

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

PART I.  
CONSTRUCTION.

13 VAC 5-63-10. Chapter 1 Administration; Section 101 General.

13 VAC 5-63-20. Section 101.1 Short title. The Virginia Uniform Statewide Building Code, Part I, Construction, may be cited as the Virginia Construction Code or as the USBC.

13 VAC 5-63-30. Section 101.2 Incorporation by reference. Chapters 2 – 35 of the 2003 International Building Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the USBC. The term “IBC” means the 2003 International Building Code, published by the International Code Council, Inc. Any codes and standards referenced in the IBC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference. In addition, any provisions of the appendices of the IBC specifically identified to be part of the USBC are also considered to be part of the incorporation by reference.

Note 1: The IBC references the whole family of International Codes including the following major codes:

2003 International Plumbing Code

2003 International Mechanical Code

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2003 ICC Electrical Code (which in turn references the 2002 National Electrical Code)

2003 International Fuel Gas Code

2003 International Energy Conservation Code

2003 International Residential Code

Note 2: The International Residential Code is applicable to the construction of detached one- and two-family dwellings and townhouses as set out in Section 310.

13 VAC 5-62-40. Section 101.3 Numbering system. A dual numbering system is used in the USBC to correlate the numbering system of the Virginia Administrative Code with the numbering system of the IBC. IBC numbering system designations are provided in the catchlines of the Virginia Administrative Code sections. Cross references between sections or chapters of the USBC use only the IBC numbering system designations. The term “chapter” is used in the context of the numbering system of the IBC and may mean a chapter in the USBC, a chapter in the IBC or a chapter in a referenced code or standard, depending on the context of the use of the term. The term “chapter” is not used to designate a chapter of the Virginia Administrative Code, unless clearly indicated.

13 VAC 5-63-50. Section 101.4 Arrangement of code provisions. The USBC is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2 – 35 of the IBC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IBC which are specifically identified. The

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terminology “changes to the text of the incorporated chapters of the IBC which are specifically identified” shall also be referred to as the “state amendments to the IBC.” Such state amendments to the IBC are set out using corresponding chapter and section numbers of the IBC numbering system. In addition, since Chapter 1 of the IBC is not incorporated as part of the USBC, any reference to a provision of Chapter 1 of the IBC in the provisions of Chapters 2 - 35 of the IBC is generally invalid. However, where the purpose of such a reference would clearly correspond to a provision of Chapter 1 established herein, then the reference may be construed to be a valid reference to such corresponding Chapter 1 provision.

13 VAC 5-63-60. Section 101.5 Use of terminology and notes. The term “this code,” or “the code,” where used in the provisions of Chapter 1, in Chapters 2 – 35 of the IBC or in the state amendments to the IBC means the USBC, unless the context clearly indicates otherwise. The term “this code,” or “the code,” where used in a code or standard referenced in the IBC means that code or standard, unless the context clearly indicates otherwise. The use of notes in Chapter 1 is to provide information only and shall not be construed as changing the meaning of any code provision. Notes in the IBC, in the codes and standards referenced in the IBC and in the state amendments to the IBC may modify the content of a related provision and shall be considered to be a valid part of the provision, unless the context clearly indicates otherwise.

13 VAC 5-63-70. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supercede any conflicting provisions of Chapters 2 – 35 of the IBC and any conflicting provisions of the codes and standards referenced in the IBC. In addition, the state amendments to

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the IBC supercede any conflicting provisions of Chapters 2 – 35 of the IBC and any conflicting provisions of the codes and standards referenced in the IBC. Further, the provisions of Chapters 2 – 35 of the IBC supercede any conflicting provisions of the codes and standards referenced in the IBC.

13 VAC 5-63-80. Section 101.7 Administrative provisions. The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope of the code, enforcement, fees, permits, inspections and disputes. Any provisions of Chapters 2 – 35 of the IBC or any provisions of the codes and standards referenced in the IBC which address the same subject matter to a lesser or greater extent are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IBC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 – 35 of the IBC or of the codes and standards referenced in the IBC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IBC, then such requirements are not deleted and replaced.

Note: The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.

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13 VAC 5-63-90. Section 101.8 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

Note: The order of precedence outlined in Section 101.6 may be determinative in establishing how to apply the definitions in the IBC and in the referenced codes and standards.

13 VAC 5-63-100. Section 102 Purpose and Scope.

13 VAC 5-63-110. Section 102.1 Purpose. In accordance with Section 36-99 of the Code of Virginia, the purpose of the USBC is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be constructed at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.

13 VAC 5-63-120. Section 102.2 Scope. This section establishes the scope of the USBC in accordance with Section 36-98 of the Code of Virginia. The USBC shall supercede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. This code also shall supersede the provisions of local ordinances applicable to single-family residential construction that (a) regulate dwelling foundations or crawl spaces, (b) require

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the use of specific building materials or finishes in construction, or (c) require minimum surface area or numbers of windows; however, this code shall 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 Section 15.2-2242 of the Code of Virginia or subdivision A 12 of Section 15.2-2286 of the Code of Virginia, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to Section 15.2-2306 of the Code of Virginia, or local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.

Note: Requirements relating to functional design are contained in Section 103.11 of this code.

13 VAC 5-63-130. Section 102.2.1 Invalidity of provisions. To the extent that any provisions of this code are in conflict with Chapter 6 of Title 36 of the Code of Virginia or in conflict with the scope of the USBC, those provisions are considered to be invalid to the extent of such conflict.

13 VAC 5-63-140. Section 102.3 Exemptions. The following are exempt from this code:

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 or information service transmission.

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Such exempt equipment and wiring shall be under the ownership and control of the service provider or its affiliates and shall be located on either public rights of way or private property 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 equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.

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

2.1. Electrical equipment connected after the last disconnecting means.

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

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

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 VADR.

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

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

7. Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et. seq.) of Title 35.1 of the Code of Virginia. However, 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.

13 VAC 5-63-150. Section 103 Application of Code.



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13 VAC 5-63-160. Section 103.1 General. In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein.

13 VAC 5-63-170. Section 103.2 When applicable to new construction. Construction for which a permit application is submitted to the local building department after insert effective date 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. This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments. In addition, when a permit has been properly issued under a previous edition of this code, this code shall not require changes to the approved construction documents, design or construction of such a building or structure, provided the permit has not been suspended or revoked.

