. 43/90

First Issued: 3/18/94, 1990 Edition

A Use Group E building is equipped with commercial cooking equipment with an exhaust hood and suppression system. The building is required to have a fire protective signaling system.

QUESTION: Does section 917.7.1 require the activation of the fire protective signaling system audio/visual alarm indicating appliances upon discharge of the hood/duct and cooking appliance fire suppression system?

ANSWER: Section 917.7.1 does not specifically require range hood extinguishing systems to be connected to the signaling system; however, Sections 910.1 and 913.1 require dry- and wet-extinguishing systems to comply with NFPA standards, which, in turn, require the systems to be connected to the alarm system, if one is provided.

Section 1016.5

Code Interpretation No. 31/90

First Issued: 1/22/93, 1990 Edition

QUESTION: Are handrails and guardrails conforming to both this section and the accessibility provisions required on interior ramps?

ANSWER: Yes. Both apply if the ramp is part of an accessible route; however, if not, Section 1016.5 applies.

Section 1101.1

Code Interpretation No. 32/90

First Issued: 1/22/93, 1990 Edition

QUESTION: What percentage of units in a self storage facility (Use Group S-1) must be made accessible to the disabled?

ANSWER: The accessibility standards do not specifically address this type of facility; however, the number of units to be made accessible could be based on the number of accessible parking spaces required in parking lots.

Section 1101.1

Code Interpretation No. 35/90

First Issued: 2/19/93, 1990 Edition

QUESTION: Are raised areas in a courtroom, such as the jury box, judge's bench and witness stand required to have accessible design?

ANSWER: Yes. In most cases the raised areas in a courtroom are either public or common use areas and must have accessible design. Under Section 4.1.1(3) of ADAAG, an employee work area, such as a judge's bench, shall be designed and constructed so that individuals with disabilities can approach, enter and exit the area, but the work area itself is not required to be constructed or equipped to be accessible.

Section 1101.1

Code Interpretation No. 41/90

First Issued: 6/18/93, 1990 Edition

A place of public accommodation is making alterations for the purpose of complying with the barrier removal requirements of Title III of the ADA. The federal regulation (28 CFR Part 36) states in §36.304(d)(1) that the path of travel requirements of § 36.403 shall not apply to measures taken solely to comply with the barrier removal requirements.

QUESTION: Since § 36.304 of the federal regulation was not incorporated into the USBC, does the USBC require that the path of travel requirements apply to the alteration?

ANSWER: It was not the intent of the USBC to require the path of travel to be upgraded when complying with Section 36.304 of the federal regulation.

Sections 1101.1 & ADAAG 4.1.1(3)

Code Interpretation No. 23/90

First Issued: 8/21/92, 1990 Edition

QUESTION: Are the work stations in areas of hospitals used for procedures, equipment washing, charting, patient holding, medication preparation and administrative support required to be equipped with shelves, racks, sinks etc. to be fully accessible?

ANSWER: No. The work stations have to be designed so an individual with a disability can approach, enter and exit the area but do not have to be equipped to be fully accessible.

Sections 1101.1 & ADAAG 4.1.3(5)

Code Interpretation No. 22/90

First Issued: 7/17/92, 1990 Edition

QUESTION: For the purpose of determining square feet per story in Exception #1 of Section 4.1.3(5); does design as separate buildings under the USBC with the use of fire walls limit the square foot measurement to within the building area established by the fire walls?

ANSWER: Yes. Provided the separate buildings are designed to be used independently with no connecting interior accessible routes.

Exception #1 does not apply to shopping centers, shopping malls, professional offices of a health care provider or transportation facilities.

Sections 1101.1 & ADAAG 4.1.6(1)(b)

Code Interpretation No. 24/90

First Issued: 11/20/92, 1990 Edition

An existing building contains restroom facilities comprising of walls and roughed in plumbing with interior dimensions that will not allow access by a person in a wheelchair. The restroom layout was approved based on a previous edition of the USBC which did not require such an access. The space was never occupied.

