

13 VAC 5-62. VIRGINIA UNIFORM STATEWIDE BUILDING CODE.

PART I.

GENERAL REGULATIONS.

13 VAC 5-62-10. Chapter 1 Administration. Section 101.0 Administration; scope.

A. 101.1. Title. These regulations shall be known as the Virginia Uniform Statewide Building Code (USBC), hereinafter referred to as "this code" or "USBC." The term "chapter" means a chapter in the USBC.

B. 101.2. Scope. The USBC prescribes mandatory building regulations for the construction and local option building regulations for the maintenance of structures, and the equipment therein including provisions for administration and enforcement. To the extent that any provisions of this code including the referenced codes or standards are not within the scope of this chapter or the Uniform Statewide Building Code Law (§36-97 et seq. of the Code of Virginia), those provisions are considered to be invalid. Actions under the USBC are a governmental function. To the extent the provisions of Chapter 6 of Title 36 of the Code of Virginia and the USBC are not superseded by the provisions of § 36-98.3 of the Code of Virginia and the VADR (13 VAC 5-31), the provisions of Chapter 6 of Title 36 of the Code of Virginia and the USBC shall apply to amusement devices.

[Note: See the applicable provisions of Section 310 of this code for the correlation between the IBC and IRC.]

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C. 101.3. Description. The USBC is divided into three parts: Part I (13 VAC 5-62-10 et seq.) sets forth the general scope, purpose and administration of the USBC, common to both Parts II and III; Part II (13 VAC 5-62-70 et seq.) sets forth the scope, administration and enforcement procedures for the mandatory enforcement of the construction provisions of the USBC and the technical amendments to the model codes and standards referenced in Part II; Part III (13 VAC 5-62-420 et seq.) sets forth the scope, administration and enforcement procedures for the local option enforcement of the maintenance provisions of the USBC and the technical amendments to the model codes and standards referenced in Part III of this code.

D. 101.4. Purpose. The purpose of the USBC is to ensure safety to life and property from all hazards incident to structure design, construction, occupancy, repair, maintenance, renovation, removal or demolition. Structures shall be permitted to be constructed, repaired, maintained or renovated 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 accessibility for the physically disabled.

E. 101.5. Other codes. As provided in the Uniform Statewide Building Code Law (§36-97 et seq. of the Code of Virginia), the USBC shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. "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

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

F. 101.6. Use of model codes and referenced standards. The USBC contains provisions adopted by the BHCD, some of which change or amend provisions of the adopted model codes and referenced standards. The adopted model codes and referenced standards contain some areas of regulation outside the scope of the USBC, as established by the BHCD and under state law.

Where conflicts have been readily noted, changes have been made to the adopted model codes

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and referenced standards to bring them within the scope of authority; however, in some areas, judgments will have to be made by the building official/building maintenance official as to whether such unchanged provisions of the model codes and referenced standards are applicable.

G. 101.6.1. Definitions of terms. Unless otherwise expressly stated, the definitions of terms shall, for the purposes of application of the USBC and all adopted and referenced model codes and standards, have the meanings ascribed to them by the Uniform Statewide Building Code Law (§ 36-97 et seq. of the Code of Virginia) and the Board of Housing and Community Development (BHCD).

H. 101.6.2. Application of standards. The standards referenced in the adopted model codes and referenced standards shall be considered part of the requirements of the USBC to the prescribed extent of each such reference. Where differences occur between provisions of the USBC and referenced standards, the provisions of the USBC shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance [~~, or the manufacturer's installation instructions~~], then such conditions [~~and instructions~~] shall apply.

I. 101.7. Exemptions. The following are exempt from this code:

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1. Equipment [and related wiring] installed by a provider of publicly regulated utility service [or a franchised cable television operator] and electrical equipment [and related wiring] used for radio [, broadcast or cable television,] telecommunications [~~and television~~ or information service] transmission. [~~The~~ Such] exempt [~~publicly regulated utility service's and such other's~~] equipment [and wiring] shall be under [~~their exclusive the~~ ownership and] control [of the service provider or its affiliates] and [shall be] located on [either public rights of way or private] property [~~by established rights~~ for which the service provider has rights of occupancy and entry] ; however, the structures, including their service equipment, housing or supporting such exempt equipment [and wiring] shall be subject to the USBC. The installation of [~~such exempt~~] equipment [and wiring exempted by this section] shall not create an unsafe condition prohibited by the USBC.

2. Manufacturing and processing machines, including the following service equipment associated with the manufacturing or processing machines:

a. Electrical equipment connected after the last disconnecting means;

b. Plumbing piping and equipment connected after the last shutoff valve or backflow device and before the equipment drain trap; and

c. Gas piping and equipment connected after the outlet shutoff valve.

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3. Parking lots and sidewalks, which are not part of [an] accessible route.

4. Recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps, and similar equipment when such equipment is not regulated by the Virginia Amusement Device Regulations (VADR) (13 VAC 5-31).

5. Industrialized buildings; except, the applicable requirements of this code affecting local option maintenance (Part III of this code), site preparation, footings, foundations, proper anchoring and utility connections of the unit remain in full force and effect, including issuing permits and certificates of occupancy.

6. Manufactured homes; except, the applicable requirements of this code affecting local option maintenance (Part III of this code), site preparation, skirting installation, footings, foundations, proper anchoring and utility connections of the manufactured home remain in full force and effect, including issuing permits and certificates of occupancy.

7. Farm buildings and structures not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

a. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced on the farm;

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b. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;

c. Business or office uses relating to the farm operations;

d. Use of farm machinery or equipment, or maintenance or storage of vehicles, machinery or equipment on the farm;

e. Storage or use of supplies and materials used on the farm; or

f. Implementation of best management practices associated with farm operations, in the construction of structures.

However, the following farm buildings and structures are not exempt from this code:

(1) Farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood proofing regulations or mudslide regulations, as applicable.

(2) A building or a portion of a building, located on a farm, that is operated as a restaurant as defined in § 35.1-1 of the Code of Virginia and licensed as such by the

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Board of Health under Chapter 2 (§ 35.1-11 et seq.) of Title 35.1 of the Code of Virginia.

J. 101.8. Interpretation, application and enforcement. The provisions of the USBC and all adopted and referenced model codes and standards shall be interpreted, applied and enforced following the provisions of the Uniform Statewide Building Code Law (§ 36-97 et seq. of the Code of Virginia), the provisions of the USBC (13 VAC 5-62) and as interpreted by the State Building Code Technical Review Board (TRB).

13 VAC 5-62-20. Section 102.0 Execution of work.

A. 102.1. Performance. All construction and maintenance work shall be performed and completed to secure the results intended by the USBC.

B. 102.2. Responsibility. It shall be the duty of every person who performs work regulated by the USBC, including but not limited to the construction, installation, maintenance or repair of a structure or equipment, to comply with the USBC.

13 VAC 5-62-30. Section 103.0 Enforcement.

A. 103.1. Construction enforcement responsibility. Enforcement of the provisions of the USBC governing construction is mandatory and the responsibility of the local building department.

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Whenever a county or a municipality does not have such department, the locality 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 DHCD for such enforcement. Towns with a population of less than 3,500 may elect to administer and enforce this code; however, where the town does not elect to administer and enforce the USBC, the county in which the town is situated shall administer and enforce the USBC for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the USBC within their respective boundaries.

B. 103.1.1. Amusement device enforcement responsibility. Inspections required by the Virginia Amusement Device Regulations (13 VAC 5-31) shall be performed by persons certified by the BHCD pursuant to subdivision [7 6] of § 36-137 of the Code of Virginia as competent to inspect amusement devices. Nothing in the USBC 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 pursuant to subdivision [7 6] of § 36-137 of the Code of Virginia as competent to inspect amusement devices.

C. 103.2. Existing structures. The locality shall inspect and enforce the maintenance provisions of the USBC relating to the maintenance of existing elevators except for elevators in single and two-family homes and townhouses. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body. See Article 2 (13 VAC 5-62-480) of Part III of this code. The provisions of § 36-105 of the Code of Virginia notwithstanding, the

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local governing body shall enforce the VADR (13 VAC 5-31) promulgated by the BHCD for existing amusement devices.

D. 103.2.1. Residential rental units. Upon a finding by the local building department, following a complaint by a tenant of a residential rental unit that is the subject of such complaint, that there may be a violation of the unsafe maintenance provisions of the USBC, the local building department shall enforce such provisions. If the local building department receives a complaint that a violation of the unsafe maintenance provisions of the USBC exists that is an immediate and imminent threat to the health or safety of the owner or tenant of a residential dwelling unit or a nearby residential dwelling unit, and the owner or tenant of the residential dwelling unit that is the subject of the complaint has refused to allow the building official to have access to the subject dwelling, the building official may present sworn testimony to a court of competent jurisdiction and request that the court grant the building official an inspection warrant to enable the building official to enter the dwelling for the purpose of determining whether violations of the USBC exist. The local building official shall make a reasonable effort to obtain consent from the owner or tenant of the dwelling prior to seeking the issuance of an inspection warrant under this section.

Exception: Following official action by the locality, enforcement may be the responsibility of the local enforcing agency designated to enforce the maintenance provisions of the USBC.

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E. 103.2.2. Conservation and rehabilitation districts. The local governing body may, upon an affirmative finding of the need to protect the public health, safety and welfare, require the issuance of certificates of compliance with maintenance provisions of the USBC for existing residential buildings located in conservation and rehabilitation districts designated by the local governing body, or in other areas designated as blighted pursuant to § 36-49.1:1, after inspections of such buildings upon termination of the rental tenancies or when such rental property is sold. Such certificate of compliance shall be issued in accordance with the administrative provisions of the USBC.

F. 103.2.3. Retrofitting. The local building department shall enforce the applicable retrofitting provisions relating to fire protection equipment and system requirements for certain existing motels, hotels, hospitals, daycare facilities, dormitories, nursing homes and multi-family dwelling units and identification of disabled parking spaces mandated in Article 3 (13 VAC 5-62-230) of Part II of this code.

G. 103.2.4. Maintenance enforcement responsibility. Enforcement of the provisions of the USBC governing maintenance of existing structures and equipment is optional within a locality and only enforceable following official action by the locality. The official action shall (i) require compliance with any or all maintenance provisions of Part III (13 VAC 5-62-420 et seq.) of the USBC and (ii) assign enforcement responsibility to the local agency or agencies of the [localities locality's] choice.

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Exceptions:

1. Inspections required under section 103.1.1, Amusement device enforcement responsibility.

2. Inspections required under section 103.2, Existing structures.

3. Inspections required under section 103.2.1, Residential rental units.

H. 103.3. Enforcement terminology. The terms "local enforcing agency" and "building maintenance official" are intended to apply to the agency or agencies to which responsibility for enforcement of the provisions of the USBC governing maintenance and repair of existing structures and equipment has been assigned. The terms "building official" or "local building department" apply only to the local building official or local building department.

I. 103.3.1. Interagency coordination. When enforcement of any portion of the USBC is assigned to an agency other than the local building department, that local enforcing agency shall coordinate its reports of inspection with the local building department.

J. 103.3.2. Permits. Alterations, repairs, installations, construction or demolition shall be subject to the building permit, certificate of occupancy and other provisions of Parts I and II of the USBC.

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K. 103.4. State buildings. Acting through the Division of Engineering and Buildings, the Virginia Department of General Services (DGS) shall function as the building official/building maintenance official for state-owned buildings as prescribed by §36-98.1 of the Code of Virginia.

L. 103.4.1. Review and approval. The Virginia Department of General Services (DGS) shall review and approve plans and specifications, grant modifications, and establish such rules and regulations as may be necessary to implement the USBC. The DGS shall provide for the inspection of state-owned buildings and enforcement of the USBC and standards for access by the physically disabled by delegating inspection and USBC 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 DGS. The DGS 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 DGS shall provide the local building department with a written summary of its reasons for doing so.

13 VAC 5-62-40. Section 104.0 Department of Building Inspection/Enforcing Agency.

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A. 104.1. Building official/building maintenance official. Each local building department/enforcing agency shall have an executive official in charge, hereinafter referred to as the "building official" for the local building department or the "building maintenance official" for the local enforcing agency. [~~In accordance with sanctions prescribed by the Virginia Certification Standards (13 VAC 5-21) the building official/building maintenance official may be held responsible for failure to discharge any duty required by law or by the USBC.]~~

[Note: The building official/building maintenance official is subject to sanctions in accordance with the Virginia Certification Standards (13 VAC 5-21).]

B. 104.1.1. Appointment. The building official/building maintenance official shall be appointed in a manner selected by the locality. After permanent appointment, such official 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.

C. 104.1.2. Notification. The appointing authority of the locality shall notify the DHCD within 30 days of the appointment or release of the permanent or acting building official/building maintenance official.

D. 104.1.3. Qualifications. The building official/building maintenance official shall have at least five years of building experience as a licensed professional engineer or architect, building inspector, contractor, housing inspector or superintendent of building construction, with at least

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three years in responsible charge of work. Any combination of education and experience, which would confer equivalent knowledge and ability, shall be deemed to satisfy this requirement. The building official/building maintenance official shall have general knowledge of sound engineering practice in respect to the design and construction of structures, 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 locality may establish additional qualification requirements.

E. 104.1.4. Certification. The permanent or acting building official/building maintenance official shall obtain certification from the BHCD in accordance with the Virginia Certification Standards (13 VAC 5-21) within one year after permanent or acting appointment.

Exception: Continuous employment by the same local governing body as the building official [~~/building maintenance official~~] since before April 1, 1983 [or continuous employment by the same local governing body as the building maintenance official since before April 1, 1995] ; however, such exempt officials shall comply with required DHCD training under the Virginia Certification Standards (13 VAC 5-21).

F. 104.1.5. Noncertified. After permanent or acting appointment, a non-BHCD certified building official/building maintenance official shall complete a DHCD orientation seminar within 60 days. In addition, within 180 days after appointment, such official shall attend the core program of the Virginia Building Code Academy, or its equivalent in a DHCD accredited academy.

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G. 104.2. Technical assistants. The building official/building maintenance official shall, subject to any limitations imposed by the locality, appoint technical assistants and other employees for the administration and enforcement of the USBC. [~~In accordance with sanctions prescribed by the Virginia Certification Standards (13 VAC 5-21) such technical assistants may be held responsible for failure to discharge any duty required by law or by the USBC.~~]

[Note: Technical assistants are subject to sanctions in accordance with the Virginia Certification Standards (13 VAC 5-21).]

H. 104.2.1. Notification. The building official/building maintenance official shall notify the DHCD within 60 days of the employment [~~or~~ ,] contract [or termination] of all technical assistants for enforcement of the USBC.

I. 104.2.2. Qualifications. A technical assistant shall have at least three years of experience in general building construction, building, fire or housing inspections, and general knowledge of plumbing, electrical or mechanical systems. Any combination of education and experience, which would confer equivalent knowledge and ability, shall be deemed to satisfy this requirement. The locality may establish additional qualification requirements.

J. 104.2.3. Certification. Any person employed by, or under contract to, a local building department for enforcement of the USBC shall be certified in the appropriate subject area in

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accordance with the Virginia Certification Standards (13 VAC 5-21) within [one and one half three] years from permanent or acting appointment. [However, such persons shall also attend and complete the applicable management, technical or DFP training as outlined in the training and certification guidance document referenced in the Virginia Certification Standards (13 VAC 5-21) within one and one half years after initial appointment When required by a locality to have two or more certifications, the remaining certifications shall be obtained within three years from the date of such requirement] .

Exception: If continuously employed or under contract to such department [to enforce Parts I and II of this code] since before March 1, 1988 [or continuously employed or under contract to such department to enforce Parts I and III of this code since before April 1, 1995] ; however, such exempt persons shall comply with required DHCD training under Virginia Certification Standards (13 VAC 5-21).

K. 104.3. Continuing education. Any person employed by, or under contract to, a local building department for enforcement of the USBC shall attend periodic training courses as designated by the DHCD and such other training as designated by the locality.

L. 104.4. Control of conflict of interest. The minimum standards of conduct for building officials/building maintenance officials and technical assistants shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act (§2.2-3100 et seq. of the Code of Virginia).

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13 VAC 5-62-50. Section 105.0 Violations.

A. 105.1. Unlawful acts. It shall be unlawful to construct, alter, remove, demolish or occupy, or fail to maintain in accordance with Part III (13 VAC 5-62-420 et seq.) of the USBC, any structure or equipment regulated by the USBC, or cause or allow same to be done, in conflict with or in violation of any provision of the USBC.

B. 105.2. Notice of violation. The building official [~~building maintenance official~~] shall issue a notice of violation to the responsible party as determined by Section 105.1 [for violations of Part I or II of this code] if (i) the defective work [~~maintenance~~] or use has not been remedied within a reasonable time following an inspection report or (ii) any other directive or order of the building official [~~building maintenance official~~] has not been complied with within a reasonable time. [The building maintenance official shall be permitted to issue a notice of violation to the responsible party as determined by Section 105.1 for violations of Part I or III of this code when such violations are discovered.] The notice shall reference the USBC section that serves as the basis for such notice and direct the discontinuance and abatement of the alleged violation. The notice shall be in writing and be issued by either delivering a copy to the responsible party by mail to the last known address or delivering the notice in person or by leaving it in the possession of any person in charge of the premises, or by posting the notice in a conspicuous place if the person in charge of the premises cannot be found. The notice of violation shall indicate the right of appeal by referencing the appeals section.

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C. 105.2.1. Copies of notice. A copy of the notice shall be delivered to the owner and the permit holders under which the alleged violation falls, when not the cited responsible party, as applicable. Whenever possible, the notice should also be given to the tenants, as applicable.

D. 105.2.2. Limitation of notice. When an alleged violation relating to construction (Part II (13 VAC 5-62-70 et seq.) of the USBC) is discovered more than two years after either (i) the certificate of occupancy is issued or the date of initial occupancy, whichever is later, or (ii) the approved final inspection for an alteration or renovation, a notice of violation shall only be issued upon advice from legal counsel to the locality that action may be taken to compel correction of the violation. The building official shall document alleged violations of the applicable edition of the USBC once compliance can no longer be compelled by prosecution under §36-106 of the Code of Virginia.

E. 105.2.3. Suspension or revocation of certificate of occupancy. The building official/building maintenance official may suspend or revoke a permanent or temporary certificate of occupancy for repeated failure to correct violations of the provisions of Parts I, II or III of the USBC.

F. 105.3. Actions for violation. If the responsible party has not complied with the notice of violation, the building official/building maintenance official shall request, in writing, the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate such alleged violation or to require the removal or termination of the use of the structure in

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violation of the provisions of the USBC or the building official/building maintenance official may issue or obtain a summons or warrant where the locality so authorizes. 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. Also see § 19.2-8 of the Code of Virginia for limitations of prosecutions.

G. 105.3.1. Civil penalties. Under § 36-106 of the Code of Virginia, any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the USBC which are not abated or remedied promptly after receipt of notice of violation from the building official/building maintenance official. Designation of a particular USBC violation for a civil penalty shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

H. 105.4. Violation penalties. Penalties, upon conviction, for violations of the USBC shall be as set out in § 36-106 of the Code of Virginia.

I. 105.5. 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.

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13 VAC 5-62-60. Section 106.0 Appeals.

A. 106.1. Local Board of Building Code Appeals (BBCA). Each locality shall have a BBCA to hear appeals as authorized herein; or it 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 DHCD, to act on appeals. The BBCA shall also hear appeals under the VADR (13 VAC 5-31). The BBCA may also hear appeals under Part III (13 VAC 5-62-420 et seq.) of this code, if the locality has elected to enforce such part, or the locality may have a separate BBCA provided that each BBCA complies with this section. An appeal case decided by a BBCA or a separate BBCA shall constitute an appeal in accordance with this section and shall be final unless appealed to the State Building Code Technical Review Board (TRB).

B. 106.2. Membership of BBCA. The BBCA shall consist of at least five members appointed by [the] locality for a specific term of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the locality. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any one-year period.

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C. 106.2.1. Chairman. The BBCA shall annually select one of its regular members to serve as chairman. In case of the absence of the chairman at a hearing, the members present shall select an acting chairman.

D. 106.2.2. Secretary. The locality or the chief executive officer of the locality shall appoint a secretary to the BBCA to maintain a detailed record of all proceedings.

E. 106.3. Qualifications of BBCA members. BBCA members shall be selected by the locality on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder and one member a licensed architect or professional engineer and one member an experienced property manager. Employees or officials of the locality shall not serve as members of the BBCA.

F. 106.4. Disqualification of member. No member shall hear an appeal in which that member has a conflict of interest in accordance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq. of the Code of Virginia). Members shall not discuss the substance of an appeal with any other party or their representatives prior to any hearings.