13 VAC 5-63-180. Section 103.3 Change of occupancy. No change shall be made in the existing occupancy classification of any structure when the current USBC requires a greater degree of structural strength, fire protection, means or egress, ventilation or sanitation. When such a greater degree is required, the owner or the owner's agent shall make written application to the local building department for a new certificate of occupancy and shall obtain the new certificate of occupancy prior to the use of the structure under the new occupancy classification. When

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impractical to achieve compliance with this code for the new occupancy classification, the building official shall issue modifications upon application and as provided for in Section 106.3.

Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

13 VAC 5-63-190. Section 103.4 Additions. Additions to buildings and structures shall comply with the requirements of this code for new construction and an existing building or structure plus additions shall comply with the height and area provisions of Chapter 5. Further, this code shall not require changes to the design or construction of any portions of the building or structure not altered or affected by an addition, unless the addition has the effect of lowering the current level of safety.

Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

13 VAC 5-63-200. Section 103.5 Reconstruction, alteration or repair. The following criteria is applicable to reconstruction, alteration or repair of buildings or structures provided the reconstruction, alteration or repair does not adversely affect the performance of the building or structure, cause the building or structure to become unsafe or lower existing levels of health and safety.

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1. Parts of the building or structure not being reconstructed, altered or repaired shall not be required to comply with the requirements of this code applicable to newly constructed buildings or structures.

2. The installation of material or equipment, or both, that is neither required nor prohibited shall only be required to comply with the provisions of this code relating to the safe installation of such material or equipment.

3. Material or equipment, or both, may be replaced in the same location with material or equipment of a similar kind or capacity or of greater capacity.

Exception: This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

13 VAC 5-63-210. Section 103.6. Use of rehabilitation code. Notwithstanding any requirements of this code to the contrary, compliance with Part II of the Virginia Uniform Statewide Building Code, also known as the “Virginia Rehabilitation Code,” shall be an acceptable alternative to compliance with this code for the rehabilitation of existing buildings and structures.

13 VAC 5-63-220. Section 103.7. Retrofit requirements. The local building department shall enforce the provisions of Section 3411, which require certain existing buildings to be retrofitted with fire protection systems and other safety equipment. Retroactive fire protection system

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requirements contained in the International Fire Code, including but not limited to such requirements in Sections 903, 905 and 907, shall not be applicable unless required for compliance with the provisions of Section 3411.

13 VAC 5-63-230. Section 103.8 Non-required equipment. The following criteria for non-required equipment is in accordance with Section 36-103 of the Code of Virginia. Building owners may elect to install partial or full fire alarms or other safety equipment that was not required by the edition of the USBC in effect at the time a building was constructed without meeting current requirements of the code, provided the installation does not create a hazardous condition. Permits for installation shall be obtained in accordance with this code. In addition, as a requirement of this code, when such non-required equipment is to be installed, the building official shall notify the appropriate fire official or fire chief.

13 VAC 5-63-240. Section 103.9 Equipment changes. Upon a change in the fuel source involving the installation of new equipment or appliances including but not limited to water heaters, 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, free of obstructions or blockages and properly sized for the connected appliances and that the such changes or installations meet applicable requirements of this code.

13 VAC 5-63-250. Section 103.10 Use of certain provisions of referenced codes. The following provisions of the IBC and of other indicated codes or standards are to be considered valid

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provisions of this code. Where any such provisions have been modified by the state amendments to the IBC, then the modified provisions apply.

1. Special inspection requirements in Chapters 2 – 35.

2. Chapter 34, Existing Structures, except that Section 3410, Compliance Alternatives, shall not be used to comply with the retrofit requirements identified in Section 103.7 and shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.

3. Testing requirements and requirements for the submittal of construction documents in any of the ICC codes referenced in Chapter 35.

4. Section R301.2 of the International Residential Code authorizing localities to determine climatic and geographic design criteria.

13 VAC 5-63-260. Section 103.11 Functional design. The following criteria for functional design is in accordance with Section 36-98 of the Code of Virginia. The USBC shall not supercede the regulations of other state agencies which require and govern the functional design and operation of building related activities not covered by the USBC including but not limited to (i) public water supply systems, (ii) waste water treatment and disposal systems, (iii) solid waste facilities. Nor shall state agencies be prohibited from requiring, pursuant to other state law, that

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buildings and equipment be maintained in accordance with provisions of this code. In addition, as established by this code, the building official may refuse to issue a permit until the applicant has supplied certificates of functional design approval from the appropriate state agency or agencies. 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.

13 VAC 5-63-270. Section 103.12 Amusement devices and inspections. In accordance with Section 36-98.3 of the Code of Virginia, to the extent they are not superceded by the provisions of Section 36-98.3 of the Code of Virginia and the VADR, the provisions of the USBC shall apply to amusement devices. In addition, as a requirement of this code, inspections for compliance with the VADR shall be conducted either by local building department personnel or private inspectors provided such persons are certified as amusement device inspectors under the VCS.

13 VAC 5-63-280. Section 103.13 State buildings and structures. This section establishes the application of the USBC to state-owned buildings and structures in accordance with Section 36-

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98.1 of the Code of Virginia. The USBC shall be applicable to all state-owned buildings and structures, with the exception that Sections 2.1-514 through 2.1-521.1 of the Code of Virginia shall provide the standards for ready access to and use of state-owned buildings by the physically handicapped.

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

Acting through the Division of Engineering and Buildings, the Virginia Department of General Services shall function as the building official for state-owned buildings. The Department shall review and approve plans and specifications, grant modifications, and establish such rules and regulations as may be necessary to implement this section. It shall provide for the inspection of state-owned buildings and enforcement of the USBC and standards for access by the physically handicapped 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 Department. The Department may alter or overrule any

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decision of the local building department after having first considered the local building department's report or other rationale given for its decision. When altering or overruling any decision of a local building department, the Department shall provide the local building department with a written summary of its reasons for doing so.

13 VAC 5-63-290. Section 104 Enforcement, Generally.

13 VAC 5-63-300. Section 104.1 Scope of enforcement. This section establishes the requirements for enforcement of the USBC in accordance with Section 36-105 of the Code of Virginia. Enforcement of the provisions of the USBC for construction and rehabilitation shall be the responsibility of the local building department. Whenever a county or municipality does not have such a building department, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such enforcement. For the purposes of this section, towns with a population of less than 3,500 may elect to administer and enforce the USBC; however, where the town does not elect to administer and enforce the code, the county in which the town is situated shall administer and enforce the code for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the USBC for that portion of the town which is situated within their respective boundaries.