QUESTION: Does the USBC require a new tenant who wants to install plumbing fixtures in the restroom facilities to provide accessible fixtures?

ANSWER: Yes. The code requires altered elements to comply with applicable provisions for new construction, including the section for alterations to a primary function area.

Section 1101.2

Code Interpretation No. 40/90

First Issued: 6/18/93, 1990 Edition

QUESTION: In the exception for building accessibility, who makes the determination and what constitutes being used exclusively for religious worship activities?

ANSWER: The owner shall indicate on the plans or specifications those portions of a building which are used for religious worship activities. For the purposes of determining accessibility requirements, the building official shall approve or disapprove the appropriate use group for all buildings or portions thereof.

Section 1101.2

Code Interpretation No. 1/93

First Issued: 6/21/94, 1993 Edition

QUESTION: Since the definition of "place of public accommodation" and "commercial facilities" in the accessibility standards, which are part of the USBC, refer only to private facilities, is the building official responsible for enforcing USBC accessibility requirements in local government and public school buildings?

ANSWER: Yes. The intent of Sections 100.3 and 1101.2 is to subject these buildings to the Title 28 CFR, Part 36 regulations incorporated by reference for accessibility in Section 1101.3.

Section 1705.1

Code Interpretation No. 39/90

First Issued: 6/18/93, 1990 Edition

Section 1705.1 states that special inspectors shall be qualified and approved for the inspection of the work under the special inspection requirements.

QUESTION: Is the structural engineer of record the only entity which the building official should consider qualified for approval as a special inspector?

ANSWER: No. The special inspectors are not required to be licensed professionals but must be qualified to inspect the work. The building official may approve anyone deemed qualified to perform the special inspections.

Section 1705.12

Code Interpretation No. 16/90

First Issued: 4/17/92, 1990 Edition

QUESTION: Are special inspections required for Exterior Insulation Finish Systems (EIFS) when such inspections are part of BOCA Research Reports?

ANSWER: No. Section 1705.12 of the BOCA National Building Code has been deleted in the USBC.

Sections 2701.1 & NEC Table 310-16

Code Interpretation No. 44/90

First Issued: 3/18/94, 1990 Edition

QUESTION: When installing a heat pump/air conditioner which has a nameplate specifying a minimum supply circuit conductor ampacity of 16.1 amperes and a maximum branch-circuit short-circuit and ground-fault protective device of 25 amperes in accordance with Article 440, is it permissible to use a 25 amp circuit breaker with 14 AWG NM type cable to supply power to the equipment?

ANSWER: Yes. Since Section 240-3(h) permits HVAC equipment circuit conductors to be protected against overcurrent current according to Parts C and F of Article 440, the obelisk note at the bottom of Table 310-6 does not apply.

All other applicable provisions of the NEC not specifically addressed in the question must be complied with in order to use the stated conductor sizes and overcurrent protection.

Sections 2701.1 & NEC 555-1

Code Interpretation No. 20/90

First Issued: 7/17/92, 1990 Edition

QUESTION: Is a residential boathouse subject to Article 555 of the National Electrical Code?

ANSWER: No. Residential boathouses are not considered marinas or boatyards. They are subject to Section 210-8(a)(6) and other applicable wiring requirements contained in the NEC.

Sections 2801.2 & M-303.1

Code Interpretation No. 42/90

First Issued: 7/23/93, 1990 Edition

QUESTION: Is it the intent Section M-303.1 to prohibit completely sealed (combustion chamber and combustion air) fuel-fired mechanical appliances located in a return-air plenum?

ANSWER: Yes. Section M-303.1 prohibits the installation of fuel-fired equipment in plenums. Technical data, research reports or other information may be submitted to the building official to substantiate a modification request for the use of a specific unit listed for that purpose.