G. 106.5. Application for appeal. The owner of the structure, the owner's agent or any other person involved in the design, construction or maintenance of the structure may appeal the

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building official's/building maintenance official's decision concerning application of the USBC and the VADR (13 VAC 5-31) or refusal to grant modification to the provisions of the USBC covering the manner of construction or materials to be used in the erection, alteration, repair or maintenance of that structure. The applicant shall submit a written request for appeal, indicating specific requirements, to the BBCA within (i) 90 calendar days for construction, or (ii) 21 calendar days for maintenance, or (iii) 14 calendar days for application under the VADR (13 VAC 5-31), from the receipt of the decision to be appealed. The application shall contain the name and address of the owner of the structure and the person appealing if not the owner. A copy of the official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the BBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the official's decision.

H. 106.6. Notice of meeting. The BBCA shall meet within 30 calendar days after the date of receipt of the application for appeal or a longer period of time if agreed to by all parties to the appeal. Notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing. Less notice may be given if agreed upon by all parties to the appeal.

I. 106.6.1. Postponement. When a quorum of the BBCA is not present to hear an appeal, any party to the appeal shall have the right to request a postponement of the hearing. The BBCA shall

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reschedule the appeal within 30 calendar days of the postponement, or a longer period of time if agreed to by all parties to the appeal.

J. 106.7. Hearing procedures. All hearings before the BBCA shall be open to the public. The appellant, the appellant's representative, the locality's representative and any person whose interests are affected shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings.

K. 106.8. Decision. The BBCA shall have the power to uphold, reverse or modify the decision of the official by a concurring vote of a majority of those present. Decisions of the BBCA shall be final if no appeal is made therefrom and all parties shall be bound by the decision.

L. 106.8.1. Resolution. The decision of the BBCA shall be by resolution signed by the chairman and retained as part of the record by the BBCA. The following wording shall be part of the resolution:

"Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board by submitting an application to such Board within 21 calendar days. Application forms are available from the Office of the State Building Code Technical Review Board, 501 North Second Street, Richmond, Virginia 23219, (804) 371-7150."

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Copies of the resolution shall be furnished to all parties.

M. 106.9. Appeal to the TRB. After final determination by the BBCA, any person who was a party to the BBCA appeal may appeal to the TRB. Appeals from the decision of the official for state-owned structures shall be made directly to the TRB. Application shall be made to the TRB within 21 calendar days of receipt of the decision to be appealed. Failure to submit an application for appeal within the time limit established by this section shall constitute an acceptance of the BBCA's resolution or official's decision.

N. 106.9.1. Information to be submitted. Copies of the official's decision and the resolution of the BBCA shall be submitted with the application for appeal to the TRB. Upon request by the Office of the TRB, the BBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of state-owned buildings, the involved state agency shall submit a copy of the official's decision and other relevant information.

O. 106.9.2. Decision of TRB. Procedures of the TRB are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the TRB shall be final if no appeal is made therefrom and all parties shall be bound by the decision.

PART II.

CONSTRUCTION.

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Article 1.

Administration.

13 VAC 5-62-70. Section 107.0 Applicability.

A. 107.1 General. The provisions of Parts I and II of the USBC shall apply to the construction, reconstruction, renovation, repair, alteration, addition to or demolition and changes of occupancy of all structures and to any work which affects an existing structure's continued compliance with the building regulations under which it was built.

B. 107.2. When applicable. Construction for which a permit application is submitted to the building official after [~~(insert effective date of new code)~~ September 1, 2003] shall comply with the provisions of this code, except when construction documents for proposed construction were substantially complete prior to the above date and a permit application is submitted to the building official within one year after the above date. In such cases, construction shall comply with either the provisions of this code or the provisions of this code in effect immediately prior to [~~(insert effective date of new code)~~ September 1, 2003] . [This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments.]

C. 107.3. Nonrequired equipment. Building owners may install partial or full fire protection systems or other safety equipment that was not required by the USBC in effect at the time a

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structure was constructed without meeting current USBC requirements, provided the installation does not create a hazardous condition. Permits for such installations shall be obtained in accordance with the USBC. The building official shall notify the fire official or fire chief when such elective system is to be installed.

D. 107.4. State-owned structures. In accordance with § 36-98.1 of the Code of Virginia the USBC shall be applicable to all state-owned structures, with the exception that § 2.2-1159 et seq. of the Code of Virginia shall provide the standards for ready access to and use of state-owned buildings by the physically handicapped.

13 VAC 5-62-80. Section 108.0 Adoption and use of model codes and standards.

A. 108.1. Adoption. The following document, as amended by the Virginia Board of Housing and Community Development (BHCD), is adopted and incorporated by reference to be an enforceable part of the USBC:

The International Building Code 2000, hereinafter referred to as "IBC," published by the International Code Council, Inc. (ICC) [~~in cooperation with: Building Officials and Code Administrators International, Inc.; International Conference of Building Officials; and Southern Building Code Congress International, Inc~~]. Included in the IBC as major referenced standards are the following model codes also incorporated by reference: 2000 ICC International Plumbing Code (IPC); 2000 ICC International Mechanical Code (IMC); 1999

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National Electrical Code (NEC) as referenced in the 2000 ICC Electrical Code (EC); 2000 International Fuel Gas Code (IFGC); [2000 ICC International Energy Conservation Code (IECC)] and 2000 International Residential Code for One- and Two-Family Dwellings (IRC).

B. 108.1.1. [Supplement Supplements] . The specifically identified changes contained in the 2001 Supplement [and 2002 Accumulative Supplement] to the International Codes shall be made to the IBC and its referenced codes and standards. See Article [3 4 [~~13 VAC 5-62-230~~] , Technical Amendments [] ,] of Part II of the USBC for such changes.

C. 108.1.2. Appendices. Provisions in the IBC and referenced codes and standards appendices shall not apply unless specifically adopted by the BHCD. See Article [3 4], Technical Amendments, of Part II of the USBC for such adopted appendices.

D. 108.1.3. Deletion. Delete IBC Chapter 1 [and replace with Parts I and II of this code] .

E. 108.1.4. Use of standards. The codes and standards referenced in the IBC shall be those listed in Chapter 35 and considered part of the requirements of [the] USBC to the prescribed extent of each such reference.

F. 108.2. Amendments. All requirements of the referenced codes and standards that relate to fees, permits, unsafe notices, disputes, condemnation, scope of enforcement and inspections, and

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all other procedural and administrative matters are deleted and replaced by the provisions of Chapter 1 (Parts I and II) of the USBC. The purpose of this provision is to eliminate overlap, conflict and duplication by providing a single standard for administration, procedural matters and enforcement of this part of the USBC.

Exceptions:

1. Special inspections are allowed to be required as provided for in Chapters 2 through 34 of the IBC.

2. IBC Section [~~3408.0~~ 3409] Compliance Alternatives, shall be allowed to be used by an owner as provided for in this code.

3. Historic buildings shall comply with Sections 3406 and 3408.

[4. Testing requirements and requirements for the submittal of construction documents in the adopted model codes.]

G. 108.2.1. Technical Amendments. The IBC and referenced codes and standards shall also be amended as per the technical amendments contained in Article [3 4], Technical Amendments, of Part II of the USBC.

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H. 108.2.2. International Fire Code. Retroactive fire protection system requirements contained in the 2000 International Fire Code (IFC) shall not be enforced unless specified by the USBC, including but not limited to the following IFC sections: 903, 905 and 907.

13 VAC 5-62-90. Section 109.0 Duties and powers of the building official.

A. 109.1. 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 (TRB).

B. 109.2. Modifications. Upon application by the owner or the owner's agent, the building official may grant modification to any of the provisions of the USBC, 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 USBC. Future amendments to such codes and standards do not automatically become part of the USBC; however, the building official should consider such amendments in deciding whether a modification request should be granted.

C. 109.2.1. Supporting data. The building official may require the application for modification to include architectural and engineering plans and specifications that include the seal of a professional engineer or architect. The building official may require and consider a statement

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from a professional engineer, architect or other competent person as to the equivalency of the proposed modification.

D. 109.2.2. Decisions. The application for modification and the final decision of the building official shall be in writing and shall be recorded with the certificate of occupancy in the permanent records of the local building department.

E. 109.3. Delegation of duties and powers. The building official is permitted to delegate duties and powers subject to any limitations imposed by the locality and shall be responsible for assuring that delegated duties and powers are carried out in accordance with the USBC.

F. 109.4. Department records. The building official shall keep official records of applications received, permits and certifications issued, fees collected, reports of inspections, and notices, modifications and orders issued. Such records shall be retained in the official records or shall be disposed of in accordance with General Schedule Number Six available from the Library of Virginia.

13 VAC 5-62-100. Section [~~400-0~~ 110.0] Fees.

A. [~~400-1~~ 110.1.] Fees and fee levy. Fees may be levied by the locality in order to defray the cost of enforcement and appeals pursuant to [~~the USBC~~ § 36-105 of the Code of Virginia]. The local building department shall collect a [~~1.0%~~ 1.75%] levy of fees charged for building permits

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issued under this code and transmit it quarterly to the DHCD to support training programs of the Virginia Building Code Academy. Localities which maintain a DHCD accredited training academy shall retain such levy.

B. [~~100.2~~: 110.2.] Fee schedule. The locality 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.

C. [~~100.3~~: 110.3.] When payable. A permit shall not be issued until the fees prescribed by the locality have been paid to the authorized agency, nor shall an amendment to a permit be approved until any required additional fee has been paid. The locality may authorize delayed payment of fees.

D. [~~100.4~~: 110.4.] Refunds. In the case of a revocation of a permit or abandonment or discontinuance of a building project, the locality shall provide fee refunds for the portion of the work that was not completed, when requested in writing by the permit holders.

13 VAC 5-62-110. Section 111.0 Application for permit.

A. 111.1. When required. Written application for permit shall be made to the building official and an approved permit issued by the building official before any of the following actions may be commenced:

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1. Constructing, reconstructing, enlarging, altering, or demolishing a structure.
2. Changing the use of a structure either within the same group classification or to a different group classification when the new use requires greater degrees of structural strength, fire protection, exit facilities, ventilation or sanitary provisions.
3. Installing or altering any equipment which is regulated by the USBC.
4. Removing or disturbing any asbestos [~~or lead~~] containing materials during demolition, alteration, renovation of or additions to structures.
5. Moving a lot line which affects an existing structure's continued compliance with the building regulations under which it was built.
6. For emergency construction, alterations or [~~;~~] equipment replacement [~~,~~] the permit application shall be submitted the next working day following such emergency work.

Exceptions: Compliance with the USBC is required for permit exceptions and inspections are waived. [~~Upon request~~ If requested] by an owner or [~~his~~ their] agent a building permit shall be issued [~~; when approved,~~] and the work inspected for compliance. The following are exempt from application for permit:

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1. Installation of wiring and equipment [(i)] which operates at less than 50 volts, [(ii) for network powered broadband communications systems, or (iii) exempt under Section 101.7(1),] except [in any case] when the installation is located in a [~~noncombustible~~] plenum [~~or,~~] penetrates [~~a fire resistance rated assembly~~ fire rated or smoke protected construction or is a component of any of the following:

a. Fire alarm system;

b. Fire detection system;

c. Fire suppression system;

d. Smoke control system;

e. Fire protection supervisory system;

f. Elevator fire safety control system;

g. Access or egress control system or delayed egress locking or latching system;

h. Fire damper; or

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i. Door control system] .

2. Detached accessory structures used as tool and storage sheds, playhouses and similar uses [accessory to all groups except Group F or H and detached pre-fabricated buildings housing the equipment of exempted public utilities] , [~~not exceeding~~ provided such accessory structures and pre-fabricated buildings do not exceed] 150 square feet (14 m²) of building area [~~, except when accessory to Group F or H structures] .~~

3. Tents and air-supported structures that cover an area of 900 square feet (84 m²) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons.

4. Fences [~~6 feet or less in height~~ not part of the barrier for a swimming pool] and [~~non-retaining~~ retaining] walls 4 feet or less in height [measured from the bottom of the footing to the top of the wall, unless such walls are supporting a surcharge or impounding Class I, II or III-A liquids] .

[5. Swimming pools which are 150 square feet (13.95 m²) or less in surface area, 5,000 gallons (18,925 L) or less of water capacity and 24 inches (609.6 mm) or less in depth.]

[~~5. 6.] Work which the building official has authorized pending receipt of an application.~~

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[~~6~~. 7.] Ordinary repairs which include, but are not [~~be~~] limited to, the following:

a. Replacement of mechanical or plumbing equipment and appliances, except those fueled by gas or oil, within the dwelling unit in occupancies of Group R-2 which are four stories or less in height and in occupancies of Groups R-3, R-4 and R-5.

b. Replacement of roof coverings and installation or replacement of siding on Groups R-3, R-4 and R-5 structures, where such structures are located in localities where the basic wind speed is [~~90~~ 100] miles per hour ([~~152.1~~ 160] km/hr) or less, determined in accordance with Table R301.2(4), in the amended 2000 International Residential Code.

c. Installation of cabinets in all occupancies.

d. Replacement of floor coverings and porch flooring within the dwelling unit in occupancies of Group R-2 which are four stories or less in height and in occupancies of Groups R-3, R-4 and R-5.

e. Painting any portion of a structure, repair of plaster, interior tile and other wall coverings in all occupancies.

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f. Replacement of windows and doors and electrical switches, outlets, light fixtures and ceiling fans, within the dwelling unit in occupancies of Group R-2 which are four stories or less in height and in occupancies of Groups R-3, R-4 and R-5.

g. Replacement of interior floor finish and covering materials [~~required to be of Class II materials in Groups A, B, E, M, R-1, R-2 and S, or where sprinkled throughout in accordance with Section 903.3.1.1 in all groups for Class I materials~~].

Ordinary repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or loadbearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas or oil, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

B. 111.2. Permit applicant. Application for a permit shall be made by the owner or lessee of the structure or agent of either, or by the licensed architect, professional engineer, contractor or subcontractor (or their respective agents) employed in connection with the proposed work. If the application is made by a contractor or subcontractor (or any of their respective agents), the building official shall verify that the applicant is either licensed and certified to practice in Virginia, or is exempt from licensing under the Code of Virginia. The full names and addresses

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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 applications for permit through the mail. The building official shall not require the permit applicant to appear in person.

Note: Information on the types of construction exempted from the requirement for an architect's or professional engineer's seal and signature is included in the "Related Laws Package" available from DHCD.

C. 111.2.1. Mechanics' lien agent designation. At the request of the applicant, a permit for a one- or two-family residential dwelling unit shall contain the name, mailing address, and telephone number of the mechanics' lien agent as defined in § 43-1 of the Code of Virginia. If the designation of a mechanics' lien agent is not so requested by the applicant, the permit shall state "None Designated."

D. 111.3. Form of application. The application for permit shall be submitted on forms supplied by the building official.

E. 111.4. Description of work. The application for permit shall contain a general description of the proposed work, its location and such additional information as required by the building official.

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F. 111.5. Construction documents. The application for permit shall be accompanied by [not less than two sets the number] of construction documents [set by the locality].

Exceptions:

1. The building official may waive the requirement for filing construction documents when the work involved is of a minor nature.

[~~2. Construction documents for new one and two family dwellings shall not be required when the same construction documents, alternates and amendments for such dwellings have been approved previously for the same jurisdiction or development, in compliance with the USBC, and are on file with the local building department. A site plan for each such dwelling must be submitted and approved in compliance with the USBC. There shall be provided on the building's site one approved set as required in section 111.5.4.]~~

[~~3. 2.] The building official shall accept construction documents for one- and two-family dwellings which are intended to be built in reverse of the floor plans submitted, provided the accompanying site plan is approved.~~

G. 111.5.1. Site plan. When required by the building official, the application for permit shall also be accompanied by a site plan showing to scale the size and location of all the proposed new construction, including wells, septic tanks and drain fields as applicable and all existing

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structures 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 structures that are to remain on the site. In the case of alterations, renovations, repairs and installation of equipment, the building official shall be permitted to waive submission of the site plan or any parts thereof.

H. 111.5.1.1. Fire apparatus access roads. When fire apparatus access roads are required to be provided and maintained in accordance with adopted local ordinances that establish fire apparatus access road requirements, such requirements shall be so identified to the owner or his agent prior to the building official's approval of the building permit.

I. 111.5.2. 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 and seal of the professional engineer or architect responsible for the design. For buildings more than two stories in height, the building official may require that plans indicate where floor penetrations will be made for pipes, wires, conduits, and other components of the electrical, mechanical and plumbing systems when required. The construction documents shall show the materials and methods for protecting such openings in order to maintain the required structural integrity, fireresistance ratings, and firestopping affected by such penetrations.

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J. 111.5.3. Construction document review. The building official shall cause to be examined all construction documents, site plans and applications for permits within a reasonable time after filing. [Review of construction documents for new one-and-two family dwellings is not required for technical provisions of this code not related to the site, location or soil conditions when identical construction documents, alternates and amendments for such dwellings have been approved previously for the same jurisdiction in compliance with the current edition of this code and such plans are on file with the local building department.] If the application, site plan or the construction documents do not conform to the requirements of the USBC, the building official shall reject such application in writing, stating the reasons for rejection. Any construction document review comments requiring additional information, engineering details, or stating reasons for rejection of construction documents, shall be made in writing to the permit applicant.

K. 111.5.3.1. Expedited construction document review. The building official [~~shall~~ may] accept reports from an approved person or agency that the construction documents have been examined and conform to the requirements of the USBC and may establish requirements for the person or agency submitting such reports. In addition, where such reports have been submitted, the building official may expedite the issuance of the permit.

L. 111.5.4. Approved construction documents. The building official shall stamp "Approved" or provide an endorsement in writing on [~~both~~ all required] sets of construction documents when approved. One set of such approved construction documents shall be retained by the building

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official [-The other and one] set shall be kept at the building site, open to inspection by the building official at all reasonable times.

M. 111.5.4.1. Approval of partial construction documents. The building official may issue a permit for the construction of foundations or any other part of a structure before the construction documents for the entire structure 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 part of a structure shall proceed with construction operations at the holder's risk, and without assurance that a permit for the entire structure will be granted.

N. 111.5.4.2. Construction document approval limited. The building official's approval of construction documents shall be limited to those items within the scope of the USBC.

O. 111.6. Change in occupancy. The owner or his agent shall, in writing, apply to and obtain from the building official a new certificate of occupancy prior to a change in the existing occupancy classification of a structure or portion thereof. When the current USBC requires a greater degree of structural strength, fire protection, means of egress, ventilation or sanitary provision for the new occupancy, the owner or his agent shall, in writing, apply and obtain a permit from the building official. When it is impractical to achieve compliance with the USBC, the building official shall issue, upon application, modifications as provided in Section 109.2 of the USBC.

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P. 111.6.1. Reconstruction, alteration or repair. Reconstruction, alteration or repair shall not adversely affect the performance of, or cause the structure to become unsafe and shall not be used as justification for requiring any other part of the structure to be brought into compliance with the current USBC. Work shall be done in such a way so as not to lower existing levels of health and safety. The installation of material and equipment that is neither required nor prohibited need only comply with the USBC requirements that regulate a safe installation. Material and equipment may be replaced with material and equipment of a similar kind or with greater capacity in the same location. Used material and equipment may be used as approved by the building official.

Q. 111.6.2. Equipment changes. Upon a change in the fuel source involving the installation of new equipment or appliances including but not limited to furnaces, water heaters or boilers, [where not inspected by the local building department] persons performing such changes or installations shall certify to the building official that the flue liner of the chimney is operable [~~and constructed in accordance with the USBC~~ , free of obstructions or blockages and properly sized for the connected appliances and meets the requirements of the USBC] .

R. 111.7. 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

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agency or agencies. For purposes of coordination, the locality may require reports to the building official by other departments as a condition for issuance of a building permit or certificate of occupancy. Such reports shall be based upon review of the plans or inspection of the project as determined by the locality. [All enforcement of these conditions shall not be the responsibility of the building official, but rather the agency imposing the condition.]

Note: Identified state agencies with functional design approval are listed in the "Related Laws Package" which is available from DHCD.

S. 111.8. Amendments to application. Amendments to the application, construction documents or other records accompanying the application for permit shall be filed before completion of the work for which the permit is sought or issued. Such amendments shall be considered part of the original application and shall be filed as such.

T. 111.9. Time limitation of application. An application for a permit 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 shall grant one or more extensions of time.

13 VAC 5-62-120. Section 112.0 Permits.

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A. 112.1. Issuance of permits. For the purpose of establishing USBC compliance, the building official shall cause to be examined all applications for permit, construction documents and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of all pertinent laws and ordinances, [related to the location, design or construction of the proposed structure,] the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of the USBC, and all [such] pertinent laws and ordinances, a permit shall be issued as soon as practicable [, which shall not exceed fifteen working days after the application has been filed for a new detached one and two family dwelling. Construction documents for new, detached one and two family dwellings, which have been revised in response to rejection comments, shall be reviewed within seven working days after submittal. Submittals for all other revisions for new, detached one and two family dwellings shall be reviewed within fifteen working days] . [The building official shall not delay the issuance of a permit in an effort to control the pace of construction of new detached one- and two-family dwellings.] The building official may authorize work to commence prior to the issuance of the permit. Any special requirements relating to inspections shall be determined by the building official prior to the issuance of the building permit, and the permit applicant so informed. In addition to other information required by the USBC, building permits for new [-] detached one-and-two family dwellings shall at the time of issuance contain such information as required in Section [411.2.2 111.2.1] .