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The local governing body shall inspect and enforce this code for 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.

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 structures provisions of the code, the local building department shall enforce such provisions. If the local building department receives a complaint that a violation 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 local building official or his agent to have access to the subject dwelling, the local building official or his agent may present sworn testimony to a court of competent jurisdiction and request that the court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject dwelling for the purpose of determining whether violations of the USBC exist. The local building official or his agent shall make a reasonable effort tot obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

Note: The maintenance requirements for elevators and the provisions regulating existing unsafe buildings and structures are contained in Part III of the Virginia Uniform Statewide Building Code, also known as the “Virginia Maintenance Code.”

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13 VAC 5-63-310. Section 104.1.1 Rental inspections. In accordance with Section 36-105.1:1 of the Code of Virginia, this section is applicable to rental inspection programs. For purposes of this section:

"Dwelling unit" means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household.

"Owner" means the person shown on the current real estate assessment books or current real estate assessment records.

"Residential rental dwelling unit" means a dwelling unit that is leased or rented to one or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom, unless otherwise provided in the zoning ordinance by the local governing body.

The local governing body may adopt an ordinance to inspect residential rental dwelling units for compliance with the USBC and to promote safe, decent and sanitary housing for its citizens, in accordance with the following:

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1. Except as provided for in (3) below, the dwelling units shall be located in a rental inspection district established by the local governing body in accordance with this section, and

2. The rental inspection district is based upon a finding by the local governing body that (i) there is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection district; (ii) the residential rental dwelling units within the designated rental inspection district are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the building department to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside the proposed rental inspection district; and (iii) the inspection of residential rental dwelling units inside the proposed rental inspection district is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the proposed rental inspection district. Nothing in this section shall be construed to authorize a locality-wide rental inspection district and a local governing body shall limit the boundaries of the proposed rental inspection district to such areas of the locality that meet the criteria set out in this subsection, or

3. An individual residential rental dwelling unit outside of a designated rental inspection district is made subject to the rental inspection ordinance based upon a separate finding for each individual dwelling unit by the local governing body that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit; (ii) the

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individual dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the USBC that affect the safe, decent and sanitary living conditions for tenants living in such individual dwelling unit.

For purposes of this section, the local governing body may designate a local government agency other than the building department to perform all or part of the duties contained in the enforcement authority granted to the building department by this section.

Before adopting a rental inspection ordinance and establishing a rental inspection district or an amendment to either, the governing body of the locality shall hold a public hearing on the proposed ordinance. Notice of the hearing shall be published once a week for two successive weeks in a newspaper published or having general circulation in the locality.

Upon adoption by the local governing body of a rental inspection ordinance, the building department shall make reasonable efforts to notify owners of residential rental dwelling units in the designated rental inspection district, or their designated managing agents, and to any individual dwelling units subject to the rental inspection ordinance, not located in a rental inspection district, of the adoption of such ordinance, and provide information and an explanation of the rental inspection ordinance and the responsibilities of the owner thereunder.

The rental inspection ordinance may include a provision that requires the owners of dwelling units in a rental inspection district to notify the building department in writing if the dwelling

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unit of the owner is used for residential rental purposes. The building department may develop a form for such purposes. The rental inspection ordinance shall not include a registration requirement or a fee of any kind associated with the written notification pursuant to this subdivision. A rental inspection ordinance may not require that the written notification from the owner of a dwelling unit subject to a rental inspection ordinance be provided to the building department in less than 60 days after the adoption of a rental inspection ordinance. However, there shall be no penalty for the failure of an owner of a residential rental dwelling unit to comply with the provisions of this subsection, unless and until the building department provides personal or written notice to the property owner, as provided in this section. In any event, the sole penalty for the willful failure of an owner of a dwelling unit who is using the dwelling unit for residential rental purposes to comply with the written notification requirement shall be a civil penalty of up to \$50. For purposes of this subsection, notice sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed compliance with this requirement.

Upon establishment of a rental inspection district in accordance with this section, the building department may, in conjunction with the written notifications as provided for above, proceed to inspect dwelling units in the designated rental inspection district to determine if the dwelling units are being used as a residential rental property and for compliance with the provisions of the USBC that affect the safe, decent and sanitary living conditions for the tenants of such property.

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If a multifamily development has more than 10 dwelling units, in the initial and periodic inspections, the building department shall inspect only a sampling of dwelling units, of not less than two and not more than 10 percent of the dwelling units, of a multifamily development, which includes all of the multifamily buildings which are part of that multifamily development. In no event, however, shall the building department charge a fee authorized by this section for inspection of more than 10 dwelling units. If the building department determines upon inspection of the sampling of dwelling units that there are violations of the USBC that affect the safe, decent and sanitary living conditions for the tenants of such multifamily development, the building department may inspect as many dwelling units as necessary to enforce the USBC, in which case, the fee shall be based upon a charge per dwelling unit inspected, as otherwise provided in the fee schedule established pursuant to this section.

Upon the initial or periodic inspection of a residential rental dwelling unit subject to a rental inspection ordinance, the building department has the authority under the USBC to require the owner of the dwelling unit to submit to such follow-up inspections of the dwelling unit as the building department deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of the USBC that affect the safe, decent and sanitary living conditions for the tenants.

Except as provided for above, following the initial inspection of a residential rental dwelling unit subject to a rental inspection ordinance, the building department may inspect any residential

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rental dwelling unit in a rental inspection district, that is not otherwise exempted in accordance with this section, no more than once each calendar year.

Upon the initial or periodic inspection of a residential rental dwelling unit subject to a rental inspection ordinance for compliance with the USBC, provided that there are no violations of the USBC that affect the safe, decent and sanitary living conditions for the tenants of such residential rental dwelling unit, the building department shall provide, to the owner of such residential rental dwelling unit, an exemption from the rental inspection ordinance for a minimum of four years.

Upon the sale of a residential rental dwelling unit, the building department may perform a periodic inspection as provided above, subsequent to such sale. If a residential rental dwelling unit has been issued a certificate of occupancy within the last four years, an exemption shall be granted for a minimum period of four years from the date of the issuance of the certificate of occupancy by the building department. If the residential rental dwelling unit becomes in violation of the USBC during the exemption period, the building department may revoke the exemption previously granted under this section.