Sections 2801.2 & M-508.3

Code Interpretation No. 27/90

First Issued: 11/20/92, 1990 Edition

QUESTION: Is it the intent of Section M-508.3 or any other section of the USBC to require lighting fixtures used for illumination of the cooking area only and which are installed in accordance with NFPA 70 and located in the kitchen hood space to shut off with the actuation of the fire suppression system?

ANSWER: No. The lighting fixtures must comply with Section 410-4(c) of the National Electrical Code.

Sections 2801.2 & M-508.3

Code Interpretation No. 38/90

First Issued: 6/16/93, 1990 Edition

Section M-508.3 states that a commercial exhaust hood suppression system must automatically shut down the fuel or electrical supply to the cooking equipment.

QUESTION #1: If the cooking equipments' fuel source is gas but also contains electrical components such as spark ignition, temperature control devices, tilt assemblies or clocks, blower motors, etc., must the actuation of the suppression system also automatically shut down the electrical supply?

ANSWER: No. The activation of the suppression system is only required to shut off the source of fuel or heat in the cooking equipment which would contribute to the spread of a fire.

QUESTION #2: If an appliance not requiring a hood, such as an enclosed oven or auxiliary cooking equipment, is located under a hood anyway, is its fuel or electrical supply required to be automatically shut down upon activation of the suppression system?

ANSWER: Yes. If its source of fuel is gas.

Sections 2801.2, M-1203.1 & M-1215.0

Code Interpretation No. 5/93

First Issued: 1/20/95, 1993 Edition

QUESTION: Is mechanical equipment required by the manufacturer to be vented to a chimney, allowed to be vented by a power vented as an alternative method?

ANSWER: No. Unless the manufacturer of the mechanical equipment permits such a venting method.

Section 3013.1

Code Interpretation No. 37/90

First Issued: 2/19/93, 1990 Edition

QUESTION: Are existing elevators required to comply with this section?

ANSWER: No. In accordance with Section 101.2, all provisions of the model code relating to existing buildings or structures have been deleted and replaced with Chapter 1 which applies only when constructing, altering or repairing a building or structure.

Volume 2

PREFACE

The Virginia State Building Code Technical Review Board is a governor-appointed board within the Virginia Department of Housing and Community Development. This board is responsible for hearing appeals arising under the application of the Virginia Uniform Statewide Building Code, the Virginia Statewide Fire Prevention Code and other regulations of the Department. As a secondary function, the Board interprets the provisions of those codes and makes recommendations to the Virginia Board of Housing and Community Development for future modification, amendment or repeal of such provisions.

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Interpretations of the Virginia Uniform Statewide Building Code, Volume 2 Building Maintenance Code

Section PM-100.5 Code Interpretation No. 8/93 First Issued: 2/17/95, 1993 Edition QUESTION: Are the provisions or portions thereof in the BOCA National Property Maintenance Code relating to premises, as opposed to structures, enforceable as part of Building Maintenance Code?

ANSWER: No. Section 100.5 limits the application of the Building Maintenance Code to buildings and structures only.

Section PM-101.4 & PM-702.3 Code Interpretation No. 104/87 First Issued: 2/15/91, 1987 Edition QUESTION #1: Is it the intent of the Building Maintenance Code to require that an existing building be altered or "retrofitted" to conform to requirements of the model code that do not specifically pertain to building maintenance? ANSWER: No. Section PM-101.4 limits the application of the model code to matters that pertain to building maintenance.

QUESTION #2: Is the code official granted authority to require that an existing building be altered to provide a second independent exit from each floor above the second floor in accordance with Section PM-702.3 when the building in question is maintained and used in accordance with a certificate of occupancy and when no change of building use has occurred?

ANSWER: No

Section PM-108.3.1 Code Interpretation No. 19/90 First Issued: 5/22/92, 1990 Edition QUESTION #1: Is it the intent of this section to require an automatic sprinkler system in all parts and floors of a general hospital building when the nursing home or nursing facility is located in only a part of or a single floor of the hospital building other than the ground floor?