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B. 112.1.1. Separate and combined permits. The building official may require separate or combined permits for different areas of construction such as building construction, plumbing, electrical, and mechanical work. Permits for two or more structures on the same lot may be combined. Separate permits may be required for special construction considered appropriate by the locality.

C. 112.1.2. Partial permits. Partial permits shall be permitted to be issued in accordance with Section 111.5.4.1.

D. 112.1.3. Annual permits. The building official may issue an annual permit for alterations to an existing structure. The annual permit holder shall maintain a detailed record of all alterations made under the annual permit. Such record shall be available to the building official and shall be submitted to the local building department if requested by the building official.

E. 112.1.4. Asbestos inspection prior to permit issuance; certification for reoccupancy. The building official shall not issue a building permit allowing a building for which an initial building permit was issued before January 1, 1985, to be renovated or demolished until the building official receives certification from the owner or his agent that the affected portions of the building have been inspected for the presence of asbestos by an individual licensed to perform such inspections pursuant to §54.1-503 of the Code of Virginia and that no asbestos-containing materials were found or that appropriate response actions will be undertaken in accordance with the requirements of the Clean Air Act National Emission Standard for the

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Hazardous Air Pollutant (NESHAPS; 40 CFR Part 61, Subpart M), and the asbestos worker protection requirements established by the U.S. Occupational Safety and Health Administration for construction workers (29 CFR 1926.1101). Local educational agencies that are subject to the requirements established by the Environmental Protection Agency under the Asbestos Hazard Emergency Response Act (AHERA) shall also certify compliance with 40 CFR Part 763 and subsequent amendments thereto. To meet the inspection requirements above, 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 a statement that the materials to be repaired or replaced are assumed to contain friable asbestos and that asbestos installation, removal, or encapsulation will be accomplished by a licensed asbestos contractor. The provisions of this section shall not apply to single-family dwellings or residential housing with four or fewer units, unless the renovation or demolition of such buildings is for commercial or public development purposes. The provisions of this section shall not apply if the combined amount of regulated asbestos-containing material involved in the renovation or demolition is less than 260 linear feet on pipes or less than 160 square feet on other facility components or less than 35 cubic feet off facility components where the length or area could not be measured previously. An abatement area shall not be reoccupied until the building official receives certification from the owner that the response actions will be completed and final clearances will be measured. The final clearance levels for reoccupancy of the abatement area shall be 0.01 or fewer asbestos fibers per cubic centimeter if determined by Phase Contrast Microscopy analysis (PCM) or 70 or fewer structures per square millimeter if determined by Transmission Electron Microscopy analysis (TEM).

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F. 112.2. Signature on permit. The signature of the building official or authorized representative shall be attached to every permit.

G. 112.3. Posting of permit. A copy of the building permit shall be posted on the construction site for public inspection until the work is completed. [Such posting shall include the street or lot number if one has been assigned, to be readable from a public way.]

H. 112.4. 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.

I. 112.5. Revocation of permit. The building official may revoke a permit or approval issued under the provisions of the USBC in case of any false statement, misrepresentation of fact or incorrect information supplied by the applicant in the application or construction documents on which the permit or approval was based.

J. 112.6. Suspension of permit. Any permit issued shall become invalid if work on the site authorized by the permit is not commenced within six months after issuance of the permit, or if the authorized work on the site 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

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in effect. It shall be the responsibility of the permit applicant to prove to the building official that work has not been suspended or abandoned. Upon written request, the building official may grant one or more extensions of time, not to exceed one year per extension.

K. 112.7. Compliance with code. The approved permit shall be a license to proceed with the work in accordance with the USBC, the application for permit and any approved amendments thereto. The approved permit shall not be construed as authority to omit or amend any of the provisions of the USBC, except when modification is granted in accordance with this chapter.

13 VAC 5-62-130. Section 113.0 Registered design professional services.

A. 113.1. General. Where required by law or where determined necessary by the building official, all construction documents required for a building permit application shall be prepared by a registered design professional (RDP) licensed in this Commonwealth. The building official shall establish a procedure to ensure that construction documents are prepared by a RDP licensed in this Commonwealth where required by law. In the cases where construction documents are not required to be prepared by a RDP licensed in this Commonwealth, the construction documents shall bear the name, address and occupation of the author.

Note: Information on the types of construction exempted from the requirement for a RDP's seal and signature is included in the "Related Laws Package" available from DHCD.

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B. 113.2. Special inspections. Special inspections shall be made in accordance with Section 1704.0. [Special inspectors conducting special inspections for concrete, soil, reinforcing steel, structural steel, masonry and bituminous materials shall be a RDP licensed in this Commonwealth or shall comply with ASTM E329, to include written documentation of the applicable agency's laboratory accreditation, or personnel certification, or both.]

C. 113.2.1. Permit requirement. This special inspection requirement shall be determined prior to the issuance of the permit and shall be a requisite for the permit issuance as described in this chapter.

D. 113.2.2. Fees and costs. All fees and costs related to the performance of special professional services shall be the responsibility of the building owner.

13 VAC 5-62-140. Section 114.0 Approval of materials and equipment.

A. 114.1. Performance. Where practical, under § 36-99 of the Code of Virginia, provisions of the USBC have been stated in terms of required level of performance to facilitate the prompt acceptance of new building materials and methods. The provisions of the USBC are not intended to prohibit the use of any material or method of construction not specifically prescribed by the USBC, provided any such alternative has been approved. An alternative material or method of construction shall be approved when the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of the USBC, and that the material,

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method or work offered is, for the purpose intended, at least the equivalent of that prescribed by the USBC in quality, strength, effectiveness, fire resistance, durability and safety.

B. 114.2. Basis and approval of materials. 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 independent testing laboratories or may consider the recommendations of architects and engineers licensed in this Commonwealth.

C. 114.3. 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.

D. 114.4. 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.

13 VAC 5-62-150. Section 115.0 Inspections.

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A. 115.1. Right of entry. The building official and technical assistants may inspect structures 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 technical assistants shall carry proper credentials of office when inspecting structures in the performance of their duties under the USBC.

Note: § 36-105 of the Code of Virginia provides, when enforcing the USBC, that any structure may be inspected at any time before completion. It also permits a local governing body to provide for the reinspection of existing structures, see Part III (13 VAC 5-62-420 et seq.) of this code.

B. 115.2. Waived inspections. At the discretion of the inspecting authority, inspection may be waived when the construction cost is less than \$2,500.

C. 115.3. Preliminary inspection. Before issuing a permit, the building official may examine all structures and sites for which an application for a permit has been filed.

D. 115.4. Minimum inspections. The permit holder shall assure that the following minimum inspections have been conducted and approved by the building official when applicable to the construction or permit:

1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.

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2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.

3. Inspection of preparatory work prior to the placement of concrete.

4. Inspection of structural members and fasteners prior to concealment.

5. Inspection of electrical, mechanical and plumbing materials, equipment and systems prior to concealment.

6. Inspection of energy conservation material prior to concealment.

7. Final inspection.

E. 115.5. Additional inspections. The building official may designate additional inspections and tests to be conducted during the construction of a structure and shall so notify the permit holder. The permit holder shall notify the building official when construction reaches a stage of completion, which requires an inspection. The permit holder requesting an inspection shall provide the building official with any ladder, scaffolding or test equipment necessary to conduct or witness the requested inspection.

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F. 115.6. In-plant inspections. When required by the provisions of the USBC, materials, equipment or assemblies shall be inspected at the point of manufacture or fabrication. The building official shall require the submittal of an evaluation report of such materials, equipment or assemblies. The evaluation report, 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 the USBC.

G. 115.6.1. Factory inspection. An identifying label or stamp permanently affixed to materials, equipment or assemblies indicating that a factory inspection has been made, shall be accepted instead of a written inspection report, if the intent or meaning of such identifying label or stamp is properly substantiated.

H. 115.7. 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. The building official shall coordinate all reports of inspections for compliance with the USBC, with inspections of fire and health officials delegated such authority, prior to issuance of a certificate of occupancy.

I. 115.8. Reports of inspections. The building official shall either approve the work in writing or give written notice of defective work to the permit holder. Upon request of the permit holder the notice shall reference the USBC section that serves as the basis for the defects and such defects

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shall be corrected and reinspected before any work proceeds that would conceal such defects. A record of all reports of inspections, tests, examinations, discrepancies and approvals with the USBC, shall be maintained by the building official and shall be communicated promptly in writing to the permit holder.

J. 115.8.1. Approved inspection agencies. The building official may accept reports of inspections and tests from approved individuals or approved inspection agencies, which satisfy qualifications and reliability requirements. Under circumstances where the building official is unable to make the inspection or test within two working days of a request or an agreed upon date, the building official shall accept reports for review from such approved individuals or agencies. Such 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.

[Note: Photographs, videotapes or other sources of pertinent data or information may be considered as constituting such reports and tests.]

K. 115.9. Final inspection. Upon completion of the structure, and before issuance of the certificate of occupancy, a final inspection shall be made to ensure that any defective work or discrepancies have been corrected and all work conforms with the USBC, including modifications granted, and is approved.

13 VAC 5-62-160. Section 116.0 Temporary structures.

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A. 116.1. General. The building official may approve and issue a permit for temporary construction. Such permit shall be limited as to time, but such temporary construction shall not be permitted for more than one year. Upon the permit holder's written request, the building official may grant one or more extensions of time, not to exceed one year per extension.

B. 116.2. Termination of approval. The building official may terminate such approval and order the demolition or removal of any such temporary construction.

13 VAC 5-62-170. Section 117.0 Moved structures.

A. 117.1. General. Any structure 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 structure.
2. The structure 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 structure did not become unsafe during the moving process due to structural damage or for other reasons.

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4. Any alterations, reconstruction, renovations or repairs made pursuant to the move have been done in compliance with the USBC.

B. 117.2. Certificate of occupancy. A moved structure shall not be used until a certificate of occupancy is issued for the new location.

13 VAC 5-62-180. Section 118.0 Demolition of structures.

A. 118.1. General. Demolition permits shall not be issued until the building official receives certification from the owner or the owner's agent that 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 or structure stating that all service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.

2. 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.

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B. 118.2. Hazard prevention. When a structure 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 Chapter 33 of this code.

13 VAC 5-62-190. Section 119.0 Certificate of occupancy.

A. 119.1. General. A certificate of occupancy indicating completion of the work for which a permit was issued, in accordance with this code and any pertinent laws and ordinances, [~~that were identified in section 112.0;~~] shall be obtained prior to any occupancy of a structure except as provided for in this section. Final inspection approval or approvals may serve as the certificate of occupancy for any addition or alteration to a structure for which a certificate of occupancy has already been issued.

B. 119.2. Temporary occupancy. Upon the request of the permit holder, a temporary certificate of occupancy may be issued before the completion of the entire work covered by the permit provided that such portion or portions may be occupied safely prior to full completion of the structure without endangering life or public welfare.

C. 119.3. Existing structures continued use. Upon written request from the owner or his agent, or as otherwise determined necessary by the building official, following an inspection and provided there are no violations of Part III (13 VAC 5-62-420 et seq.) of this chapter and the Virginia Statewide Fire Prevention Code (13 VAC 5-51) and the structure's use has not changed, such

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structure shall not be prevented from continued use and the building official shall issue a certificate of occupancy as provided for in the USBC.

D. 119.4. Contents of certificate. Upon completion and approval of the final inspection or when a structure is entitled thereto, the building official shall issue the certificate of occupancy within five working days after [~~written application~~ receiving a request for its issuance].

The certificate of occupancy shall specify the following:

1. The edition of the USBC under which the permit is issued.
2. The group classification and occupancy in accordance with the provisions of Chapter 3.
3. The type of construction as defined in Chapter 6.
4. If an automatic sprinkler system is provided and whether or not such system was required.
5. Any special stipulations and conditions of the building permit.

E. 119.5. 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 way.

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F. 119.6. Suspension or revocation of certificate of occupancy. The building official may, in writing, suspend or revoke a certificate of occupancy or compliance, or a report of inspection or test, issued under the USBC, whenever the building official discovers that such certificate or report was issued in error, or on the basis of incorrect information, or where it is determined that the structure is in repeated violation of the USBC.

13 VAC 5-62-200. Section 120.0 Stop work order.

A. 120.1. Notice to owner. When the building official finds that work on any structure is being executed contrary to the provisions of the USBC or any pertinent laws and ordinances 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 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.

B. 120.2. Application of order limited. The stop work order shall apply only to the work that was being performed 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.

13 VAC 5-62-210. Section 121.0 Unsafe structures.

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A. 121.1. Right of condemnation before completion. Any structure 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 structure. Any such unsafe structure shall be made safe through compliance with the USBC or shall be taken down and removed, as the building official may deem necessary, according to authority granted by the local governing body.

B. 121.1.1. Inspection of unsafe structures; records. The building official shall examine every structure under construction reported as unsafe, and shall prepare a report to be filed in the records of the local building department. In addition to a description of unsafe conditions found, the report shall include the use of the structure, and nature and extent of damages, if any, caused by a collapse or failure.

C. 121.1.2. Notice of unsafe structure. If a structure under construction is found to be unsafe the building official shall issue a written notice of unsafe structure on the owner and the permit holders, describing the unsafe condition and specifying the required repairs or improvements to be made to render the structure safe, or requiring the unsafe structure or portion thereof to be taken down and removed within a stipulated time. Such notice shall require the person thus

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notified to declare immediately upon receipt to the building official the acceptance or rejection of the terms of the notice.

Note: Authority to condemn unsafe structures on which construction has been completed and a certificate of occupancy has been issued, or which have been occupied, is permitted to be exercised after official action by the locality under §36-105 of the Code of Virginia (see Part III (13 VAC 5-62-420 et seq.) of this code).

D. 121.1.3. Posting of unsafe structure notice. If the persons named in the notice of unsafe structure under construction cannot be found after diligent search, such notice shall be sent by registered or certified mail to the last known address of such persons and 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.

E. 121.1.4. Disregard of notice. Upon refusal or neglect of the persons served with a notice of unsafe structure to comply with the requirement of the notice to abate the unsafe condition, the legal counsel of the local governing body shall be advised of all the facts and shall be requested to institute the appropriate legal action to compel compliance.

F. 121.1.5. Vacating structure. When during construction, in the opinion of the building official, there is actual and immediate danger of failure or collapse of a structure, or any part thereof, which would endanger life, or when any structure or part of a structure has fallen and life is

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endangered by occupancy of the structure, the building official may order the occupants to vacate the structure forthwith. The building official shall cause a notice to be posted at each entrance to such structure 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 structure except for one of the following purposes: (i) to make the required repairs; (ii) to take the structure down and remove it; or (iii) to make inspections authorized by the building official.

G. 121.1.6. Temporary safeguards and emergency repairs. When, in the opinion of the building official, there is immediate danger of collapse or failure of a structure under construction 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; the building official shall cause the necessary work to be done to the extent permitted by the local governing body to render such structure or part thereof temporarily safe, whether or not legal action to compel compliance has been instituted.

H. 121.2. Abatement or removal. Whenever the owner of a structure under construction that has been deemed to be a public nuisance or unsafe under Section 121.1, fails to comply with the requirements of the notice to abate, the building official may cause the structure to be razed or removed, according to authority granted to the building official by the locality.

Note: A locality may, after official action under § 15.2-900, 15.2-906 or 15.2-1115 of the Code of Virginia, maintain an action to compel a responsible party to abate, raze, or remove a public

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nuisance. If the public nuisance presents an imminent and immediate threat to life or property, then the locality may abate, raze, or remove such public nuisance, and the locality 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.

Article 2.Rehabilitation.13 VAC 5-62-220. Section 122.0 Administration.

A. 122.1. Continued use. Upon written request from the owner or his agent, following an inspection and provided there are no violations of Part III (13 VAC 5-62-420 et seq.) of this code and the Virginia Statewide Fire Prevention Code (13 VAC 5-51) and the structure's use has not changed, such structure shall not be prevented from continued use and the building official shall issue a certificate of occupancy.

B. 122.2. Conformance. The owner or his agent shall, in writing, apply to and obtain from the building official a new certificate of occupancy prior to a change in the existing occupancy classification of a structure or portion thereof. When the current USBC requires a greater degree of structural strength, fire protection, means of egress, ventilation or sanitary provision for the new occupancy, the owner or his agent shall, in writing, apply and obtain a permit from the

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building official. When it is impractical to achieve compliance with the USBC, the building official shall issue, upon application, modifications as provided in Section 109.2 of the USBC.

C. 122.3. Ordinary repairs. Under USBC section 111.1, an application for permit is not required for ordinary repairs.

D. 122.4. Reconstruction, alteration or repair. Reconstruction, alterations and repairs shall not result in an increase in hazard to the occupants. Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure. Work shall be done in such a way so as not to lower existing levels of health and safety. The installation of material and equipment that is neither required nor prohibited need only comply with the USBC requirements that regulate a safe installation. Material and equipment may be replaced with material and equipment of a similar kind or with greater capacity in the same location. Used material and equipment may be used as approved by the building official.

E. 122.5. Additions. Additions to any structure shall conform to the requirements of this code for new construction. Additions shall not be made to an existing structure that will cause the existing structure to be in violation of this code. An existing structure plus alterations and additions shall comply with the height and area provisions of Chapter 5. Any portions of the structure not altered and not affected by alterations or additions are not required to comply with the USBC requirements for a new structure.

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Exception: Any additions, alterations or repairs, other than ordinary repairs, that constitute substantial improvement of existing structures located in flood hazard areas established in Section 1612.3 and as defined in Section 1612.2, shall comply with the flood design requirements for new construction and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

NOTE: The USBC, through adoption and reference of the ICC family of model codes, provides several alternatives for the rehabilitation, alteration, repair and change of use for existing buildings. An owner can elect to use the USBC amended technical provisions of Chapters 2 through 33 or those in Chapter 34, Compliance Alternatives. To help assist persons that are using or applying Virginia's building and fire related regulations regarding the rehabilitation and change of use for existing buildings additional information may be found in the "Virginia's Building and Fire Regulation Related Laws" package available from DHCD. The USBC modification section allows owners, design professionals and contractors to request to use provisions found in the latest editions of the ICC International Performance Code for Buildings and Facilities and the International Existing Building Code. The BHCD is required to consider adoption of these new codes as they are developed and become publicly available. [Additional information and reference materials relating to the rehabilitation of existing buildings is also available from DHCD.]

Article 3.

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Retrofitting.13 VAC 5-62-230. Section 123.0 Requirements.

A. 123.1. Enforcement. The local building department shall enforce the applicable retrofitting provisions relating to fire protection equipment and system requirements for certain existing motels, hotels, hospitals, daycare facilities, dormitories, nursing homes and multi-family dwelling units and identification of disabled parking spaces mandated in this Article.

B. 123.1.1. Smoke detectors in colleges and universities. College and university buildings containing dormitories for sleeping purposes shall be provided with battery-powered or AC-powered smoke detector devices installed therein in accordance with this code in effect on July 1, 1982. All public and private 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 with the provisions of this subsection 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 Virginia 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 24 hours a day by military guards.

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C. 123.1.2. Smoke detectors in certain juvenile care facilities. Battery-powered or AC-powered smoke detectors shall be installed and maintained in all local and regional detention homes, group homes, and other residential care facilities for children and juveniles which are operated by or under the auspices of the Virginia Department of Juvenile Justice, regardless of when the building was constructed, by July 1, 1986, in accordance with the provisions of this code that were in effect on July 1, 1984. Administrators of such homes and facilities shall be responsible for the installation and maintenance of the smoke detector devices.

D. 123.1.3. 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 20 individuals;

2. All multiple-family dwellings having more than two dwelling units, including all dormitories, boarding and lodging houses arranged for shelter and sleeping accommodations of more than five individuals; or

3. All buildings arranged for use of one-family or two-family dwelling units.

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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 70 units or portion thereof, except that this requirement shall not apply to any hotel or motel with fewer than 35 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.

E. 123.1.4. ~~Smoke detectors in Assisted living facilities (formerly known as) adult care residences [, adult day care centers and nursing homes and facilities or homes for adults] .~~
~~[Battery powered or AC powered smoke detector devices shall be installed in all adult care residences and adult day care centers~~ Existing assisted living facilities] licensed by the Virginia Department of Social Services [, regardless of when the building was constructed. The location and installation of the smoke detectors shall be determined by the provisions of this code in effect on October 1, 1990 shall comply with this section] .

[The licensee shall obtain a certificate of compliance from the building official of the locality in which the residence or center is located, or in the case of state owned buildings, from the Director of the Virginia Department of General Services. The licensee shall maintain the smoke detector devices in good working order. Fire alarm or fire detector systems, or both, as required

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by the edition of this code in effect on October 1, 1990, shall be installed in all nursing homes and nursing facilities licensed by the Virginia Department of Health by August 1, 1994, and shall be maintained in good working order.]