A local governing body may establish a fee schedule for enforcement of the USBC, which includes a per dwelling unit fee for the initial inspections, follow-up inspections and periodic inspections under this section.

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The provisions of this section shall not, in any way, alter the rights and obligations of landlords and tenants pursuant to the applicable provisions of Chapter 13 (Section 15-217 et seq.) or Chapter 13.2 (Section 55-248.2 et seq.) of Title 55 of the Code of Virginia.

The provisions of this section shall not alter the duties or responsibilities of the local building department under Section 36-105 of the Code of Virginia to enforce the Building Code.

Unless otherwise provided in this section, penalties for violation of this section shall be the same as the penalties provided in the USBC.

13 VAC 5-63-320. Section 104.2 Interagency coordination. When any inspection functions under this code are assigned to a local agency other than the local building department, such agency shall coordinate its reports of inspection with the local building department.

13 VAC 5-63-330. Section 105 Local Building Department.

13 VAC 5-63-340. Section 105.1 Appointment of building official. Every local building department shall have a building official as the executive official in charge of the department. The building official shall be appointed in a manner selected by the local governing body. After permanent appointment, the building 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



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before the appointing authority. DHCD shall be notified by the appointing authority within 30 days of the appointment or release of a permanent or acting building official.

Note: Building officials are subject to sanctions in accordance with the VCS.

13 VAC 5-63-350. Section 105.1.1 Qualifications of building official. The building 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 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 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 local governing body may establish additional qualification requirements.

13 VAC 5-63-360. Section 105.1.2 Certification of building official. An acting or permanent building official shall be certified as a building official in accordance with the VCS within one year after being appointed as acting or permanent building official.

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Exception: A building official in place prior to April 1, 1983 shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same locality.

13 VAC 5-63-370. Section 105.1.3 Non-certified building official. Except for a building official exempt from certification under the exception to Section 105.3, any acting or permanent fire official who is not certified as a building official in accordance with the VCS shall complete an orientation course provided by DHCD within 60 days of appointment and shall attend the core module of the Virginia Building Code Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in Section 105.1.2.

13 VAC 5-63-380. Section 105.1.4 Continuing education requirements. Building officials shall attend periodic training courses designated by DHCD.

13 VAC 5-63-390. Section 105.2 Technical assistants. The building official, subject to any limitations imposed by the locality, shall employ, appoint or contract with technical assistants to assist the building official in the enforcement of the USBC. DHCD shall be notified by the building official within 60 days of the employment of, contracting with or termination of all technical assistants.

Note: Technical assistants are subject to sanctions in accordance with the VCS.

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13 VAC 5-63-400. Section 105.2.1 Qualifications of technical assistants. 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.

13 VAC 5-63-410. Section 105.2.2 Certification of technical assistants. A technical assistant shall be certified in the appropriate subject area within three years after being retained. When required by local policy to have two or more certifications, a technical assistant shall obtain the additional certifications within three years from the date of such requirement.

Exception: A technical assistant in place prior to March 1, 1988 shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same locality.

13 VAC 5-63-420. Section 105.2.3 Continuing education requirements. Technical assistants shall attend periodic training courses designated by DHCD.

13 VAC 5-63-430. Section 105.3 Conflict of interest. The minimum standards of conduct for building officials and technical assistants shall be in accordance with the provisions of the State

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and Local Government Conflict of Interests Act, Chapter 31 (Section 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

13 VAC 5-63-440. Section 105.4 Records. The local building department shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspection in accordance with The Library of Virginia's General Schedule Number Six.

13 VAC 5-63-450. Section 106 Powers and Duties of the Building Official.

13 VAC 5-63-460. Section 106.1 Powers and duties, generally. The building official shall enforce this code as set out herein and as interpreted by the State Review Board.

13 VAC 5-63-470. Section 106.2 Delegation of authority. The building official may delegate powers and duties except where such authority is limited by the local government. When such delegations are made, the building official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

13 VAC 5-63-480. Section 106.3 Issuance of modifications. Upon written application by an owner or an owner's agent, the building official may approve a modification of any provision of the USBC provided the spirit and intent of the code are observed and public health, welfare and safety are assured. The decision of the building official concerning a modification shall be made in writing and the application for a modification and the decision of the building official

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concerning such modification shall be retained in the permanent records of the local building department.

Note: The USBC references nationally recognized model codes and standards. Future amendments to such codes and standards are not automatically included in the USBC; however the building official should give them due consideration in deciding whether to approve a modification.

13 VAC 5-63-490. Section 106.3.1 Substantiation of modification. The building official may require or may consider a statement from an RDP or other person competent in the subject area of the application as to the equivalency of the proposed modification. In addition, the building official may require the application to include construction documents sealed by an RDP.

13 VAC 5-63-500. Section 107 Fees.

13 VAC 5-63-510. Section 107.1 Authority for charging fees. In accordance with Section 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement of the USBC.

13 VAC 5-63-520. Section 107.1.1 Fee schedule. The local governing body shall establish a fee schedule incorporating unit rates, which may be based on square footage, cubic footage, estimated cost of construction or other appropriate criteria. A permit or any amendments to an

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existing permit shall not be issued until the designated fees have been paid, except that the building official may authorize the delayed payment of fees.

13 VAC 5-63-530. Section 107.1.2 Refunds. When requested in writing by a permit holder, the locality shall provide a fee refund in the case of the revocation of a permit or the abandonment or discontinuance of a building project. The refund shall not be required to exceed an amount which correlates to work not completed.

13 VAC 5-63-540. Section 107.2 Code Academy fee levy. In accordance with Section 36-137(7) of the Code of Virginia, the local building department shall collect a 1.75% levy of fees charged for building permits issued under this code and transmit it quarterly to DHCD to support training programs of the Virginia Building Code Academy. Localities which maintain, individual or regional, training academies accredited by DHCD shall retain such levy.

13 VAC 5-63-550. Section 108 Application for Permit.

13 VAC 5-63-560. Section 108.1 When applications are required. Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities, except that applications for emergency construction, alterations or equipment replacement shall be submitted by the end of the first working day which follows the day such work commences. In addition, the building official may authorize work to commence pending the receipt of an application or the issuance of a permit.

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1. Construction or demolition of a building or structure, including the installation or altering of any equipment regulated by the USBC. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required under Section 103.3.

2. Movement of a lot line which increases the hazard to or decreases the level of safety of an existing building or structure in comparison to the building code under which such building or structure was constructed.

3. Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions.

13 VAC 5-63-570. Section 108.2 Exemptions from application for permit. Notwithstanding the requirements of Section 108.1, application for a permit and any related inspections shall not be required for the following, provided however, this section shall not be construed to exempt such activities from other applicable requirements of this code. In addition, when an owner or an owner's agent requests that a permit be issued for any of the following, then a permit shall be issued and any related inspections shall be required.

1. Installation of wiring and equipment which (i) operates at less than 50 volts, (ii) is for network powered broadband communications systems, or (iii) is exempt under Section

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102.3(1), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:

1.1 Fire alarm system.

1.2. Fire detection system.

1.3. Fire suppression system.

1.4. Smoke control system.

1.5. Fire protection supervisory system.

1.6. Elevator fire safety control system.

1.7. Access or egress control system or delayed egress locking or latching system.

1.8. Fire damper.

1.9. Door control system.



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2. Detached accessory structures used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed 150 square feet (14 m<sup>2</sup>) and the structures are not accessory to a Group F or H occupancy.

3. Detached pre-fabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet (14 m<sup>2</sup>).

4. Tents or air-supported structures, or both, which cover an area of 900 square feet (84 m<sup>2</sup>) or less, including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures are used or intended to be used for the gathering together of fifty or less persons.

5. Fences not part of the barrier for a swimming pool.

6. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

7. Swimming pools which have a surface area not greater than 150 square feet (13.95 m<sup>2</sup>), do not exceed 5,000 gallons (19 000 L) and are less than 24 inches (610 mm) deep.

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8. Ordinary repairs not including (i) the cutting away of any wall, partition or portion thereof, (ii) the removal or cutting of any structural beam or loadbearing support, (iii) the removal or change of any required means of egress, (iv) the rearrangement of parts of a structure affecting the egress requirements, (v) the addition to, alteration of, replacement of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas or oil, soil, waste, vent or similar piping, electric wiring or mechanical work, or (vi) any other work affecting public health or general safety. However, ordinary repairs shall include, but are not limited to, the following:

8.1. Either within the dwelling unit in Group R-2 occupancies which are four stories or less in height or in Group R-3, R-4 and R-5 occupancies, or both, replacement of (i) either mechanical or plumbing equipment or appliances, or both, provided such equipment or appliances are not fueled by gas or oil, (ii) floor coverings or porch flooring, or both, and (iii) windows, doors, electrical switches, electrical outlets, light fixtures or ceiling fans.

8.2. In Group R-3, R-4 or R-5 occupancies, replacement of either roof coverings or siding or the installation of siding, or both, provided the buildings or structures are not subject to wind speeds greater than 100 miles per hour (160 km/hr).

8.3. Installation of cabinets, painting, replacement of interior floor finish or interior covering materials, or both, and repair of (i) plaster, (ii) interior tile and (iii) any other

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interior wall covering.

9. Signs under the conditions in Section H101.2 of Appendix H.

13 VAC 5-63-580. Section 108.3 Applicant information, processing by mail. Application for a permit shall be made by the owner or lessee of the relevant property or the agent of either or by the RDP, contractor or subcontractor associated with the work or any of their agents. The full name and address of the owner, lessee and applicant shall be provided in the application. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided. A permit application may be submitted by mail and such permit applications shall be processed by mail, unless the permit applicant voluntarily chooses otherwise. In no case shall an applicant be required to appear in person.

13 VAC 5-63-590. Section 108.4 Prerequisites to obtaining permit. In accordance with Section 54.1-1111 of the Code of Virginia, any person applying to the building department for the construction, removal or improvement of any structure shall furnish prior to the issuance of the permit, either (i) satisfactory proof to the building official that he is duly licensed or certified under the terms of Chapter 11 (Section 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same, or (ii) file a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Chapter 11. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the

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work for which the permit has been applied.

13 VAC 5-63-600. Section 108.5 Mechanics' lien agent designation. In accordance with Section 36-98.01 of the Code of Virginia, a building permit issued for any one- or two-family residential dwelling shall at the time of issuance contain, at the request of the applicant, the name, mailing address, and telephone number of the mechanics' lien agent as defined in Section 43-1 of the Code of Virginia. If the designation of a mechanics' lien agent is not so requested by the applicant, the building permit shall at the time of issuance state that none has been designated with the words "None Designated."

13 VAC 5-63-610. Section 108.6 Application form, description of work. The application for a permit shall be on submitted on a form or forms supplied by the local building department. The application shall contain a general description and location of the proposed work and such other information as determined necessary by the building official.

13 VAC 5-63-620. Section 108.7 Amendments to application. An application for a permit may be amended at any time prior to the completion of the work governed by the permit. Additional construction documents or other records may also be submitted in like manner. All such submittals shall have the same effect as if filed with the original application for a permit and shall be retained in a like manner as the original filings.

13 VAC 5-63-630. Section 108.8 Time limitation of application. An application for a permit for

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any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time if a justifiable cause is demonstrated.

13 VAC 5-63-640. Section 109 Construction Documents.

13 VAC 5-63-650. Section 109.1 Submittal of documents. Construction documents shall be submitted with the application for a permit. The number of sets of such documents to be submitted shall be determined by the locality. Construction documents for one- and two-family dwellings may have floor plans reversed provided an accompanying site plan is approved.

Exception: Construction documents do not need to be submitted when the building official determines the proposed work is of a minor nature.

Note: Information on the types of construction required to be designed by an RDP is included in the "Related Laws Package" available from DHCD.

13 VAC 5-63-660. Section 109.2 Site plan. When determined necessary by the building official, a site plan shall be submitted with the application for a permit. The site plan shall show to scale the size and location of all proposed construction, including any associated wells, septic tanks or drain fields. The site plan shall also show to scale the size and location of all existing structures

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on the site, the distances from lot lines to all proposed construction, the established street grades and the proposed finished grades. When determined necessary by the building official, the site plan shall contain the elevation of the lowest floor of any proposed buildings. The site plan shall also be drawn in accordance with an accurate boundary line survey. When the application for a permit is for 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.

Note: Site plans are generally not necessary for alterations, renovations, repairs or the installation of equipment.