ANSWER: No. Only those portions of hospitals which are licensed or certified as nursing homes are required to have suppression systems. The term, "nursing home" is defined in § 32.1-123 of the Code of Virginia.

QUESTION #2: Is it the intent of this section to require an automatic sprinkler system in all parts and floors of a mixed use building when the nursing home or facility is located in only a part of or a single floor of the building?

ANSWER: No. Only those portions of mixed use buildings which are licensed or certified as nursing homes are required to have suppression systems.

QUESTION #3: Would the total number of stories of a building or the number of stories used as a nursing home within a building determine the appropriate NFPA standard for the automatic sprinkler system?

ANSWER: The total number of stories of the building would determine the minimum NFPA standard.

QUESTION #4: What defines "ground floor" for the purpose of Exception #2?

ANSWER: "Ground floor" is a floor level having at least one means of direct access to grade without traversing a step or stairs to reach the grade.

Sections PM-301.0 - PM-304.0 Code Interpretation No. 10/90 First Issued: 10/31/91, 1990 Edition QUESTION #1: Does the Building Maintenance Code apply to all vacant and boarded buildings? ANSWER: The Building Maintenance Code applies equally to all buildings; however, the model code is subject to general administrative provisions that may limit the applicability of the cited provisions. Regarding boarded buildings; in accordance with Section PM-105.1, an unsafe building may be vacated and

secured against public entry as an alternative to compliance.

QUESTION #2: How does a municipality protect its stock of old and historic buildings?

ANSWER: The subject of that question, historic preservation, is outside of the scope of the Building Maintenance Code. There are no special provisions in the USBC for historic buildings. Any building that fails to comply with the USBC may be subject to action by the code official as provided for in Section PM-105.0.

Section PM-301 .3 Interpretation No. 50/87 First Issued: 3/6/89, 1987 Edition QUESTION #1: Does "maintained in a clean, safe, secure, and sanitary condition" mean "secure" and "safe" as in Section PM-105.1.?

ANSWER: Yes. Pursuant to Section 105.1, a secured building is deemed to be safe.

QUESTION #2: Since this section reads "maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety;" does this mean as long as the vacant structures are maintained as above, that no blighting problem or any adverse effect on public health or safety has been caused?

ANSWER: Yes. "As provided herein" means compliance with the provisions of the Building Maintenance Code.

QUESTION #3: What is meant by "blighting problem" and can someone be charged with violation of this section of the code by only causing a blighting problem or adversely affecting the public health or safety?

ANSWER: As the term is used, blighting is that deterioration resulting from noncompliance with the provisions of the Building Maintenance Code. Section PM-301 .3 is a "General" section and cannot serve as the basis for any violation.

QUESTION #4: Does some peeling paint on ends of exposed rafters and under roof overhang constitute a blighting problem or adversely affect the public health or safety?

ANSWER: No. Section PM-304.5 requires proper maintenance of exterior surface materials in order to prevent deterioration which could result in a blighting problem.

QUESTION #5: Does the color a structure is painted constitute a blighting problem?

ANSWER: No QUESTION #6: Does the way a structure looks during the process of being repainted

from a light color to a dark color constitute a blighting problem?

ANSWER: No

Section PM-602.2 Interpretation No. 6/90 First Issued: 6/14/91, 1990 Edition QUESTION #1: Would an existing apartment building with no heating systems be required to provide or install a heating system to maintain the conditions specified in Section PM-602.2?

ANSWER: No. Section PM-602.2 is applicable only when the terms to furnish heat are expressed in the rental agreement or implied in some other manner.

QUESTION #2: Could the absence of heating be considered as a health hazard in accordance with Section PM-103.5?

ANSWER: No

Code: Uniform Statewide Building Code

Section No(s): 3401.2, PM-304.1 and PM-304.2

QUESTION: Is peeling, flaking or chipped paint on exterior surfaces required to be eliminated and repainted when the surfaces are not subject to deterioration without the paint, such as a brick wall or vinyl siding?

ANSWER: No.