[F. 123.1.4.1. Fire protective signaling system and fire detection system. A fire protective signaling system and an automatic fire detection system meeting the requirements of the USBC, Volume I, 1987 Edition, Third Amendment, shall be installed in assisted living facilities by August 1, 1994.

Exception: Assisted living facilities that are equipped throughout with a fire protective signaling system and an automatic fire detection system.]

[G. 123.1.4.2. Single and multiple station smoke detectors. Battery or AC-powered single and multiple station smoke detectors meeting the requirements of the USBC, Volume I, 1987 Edition, Third Amendment, shall be installed in assisted living facilities by August 1, 1994.

Exception: Assisted living facilities that are equipped throughout with single and multiple station smoke detectors.]

[F. H.] 123.1.5. Smoke detectors in buildings containing dwelling units. AC-powered smoke detectors with battery backup or an equivalent device shall be required to be installed to replace a defective or inoperative battery-powered smoke detector located in buildings containing one or

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more dwelling units or rooming houses offering to rent overnight sleeping accommodations, when it is determined by the code official that the responsible party of such building or dwelling unit fails to maintain battery-powered smoke detectors in working condition.

[~~G. I.~~] 123.1.6. Fire suppression [, fire alarm and fire detection] systems in nursing homes and facilities. Fire suppression systems as required by the edition of this code in effect on October 1, 1990, shall be installed in all nursing facilities licensed by the Virginia Department of Health by January 1, 1993, regardless of when such facilities or institutions were constructed, and shall be maintained in good working order. Units consisting of certified long-term care beds located on the ground floor of general hospitals shall be exempt from the requirements of this section.

[Fire alarm or fire detector systems, or both, as required by the edition of this code in effect on October 1, 1990, shall be installed in all nursing homes and nursing facilities licensed by the Virginia Department of Health by August 1, 1994.]

[~~H. J.~~] 123.1.7. Fire suppression systems in hospitals. Fire suppression systems shall be installed in all hospitals licensed by the Virginia Department of Health as required by the edition of this code in effect on October 1, 1995, regardless of when such facilities were constructed, and shall be maintained in good working order.

[~~I. K.~~] 123.1.8. Identification of handicapped parking spaces by above grade signs. All parking spaces reserved for the use of handicapped persons shall be identified by above grade signs,

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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. All above grade handicapped parking space signs shall have the bottom edge of the sign no lower than four feet (1219 mm) nor higher than seven feet (2133 mm) above the parking surface. Such signs shall be designed and constructed in accordance with the provisions of Chapter 11 of this code. All disabled parking signs shall include the following language: PENALTY, \$100-500 Fine, TOW-AWAY ZONE. Such language may be placed on a separate sign and attached below existing above grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.

[~~J. L.~~] 123.1.9. Smoke detectors in hotels and motels. Smoke detectors shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect on March 1, 1990, by the dates indicated, regardless of when constructed, and shall be maintained in good working order.

[~~K. M.~~] 123.1.10. Sprinkler systems in hotels and motels. By September 1, 1997, an automatic sprinkler system shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect on March 1, 1990, regardless of when constructed, and shall be maintained in good working order.

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[~~E~~. N.] 123.1.11. Fire suppression systems in dormitories. An automatic fire suppression system shall be provided throughout all buildings having a [Use] Group R-2 fire area which are more than 75 feet (22,860 mm) or six stories above the lowest level of exit discharge and which are used, in whole or in part, as a dormitory to house students by any public or private institution of higher education, regardless of when such buildings were constructed, in accordance with the requirements of this code and Section [~~906.2.1~~ 903.3.1.1]. The automatic fire suppression system shall be installed by September 1, 1999. The chief administrative office of the college or university shall obtain a certificate of compliance from the code 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 Virginia Department of General Services.

Exceptions:

1. Buildings equipped with an automatic fire suppression system in accordance with Section [~~906.2.1~~ 903.3.1.1] or the 1983 or later editions of NFPA 13.
2. Any dormitory at a state-supported military college or university which is patrolled 24 hours a day by military guards.
3. Application of the requirements of Section 123.1.11 shall be modified in accordance with the following:

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a. Building systems, equipment or components other than the fire suppression system shall not be required to be added or upgraded except as necessary for the installation of the fire suppression system and shall only be required to be added or upgraded where the installation of the fire suppression system creates an unsafe condition.

b. Residential sprinklers shall be used in all sleeping rooms. Other sprinklers shall be quick response or residential unless deemed unsuitable for a space. Standard response sprinklers shall be used in elevator hoist ways and machine rooms.

c. Sprinklers shall not be required in wardrobes in sleeping rooms which are considered part of the building construction or in closets in sleeping rooms, when such wardrobes or closets (i) do not exceed 24 square feet (2.23 m²) in area, (ii) have the smallest dimension less than 36 inches (914 mm), and (iii) comply with the following:

(1) A single station smoke detector monitored by the building fire alarm system is installed in the room containing the wardrobe or closet which will activate the general alarm for the building if the single station smoke detector is not cleared within five minutes after activation;

(2) The minimum number of sprinklers required for calculating the hydraulic demand of the system for the room shall be increased by two and the two additional sprinklers

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shall be corridor sprinklers where the wardrobe or closet is used to divide the room.

Rooms divided by a wardrobe or closet shall be considered one room for the purpose of this requirement; and

(3) The ceiling of the wardrobe, closet or room shall have a fire resistance rating of not less than 1/2 hour.

d. Not more than one sprinkler shall be required in bathrooms within sleeping rooms or suites having a floor area between 55 square feet (5.12 m²) and 120 square feet (11.16 m²) provided the sprinkler is located to protect the lavatory area and the plumbing fixtures are of a noncombustible material.

e. Existing standpipe residual pressure shall be permitted to be reduced when the standpipe serves as the water supply for the fire suppression system provided the water supply requirements of NFPA 13 – 94 are met.

f. Limited service controllers shall be permitted for fire pumps when used in accordance with their listing.

g. Where a standby power system is required, a source of power in accordance with Section 701-11 (d) or 701-11 (e) of NFPA 70 – 96 shall be permitted.

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[M. O.] 123.1.12. Fire extinguishers and smoke detectors in state-regulated care facilities. In each kitchen there shall be installed and maintained at least one approved type ABC portable fire extinguisher with a minimum rating of 2A10BC. The facility shall provide and maintain at least one approved battery operated, properly installed smoke detector as a minimum (i) outside each sleeping area in the vicinity of bedrooms and bedroom hallways, and (ii) on each additional floor.

[P. 123.1.13. Smoke detectors in adult day care centers. Battery-powered or AC-powered smoke detector devices shall be installed in all adult day care centers licensed by the Virginia Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke detectors shall be determined by the provisions of this code in effect on October 1, 1990. The licensee shall obtain a certificate of compliance from the building official of the locality in which the center is located, or in the case of state-owned buildings, from the Director of the Virginia Department of General Services. The licensee shall maintain the smoke detector devices in good working order.]

Article 4.Technical Amendments.

13 VAC 5-62-240. Section 124.0 [~~Emendations~~ ICC supplements and technical amendments] .

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A. 124.1. [2001] Supplement [and 2002 Accumulative Supplement] . As referenced in Section 108.1.1, the following list of specifically identified changes contained in the 2001 Supplement [and 2002 Accumulative Supplement] to the International Codes shall be made to the model codes and standards as indicated in [~~such supplement~~: subsections 124.1.1 through 124.1.8.]

[~~4. B. 124.1.1. Use of 2001 Supplement for the] 2000 ICC International Building Code (IBC) [- .] The following [provisions from the 2001 Supplement to the International Codes shall be used as part of the IBC] :~~

[~~Definitions; Accessible unit, Dwelling unit or Sleeping unit Type A, Dwelling unit or Sleeping unit Type B, Dwelling unit or Sleeping unit multistory, intended to be occupied as a residence, Sleeping unit and Technically infeasible. Section]~~

[1.] 302.3.3 [.] Separated uses [; .]

[~~Section 2.] 308.4.3 [.] Condition 3 [; .]~~

[~~Section 3.] 308.4.4 [.] Condition 4 [; .]~~

[~~Section 4.] 308.4.5 [.] Condition 5 [; .]~~

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[~~Section 5.~~] 310.1 Residential Group R [; (Includes definitions of R-1, R-2, R-3 and R-4.) .]

[~~Section 6.~~] 310.3 [.] Required dwelling unit and sleeping unit separation [; .]

[~~Section 7.~~] 402.7.2.1 [.] Openings between anchor [~~building buildings~~] and mall [; .]

[~~Section 8.~~] 407.2.1 [.] Spaces of unlimited area [; .]

[~~Section 407.5 Automatic sprinkler system, Section 407.6 Automatic sprinkler system, Section 408.3.1 Door width,~~]

[~~Section 9.~~] 708.1 [.] General [; .]

[~~Section 10.~~] 708.3 [.] Fire-resistance rating [; .]

[~~Section 11.~~] 708.4 [.] Continuity [; .]

[~~Section 12.~~] 710.3 [.] Fire-resistance rating [; .]

[~~Section 714.2.7 Door closing, Section 716.3.2 Groups R-1, R-2, R-3 and R-4, Section 716.4.2 Groups R-1 and R-2, Section 903.3.2 Quick response and residential sprinklers,~~

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Section 907.2.6.1 Group I-2, Section 907.2.6.2.3 Smoke detectors (Group I-3), Section 907.2.8 Group R-1, Section 907.2.8.1 Fire detection system, Section 907.2.10.1 Group R-1, Section 907.2.10.2 Power source, 907.2.10.3 Interconnection, Section 907.2.12.2 Emergency voice/alarm communication system (High Rise Buildings), Section 907.3.1.5.2 Interconnection, Section 1003.2.10.1 Where required, Section 1003.2.11 Means of egress illumination, Section 1003.3.1.1 Size of doors, Section 1003.3.1.8 Locks and latches, Section 1004.2.3.1 Multiple tenants, Section 1005.3.2 Enclosures, Section 1009.1 General, Section 1102.1 General, Section 1103.2.11 Residential Group R-1, Section 1103.2.12 Day care facilities, Section 1105.1 Required, Section 1106.2 Groups R-2 and R-3, Section 1107 Dwelling and Sleeping Units (Sections 1107.2 through 1107.7.7.5), Section 1108 Special Occupancies (Section 1108.2 through 1108.3.1), Section 1109 Other Features and Facilities (Section 1109.2 through Section 1109.15), Section 1110 Signage, Section 1110.2 Directional signage, 1110.3 Other signs, Section 3409.4.1.8 Dwelling wall as a barrier, Section 3410.1 Scope, Section 3410.7.8 Dwelling or Sleeping units.]

[13. Chapter 35. Referenced Standards.

a. NFPA 13-99.

b. NFPA 13D-99.

c. NFPA 13R-99.

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d. NFPA 72-99.]

[C. 124.1.2. Use of 2002 Accumulative Supplement for 2000 IBC. The following provisions from the 2002 Accumulative Supplement to the International Codes shall be used as part of the IBC:

1. 202. Definitions.

a. Accessible unit.

b. Dwelling unit or sleeping unit, Type A. (Replaces the definition of Dwelling unit, Type A in the 2000 IBC.)

c. Dwelling unit or sleeping unit, Type B. (Replaces the definition of Dwelling unit, Type B in the 2000 IBC.)

d. Dwelling unit, ground floor. (Deletes the definition.)

e. Dwelling unit or sleeping unit, multistory. (Replaces the definition of Dwelling unit, multistory in the 2000 IBC.)

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f. Intended to be occupied as a residence.

g. Sleeping unit. (Replaces the definition of Sleeping accommodations in the 2000 IBC.)

h. Technically infeasible. (Relocates the definition of Technically infeasible in the 2000 IBC.)

2. 407.5. Automatic sprinkler system.

3. 407.6. Automatic fire detection.

4. 408.3.1. Door width.

5. 714.2.7. Door closing.

6. 716.3.2. Groups R-1, R-2, R-3 and R-4.

7. 716.4.2. Groups R-1 and R-2.

8. 903.3.2. Quick-response and residential sprinklers.

9. 907.2.6.1. Group I-2.

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10. 907.2.6.2.3. Smoke detectors (Group I-3).

11. 907.2.8. Group R-1.

12. 907.2.8.1. Fire detection system.

13. 907.2.10.1.1. Group R-1.

14. 907.2.10.2. Power source.

15. 907.2.10.3. Interconnection.

16. 907.2.12.2. Emergency voice/alarm communication system (high-rise buildings).

17. 907.9.1.2. Groups I-1 and R-1. (Includes changes to Table 907.9.1.2.)

18. 1003.2.10.1. Where required.

19. 1003.2.11. Means of egress illumination.

20. 1003.3.1.1. Size of doors.

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21. 1003.3.1.8. Locks and latches.

22. 1004.2.3. Egress through intervening spaces.

23. 1004.2.3.1. Multiple tenants.

24. 1004.3.2.1. Construction.

25. 1005.3.2. Enclosures.

26. 1009.1. General.

27. 1103.2.11. Residential Group R-1.

28. 1003.2.12. Day care facilities.

29. 1105.1. Required.

30. 1106.2. Groups R-2 and R-3.

31. 1106.5. Location.

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32. 1107. Dwelling Units and Sleeping Units. (Adds new section which includes all subsections.)

33. 1108. Special Occupancies. (Renumbers from 1107 and changes indicated subsections.)

34. 1109. Other Features and Facilities. (Renumbers from 1108 and changes indicated subsections.)

35. 1110. Signage. (Renumbers from 1109 and changes indicated subsections.)

36. 1209.2. Walls.

37. 3109.4.1.8. Dwelling wall as a barrier.

38. 3408.1. Scope.

39. 3408.7.2. Platform lifts.

40. 3408.7.8. Dwelling or sleeping units.

41. Chapter 35. Referenced Standards.

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a. ASME A18.1-99.]

[~~2.~~ D. 124.1.3. Use of 2001 Supplement for the] 2000 [ICC] International Residential Code (IRC) [- .] The following [provisions from the 2001 Supplement to the International Codes shall be used as part of the IRC] :

[1.] R301.1.2 [.] Engineered design [; .]

[2.] Table 301.2(1) [.] Climatic and Geographical Design Criteria [; ~~R303.4 Stairway Illumination,~~ .]

[3.] R303.4.1 [.] Light activation [; .]

[4.] R309.2 [.] Separation required [; .]

[5.] R312.1.2 [.] Landings at doors [; .]

[6. ~~R312.2~~ R313.2.] Handrails required [; .]

[7. R315.2. Handrail grip size.]

[8.] R316.2 [.] Guardrail opening limitations [; .]

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[9.] R502.4 [.] Joists under bearing partitions [; .]

[10.] R602.8 [.] Fireblocking required [; .]

[11.] R905.2.7.1 [. Fire Ice] protection [; .]

[12.] R905.4.3 [; . Underlayment.]

[13. ~~905.5.3~~; R905.5.3. Underlayment.]

[14. ~~905.6.3~~; R905.6.3. Underlayment.]

[15. ~~905.7.3~~; R905.7.3. Underlayment.]

[16. ~~905.8.3~~ R905.8.3.] Underlayment [; .]

[17.] R907.3 [. ~~Recovering vs. replacement~~, (Deletes item 4 and Figure R907.3.)]

[18. ~~RM 1411.3.2~~ M1411.3.2.] Drain pipe materials and sizes [; .]

[19. ~~RM 1804.2.6~~ M1804.2.6.] Mechanical draft systems [; .]

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[~~20. RM 2001.3~~ M2001.3.] Valves [; .]

[~~21. RM 2002.2~~ M2002.2.] Boiler low-water cutoff [; .]

[~~22. RM 2004.1~~ M2004.1.] General [; .]

[~~23. RP 2903.5~~ P2903.5.] Water hammer [; .]

[~~24.] Table [~~2904.4.1~~ P2904.4.1.] Water Service Pipe [; .]~~

[~~25.] Table [~~2904.5~~ P2904.5.] Water Distribution Pipe [; .]~~

[~~26.] P2904.5.1 [.] Under concrete slabs [and .]~~

[~~27.] Table [~~2906.6~~ P2904.6.] Pipe Fittings.~~

[E. 124.1.4. Use of 2002 Accumulative Supplement for 2000 IRC. The following provisions from the 2002 Accumulative Supplement to the International Codes shall be used as part of the IRC:

1. R303.4. Stairway illumination.

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2. R305.1. Minimum height.

3. E3802.9. Bedrooms.]

[3. F. 124.1.5. Use of supplement for] 2000 ICC International Plumbing Code (IPC) [- .] The following [provisions from the 2001 Supplement to the International Codes shall be used as part of the IPC] :

[1.] Table 403.1 [.] Minimum Number of Required Fixtures [5 .]

[2.] 403.2 [.] Separate facilities [5]

[3.] 403.4 [.] Location of employee toilet facilities in occupancies other than assembly or mercantile [5 .]

[4.] 403.4.1 [.] Travel distance [5 .]

[5.] 403.5 [.] Location of employee toilet facilities in mercantile and assembly occupancies [5 .]

[6.] 410.1 [.] Approval [5 .]

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[7. 604.9. Water hammer.]

[8.] 706.3 [. ~~Exception.~~ (Adds new exception.) ~~708.3.7 Forced main sewer system and~~
~~2903.5 Water hammer.~~]

[4: G. 124.1.6. Use of supplement for] 2000 ICC International Energy Conservation Code (IECC) [- .] The following [provisions from the 2001 Supplement to the International Codes shall be used as part of the IECC]:

[1.] 502.2.5 [. ~~and Table 502.2.5] Prescriptive path for additions and window [replacement replacements] .~~

[2. Table 502.2.5. (Adds new footnote.)]

[5: H. 124.1.7. Use of supplement for] 2000 ICC International Mechanical Code (IMC) [- .] The following [provisions from the 2001 Supplement to the International Codes shall be used as part of the IMC]:

[1. 202. Definitions.

a. Commercial kitchen hoods. (Includes sub-definitions.)

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b. Extra-heavy duty cooking appliance.

c. Fireplace stove.]

[2.] 507.13 [7 . Capacity of hoods.]

[3.] 507.13.1 [7 . Extra heavy duty cooking appliances.]

[4.] 507.13.2 [7 . Heavy duty cooking appliances.]

[5.] 507.13.3 [7 . Medium duty cooking appliances.]

[6.] 507.13.4 [. Capacity of hoods, Light duty cooking appliances.]

[7.] 602.2.1 [.] Materials exposed within plenums [and .]

[8.] 602.4 [.] Flood [~~hazards and add the following definitions: Commercial Kitchen Hoods, Double Island Canopy Hood, Eyebrow Hood, Pass-over Hood, Single Island Canopy Hood, Wall Canopy Hood, Extra Heavy Duty Cooking Appliance and Fireplace Stove hazard~~] .

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[~~6.~~ I. 124.1.8. Use of supplement for] 2000 ICC International Fuel Gas Code (IFGC) [- .] The following [provisions from the 2001 Supplement to the International Codes shall be used as part of the IFGC]:

[1.] 302.4 [.] Alterations to trusses [; .]

[2.] 303.3 [.] Prohibited locations [; .]

[3. ~~305.6~~ 305.5.] Construction and protection [; .]

[4.] 305.6 [.] Clearances from grade [; .]

[5.] 305.7 [.] Clearances to combustible construction [; .]

[6.] 602.1 [.] General [; .]

[7.] 602.2 [.] Flame safeguard device [; .]

[8. ~~Section~~] 604 [. ~~title~~; (Changes section title.)]

[9.] 604.1 [.] General [; .]

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[10. Section] 605 [. Vented Gas Fireplace Heaters, (Includes subsections.)]

[11.] 607.1 [.] General [; .]

[12.] 608.1 [.] General [; .]

[13.] 621.1 [.] General [; .]

[14.] 630.1 [.] Standards [; .]

[15. Section] 632 [. Fuel Cell Power Plants, . (Includes subsections.)]

[16.] Chapter 7 [.] Referenced Standards [. (Includes all standards.)]

[B. J.] 124.2. Appendices. The following [provisions from the] appendices [of the IBC ~~are~~
~~adopted and incorporated by reference to such extent as detailed below~~ shall be used as part of
this code]:

1. [Subsections F101.2 [.] Foundation wall ventilation openings [and .]

[2. F101.6 [.] Pier and wood construction [of Appendix F, Rodent Proofing] .

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[~~2. Appendix I, Patio Covers.~~]

3. [~~Subsections H101.2 [7 . Signs exempt from permits.~~]

[4.] H102 [7 . Definitions. (Includes all definitions.)]

[5.] H103 [. Location. (Includes subsection.) ~~and~~]

[6.] H105 through H114 [. (Includes all subsections.) ~~of Appendix H, Signs.~~]

[7. Appendix I, Patio Covers. (Includes all subsections.)]