13 VAC 5-63-670. Section 109.3 Engineering details. When determined necessary by the building official, construction documents shall include adequate detail of the structural, mechanical, plumbing or electrical components. Adequate detail may include computations, stress diagrams or other essential technical data and when proposed buildings are more than two stories in height, adequate detail may specifically be required to include where floor penetrations will be made for pipes, wires, conduits, and other components of the electrical, mechanical and plumbing systems and how such floor penetrations will be protected to maintain the required structural integrity or fire-resistance rating, or both. All engineered documents, including relevant computations, shall be sealed by the RDP responsible for the design.

13 VAC 5-63-680. Section 109.4 Examination of documents. The building official shall examine or cause to be examined all construction documents or site plans, or both, within a reasonable

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time after filing. If such documents or plans do not comply with the provisions of this code, the permit applicant shall be notified in writing of the reasons, which shall include any adverse construction document review comments or determinations that additional information or engineering details need to be submitted. The review of construction documents for new one- and two-family dwellings for determining compliance with the technical provisions of this code not relating to the site, location or soil conditions associated with the dwellings shall not be required when identical construction documents for identical dwellings have been previously approved in the same locality under the same edition of the code and such construction documents are on file with the local building department.

13 VAC 5-63-690. Section 109.4.1 Expedited construction document review. The building official 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.

13 VAC 5-63-700. Section 109.5 Approval of construction documents. The approval of construction documents shall be limited to only those items within the scope of the USBC. Either the word "Approved" shall be stamped on all required sets of approved construction documents or an equivalent endorsement in writing shall be provided. One set of the approved construction documents shall be retained for the records of the local building department and one set shall be kept at the building site and shall be available to the building official at all reasonable times.

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13 VAC 5-63-710. Section 109.6 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit the entire structure will be granted.

13 VAC 5-63-720. Section 110 Permits.

13 VAC 5-63-730. Section 110.1 Approval and issuance of permits. The building official shall examine or cause to be examined all applications for permits or amendments to such applications within a reasonable time after filing. If the applications or amendments do not comply with the provisions of this code or all pertinent laws and ordinances, the permit shall not be issued and the permit applicant shall be notified in writing of the reasons for not issuing the permit. If the application complies with the applicable requirements of this code, a permit shall be issued as soon as practicable. The issuance of permits shall not be delayed in an effort to control the pace of construction of new detached one- or two-family dwellings.

13 VAC 5-63-740. Section 110.2 Types of permits. Separate or combined permits may be required for different areas of construction such as building construction, plumbing, electrical,



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and mechanical work, or for special construction as determined appropriate by the locality. In addition, permits for two or more buildings or structures on the same lot may be combined. Annual permits may also be issued 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.

13 VAC 5-63-750. Section 110.3 Asbestos inspection in buildings to be renovated or demolished; exceptions. In accordance with Section 36-99.7 of the Code of Virginia, the local building department 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 local building department 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 Section 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 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 763 and subsequent amendments thereto.

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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 have been completed and final clearances have been 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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13 VAC 5-63-760. Section 110.4 Fire apparatus access road requirements. The permit applicant shall be informed of any requirements for providing or maintaining fire apparatus access roads prior to the issuance of a building permit.

13 VAC 5-63-770. Section 110.5 Signature on and posting of permits; limitation of approval. The signature of the building official or authorized representative shall be on or affixed to every permit. A copy of the 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. In addition, each building or structure to which a street number has been assigned shall, upon completion, have the number displayed so as to be readable from the public way.

A permit shall be considered authority to proceed with construction in accordance with this code, the approved construction documents, the permit application and any approved amendments or modifications. The permit shall not be construed to otherwise authorize the omission or amendment of any provision of this code.

13 VAC 5-63-780. Section 110.6 Suspension of a permit. Any permit 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

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is still 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.

13 VAC 5-63-790. Section 110.7 Revocation of a permit. The building official may revoke a permit or approval issued under this code in the 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.

13 VAC 5-63-800. Section 111 RDP Services.

13 VAC 5-63-810. Section 111.1 When required. In accordance with Section 54.1-410 of the Code of Virginia and under the general authority of this code, the local building department shall establish a procedure to ensure that construction documents under Section 109 are prepared by an RDP in any case in which the exemptions contained in Sections 54.1-401, 54.1-402 or Section 54.1-402.1 of the Code of Virginia are not applicable or in any case where the building official determines it necessary. When required under Section 54.1-402 of the Code of Virginia or when required by the building official, or both, construction documents shall bear the name and address of the author and his occupation.

Note: Information on the types of construction required to be designed by an RDP is included in the "Related Laws Package" available from DHCD.

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13 VAC 5-63-820. Section 111.2 Special inspection requirements. Inspectors conducting special inspections for concrete, soil, reinforcing steel, structural steel, masonry and bituminous materials shall be RDP's or shall comply with ASTM E329. When ASTM E329 is used, submittal shall include written documentation of the applicable agency's laboratory accreditation, or personnel certification, or both. The permit applicant shall be informed of any requirements for providing such special inspections prior to the issuance of a building permit and all fees and costs related to the inspections shall be the responsibility of the building owner.

13 VAC 5-63-830. Section 112 Workmanship, Materials and Equipment.

13 VAC 5-63-840. Section 112.1 General. It shall be the duty of any person performing work covered by this code to comply with all applicable provisions of this code and to perform and complete such work so as to secure the results intended by the USBC.

13 VAC 5-63-850. Section 112.2 Alternative methods or materials. In accordance with Section 36-99 of the Code of Virginia, where practical, the provisions of this code are stated in terms of required level of performance, so as to facilitate the prompt acceptance of new building materials and methods. When generally recognized standards of performance are not available, this section and other applicable requirements of this code provide for acceptance of materials and methods whose performance is substantially equal in safety to those specified on the basis of reliable test and evaluation data presented by the proponent. In addition, as a requirement of this code, the

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building official shall require that sufficient technical data be submitted to substantiate the proposed use of any material, equipment, device, assembly or method of construction.

13 VAC 5-63-860. Section 112.3 Documentation and approval. In determining whether any material, equipment, device, assembly or method of construction complies with this code, the building official shall approve items listed by nationally recognized independent laboratories and may consider the recommendations of RDP's. Approval shall be issued when the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, equipment, device, assembly or method of construction offered is, for the purpose intended, at least the equivalent of that prescribed by the code in quality, strength, effectiveness, fire resistance, durability and safety. Such approval is subject to all applicable requirements of this code and the material, equipment, device, assembly or method of construction shall be installed or constructed, or both, in accordance with the conditions of the approval. In addition, the building official may revoke such approval whenever it is discovered that such approval was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC.