[~~C. K.~~] 124.3. Other changes. The following changes in 13 VAC 5-62-250 through [~~13 VAC 5-62-410~~ 13 VAC 5-62-415] shall be made to the model codes and standards as indicated in this article for use as part of the USBC.

13 VAC 5-62-250. IBC Section [~~202.0 General~~ 202] Definitions.

A. Change the following definitions to read:

Building: 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. The word "building" shall be

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construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. For application of this code, each portion of a building which is completely separated from other portions by fire walls complying with Section 705.0 shall be considered as a separate building.

Jurisdiction: The governing body of any city, county or town or other political subdivision or state agency in this Commonwealth authorized to enforce the USBC under state law. See local governing body.

Owner: 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 or lessee in control of a building or structure.

Registered Design Professional (RDP): An architect or professional engineer, licensed to practice architecture or engineering, as defined under § 54.1-400 of the Code of Virginia.

Structure: 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, storage tanks (underground and aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells. The word "structure" shall be construed as though

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followed by the words "or part or parts thereof" and "or equipment" unless the context clearly requires a different meaning.

B. Add the following definitions to read:

“Accessible to persons with physical disabilities” or “accessibility to physically disabled persons”: Barrier-free provisions for the physically handicapped and aged residents of this Commonwealth.

Building maintenance official: The officer or other designated authority charged with the administration and enforcement of the maintenance provisions of the USBC for existing structures or a duly authorized representative.

Building official: The officer or other designated authority charged with the administration and enforcement of the USBC or a duly authorized representative.

Building regulations: 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

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that do not affect the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

Construction: The construction, reconstruction, alteration, repair, or conversion of buildings and structures.

Day-night average sound level (Ldn): A 24-hour energy average sound level expressed in dBA, with a 10 decibel penalty applied to noise occurring between 10 p.m. and 7 a.m.

DHCD: The Virginia Department of Housing and Community Development.

Equipment: Plumbing, heating, electrical, ventilating, air-conditioning and refrigeration equipment, elevators, dumbwaiters, escalators, and other mechanical additions or installations.

Industrialized building: A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building.

Manufactured homes shall not be considered industrialized buildings for the purpose of this code.

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Local building department: The agency of any local governing body charged with the administration, supervision or enforcement of the provisions of Parts I and II of Chapter 1 of the USBC, including but not limited to approval of plans, inspection of structures or issuance of permits, licenses, certificates, or similar documents. For application of the USBC, the term "department of building inspection" shall mean the local building department.

Local enforcing agency: The local agency or agencies charged by the local governing body with the administration, supervision or enforcement of the provisions of Parts I and III of Chapter 1 of the USBC. The local governing body is permitted to assign "local enforcing agency" responsibility to the "local building department."

Local governing body or locality: The governing body of any city, county or town or other political subdivision or state agency in this Commonwealth authorized to enforce the USBC under state law. See jurisdiction.

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

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[Sallyport: A security vestibule with two or more doors where the intended purpose is to prevent continuous and unobstructed passage by allowing the release of only one door at a time.]

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

Sound transmission class (STC) rating: A single number characterizing the sound reduction performance of a material tested in accordance with ASTM E 90-90, "Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions."

State-regulated care facility (SRCF): A building or part thereof occupied by persons in the care of others where program regulatory oversight is provided by the Virginia Department of Social Services; Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services; Virginia Department of Education; or Virginia Department of Juvenile Justice (groups I-4, A-3, R-2, R-3, R-4 and R-5 only).

Technical assistant: Any person employed by, or under contract to, a local building department or local enforcing agency for enforcing the USBC, including but not limited to inspectors and plans reviewers.

TRB: The Virginia State Building Code Technical Review Board.

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VADR: means the Virginia Amusement Device Regulations (13 VAC 5-31).

Working day: Every day, except Saturdays, Sundays, and legal local, state and national holidays.

C. Delete the following definitions:

"Agricultural building."

" [~~Structure,~~] Existing [structure] ."

13 VAC 5-62-260. IBC CHAPTER 3 Use and Occupancy Classification.

A. Change subsection 302.1.1 and Table 302.1.1 to read:

302.1.1. Incidental use areas. Spaces which are incidental to the main occupancy shall be separated or protected, or both, in accordance with Table 302.1.1 and shall be classified in accordance with the main occupancy of the portion of the building in which the incidental use area is located.

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Exception: Incidental use areas within and serving a dwelling unit are not required to comply with this section.

Table 302.1.1.

Incidental Use Areas.

<u>ROOM OR AREA</u>	<u>SEPARATION^a</u>
<u>Furnace [room rooms] where largest piece of equipment is over 400,000 Btu per hour input</u>	<u>1 hour or provide automatic fire-extinguishing system</u>
<u>Boilers over 15 psi and 10 horsepower</u>	<u>1 hour or provide automatic fire-extinguishing system</u>
<u>Refrigerant machinery rooms</u>	<u>1 hour or provide automatic fire-extinguishing system</u>
<u>Automotive parking garage in other than Group R-3</u>	<u>2 hours; or 1 hour and provide automatic fire-extinguishing system</u>
<u>Incinerator rooms</u>	<u>2 hours and automatic fire-extinguishing system</u>
<u>Paint shops, not classified as [a] Group H, located in occupancies other than Group F</u>	<u>2 hours; or 1 hour and provide automatic fire-extinguishing system</u>
<u>Laboratories and vocational shops, not classified as Group H, located in Group E and</u>	<u>1 hour or provide automatic fire-extinguishing system</u>

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<u>I-2 occupancies</u>	
<u>Laundry rooms over 100 square feet</u>	<u>1 hour or provide automatic fire-extinguishing system</u>
<u>Storage rooms over 100 square feet</u>	<u>1 hour or provide automatic fire-extinguishing system</u>
<u>Group I-3 padded cells</u>	<u>1 hour</u>
<u>Waste and linen collection [room rooms] over 100 square feet</u>	<u>1 hour or provide automatic fire-extinguishing system</u>
<u>Stationary lead-acid battery systems having a liquid capacity of more than 100 gallons (380 L) used for facility standby power, emergency power or uninterrupted power supplies</u>	<u>1-hour fire barriers and floor-ceiling assemblies in Group B, F, H, M, S and U occupancies. 2-hour fire barriers and floor-ceiling assemblies in Group A, E, I and R occupancies</u>

For SI: 1 square foot = 0.0929 [~~m~~ m²], 1 pound per square inch = 6.9 kPa, 1 British thermal unit = 0.293 watts, 1 horsepower = 746 watts, 1 gallon = 3.785 L.

a. Where an automatic sprinkler system is provided, it need only be provided in the incidental use room or area.

B. Change footnote d in Table 302.3.3 to read:

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d. Accessory assembly areas are not considered separate occupancies if the floor area is 750 square feet or less and occupied by less than 50 persons.

C. Add exception to subsection 303.1 to read:

Exception: A 750 square feet or less room or space used for assembly purposes by less than 50 persons and which is accessory to another group shall be included as a part of that main group.

D. Add exception to subsection 308.2 to read:

Exception: Group homes licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services or the Virginia Department of Social Services which house no more than eight [~~mentally ill, mentally retarded or developmentally disabled~~] persons with one or more resident counselors shall be classified either as a Group R-2, R-3, R-4 or R-5. Not more than five of the [~~residents~~ persons] may require [~~some~~] physical assistance from staff to respond to an emergency situation.

E. Add subsection 308.5.3 to read:

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308.5.3 Family day homes: Family day homes licensed or certified by the Virginia Department of Social Services housing no more than twelve [residents persons], not including staff, shall be classified either as a Group R-2, R-3 or R-5.

F. Add use and occupancy classification at the end of IBC subsection 310.1 to read:

R-5 - Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures.

G. Add IBC subsection 310.1.1 to read:

310.1.1. Family day homes: Family day homes licensed or certified by the Virginia Department of Social Services housing no more than twelve [residents persons], not including staff, shall be classified either as a Group R-2, R-3 or R-5.

H. Add IBC subsection 310.1.2 to read:

310.1.2. Group R-5 structures: The provisions of the 2000 International Residential Code (IRC) shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than

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three stories in height with a separate means of egress and their accessory structures (Group R-5).

[I. Add IBC subsection 310.1.3 to read:

310.1.3. Radon-resistant construction. Group R-3 and Group R-4 structures shall be subject to the radon-resistant construction requirements of Section R329 of the IRC if a locality has implemented such requirements.]

[~~I. J.~~] Add IBC subsection 310.4 to read:

310.4. Amendments to the IRC: The following changes shall be made to the 2000 International Residential Code (IRC):

1. Change Figure R301.2(4) to Table R301.2(4) to read:

Table R301.2(4).

Basic Wind Speeds for Virginia Localities Based on Basic Wind Speed (3 Second Gust) Map.

<u>90 V mph (m/s)</u>	<u>100 V mph (m/s)</u>	<u>110 V mph (m/s)</u>	<u>Special Wind Region</u>
<u>All other localities</u>	<u>City of Chesapeake</u>	<u>Accomack County</u>	<u>Bland County</u>

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	<u>[City of Franklin]</u>	<u>Northampton County</u>	<u>Grayson County</u>
	<u>Gloucester County</u>	<u>City of Virginia Beach</u>	<u>[Northumberland County]</u>
	<u>City of Hampton</u>		<u>Scott County</u>
	<u>Isle of Wight County</u>		<u>Smyth County</u>
	<u>Lancaster County</u>		<u>[Southampton County]</u>
	<u>Mathews County</u>		<u>[Surry County]</u>
	<u>Middlesex County</u>		<u>Tazewell County</u>
	<u>City of Newport News</u>		<u>Washington County</u>
	<u>City of Norfolk</u>		<u>Wythe County</u>
	<u>[Northumberland County]</u>		
	<u>[City of Poquoson]</u>		
	<u>City of Portsmouth</u>		
	<u>[Southampton County]</u>		
	<u>City of Suffolk</u>		
	<u>[Surry County]</u>		
	<u>York County</u>		

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NOTE: The basic wind speeds for Virginia towns shall be the same as the county in which the town is located.

2. Change subsection R301.2.1 to read:

R301.2.1. Wind limitations. Buildings and portions thereof shall be limited by wind speed, as defined in Table R301.2(1), and construction methods in accordance with this code. Basic wind speeds shall be determined from Table R301.2(4). Where different construction methods and structural materials are used for various portions of a building, the applicable requirements of this section for each portion shall apply. Where loads for windows, skylights and exterior doors are not otherwise specified, the loads listed in Table R301.2(2) adjusted for height and exposure per Table R301.2(3), shall be used to determine design load performance requirements for windows and doors. Basic wind speed for the special wind regions indicated, near mountainous terrain, and near gorges, shall be in accordance with local jurisdiction requirements determined in accordance with Section 6.5.4 of ASCE 7.

[3. Change the first sentence in IRC subsection R302.1 to read:

R302.1. Exterior walls. Exterior walls with a fire separation distance of less than 5 feet (1524 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides.]

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[4. Change IRC subsection R302.2 to read:

R302.2. Openings. Openings shall not be permitted in the exterior wall of a dwelling with a fire separation distance less than 5 feet (1524 mm) or in the exterior wall of an accessory building with a fire separation distance less than 3 feet (914 mm. This distance shall be measured perpendicular to the line used to determine the fire separation distance.

Exceptions:

1. Openings shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.
2. Foundation vents installed in compliance with this code are permitted.]

[5. Change IRC subsection R302.3 to read:

R302.3. Penetrations. Penetrations located in the exterior wall of a dwelling with a fire separation distance less than 5 feet (1524 mm) shall be protected in accordance with Section R321.3.

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Exception: Penetrations shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.]

[~~3~~. 6.] Change IRC subsection R303.6 to read:

R303.6. Required heating. Every dwelling unit or portion thereof which is to be rented, leased or let on terms either expressed or implied to furnish heat to the occupants thereof shall be provided with heating facilities capable of maintaining the room temperatures at 65°F (18°C) during the period from October 15 to May 1 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60°F (16°C) during other hours when measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls. The capability of the heating system shall be based on the winter design temperature for heating facilities established by the jurisdiction.

[~~4~~. 7.] Add IRC subsection R303.7 to read:

R303.7. Insect screens. Every door, window and other outside opening required for ventilation purposes shall be supplied with approved tightly fitted screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device.

[~~5~~. 8.] Add IRC subsection R306.5 to read:

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R306.5. Approval. Water supply sources and sewage disposal systems are regulated and approved by the Virginia Department of Health.

[~~6.9.~~] Change IRC subsection R310.1 to read:

R310.1. Emergency escape and rescue [openings] required. [~~Sleeping rooms shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where openings are provided as a means of escape and rescue they shall have a sill height of not more than 44 inches (1,118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Basements with habitable space and each sleeping room shall have at least one openable emergency escape and rescue opening. Where emergency escape and rescue openings are provided, they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a~~

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bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside, except that tilt-out or removable sash designed windows shall be permitted to be used.

Emergency escape and rescue openings with a finished height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

Exception: Dwelling units equipped throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, 13R or 13D.]

[~~7~~. 10.] Change IRC subsection R310.1.1 to read:

R310.1.1. Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m²), including the tilting or removal of the sash as the normal operation to comply with sections R310.1.2 and R310.1.3.

Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m²).

[~~8~~. 11.] Change IRC subsection R314.2 to read:

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R314.2. Treads and risers. The maximum riser height shall be [~~7-3/4 inches (196 mm)~~ 8-1/4 inches (210 mm)] and the minimum tread depth shall be 9 inches (254 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2.0% slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

[~~9- 12.~~] Change IRC subsection R315.1 to read:

R315.1. Handrails. Handrails having minimum and maximum heights of 34 inches and 38 inches (864 mm and 965 mm), respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways with three or more risers. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrail.

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Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at a turn.

2. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.

[~~13.~~] Add [new] IRC section R328 Swimming Pools [, Spas and Hot Tubs and add subsection R328.1] to read:

R328.1. General. [In addition to other applicable provisions of this code,] swimming pools, spas and hot tubs shall comply with the provisions in Appendix G.

[~~14.~~] Add [new] IRC section R329 Radon-Resistant Construction [and add subsection R329.1] to read:

R329.1. General. Following official action under Article 7 (§15.2-2280 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia by a locality in areas of high radon potential, as indicated by Zone 1 on the U.S. EPA Map of Radon Zones (IRC Figure AF101), such locality shall enforce the provisions contained in Appendix F.

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Exemption: Buildings or portions thereof with crawl space foundations which are ventilated to the exterior, shall not be required to provide radon-resistant construction.

[~~12~~. 15.] Add [new] IRC section R330 Sound Transmission [and add subsections R330.1 and R330.2] to read:

R330.1. General. Construction assemblies separating dwelling units shall provide airborne sound insulation as required in Appendix K.

R330.2. Airport noise attenuation standards. Following official action by the local governing body under § 15.2-2295 of the Code of Virginia, all structures to be located in areas affected by above average noise levels from aircraft due to their proximity to flight operations at nearby airports as determined by the governing body having jurisdiction shall have acoustical treatment measures in accordance with the provisions of IBC Section 1206.0.

[~~13~~. 16.] Add [new] IRC section R331 Patio covers [and add subsection R331.1] to read:

[~~R331~~. R331.1.] General: Patio covers shall comply with the provisions in Appendix H.

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[~~14. 17.~~] Change IRC subsection R401.4 to read:

R401.4. Soil tests. Localities having 20% and greater moderate and high shrink/swell potential of the jurisdictional land area shall ~~[comply with the testing requirements in R403.1.8.1~~ implement an expansive soil test policy. Localities having less than 20% moderate to high shrink/swell potential of the jurisdictional land area may adopt a soil test policy. The policy shall establish minimum criteria to determine the circumstances which require testing for expansive soils and the minimum testing requirements. The policy shall be established in a manner selected by the local government having jurisdiction] . [When required, testing shall be in accordance with Section R403.1.8.1. When soils are determined to be expansive, foundation design shall be in accordance with Section R403.1.8.] All localities shall obtain and retain as a reference guide a copy of the applicable National Cooperative Soil Survey produced cooperatively by the Natural Resources Conservation Service and the Virginia Polytechnic Institute and State University, where this survey is available. Table R401.4, List of Virginia land areas by Shrink/Swell Ratings, shall be used to determine the percentage of jurisdictional land area which has moderate or high shrink/swell potential.

Exception: For additions to one- and two-family dwellings or slab-on-grade accessory structures and decks where there is no indication of a shrink-swell condition for the area.

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Table R401.4.

List of Virginia land areas by Shrink/Swell Ratings.

<u>20% and greater potential</u>		<u>Less than 20% potential</u>	
<u>Accomack County</u>	<u>Nelson County</u>	<u>Alexandria, City of</u>	<u>Henry County</u>
<u>Albemarle County</u>	<u>Newport News, City</u>	<u>Alleghany County</u>	<u>Highland County</u>
<u>Amelia County</u>	<u>of</u>	<u>Amherst County</u>	<u>Hopewell, City of</u>
<u>Appomattox County</u>	<u>Norfolk, City of</u>	<u>Bath County</u>	<u>Isle of Wight County</u>
<u>Arlington County</u>	<u>Northampton County</u>	<u>Bedford County</u>	<u>King and Queen</u>
<u>Augusta County</u>	<u>Orange County</u>	<u>Bedford, City of</u>	<u>County</u>
<u>Bland County</u>	<u>Page County</u>	<u>Brunswick County</u>	<u>King George County</u>
<u>Botetourt County</u>	<u>Poquoson, City of</u>	<u>Buchanan County</u>	<u>King William County</u>
<u>Buckingham County</u>	<u>Portsmouth, City of</u>	<u>Caroline County</u>	<u>Lancaster County</u>
<u>Buena Vista, City of</u>	<u>Powhatan County</u>	<u>Carroll County</u>	<u>Loudoun County</u>
<u>Campbell County</u>	<u>Prince Edward</u>	<u>Charlotte County</u>	<u>Lunenburg County</u>
<u>Charles City County</u>	<u>County</u>	<u>Charlottesville, City</u>	<u>Manassas, City of</u>
<u>Chesapeake, City of</u>	<u>Prince George County</u>	<u>of</u>	<u>Martinsville, City of</u>
<u>Chesterfield County</u>	<u>Prince William</u>	<u>Clifton Forge, City of</u>	<u>Mecklenburg County</u>
<u>Clarke County</u>	<u>County</u>	<u>Colonial Heights,</u>	<u>Middlesex County</u>
<u>Culpeper County</u>	<u>Pulaski County</u>	<u>City of</u>	<u>New Kent County</u>

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<u>Cumberland County</u>	<u>Radford, City of</u>	<u>Covington, City of</u>	<u>Northumberland</u>
<u>Emporia, City of</u>	<u>Richmond, City of</u>	<u>Craig County</u>	<u>County</u>
<u>Fairfax County</u>	<u>Roanoke County</u>	<u>Danville, City of</u>	<u>Norton, City of</u>
<u>Fairfax, City of</u>	<u>Roanoke, City of</u>	<u>Dickenson County</u>	<u>Nottoway County</u>
<u>Fauquier County</u>	<u>Rockbridge County</u>	<u>Dinwiddie County</u>	<u>Patrick County</u>
<u>Fluvanna County</u>	<u>Rockingham County</u>	<u>Essex County</u>	<u>Petersburg, City of</u>
<u>Franklin, City of</u>	<u>Russell County</u>	<u>Floyd County</u>	<u>Pittsylvania County</u>
<u>Frederick County</u>	<u>Salem, City of</u>	<u>Franklin County</u>	<u>Rappahannock</u>
<u>Giles County</u>	<u>Scott County</u>	<u>Fredericksburg, City</u>	<u>County</u>
<u>Goochland County</u>	<u>Shenandoah County</u>	<u>of</u>	<u>Richmond County</u>
<u>Greene County</u>	<u>Smyth County</u>	<u>Galax, City of</u>	<u>Staunton, City of</u>
<u>Greensville County</u>	<u>Southampton County</u>	<u>Gloucester County</u>	<u>Warren County</u>
<u>Halifax County</u>	<u>Spotsylvania County</u>	<u>Grayson County</u>	<u>Waynesboro, City of</u>
<u>Hampton, City of</u>	<u>Stafford County</u>	<u>Hanover County</u>	<u>Williamsburg, City of</u>
<u>James City County</u>	<u>Suffolk, City of</u>	<u>Harrisonburg, City of</u>	<u>Wise County</u>
<u>Lee County</u>	<u>Surry County</u>	<u>Henrico County</u>	
<u>Lexington, City of</u>	<u>Sussex County</u>		
<u>Louisa County</u>	<u>Tazewell County</u>		
<u>Lynchburg, City of</u>	<u>Virginia Beach, City</u>		
<u>Madison County</u>	<u>of</u>		
<u>Mathews County</u>	<u>Washington County</u>		

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<p><u>Montgomery County</u></p>	<p><u>Westmoreland</u> <u>County</u> <u>Winchester, City of</u> <u>Wythe County</u> <u>York County</u></p>		
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[~~15~~. 18.] Add exception to IRC subsection R403.1 to read:

R403.1. General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill.

Exception: One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, not exceeding 256 square feet (23.7824 m²) of building area, provided all of the following conditions are met:

The building height is not more than 12 feet.

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The maximum height from the finished floor level to grade does not exceed 18 inches.

The supporting structural elements in direct contact with the ground shall be placed level on firm soil and when such elements are wood they shall be approved pressure preservative treated suitable for ground contact use.

The structure is anchored to withstand the wind loads prescribed by the USBC.

The structure shall be of light-frame construction whose vertical and horizontal structural elements are primarily formed by a system of repetitive wood or light gauge steel framing members, with walls and roof of light weight material, not slate, tile, brick or masonry.

[~~16~~. 19.] Change IRC subsection R506.2.1 to read:

R506.2.1. Fill. Fill material shall be free of vegetation and foreign material and shall be natural non-organic material that is not susceptible to swelling when exposed to moisture. The fill shall be compacted to assure uniform support of the slab, and except where approved, the fill depth shall not exceed 24 inches (610mm) for clean sand or gravel and 8 inches (203 mm) for earth.

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Exception: Material other than natural material may be used as fill material when accompanied by a certification from a RDP and approved by the building official.

[~~17. 20.~~] Change IRC subsection R506.2.2 to read:

R506.2.2. Base. A 4-inch-thick (102 mm) base course consisting of clean graded sand, gravel or crushed stone passing a 2-inch (51 mm) sieve shall be placed on the prepared subgrade when the slab is below grade.

Exception: A base course is not required when the concrete slab is installed on well drained or sand-gravel mixture soils classified as Group I according to the United Soil Classification [System] in accordance with Table R405.1. Material other than natural material may be used as [~~fill~~ base course] material when accompanied by a certification from a RDP and approved by the building official.

[~~18. Delete the following definition in IRC Chapter 34:~~

~~Arc-Fault Circuit Interrupter]~~

[21. Add IRC subsection M2201.2.1.1 to read:

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M2201.2.1.1. Abandonment of home fuel tanks. When supply tanks are removed or abandoned, the fill piping, gauges and other appurtenances, except the vent, shall be disconnected and the fill pipe plugged or removed.]

[22. Delete subsection P2602.1 General.]

[23. Change IRC subsection P2904.4 to read:

P2904.4. Water service pipe. Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table P2904.4.1. All water service pipe or tubing, installed underground and outside the structure, shall have a minimum working pressure rating of 160 psi at 73° F (1100 kPa at 23° C.). Where the water pressure exceeds 160 psi, piping material shall have a minimum rated working pressure equal to the highest available pressure. Plastic water service piping shall terminate within 5 feet inside the point of entry into a building. All ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.]

[24. Change IRC subsection P3114.1 to read:

P3114.1. General. Vent systems utilizing air admittance valves shall comply with this section. Individual- and branch-type air admittance valves shall conform to ASSE 1051.]

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[25. Change the trap sizes as shown in the following categories of Table P3201.7:

<u>Plumbing Fixture</u>	<u>Trap Size Minimum</u> <u>(inches)</u>
<u>Clothes washer standpipe</u>	<u>1 ½</u>
<u>Shower</u>	<u>1 ½]</u>

[~~19.~~ 26.] Add IRC subsection E3501.8 to read:

E3501.8. Electrical service equipment. The building official shall give permission to energize the electrical service equipment of a one- or two-family dwelling unit when all of the following requirements have been approved:

1. The service wiring and equipment, including the meter socket enclosure, shall be installed and the service wiring terminated.
2. The grounding electrode system shall be installed and terminated.
3. At least one receptacle outlet on a ground fault protected circuit shall be installed and the circuit wiring terminated.

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4. Service equipment covers shall be installed.

5. The building roof covering shall be installed.

6. Temporary electrical service equipment shall be suitable for wet locations unless the interior is dry and protected from the weather.

[20. Change title of IRC Section E3802 to read:

Ground Fault Circuit Interrupter Protection]

[27. Add new referenced standard in Chapter 43 of the IRC as follows:

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>AWWA C104-95</u>	<u>Standard for Cement-Mortar Lining for Ductile-Iron Pipe and fittings for Water</u>	<u>P2904.4]</u>

13 VAC 5-62-270. IBC Chapter 4 Special Detailed Requirements Based on Use and Occupancy.

A. Change subsection 402.6 to read:

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402.6. Types of construction. The area of any covered mall building, including anchor buildings of Types I, II, III and IV construction shall not be limited provided the covered mall building and attached anchor buildings and parking structures are surrounded on all sides by a permanent open space of not less than 60 feet (18 288 mm) in width. Anchor buildings four or more stories in height must comply with Section 503, as modified by Sections 504 and 506. The construction type of enclosed parking garages and open parking structures shall comply with Sections 406.3 and 406.4.

B. Change subsection 402.7.1 to read:

402.7.1. Attached garage. An attached garage for the storage of passenger vehicles having a capacity of not more than nine persons and open parking garages shall be considered as separate buildings where they are separated from the covered mall building by a fire barrier having a fire-resistance rating of at least 2 hours.

Exception: Where an open parking garage or enclosed parking garage is separated from the covered mall building or anchor building a distance greater than 10 feet (3048 mm) the provisions of Table 602 shall apply. Pedestrian walkways and tunnels which attach the open parking garage or enclosed parking garage to the covered mall building or anchor building shall be constructed in accordance with Section 3104.

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[C. Change subsection 408.3.5 to read:

408.3.5. Sallyports. A sallyport shall be permitted in a means of egress where there are provisions for continuous and unobstructed passage through the sallyport during an emergency egress condition. A sallyport is a security vestibule with two or more doors where the intended purpose is to prevent continuous and unobstructed passage by allowing the release of only one door at a time.]

[~~C. D.~~] [Change Add] subsection 415.1.1 to read:

415.1.1. Flammable and combustible liquids. [Notwithstanding the provisions of this chapter,] the storage, handling, processing, and transporting of flammable and combustible liquids shall be in accordance with the mechanical code and the fire code listed in Chapter 35 of this code. Regulations governing the installation, repair, upgrade, and closure of underground and aboveground storage tanks under the Virginia State Water Control Board regulations 9 VAC 25-91 and 9 VAC 25-580 are adopted and incorporated by reference to be an enforceable part of this code. Where differences occur between the provisions of this code and the incorporated provisions of the State Water Control Board regulations, the provisions of the State Water Control Board regulations shall apply.

[~~D. E.~~] Add IBC Section [419.0 419] Site Work for Manufactured Homes and Industrialized Buildings.

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[~~E~~. F.] Add subsection 419.1 to read:

419.1. General. The provisions of this section shall apply to the installation of manufactured homes and industrialized buildings.

[~~F~~. G.] Add subsection 419.2 to read:

419.2. Construction. Construction work associated with the installation of a manufactured home or industrialized building shall comply with the manufacturer's installation instructions and to the extent not provided for in the manufacturer's installation instructions applicable requirements of this code. Where the manufacturer's installation instructions for manufactured homes are not available, the NCSBCS/ANSI A225.1 standard, 1994 edition, may be substituted for the manufacturer's installation instructions. Appendix E, Manufactured Housing Used As Dwellings, of the 2000 International Residential Code (IRC) shall be an acceptable alternative to this code for construction work associated with the installation of a manufactured home and for additions, alterations or repair to such homes.

[~~G~~. H.] Add subsection 419.2.1 to read:

419.2.1. Wind load requirements for manufactured homes. Manufactured homes shall be anchored to withstand the wind loads established by the federal regulation for the area in

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which the manufactured home is installed. For the purpose of this code, Wind Zone II of the federal regulation shall include the cities of Chesapeake, Norfolk, Portsmouth, and Virginia Beach.

[~~H. I.~~] Add subsection 419.2.2 to read:

419.2.2. Skirting requirements for manufactured homes. Manufactured homes installed or relocated shall have skirting installed within 60 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 18 inches (457 mm) in any dimension and not less than three square feet (.28 [~~m~~ m²]) 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 this 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.

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13 VAC 5-62-280. IBC Chapter 5 General Building Heights and Areas.

A. Delete footnote "a" in Table 503.

B. Change subsection 506.2 to read:

506.2. Frontage increase. Every building shall adjoin or have access to a public way to receive an area increase for frontage, with the fully weighted average. Where a building has more than 25 percent of its perimeter on a public way or open space having a minimum width of 20 feet (6096 mm), the frontage increase shall be determined in accordance with the following:

$$I_f = 100 [(F/P) - 0.25] W/30 \quad \text{(Equation 5-2)}$$

where:

I_f = Area increase due to frontage (percent).

F = Building perimeter which fronts on a public way or open space having 20 feet (6096 mm) open minimum width.

P = Perimeter of entire building.

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W = Minimum width of public way or open space [in feet in accordance with Section 506.2.1] .

[C. Change subsection 506.2.1 to read:

506.2.1. Width limits. W must be at least 20 feet (6096mm) and the quantity W divided by 30 shall not exceed 1.0. Where the value of W varies along the perimeter of the building, the calculation performed in accordance with Equation 5-2 shall be based on the weighted average of each portion of exterior wall and open space where the value of W is between 20 and 30 feet.]

[~~C. D.~~] Change subsection 507.2 to read:

507.2. Sprinklered, one-story. The area of a one-story, Group B, F, M or S building or a one-story Group A-4 building of other than Type V construction shall not be limited when the building is provided with an automatic sprinkler system throughout in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width.

Exceptions:

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1. Buildings and structures of Types I and II construction for rack storage facilities, which do not have access by the public shall not be limited in height provided that such buildings conform to the requirements of Section 507.1 and NFPA [~~231C~~ 13].

2. The automatic sprinkler system shall not be required in areas occupied for indoor participant sports, such as tennis, skating, swimming and equestrian activities, in occupancies in Group A-4, provided that:

2.1. Exit doors directly to the outside are provided for occupants of the participant sports areas, and

2.2. The building is equipped with a fire alarm system with manual fire alarm boxes installed in accordance with Section 907.

13 VAC 5-62-290. IBC Chapter 7 Fire-Resistance-Rated Construction.

A. Add subsection 701.2 to read:

701.2. Fire-resistance assembly marking. Concealed fire walls, vertical fire separation assemblies, fire partitions and smoke barriers shall be designated above ceilings and on the inside of all ceiling access doors which provide access to such fire rated assemblies by signage having letters no smaller than one inch (25.4 mm) in height. Such signage shall

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[contain the wording "FIRE RATED ASSEMBLY" indicate the fire-resistance rating of the assembly and the type of assembly] and be provided at horizontal intervals of no more than eight feet (2438 mm).

[Note: An example of suggested formatting for the signage would be "ONE HOUR FIRE PARTITION."]

B. Add exception [#] 12 [and 13] to subsection 707.2 to read:

12. Noncombustible shafts connecting communicating floor levels in Group I-3 occupancies where the area complies with Section 408.5. Where additional stories are located above or below, the shaft shall be permitted to continue with fire and smoke damper protection provided at the fire resistance rated floor/ceiling assembly between the noncommunicating stories.

[13. A floor opening that complies with Section 408 in an occupancy in Group I-3.]

C. Delete subsection 707.14.1 Elevator lobby.

[D. Add exception 4 to subsection 714.2.3 to read:

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4. Horizontal sliding doors in smoke barriers that comply with Section 408.3 are permitted in smoke barriers in occupancies in Group I-3.]

[~~D~~. E.] Add subsection 714.3.3.1 to read:

714.3.3.1. Security glazing. Security glazing protected on both sides by an automatic sprinkler system shall be permitted in doors and windows in smoke barriers in Group I-3 occupancies. Individual panels of glazing shall not exceed 1,296 square inches (0.84 m²), shall be in a gasketed frame and installed in such a manner that the framing system will deflect without breaking (loading) glazing before the sprinkler system operates. The sprinkler system shall be designed to wet completely the entire surface of the affected glazing when actuated.

[~~E~~. F.] Change Exceptions to subsection 715.5.3.1 to read:

715.5.3.1 Penetrations of shaft enclosures. Shaft enclosures that are permitted to be penetrated by ducts and air transfer openings shall be protected with approved fire and smoke dampers installed in accordance with their listing.

Exceptions:

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1. Fire and smoke dampers are not required where steel exhaust subducts extend at least 22 inches (559 mm) vertically in exhaust shafts provided there is a continuous airflow upward to the outside.

2. Fire dampers are not required where penetrations are tested in accordance with ASTM E 119 as part of the fire-resistance rated assembly [.]

3. Fire and smoke dampers are not required where ducts are used as part of an approved smoke-control system in accordance with Section 909.

4. Fire and smoke dampers are not required where the penetrations are in parking garage exhaust or supply shafts that are separated from other building shafts by not less than 2-hour fire-resistance-rated construction.

5. Smoke dampers are not required where the building is equipped [~~through~~ throughout] with an automatic sprinkler system in accordance with Section 903.3.1.1.

13 VAC 5-62-300. IBC Chapter 9 Fire Protection Systems.

A. Change the following definition [in subsection 902.1] to read:

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AUTOMATIC FIRE-EXTINGUISHING SYSTEM. An approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire and shall include among other systems an automatic sprinkler system, unless otherwise expressly stated.

[B. Delete subsection 903.1.2 Residential systems.]

[C. Change subsection 903.2.1.3 to read:

903.2.1.3. Group A-3. An automatic sprinkler system shall be provided throughout a fire area containing a Group A-3 occupancy where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. In Group A-3 occupancies other than churches, the fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.]

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[~~B. D.~~] Change subsection 903.2.8 to read:

903.2.8 Group R-2. An automatic sprinkler system shall be provided throughout all buildings with a Group R-2 fire area in accordance with Sections 903.3.1.1 or 903.3.1.2. The following exceptions are permitted when the necessary water pressure or volume, or both, for the automatic sprinkler system is not available.

Exceptions:

1. Buildings which do not exceed two stories, including basements which are not considered as a story above grade, and with a maximum of 16 dwelling units per fire area. Each dwelling unit shall have at least one door opening to an exterior exit access that leads directly to the exits required to serve that dwelling unit.

2. Buildings where all dwelling units are not more than two 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 a two-hour fire [~~separation assembly barrier~~] is provided between each pair of dwelling units. Each bedroom of a dormitory or boarding house shall be considered a dwelling unit under this exception.

[~~C. E.~~] Add exception to subsection 905.2 to read:

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Exception: The residual pressure of 100 psi for 2-1/2 inch hose connection and 65 psi for 1-1/2 inch hose connection is not required in buildings equipped [~~through out~~ throughout] with an automatic sprinkler system in accordance with section 903.3.1.1 and where the highest floor level is not more than 150 feet above the lowest level of fire department vehicle access.

[~~D. F.~~] Delete subsection 905.3.2 Building area.

[~~E. G.~~] Change subsection 905.3.4 to read:

905.3.4. Covered mall buildings. A Covered mall building shall be equipped throughout with a standpipe system where required by Section 905.3. Covered mall buildings not required to be equipped with a standpipe system by Section 905.3 shall be equipped with Class I hose connections connected to a system sized to deliver 250 gallons per minute (946.4 L/min.) at the most hydraulically remote outlet. Hose connections shall be provided at each of the following locations:

1. Within the mall at the entrance to each exit passageway or exit.
2. At each floor level landing within enclosed stairways opening directly on the mall.
3. At exterior public entrances to the mall.

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[~~F. H.~~] Change subsection 905.8 to read:

905.8 Dry standpipe. Dry standpipes shall not be installed.

Exception: Where subject to freezing and in accordance with NFPA 14.

[~~I.~~] Change subsection 906.1 to read:

906.1. General. Portable fire extinguishers shall be provided in occupancies and locations as required by the International Fire Code, except that portable fire extinguishers shall not be required to be installed in Group R-2 occupancies.]

[~~G. J.~~] Change subsection 907.2.10.1.2 to read:

907.2.10.1.2. Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

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2. In each room used for sleeping purposes.

Exception: In Group R-2 occupancies equipped throughout with an automatic sprinkler system installed in accordance with either sections 903.3.1.1 or 903.3.1.2, smoke detectors are not required in bedrooms where the bedrooms are equipped with residential sprinklers.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[H. K.] Add exception to subsection 907.9.1.1 to read:

Exception: In Group I-3 the ceiling mounted notification device heights shall be in accordance with ICC/ANSI A117.1, Section 702.3.3.2. Wall mounted notification height shall be permitted to be 120 inches and installed in accordance with A117.1, Section 702.3.3.1.

[I.L.]. Change subsection 909.6 to read:

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909.6 Pressurization method. When approved by the building official, the means of controlling smoke shall be permitted by pressure differences across smoke barriers. Maintenance of a tenable environment is not required in the smoke-control zone of fire origin.

[~~J. M.~~] Add footnote d to Table 910.3 to read:

d. Smoke and heat vents are not required when storage areas are protected by early-suppression fast-response (ESFR) sprinklers installed in accordance with NFPA 13 or NFPA 231.

13 VAC 5-62-310. IBC Chapter 10 Means Of Egress.

[~~A.~~ Change the following definition in subsection 1002.1 to read:

Floor Area, Net. The actual occupied area not including unoccupied accessory areas such as the exit access, stairways, toilet rooms, mechanical rooms and closets.]

[~~B.~~ A.] Change subsection 1003.2.1 to read:

1003.2.1. Multiple occupancies. Where a building contains two or more occupancies, the means of egress requirements shall apply to each portion of the building based on the

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occupancy of that space. Where two or more occupancies utilize portions of the same means of egress system, those egress components shall meet the more stringent requirements of all occupancies that are served.

Exception: A 750 square feet or less room or space used for assembly purposes by less than 50 persons and which is accessory to another group shall be included as a part of that main group.

[~~C~~. B.] Change subsection 1003.2.2 to read:

1003.2.2. Design occupant load. In determining means of egress requirements, the number of occupants for whom means of egress facilities are to be provided shall be established in accordance with Sections 1003.2.2.1, 1003.2.2.2 or 1003.2.2.3 and shall not exceed the occupant load permitted by 1003.2.2.4.

[~~D~~. C.] Add subsection 1003.3.1.1.2 to read:

1003.3.1.1.2. Exterior sliding doors. In dwelling units of 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 it from being disengaged by movement of the door.

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

[~~E~~. D.] Add subsection 1003.3.1.1.3 to read:

1003.3.1.1.3. Entrance doors. Entrance doors to dwelling units of 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.

[~~F~~. E.] Change subsection 1003.3.1.8.2 to read:

1003.3.1.8.2. Delayed egress locks. Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy including Group A-3, airport facilities, except Group A, E and H occupancies in buildings which are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors unlock in accordance with the items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

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1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.

2. The doors unlock upon loss of power controlling the lock or lock mechanism.

3. The door locks shall have the capability of being unlocked by a signal from the fire command center.

4. The initiation of an irreversible process which will release the latch in not more than 15 seconds when a force of not more than 15 pounds (67 N) is applied for 1 second to the release device. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.

Exception: Where approved, a delay of not more than 30 seconds is permitted.

5. A sign shall be provided on the door located above and within 12 inches (305 mm) of the release device reading: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 SECONDS.

Exception: Where approved, such sign shall read: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 30 SECONDS.

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6. Emergency lighting shall be provided at the door.

[~~G. F.~~] Add subsection 1003.3.1.8.5 to read:

[1003.3.1.8.5. Security locking arrangements.] In occupancies in Groups A-3, A-4, B, E, F, I, M and S within penal facilities, doors in means of egress serving rooms or spaces occupied by persons whose movements must be controlled for security reasons shall be permitted to be locked if equipped with egress control devices which shall unlock manually and by at least one of the following means:

1. Actuation of an automatic fire suppression system required by Section [~~904.4~~ 903.2].
2. Actuation of a key-operated manual alarm station required by Section [~~918.4~~ 907.2].
3. A signal from a central control station.

[~~G.~~ Add exception 7 to subsection 1003.3.3.3 to read:

7. Stairways in penal facilities serving guard towers, observation stations and control rooms not more than 250 square feet (23 m²) in area shall be permitted to have risers not exceeding 8 inches (203 mm) in height and treads not less than 9 inches (229 mm) in depth.]

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H. Change Exception # 2 in subsection 1004.2.2.1 to read:

2. Where a building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

I. Change subsection 1004.2.3 to read:

1004.2.3 Egress through intervening spaces. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas are accessory to the area served; are not a high-hazard occupancy; and provide a discernible path of egress travel to an exit. A maximum of one exit access is permitted to pass through kitchens, store rooms, closets or spaces used for similar purposes provided such a space is not the only means of exit access. An exit access shall not pass through a room that can be locked to prevent egress. Means of egress from dwelling units or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms.

Exceptions:

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1. Means of egress are not prohibited through a kitchen area serving adjoining rooms constituting part of the same dwelling unit or guestroom.