13 VAC 5-63-870. Section 112.4 Used material and equipment. Used materials, equipment and devices may be approved provided they have been reconditioned, tested or examined and found to be in good and proper working condition and acceptable for use by the building official.

13 VAC 5-63-880. Section 113 Inspections.

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13 VAC 5-63-890. Section 113.1 General. In accordance with Section 36-105 of the Code of Virginia, any building or structure may be inspected at any time before completion, and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than \$2500, however, the inspection may, in the discretion of the inspecting authority, be waived. 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 the issuance of an occupancy permit.

13 VAC 5-63-900. Section 113.2 Prerequisites. The building official may conduct a site inspection prior to issuing a permit. When conducting inspections pursuant to this code, all personnel shall carry proper credentials.

13 VAC 5-63-910. Section 113.3 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.
  
2. Inspection of foundation systems during phases of construction necessary to assure compliance with this code.

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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.

13 VAC 5-63-920. Section 113.4 Additional inspections. The building official may designate additional inspections and tests to be conducted during the construction of a building or structure and shall so notify the permit holder. When construction reaches a stage of completion which requires an inspection, the permit holder shall notify the building official. Any ladder, scaffolding or test equipment necessary to conduct or witness the requested inspection shall be provided by the permit holder.

13 VAC 5-63-930. Section 113.5 In-plant and factory inspections. When required by the provisions of this code, materials, equipment or assemblies shall be inspected at the point of manufacture or fabrication. The building official shall require the submittal of an evaluation



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report of such materials, equipment or assemblies. The evaluation report shall indicate the complete details of the assembly including a description of the assembly and its components, and describe the basis upon which the assembly is being evaluated. In addition, test results and other data as necessary for the building official to determine conformance with the USBC shall be submitted. For factory inspections, an identifying label or stamp permanently affixed to materials, equipment or assemblies indicating that a factory inspection has been made shall be acceptable instead of a written inspection report, provided the intent or meaning of such identifying label or stamp is properly substantiated.

13 VAC 5-63-940. Section 113.6 Approval or notice of defective work. 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 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 issued shall be maintained by the building official and shall be communicated promptly in writing to the permit holder. Approval issued under this section may be revoked whenever it is discovered that such approval was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC.

13 VAC 5-63-950. Section 113.7 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

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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.

13 VAC 5-63-960. Section 113.8 Final inspection. Upon completion of a building or structure and before the issuance of a certificate of occupancy, a final inspection shall be conducted to ensure that any defective work has been corrected and that all work complies with the USBC and has been approved, including any work associated with modifications under Section 106.3. The approval of a final inspection shall be permitted to serve as the new certificate of occupancy required by Section 116.1 in the case of additions or alterations to existing buildings or structures which already have a certificate of occupancy.

13 VAC 5-63-970. Section 114 Stop Work Orders.

13 VAC 5-63-980. Section 114.1 Issuance of order. When the building official finds that work on any building or structure is being executed contrary to the provisions of this code or any pertinent laws or ordinances, or in a manner endangering the general public, a written stop work order may be issued. The order shall identify the nature of the work to be stopped and be given

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either to the owner of the property involved, to the owner's agent or to the person performing the work. Following the issuance of such an order, the affected work shall cease immediately. The order shall state the conditions under which such work may be resumed.

13 VAC 5-63-990. Section 114.2 Limitation of order. A stop work order shall apply only to the work identified in the order, provided that other work on the building or structure may be continued if not concealing the work covered by the order.

13 VAC 5-63-1000. Section 115 Violations.

13 VAC 5-63-1010. Section 115.1 Violation a misdemeanor; civil penalty. In accordance with Section 36-106 of the Code of Virginia, it shall be unlawful for any owner or any other person, firm or corporation, on or after the effective date of any code provisions, to violate any such provisions. Any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the code which are not abated or remedied promptly after receipt of a notice of violation from the local enforcement officer.

Note: See the full text of Section 36-106 of the Code of Virginia for additional requirements and criteria pertaining to legal action relative to violations of the code.

13 VAC 5-63-1020. Section 115.2 Notice of violation. The building official shall issue a written notice of violation to the responsible party if any violations of this code or any directives or

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orders of the building official have not been corrected or complied with in a reasonable time. The notice shall reference the code section upon which the notice is based and direct the discontinuance and abatement of the violation or the compliance with such directive or order. The notice shall 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. When the owner of the building or structure, or the permit holder for the construction in question, or the tenants of such building or structure, are not the responsible party to whom the notice of violation is issued, then a copy of the notice shall also be delivered to the such owner, permit holder or tenants.

13 VAC 5-63-1030. Section 115.2.1 Notice not to be issued under certain circumstances. When violations are discovered more than two years after the certificate of occupancy is issued or the date of initial occupancy, whichever occurred later, or more than two years after the approved final inspection for an alteration or renovation, a notice of violation shall only be issued upon advice from the legal counsel of the locality that action may be taken to compel correction of the violation. When compliance can no longer be compelled by prosecution under Section 36-106 of the Code of Virginia, the building official shall document the existence of the violation and the edition of the USBC the violation is under.

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13 VAC 5-63-1040. Section 115.3 Further action when violation not corrected. If the responsible party has not complied with the notice of violation, the building official shall submit a written request to the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved. In cases where the locality so authorizes, the building official may issue or obtain a summons or warrant. 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 subject to this code.

Note: See Section 19.2-8 of the Code of Virginia concerning the statute of limitations for building code prosecutions.

13 VAC 5-63-1050. Section 115.4 Penalties and abatement. Penalties for violations of the USBC shall be as set out in Section 36-106 of the Code of Virginia. The successful prosecution of a violation of the USBC shall not preclude the institution of appropriate legal action to require correction or abatement of a violation.

13 VAC 5-63-1060. Section 116 Certificates of Occupancy

13 VAC 5-63-1070. Section 116.1 General; when to be issued. A certificate of occupancy

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indicating completion of the work for which a permit was issued shall be obtained prior to the occupancy of any building of structure, except as provided for in this section generally and as specifically provided for in Section 113.8 for additions or alterations.. The certificate shall be issued after completion of the final inspection and when the building or structure is in compliance with this code and any pertinent laws or ordinances, or when otherwise entitled. The building official shall, however, issue a certificate of occupancy within five working days after being requested to do so, provided the building or structure meets all of the requirements for a certificate.