2. Means of egress are not prohibited through rooms or spaces in a high-hazard occupancy where such rooms or spaces are the same occupancy group.

J. Change Table 1004.3.2.1 to read:

Table 1004.3.2.1.

Corridor Fire-Resistance Rating.

<u>Occupancy</u>	<u>Occupant Load Served By Corridor</u>	<u>Required Fire-Resistance Rating (hour)</u>	
		<u>Without sprinkler system</u>	<u>With sprinkler system^b</u>
<u>H-1, H-2, H-3</u>	<u>All</u>	<u>1</u>	<u>1</u>
<u>H-4, H-5</u>	<u>Greater than 30</u>	<u>1</u>	<u>1</u>
<u>A, B, E, F, M, S, U</u>	<u>Greater than 30</u>	<u>1</u>	<u>0</u>
<u>R</u>	<u>Greater than 10</u>	<u>1</u>	<u>1/2</u>
<u>I-2^a, I-4</u>	<u>All</u>	<u>Not Permitted</u>	<u>0</u>
<u>I-1, I-3</u>	<u>All</u>	<u>Not Permitted</u>	<u>0</u>

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a. For requirements for occupancies in Group I-2, see Section 407.3.

b. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

13 VAC 5-62-320. IBC Chapter 11 Accessibility.

Add subsection 1103.1.1 to read:

1103.1.1. Identification of accessible parking spaces. In addition to complying with applicable provisions of this chapter, all accessible parking spaces shall be identified by above grade signs. A sign or symbol painted or otherwise displayed on the pavement of a parking space shall not constitute an above grade sign. All above grade parking space signs shall have the bottom edge of the sign no lower than four feet (1219 mm) nor higher than seven feet (2133 mm) above the parking surface. All disabled parking signs shall include the following language: PENALTY, \$100-500 Fine, TOW-AWAY ZONE. Such language may be placed on a separate sign and attached below existing above grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.

13 VAC 5-62-330. IBC Chapter 12 Interior Environment.

A. Add subsection 1202.4.1.3 to read:

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1202.4.1.3. Insect screens. Every door, window and other outside opening for natural ventilation serving structures classified as other than a residential group containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device.

Exception: Screen doors shall not be required for out swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are provided.

B. Add subsection 1202.4.1.4 to read:

1202.4.1.4. Insect screens serving structures classified as a residential group. Every door, window and other outside opening required for natural ventilation purposes which serves a structure classified as a residential group shall be supplied with approved tightly fitted screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device.

C. Add exception to subsection 1206.1 to read:

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Exception: Section 1206.4 applies to the construction of the exterior envelope of residential structures and shall be enforced only after action by the local governing body of any county, city or town under §15.2-2295 of the Code of Virginia.

D. Add subsection 1206.4 to read:

1206.4. Airport noise attenuation standards. Where the Ldn is determined to be 65 dBA or greater, the minimum STC rating of structure components shall be provided in compliance with Table 1206.4. As an alternative to compliance with Table 1206.4, structures shall be permitted to be designed and constructed so as to limit the interior noise level to no greater than 45 Ldn. Exterior structures, terrain and permanent plantings shall be permitted to be included as part of the alternative design. The alternative design shall be certified by a RDP.

E. Add Table 1206.4 to read:

Table 1206.4.

Airport Noise Attenuation Standards.

<u>Ldn</u>	<u>STC of exterior walls and roof/ceiling assemblies</u>	<u>STC of doors and windows</u>
<u>65-69</u>	<u>39</u>	<u>25</u>

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<u>70-74</u>	<u>44</u>	<u>33</u>
<u>75 or greater</u>	<u>49</u>	<u>38</u>

13 VAC 5-62-340. IBC Chapter 16 Structural Design.

A. Change the following definition in section 1602.1 to read:

Boundary members. Strengthened portions along shear wall and diaphragm edges. (also called boundary elements)

B. Delete the following definition in section 1602.1:

Coupling beam

C. Change Figure 1609 to Table 1609 to read:

Table 1609.

Basic Wind Speeds for Virginia Localities Based on Basic Wind Speed (3 Second Gust) Map.

<u>90 V mph (m/s)</u>	<u>100 V mph (m/s)</u>	<u>110 V mph (m/s)</u>	<u>Special Wind Region</u>
<u>All other localities</u>	<u>City of Chesapeake</u>	<u>Accomack County</u>	<u>Bland County</u>

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	<u>[City of Franklin]</u>	<u>Northampton County</u>	<u>Grayson County</u>
	<u>Gloucester County</u>	<u>City of Virginia Beach</u>	<u>Scott County</u>
	<u>City of Hampton</u>		<u>Smyth County</u>
	<u>Isle of Wight County</u>		<u>Tazewell County</u>
	<u>Lancaster County</u>		<u>Washington County</u>
	<u>Mathews County</u>		<u>Wythe County</u>
	<u>Middlesex County</u>		<u>[Northumberland County]</u>
	<u>City of Newport News</u>		<u>[Southampton County]</u>
	<u>City of Norfolk</u>		<u>[Surry County]</u>
	<u>[Northumberland County]</u>		
	<u>[City of Poquoson]</u>		
	<u>City of Portsmouth</u>		
	<u>[Southampton County]</u>		
	<u>City of Suffolk</u>		
	<u>[Surry County]</u>		
	<u>York County</u>		

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NOTE: The Basic Wind Speeds for Virginia Towns shall be the same as the County in which the Town is located.

D. Change subsection 1609.3 to read:

1609.3. Basic wind speed. The basic wind speed, in miles per hour, for the determination of the wind loads shall be determined by Table 1609. Basic wind speed for the special wind regions indicated, near mountainous terrain, and near gorges, shall be in accordance with local jurisdiction requirements determined in accordance with Section 6.5.4 of ASCE 7.

E. Add subsection 1612.1.1 to read:

1612.1.1. Manufactured homes. New or replacement manufactured homes to be located in any flood hazard zone shall be placed in accordance with the applicable elevation requirements of this code.

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 (914 mm) 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.

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F. Add exception to section 1616.3 to read:

Exception: Where the approximate fundamental period of the structure T_a in each of two orthogonal directions determined in accordance with Section 1617.4.2 is less than T_s determined in accordance with Section [~~1615.3.4~~ 1615.1.3] and Equation 16-35 is used to determine the seismic response coefficient, C_s , the Seismic Design Category is permitted to [be] determined based solely on the Seismic Use Group and short period spectral response acceleration, [~~S_{ds} , S_{DS}~~], in accordance with Table [~~1615.1.2(4)~~ 1615.1.3(1)].

[13 VAC 5-62-345. IBC Chapter 17 Structural Tests and Special Inspections.A. Change subsection 1704.1 to read:

1704.1. General. Where application is made for construction as described in this section, the owner or the RDP in responsible charge acting as the owner's agent shall employ one or more special inspectors to provide inspections during construction on the types or work listed under Section 1704. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection. These inspections are in addition to the inspections specified in Section 115.4.

Exceptions:

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1. Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official.

2. Special inspections are not required for building components unless the design involves the practice of professional engineering or architecture as defined by the laws of this Commonwealth and regulations governing the professional registration and certification of engineers and architects.

3. Unless otherwise required by the building official, special inspections are not required for occupancies in Groups R-3, R-4 or R-5 and occupancies in Group U that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.

B. Change subsection 1704.1.1 to read:

1704.1.1. Building permit requirement. The permit applicant shall submit a statement of special inspections prepared by the registered design professional in accordance with Section 111.5. This statement shall include a complete list of materials and work requiring special inspections by this section, the inspections to be performed and a list of the individuals, approved agencies or firms intended to be retained for conducting such inspections.

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C. Add category 11 to Table 1704.4 to read:

<u>Verification and Inspection</u>	<u>Continuous</u>	<u>Periodic</u>	<u>Referenced Standard</u>	<u>IBC Reference</u>
<u>11. Inspection of concrete formwork, shoring and re-shoring.</u>	<u>-</u>	<u>X</u>	<u>ACI 318: 6.1, 6.2</u>	<u>1906]</u>

13 VAC 5-62-350. IBC Chapter 18 Soils And Foundations.

A. Change exception to subsection 1803.4, Compacted fill material, to read:

Exception: Compacted fill material less than 12 inches (305 mm) in depth need not comply with an approved report, provided it is a natural non-organic material that is not susceptible to swelling when exposed to moisture and it has been compacted to a minimum of 90 percent Modified Proctor in accordance with ASTM D1557. The compaction shall be verified by a qualified inspector approved by the building official. Material other than natural material may be used as fill material when accompanied by a certification from a RDP and approved by the building official.

B. Change Table 1805.4.2 to read:

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Table 1805.4.2.Footings Supporting Walls of Light-Frame Construction^{a, b, c, d, e, f and g}.

<u>NUMBER OF FLOORS SUPPORTED BY THE FOOTING^f</u>	<u>WIDTH OF FOOTING (inches)</u>	<u>THICKNESS OF FOUNDATION WALL (inches)</u>
<u>1</u>	<u>12</u>	<u>6</u>
<u>2</u>	<u>15</u>	<u>6</u>
<u>3</u>	<u>18</u>	<u>8^{eg}</u>

For SI: 1 inch = 25.4 mm.

a. Depth of footing shall be in accordance with Section 1805.2.

b. The ground under the floor is permitted to be excavated to the elevation of the top of the footing.

c. Interior-stud-bearing walls are permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than 6 feet on center.

d. See Section 1910 for additional requirements for footings of structures assigned to Seismic Design Categories C, D, E and F.

e. For thickness of foundation walls, see Section 1805.5.

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f. Footings are permitted to support a roof in addition to the stipulated number of floors. Footings supporting roof only shall be as required for one floor.

g. Plain concrete footings for Group R-3 occupancies are permitted to be 6 inches thick.

13 VAC 5-62-360. IBC Chapter 27 Electrical.

A. Add subsection 2701.1.1 to read:

2701.1.1. Amendment to ICC Electrical Code (EC). The following change shall be made to the 2000 ICC Electrical Code:

Add subsection 801.2.1 to read:

801.2.1. One- and two-family dwellings. The building official shall give permission to energize the electrical service equipment of a one- or two-family dwelling unit when all of the following requirements have been approved:

1. The service wiring and equipment, including the meter socket enclosure, shall be installed and the service wiring terminated.

2. The grounding electrode system shall be installed and terminated.

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3. At least one receptacle outlet on a ground fault protected circuit shall be installed and the circuit wiring terminated.

4. Service equipment covers shall be installed.

5. The building roof covering shall be installed.

6. Temporary electrical service equipment shall be suitable for wet locations unless the interior is dry and protected from the weather.

B. Add subsection 2701.1.2 to read:

2701.1.2. Amendments to NFPA 70. The following changes shall be made to NFPA 70-99 listed in the 2000 ICC Electrical Code:

[~~1. Delete NEC 210-12 Arc Fault Circuit Interrupter Protection (b).]~~

[~~2. 1.] Change subsection 336-5 (a) (1) to read:~~

(1). In any dwelling or structure exceeding four floors above grade.

13 VAC 5-62-370. IBC Chapter 28 Mechanical Systems.

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A. Add exception to subsection 2801.1 to read:

Exception: This code shall not govern the installation, alteration and repair of water heaters, boilers and pressure vessels to the extent which they are regulated by the Virginia Boiler and Pressure Vessel Regulations (16 VAC 25-50). However, the building official may require the owner of a structure to submit documentation to substantiate compliance with those regulations.

B. Add subsection 2801.1.1 to read:

2801.1.1. Heating facilities. Heating facilities shall be provided in structures as follows:

1. Every dwelling unit or portion thereof which is to be rented, leased or let on terms, either expressed or implied, to furnish heat to the occupants thereof shall be provided with heating facilities capable of maintaining the room temperature at 65°F (18°C) during the period from October 15 to May 1 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60°F (16°C) during other hours when measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls. The capability of the heating system shall be based on the outside design temperature required for the locality by this code.

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2. Every enclosed occupied work space in nonresidential structures shall be provided with heating facilities capable of producing 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. The required room temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls.

Processing, storage and operation areas that require cooling or special temperature conditions and areas in which persons are primarily engaged in vigorous physical activities are exempt from these requirements.

C. Change International Fuel Gas Code (IFGC) subsection 301.1 to read:

301.1 Application. The IFGC shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, and related accessories as follows:

1. Coverage of piping systems shall extend from the point of delivery to the connections with gas utilization equipment. (See “point of delivery”.)

2. a. Systems with an operating pressure of 125 psig (862 kPa gauge) or less.

b. Piping systems for gas-air mixtures within the flammable range with an operating pressure of 10 psig (69 kPa gauge) or less.

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c. LP-Gas piping systems with an operating pressure of 20 psig (140 kPa gauge) or less.

3. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.

4. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air and venting.

301.1.1 Exemptions. The IFGC shall not apply to the following:

1. Portable LP-Gas equipment of all types that are not connected to a fixed fuel piping system.

2. Installation of farm equipment such as brooders, dehydrators, dryers, and irrigation equipment.

3. Raw material (feedstock) applications except for piping to special atmosphere generators.

4. Oxygen-fuel gas cutting and welding systems.

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5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen, and nitrogen.

6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms, and natural gas processing plants.

7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.

8. LP-Gas installations at utility gas plants.

9. Liquefied natural gas (LNG) installations.

10. Fuel gas piping in power and atomic energy plants.

11. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors, and calorimeters.

12. LP-Gas equipment for vaporization, gas mixing, and gas manufacturing.

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13. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.

14. Installation of LP-Gas systems for railroad switch heating.

15. Installation of LP-Gas and compressed natural gas (CNG) systems on vehicles.

16. Except as provided in Section 401.1.1, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-Gas.

17. Building design and construction, except as specified herein.

301.1.2 Other fuels. The requirements for combustion and dilution air for gas-fired appliances shall be governed by Section 304. The requirements for combustion and dilution air for appliances operating with fuels other than fuel gas shall be regulated by the International Mechanical Code.

D. Add IFGC subsection 404.8.3 to read:

404.8.3. Coating application. Joints in ferrous metal piping exposed in exterior locations shall not be coated prior to testing and approval.

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13 VAC 5-62-380. IBC Chapter 29 Plumbing Systems.

A. Change subsection 2901.1 to read:

2901.1. 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 chapter and the plumbing code listed in Chapter 35.

Water supply sources and sewage disposal systems are regulated and approved by the Virginia Department of Health. Plumbing fixtures shall be connected to an approved water supply source and to an approved sanitary sewer or private sewage disposal system. Approval of pumping and electrical equipment shall be the responsibility of the building official.

B. Add subsection 2901.1.1 to read:

2901.1.1. Amendments to the plumbing code: The following change shall be made to the plumbing code listed in Chapter 35:

[Section 202. General Definitions.

13 VAC 5-62. VIRGINIA UNIFORM STATEWIDE BUILDING CODE.

Add definition to read: Quick Closing Valve. A valve or faucet that closes automatically when released manually or that is controlled by a mechanical means for fast action closing.”

Delete Section 311 Toilet Facilities for Workers and subsection 311.1 General.]

13 VAC 5-62-390. IBC Chapter 30 Elevators and Conveying Systems.

A. Change subsection 3001.2 to read:

3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, installation, alteration and repair of elevators and conveying systems and their components shall conform to ASME A17.1, ASME A90.1, ASME B20.1, [~~ALI B153.~~ ALI-ALCTV], and ASCE 24 for construction in flood hazard areas established in Section 1612.3. Platform lifts shall comply with ASME A18.1.

B. Change subsection 3002.4 to read:

3002.4 Elevator car to accommodate ambulance stretcher. In buildings four stories in height or more with one or more elevators, at least one elevator shall be provided for fire department emergency access to all floors. Such elevator car shall be of such a size and

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arrangement to accommodate a 24-inch by 76-inch (610 mm by 1930 mm) ambulance stretcher in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway doorframe.

Exceptions:

1. [~~Group R-3 townhouses~~ Elevators in multistory dwelling units or guest rooms] .

2. Existing buildings.

3. New buildings four stories in height or more, which the owner proposes to build without one or more elevators.

13 VAC 5-62-400. IBC Chapter 31 Special Construction.

A. Change subsection 3104.2 to read:

3104.2. Separate structures. Connected buildings shall be considered to be separate structures.

Exceptions:

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1. Buildings on the same lot in accordance with Section 503.1.3.

2. For purposes of calculating the number of Type B units required by Chapter 11, structurally connected buildings and buildings with multiple wings shall be considered one building.

B. Change subsection 3104.5 to read:

3104.5 Fire barriers between pedestrian walkways and buildings. Walkways shall be separated from the interior of the building by fire barrier walls with a fire-resistance-rating of not less than 2 hours. This protection shall extend vertically from a point 10 feet (3048 mm) above the walkway roof surface or the connected building roof line, whichever is lower, down to a point 10 feet (3048 mm) below the walkway and horizontally 10 feet (3048 mm) from each side of the pedestrian walkway. Openings within the 10 foot (3048 mm) horizontal extension of the protected walls beyond the walkway shall be equipped with devices providing a 3/4-hour fire protection rating in accordance with Section 714.

Exception: The walls separating the pedestrian walkway, having a maximum height above grade of three stories or 40 feet (12,192 mm), or five stories or 55 feet (16,764 mm) where sprinklered, from a connected building are not required to have a fire-resistance rating by this section where any of the following conditions exist:

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1. The distance between the connected buildings is more than 10 feet (3,048 mm), the pedestrian walkway and connected buildings are equipped throughout with an automatic sprinkler system in accordance with NFPA 13, and the wall is constructed of a tempered, wired or laminated glass wall and doors subject to the following:

1.1. The glass shall be protected by an automatic sprinkler system in accordance with NFPA 13 and the sprinkler system shall completely wet the entire surface of interior sides of the glass wall when actuated.

1.2. The glass shall be in a gasketed frame and installed in such a manner that the framing system will deflect without breaking (loading) the glass before the sprinkler operates.

1.3. Obstructions shall not be installed between the sprinkler heads and the glass.

2. The distance between the connected buildings is more than 10 feet (3,048 mm), and both side walls of the pedestrian walkway are at least 50 percent open with the open area uniformly distributed to prevent the accumulation of smoke and toxic gases.

3. Buildings are on the same lot, in accordance with Section 503.1.3.

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4. Where exterior walls of connected buildings are required by Section 704 to have a fire-resistance rating greater than 2 hours, the walkway shall be equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13.

[13 VAC 5-62-405. IBC Chapter 33 Safeguards During Construction.

Delete subsection 3305.1 Facilities required.]

13 VAC 5-62-410. IBC Chapter 34 Existing Structures.

A. Delete section 3401.2.

B. Delete section 3401.3.

C. Change subsection 3402.1 to read:

[~~3402.4~~ 3402.1.] Reconstruction, alteration or repair [÷ .] Reconstruction, alterations and repairs shall not result in an increase in hazard to the occupants. Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure. Work shall be done in such a way so as not to lower existing levels of health and safety. The installation of material and equipment that is neither required nor prohibited need only comply with the USBC requirements that regulate a safe

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installation. Material and equipment may be replaced with material and equipment of a similar kind or with greater capacity in the same location. Used material and equipment may be used as approved by the building official.

D. Add subsection 3402.1.1 to read:

3402.1.1. Additions. Additions to any structure shall conform to the requirements of the USBC for new construction. Additions shall not be made to an existing structure that will cause the existing structure to be in violation of the USBC. An existing structure plus alterations and additions shall comply with the height and area provisions of Chapter 5. Any portions of the structure not altered and not affected by alterations or additions are not required to comply with the USBC requirements for a new structure.

Exception: Any additions, alterations or repairs, other than ordinary repairs, that constitute substantial improvement of existing structures located in flood hazard areas established in Section 1612.3 and as defined in Section 1612.2, shall comply with the flood design requirements for new construction and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

E. Change section 3403 to read:

Section 3403. Handicapped Parking Spaces.

13 VAC 5-62. VIRGINIA UNIFORM STATEWIDE BUILDING CODE.

3403.1 Conformance. 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.

All above grade handicapped parking space signs shall have the bottom edge of the sign no lower than four feet (1219 mm) nor higher than seven feet (2133 mm) above the parking surface. Such signs shall be designed and constructed in accordance with the provisions of Chapter 11 of this code. All disabled parking signs shall include the following language: PENALTY, \$100-500 Fine, TOW-AWAY ZONE. Such language may be placed on a separate sign and attached below existing above grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.

F. Change section 3404 to read:

Section 3404. Glass Replacement.

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3404.1 Conformance. The installation or replacement of glass shall be as required for safety glazing in new installations.

G. Change section 3405 to read:

Section 3405. Change of Occupancy.

3405.1. Conformance. The owner or his agent shall, in writing, apply to and obtain from the building official a new certificate of occupancy prior to a change in the existing occupancy classification of a structure or portion thereof. When the current USBC requires a greater degree of structural strength, fire protection, means of egress, ventilation or sanitary provision for the new occupancy, the owner or his agent shall, in writing, apply and obtain a permit from the building official. When it is impractical to achieve compliance with the USBC, the building official shall issue, upon application, modifications as provided in Section 109.2 of the USBC.

H. Delete section 3407.

I. Change section 3409.2 to read:

3409.2 Applicability. The provisions in Sections 3409.2.1 through 3409.2.5 shall not apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M,

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R, S and U unless specifically requested by the owner or his agent to apply such sections.

These provisions shall not apply to buildings with occupancies in [~~Group~~ Groups] H or I.

[13 VAC 5-62-415. IBC Chapter 35 Referenced Standards.

Add new referenced standard as follows:

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
ASTM E329-02	<u>Standard Specification for Agencies Engaged in the Testing and/or Inspection of Materials Used in Construction</u>	<u>113.2]</u>

PART III.

MAINTENANCE OF EXISTING STRUCTURES.

Article 1.

Administration.

13 VAC 5-62-420. Section 125.0 Scope.

13 VAC 5-62. VIRGINIA UNIFORM STATEWIDE BUILDING CODE.

A. 125.1. General. The provisions of this part of the USBC prescribe building maintenance regulations to be complied with in the maintenance and repair of existing structures and equipment. Such provisions are only enforceable following official action by the locality. The official action shall (i) require compliance with "any or all maintenance provisions of this part of this chapter of the USBC" and (ii) assign enforcement responsibility to the local agency or agencies of its choice. The terms "local enforcing agency" and "building maintenance official" are intended to apply to the agency or agencies to which responsibility for enforcement of this part has been assigned. The terms "building official" or "local building department" apply only to the local building official or local building department.

B. 125.2. Purpose. The purpose of this part of the USBC is to ensure public safety, health and welfare through proper building maintenance, repair, use and continued compliance with minimum standards of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility, as applicable under the building regulations in effect when the building was constructed or its use changed. Proper building maintenance and repair shall be deemed to include the maintenance, repair, testing and inspection of equipment as defined by the Uniform Statewide Building Code Law (§36-97 et seq. of the Code of Virginia).

13 VAC 5-62-430. Section 126.0 Applicability.

A. 126.1. Effect on other codes. Following official action by the locality, this part of Chapter 1 of the USBC shall apply to all existing structures as defined in the Uniform Statewide Building

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Code Law (§ 36-97 et seq. of the Code of Virginia). This part of the USBC supersedes all building maintenance codes and regulations of the counties, municipalities, political subdivisions and state agencies that have been or may be enacted or adopted. However, this will not prevent adoption in accordance with Title 15.2 of the Code of Virginia or other special or general legislation, other requirements by a locality which do not affect the manner of construction or materials to be used in the erection, alteration, repair, maintenance or use of a structure.

B. 126.2. Pre-USBC buildings and structures. Following official action by the locality, existing buildings and structures or portions thereof constructed, altered or occupancy converted prior to September 1, 1973, shall be maintained in compliance with the provisions of this part of the USBC, to the extent that equipment, systems, devices, and safeguards which were required, provided and approved when constructed shall be maintained. No provisions of this part shall require alterations to structures or equipment unless an unsafe or [~~unhealthy~~ unfit] condition exists.

C. [~~126.2.1. 126.3.~~] Post-USBC buildings and structures. Following official action by the locality, existing buildings and structures or portions thereof and equipment, subject to the USBC when constructed, altered or occupancy converted shall be maintained and repaired in compliance with this part of this chapter and the USBC edition in effect when constructed, altered or converted, to the extent that equipment, systems, devices, and safeguards which were required, provided and approved when constructed shall be maintained. No provisions of this

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part shall require alterations to structures or equipment unless an unsafe or [~~unhealthy~~ unfit] condition exists.

D. [~~126.3~~: 126.4.] Limitation of application. No provision of this part of the USBC and the standards referenced therein may be used to require alterations to the design or equipment or any portion of a structure that was subject to the USBC when constructed, altered or converted as to group, and which is occupied in accordance with the certificate of occupancy issued under the applicable edition of the USBC.

E. [~~126.4~~: 126.2.5.] Exemptions. Exemptions from application of this part of the USBC shall be in accordance with the exemptions from application of the USBC (see part I (13 VAC 5-62-10 et seq.) of this code); however, following official action by the locality, this part of the USBC may apply to industrialized buildings and manufactured homes.

13 VAC 5-62-440. Section 127.0 Use of model codes and standards.

A. 127.1. Adoption. The following document, as amended by the Board of Housing and Community Development (BHCD), is adopted and incorporated by reference to be an enforceable part of the USBC: The International Property Maintenance Code 2000, hereinafter referred to as "IPMC," published by the International Code Council, Inc. (ICC).

B. 127.1.1. Deletion. Delete IPMC Chapter 1 [and replace with Parts I and III of this code] .

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C. 127.1.2. Use of standards. The codes and standards referenced in the IPMC shall be those listed in Chapter 8 and considered part of the requirements of USBC to the prescribed extent of each such reference, as applicable under the building regulations in effect when the building was constructed or its use changed. However, no provisions of such codes and standards shall be used to require alterations to buildings, structures or equipment unless an unsafe or unhealthy condition exists.

D. 127.2. Administrative and enforcement amendments. All requirements of the IPMC and the standards referenced therein that relate to fees, permits, unsafe notices, disputes, condemnation, scope of enforcement and inspections, and all other procedural and administrative matters are deleted and replaced by the provisions of Parts I and III of the USBC and shall be used by enforcement personnel. The purpose of this provision is to eliminate overlap, conflict and duplication by providing a single standard for administration, procedural matters and enforcement of this part of the USBC.

E. 127.3. Other amendments. See the amendments made in Article 2 (13 VAC 5-62-480) of this part to the IPMC and its referenced standards for use as part of the USBC.

13 VAC 5-62-450. Section 128.0 Permits and Fees.

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A. 128.1. Permits. Alterations, repairs, installations, construction or demolition shall be subject to the building permit, certificate of occupancy and other provisions of Parts I and II of the USBC.

B. 128.2. Fees. Section 36-105 of the Code of Virginia provides that fees are permitted to be levied by the locality in order to defray the cost of enforcement and appeals.

13 VAC 5-62-460. Section 129.0 Duties and powers of the building maintenance official.

A. 129.1. General. The building maintenance official shall enforce the provisions of Parts I and III of the USBC as provided herein and as interpreted by the TRB.

B. [~~129.1.2.~~ 129.2.] Right of inspection. The building maintenance official may inspect existing structures and equipment to enforce this part of the USBC as authorized by § 36-105 of the Code of Virginia. The building maintenance official and assistants shall carry proper credentials of office when inspecting structures and equipment in the performance of duties under the USBC.

C. [~~129.1.2.1.~~ 129.3.] Reports of inspections. The building maintenance official shall approve the maintenance or use in writing or give written notice of defective maintenance or use to the owner and the person responsible for maintenance or use of a structure. Upon the request of the owner the notice shall reference the USBC section that serves as the basis for the defects and such defects shall be corrected within a reasonable time and reinspected. Records of all reports of

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inspections, tests, examinations, discrepancies, notices, approvals, modifications and orders issued shall be communicated promptly in writing to the owner and the person responsible for maintenance or use of a structure.

D. [~~129.1.2.2.~~ 129.4.] Inspection of unsafe structures. The building maintenance official shall examine any existing structure reported as unsafe, and shall prepare a report to be filed in the records of the local enforcing agency and a copy issued to the owner. The report shall include the use of the structure, a description of unsafe conditions found and the nature and extent of the conditions.

E. [~~129.2.~~ 129.5.] Modifications. The building maintenance official may grant modification to any provision of this part 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.

F. [~~129.2.1.~~ 129.5.1.] Supporting data. The building maintenance official may also require and consider a statement from an architect, professional engineer or other competent person as to the equivalency of the proposed modification.

G. [~~129.2.2.~~ 129.5.2.] Application. The application for modification and the final decision of the building maintenance official shall be in writing and shall be recorded in the permanent records of the local enforcing agency.

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H. [~~129.3~~, 129.6.] Delegation of duties and powers. The building maintenance official may delegate duties and powers subject to any limitations imposed by the locality, but shall be responsible that any such powers and duties are carried out in accordance with the USBC.

I. [~~129.4~~, 129.7.] Enforcing agency records. The building maintenance official shall keep records of reports of inspections, tests, examinations, discrepancies, notices, approvals, fees collected, modifications and orders issued and such other matters as directed by the locality. Such records shall be retained in the official records or shall be disposed of in accordance with General Schedule Number Six available from the Library of Virginia.

J. [~~129.5~~, 129.8.] Coordination with other agencies. The building maintenance 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. The building maintenance official shall coordinate all reports of inspections for compliance with Parts I and III of the USBC, with inspections of fire and health officials delegated such authority.

13 VAC 5-62-470. Section 130.0 Unsafe structures.

A. 130.1. General. This section shall apply to existing unsafe structures, unsafe equipment and structures unfit for human occupancy. All such structures shall either [~~:(i)~~] be made safe through compliance with this code [~~:(ii)~~] or [~~:(iii)~~] be vacated and secured against public entry, unless the building maintenance official determines that the potential for collapse requires that the

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unsafe structure be razed or removed in accordance with Section [~~129.6.4~~ 130.6.4]. All work shall comply with the requirements of USBC Parts I and II.

B. 130.2. Unsafe conditions not related to maintenance. When the building maintenance official finds a condition that constitutes a serious and dangerous hazard to life or health in an existing structure which was constructed, altered, converted, or repaired before the effective date of the initial edition of the USBC, and when such condition was not caused by faulty maintenance, or by failure to comply with the applicable state and local regulations that were in effect at the time, the building maintenance official is permitted to order the minimum changes needed to remedy the hazardous condition.

C. 130.2.1. Retrofitting. Parts I and III of the USBC do not generally provide for retrofitting of an existing structure. However, conditions may exist in older structures, because of faulty design or equipment, which constitute such serious and dangerous hazards that correction is necessary to protect life and health. It is not the intent of this section that such changes comply fully with the requirements of Parts I and II of the current edition of the USBC. Only those changes that are needed to remedy the serious and dangerous hazards to life or health may be required by the building maintenance official.

D. 130.3. Notice of unsafe structure. If an existing structure is found to be unsafe, the building maintenance official shall issue a notice of unsafe structure to the owner, the owner's agent or person in control of the unsafe existing structure. The notice shall specify the required repairs or

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improvements to be made to the structure, or require the unsafe structure, or portion of the structure to be taken down and removed within a stipulated time. The notice shall be in the form prescribed in Section 105 and delivered in accordance with section 105.2.1, except the provisions of parts (i) & (ii) of section 105.2 shall not apply. Such notice shall require the person thus notified to declare immediately upon receipt, to the building maintenance official, acceptance or rejection of the terms of the notice.

Note: Whenever possible, the notice of unsafe structure should also be given to the tenants of the unsafe structure.

E. 130.3.1. Posting of notice. If the person named in the notice of unsafe structure and the owner cannot be found, the notice shall be sent by registered or certified mail to the last known address of such persons. 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.

F. 130.3.2. Placarding. Upon failure of the person issued the notice of unsafe structure to comply with the notice provisions within the time given, the building maintenance official shall post a placard at each entrance to such structure that reads: "THIS STRUCTURE IS UNSAFE OR UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING MAINTENANCE OFFICIAL."

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G. 130.3.3. Prohibited occupancy. Upon the posting of the placard, no person shall enter such structure except upon authorization by the building maintenance official for one of the following purposes: (i) to make the required repairs, (ii) to take the structure down and remove it, or (iii) to make inspections.

H. 130.3.4. Removal of placard. The building maintenance official shall remove the placard whenever the defect or defects upon which the notice of unsafe structure were based have been eliminated. No person shall deface or remove a placard without the approval of the building maintenance official.

I. 130.3.5. Disregard of notice. If the person issued a notice of unsafe structure or the owner refuses or fails to comply with requirements of the notice to abate the unsafe condition, the building maintenance official may revoke the certificate of occupancy.

J. 130.4. Vacant open structures. If a structure is vacant, open and unfit for human habitation, and is not in danger of structural collapse, the building maintenance official shall post a placard at each entrance to such structure that reads: "THIS STRUCTURE IS UNSAFE OR UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING MAINTENANCE OFFICIAL." The building maintenance official shall issue a report of inspection in accordance with Section 115.9. Upon the failure of the owner to comply with the report of inspection the building maintenance official shall issue a notice of violation in accordance with Section 105. Upon the failure of the owner to comply with the notice of

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violation the building maintenance official shall have the necessary work done to the extent permitted by the locality to make such structure secure against public entry, whether or not legal action to compel compliance has been instituted.

K. 130.5. Authority to vacate structure. When in the opinion of the building maintenance official, there is actual and immediate danger of failure or collapse of an existing structure or any part thereof which would endanger life; or when any structure or part thereof has fallen and life is endangered by occupancy of the structure; or when any other hazardous condition poses an immediate and serious threat to life; or when a structure is declared an unsafe structure, or unfit for human habitation, the building maintenance official shall order the occupants to vacate the structure and shall post a placard at each entrance to such structure that reads: "THIS STRUCTURE IS UNSAFE OR UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING MAINTENANCE OFFICIAL." and shall issue a notice of unsafe structure in accordance with section 130.3.

L. 130.6. Temporary safeguards and emergency repairs. When, in the opinion of the building maintenance official, there is immediate danger of collapse or failure of an existing structure or any part thereof which would endanger life, or when a violation of Part I (13 VAC 5-62-10 et seq.) or III (13 VAC 5-62-420 et seq.) of the USBC results in a hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants, the building maintenance official shall have the necessary work done to the extent permitted by the locality to make such structure or part thereof temporarily safe, whether or not legal action to compel compliance has

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been instituted. All work shall comply with the requirements of USBC Parts I [13 VAC 5-62-10 et seq.] and II (13 VAC 5-62-70 et seq.).

M. 130.6.1. Closing streets. When necessary for the public safety, the building maintenance official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

N. 130.6.2. Emergency repairs. For the purposes of this section, the building maintenance official shall, to the extent permitted by the locality, employ the necessary labor and materials to perform the required work as expeditiously as possible.

O. 130.6.3. Costs of emergency repairs. The legal counsel of the locality may institute appropriate action against the owner to recover the necessary costs incurred in the performance of emergency work reasonably required to abate any such immediate danger.

P. 130.6.4. Public removal. Whenever the owner of a structure fails to comply with the requirements of the notice of unsafe structure, the building maintenance official may cause the structure to be razed or removed, according to authority granted by the locality. If the unsafe structure presents an imminent and immediate threat to life or property, then the locality may abate, raze, or remove such unsafe structure, and bring an action against the responsible party to

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recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such unsafe structure, according to authority granted to the locality.

Note: A locality may, after official action under §15.2-900, 15.2-906 or 15.2-1115 of the Code of Virginia, maintain an action to compel a responsible party to abate, raze, or remove a public nuisance.

Article 2.

Technical Amendments.

13 VAC 5-62-480. Section 131.0 [~~Emendations~~ IPMC amendments].

The following changes shall be made to the model codes and standards as indicated in this article for use as part of the USBC.

1. IPMC Chapter 1 was deleted in USBC, Chapter 1, Part III, Article 1.
2. Replace term "code official" with "building maintenance official" in the entire IPMC.
3. IPMC Section 202.0. General definitions.

Add the following definitions to read:

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Unsafe structure: An existing structure that is judged to be dangerous to the health, safety and welfare of the occupants of the structure or the public [-], or an existing structure that contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely. A vacant existing structure, unsecured or open, shall be deemed a fire hazard and unsafe.

Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment which is in such disrepair or condition that such equipment is judged to be dangerous to the health, safety and welfare of the occupants of structures or the public.

Structure unfit for human occupancy: An existing structure that is judged to be dangerous to the health, safety and welfare of the occupants of [/] the structure or the public because of the degree to which the structure is in disrepair or lacks maintenance, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment, or if the required plumbing and sanitary facilities are inoperable.

4. Delete IPMC [sections subsections] 302.1, 302.4, [~~302.5,~~] 302.8, 302.9, [~~305,~~ and] 306 [, ~~404.4.1, 404.5, table 404.5, 404.5.1 and 404.5.2~~] .

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5. Change IPMC [section subsection] 302.2 to read:

302.2. Grading and drainage. All premises shall be graded and maintained to [prevent the so as to drain surface water away from foundation walls of structures in accordance with the regulations under which the structure was built protect the foundation walls or slab of the structure from the accumulation and drainage of surface or stagnant water in accordance with the USBC] .

6. Change IPMC [section subsection] 302.3 to read:

302.3. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces, regulated under the USBC, shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 304 and 702.

[7. Change IPMC subsection 302.5 to read:

302.5. Rodent harborage. All structures and adjacent premises shall be kept free from rodent harborage and infestation where such harborage or infestation adversely affects the structures.]

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[~~7. 8.~~] In IPMC subsection 303.14, Insect screens, add the date "April 1" to the first bracketed DATE area and "December 1" to the second bracketed DATE area.

[9. Add IPMC subsection 304.7 to read:

304.7. Lead-based paint. Interior and exterior painted surfaces of dwellings and child care facilities, including fences and outbuildings, which contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50 percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warning as to the lead content of such surface.]

[10. Change IPMC subsection 305.1 to read:

305.1. Accumulation of rubbish or garbage. The interior of every structure shall be free from excessive accumulation of rubbish or garbage.]

[11. Delete IPMC subsections 305.2, 305.2.1, 305.3, 305.3.1 and 305.3.2.]

[~~8. 12.~~] Add IPMC [~~sections~~ subsections] 505.5, 505.5.1 and 505.5.2 to read:

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505.5. Inspection and testing of backflow prevention assemblies. Inspection and testing shall comply with Sections [~~312.9.1~~ 505.5.1] and [~~312.9.2~~ 505.5.2] .

505.5.1. Inspections. Inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable.

505.5.2. Testing. Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, double-detector check valve assemblies and pressure vacuum breaker assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5010-1013-1, Sections 1 and 2; ASSE 5010-1015-1, Sections 1 and 2; ASSE 5010-1015-2; ASSE 5010-1015-3, Sections 1 and 2; ASSE 5010-1015-4, Sections 1 and 2; ASSE 5010-1020-1, Sections 1 and 2; ASSE 5010-1047-1, Sections 1, 2, 3 and 4; ASSE 5010-1048-1, Sections 1, 2, 3 and 4; ASSE 5010-1048-2; ASSE 5010-1048-3, Sections 1, 2, 3 and 4; ASSE 5010-1048-4, Sections 1, 2, 3 and 4; or CAN/CSA B64.10.

[~~9- 13.] Change IPMC Section 602 [and IPMC subsections 602.1 through 602.5] to read:~~

Section 602. Heating and Cooling Facilities [.]

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602.1. Facilities required. Heating and cooling facilities shall be maintained and operated in structures as required by this section.

602.2. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 1 to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

602.3. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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a. Processing, storage and operation areas that require cooling or special temperature conditions.

b. Areas in which persons are primarily engaged in vigorous physical activities.

602.4. Cooling supply. Every owner and operator of a Group R-2 apartment building who rents, leases or lets one or more dwelling units, rooming units or guestrooms on terms, either expressed or implied, to furnish cooling to the occupants thereof shall supply cooling during the period from May 15 to October 1 to maintain a temperature of not more than 80°F (27°C) in all habitable rooms.

Exception: When the outdoor temperature is higher than the summer design temperature for the locality, maintenance of the room temperature shall not be required provided that the cooling system is operating at its full design capacity. The summer outdoor design temperature for the locality shall be as indicated in the International Energy Conservation Code.

602.5. Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

[~~10~~. 14.] Add IPMC subsection 606.3 to read:

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606.3. Inspection standard. Routine or periodic inspections shall be performed in accordance with Part X of ASME A-17.1 - 96, Safety Code for Elevators and Escalators, with A17.1a- 97 and A17.1b-98 Addenda. The building maintenance official may also provide for such inspection by an approved agency or through agreement with other local certified elevator inspectors. An approved agency includes any individual, partnership or corporation who has met the certification requirements established by Virginia Certification Standards (13 VAC 5-21).

DOCUMENTS INCORPORATED BY REFERENCE

International Building Code 2000, International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401.

International Plumbing Code 2000, International Code Council, Inc.

International Mechanical Code 2000, International Code Council, Inc.

ICC Electrical Code 2000, International Code Council, Inc.

International Fuel Gas Code 2000, International Code Council, Inc.

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International Residential Code for One- and Two-Family Dwellings 2000, International Code Council, Inc.

International Property Maintenance Code 2000, International Code Council, Inc.

2001 Supplement to the International Codes, International Code Council, Inc.

[2002 Accumulative Supplement to the International Codes, International Code Council, Inc.]

NFPA 70, National Electrical Code, 1999 Edition, National Fire Protection Association, One Batterymarch Park, Quincy, MA 02269.

I certify that this regulation is full, true, and corrected dated.

William C. Shelton, Director
Department of Housing and Community Development

Date: _____