13 VAC 5-63-1080. Section 116.1.1 Temporary certificate of occupancy. Upon the request of a permit holder, a temporary certificate of occupancy may be issued before the completion of the work covered by a permit, provided that such portion or portions of a building of structure may be occupied safely prior to full completion of the building or structure without endangering life or public safety.

13 VAC 5-63-1090. Section 116.2 Contents of certificate. A 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.

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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.

13 VAC 5-63-1100. Section 116.3 Suspension or revocation of certificate. A certificate of occupancy may be revoked or suspended whenever the building official discovers that such certificate was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC. The revocation or suspension shall be in writing.

13 VAC 5-63-1110. Section 116.4 Issuance of certificate for existing buildings or structures. Upon written request from the owner or the owner's agent, or as otherwise determined necessary by the building official, a certificate of occupancy shall be issued for an existing building or structure provided there are no current violations of the Virginia Maintenance Code or the Virginia Statewide Fire Prevention Code (13 VAC 5-51) and the occupancy classification of the building or structure has not changed. An inspection shall be performed prior to the issuance of the certificate and such buildings and structures shall not be prevented from continued use.

13 VAC 5-63-1120. Section 117 Temporary and Moved Buildings and Structures; Demolition.

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13 VAC 5-63-1130. Section 117.1 Temporary building and structures. The building official is authorized to issue a permit for temporary buildings or structures. Such permits shall be limited as to time of service, but shall not be permitted for more than one year, except that 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. The building official is authorized to terminate the approval and order the demolition or removal of temporary buildings or structures during the period authorized by the permit when determined necessary.

13 VAC 5-63-1140. Section 117.2 Moved buildings and structures. Any building or structure moved into a locality or moved to a new location within a locality shall not be occupied or used until a certification of occupancy is issued for the new location. Such moved buildings or structures shall be required to comply with the requirements of this code for a newly constructed building or structure unless meeting all of the following requirements relative to the new location:

1. There is no change in the occupancy classification from its previous location.
  
2. The building or structure was in compliance with all state and local requirements applicable to it in its previous location and is in compliance with all state and local requirements applicable if originally constructed in the new location.



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3. The building or structure did not become unsafe during the moving process due to structural damage or for other reasons.

4. Any alterations, reconstruction, renovations or repairs made pursuant to the move are in compliance with applicable requirements of this code.

13 VAC 5-63-1150. Section 117.3 Demolition of buildings and structures. Prior to the issuance of a permit for the demolition of any building or structure, the owner or the owner's agent shall provide certification to the building official that all service connections of utilities have been removed, sealed or plugged satisfactorily and a release has been obtained from the associated utility company. The certification shall further provide that written notice has been given to the owners of adjoining lots and any other lots which may be affected by the temporary removal of utility wires or the temporary disconnection or termination of other services or facilities relative to the demolition. In addition, the requirements of Chapter 33 of the IBC for any necessary retaining walls or fences during demolition shall be applicable and when a building or structure is demolished or removed, the established grades shall be restored.

13 VAC 5-63-1160. Section 118 Buildings and Structures Becoming Unsafe During Construction.

13 VAC 5-63-1170. Section 118.1 Applicability. This section applies to buildings and structures for which a construction permit has been issued under this code and construction has not been

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completed or a certificate of occupancy has not been issued, or both. In addition, this section applies to any building or structure which is under construction or which was constructed without obtaining the required permits under this edition or any edition of the USBC.

Note: Existing buildings and structures other than those under construction or subject to this section are subject to the Virginia Maintenance Code which also has requirements for unsafe conditions.

13 VAC 5-63-1180. Section 118.2 Repair or removal of unsafe buildings or structures. Any building or structure subject to this section which is either deteriorated, improperly maintained, of faulty construction, deficient in adequate exit facilities, a fire hazard or dangerous to life or the public welfare, or both, or any combination of the foregoing, is an unsafe building or structure and shall be made safe through compliance with this code or shall be taken down and removed if determined necessary by the building official.

13 VAC 5-63-1190. Section 118.3 Inspection report and notice of unsafe building or structure. The building official shall inspect any building or structure reported to be unsafe and shall prepare a report to be filed in the records of the local building department. In addition to a description of any unsafe conditions found, the report shall include the occupancy classification of the building or structure and the nature and extent of any damages caused by collapse or failure of any building components. If the building or structure is determined by the building official to be unsafe, a notice of unsafe building or structure shall be issued in person to the

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owner and any permit holder. The notice shall describe any unsafe conditions and specify any repairs or improvements necessary to make the building or structure safe, or alternatively, when determined necessary by the building official, require the unsafe building or structure, or any portion of it, to be taken down and removed. The notice shall stipulate a time period for the repair or demolition of the unsafe building or structure and contain a statement requiring the person receiving the notice to determine whether to accept or reject the terms of the notice. If any persons to which the notice of unsafe building or structure is to be issued cannot be found after diligent search, as equivalent service, the notice shall be sent by registered or certified mail to the last known address of such persons and a copy of the notice posted in a conspicuous place on the premises.

13 VAC 5-63-1200. Section 118.4 Vacating the unsafe building or structure. If any portion of an unsafe building or structure has collapsed or fallen, or if the building official determines there is actual and immediate danger of any portion collapsing or falling, and when life is endangered by the occupancy of the unsafe building or structure, the building official shall be authorized to order the occupants to immediately vacate the unsafe building or structure. When an unsafe building or structure is ordered to be vacated, the building official shall post a notice at each entrance which reads as follows:

“This Building (or Structure) is Unsafe and its Occupancy (or Use) is Prohibited by the Building Official.”

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After posting, occupancy or use of the unsafe structure shall be prohibited except when authorized to enter to conduct inspections, make required repairs or as necessary to demolish the building or structure.

13 VAC 5-63-1210. Section 118.5 Emergency repairs. The building official may also authorize emergency repairs to unsafe buildings or structures to the extent authorized by the local governing body when it is determined that there is an immediate danger of any portion of the unsafe building or structure collapsing or falling and when life is endangered. Emergency repairs may also be authorized 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. Such emergency repairs shall be limited to those necessary to achieve temporary safety and shall be permitted whether or not legal action to compel compliance has been instituted.

13 VAC 5-63-1220. Section 118.6 Further action to raze. Whenever the owner of an unsafe building or structure fails to comply with a notice of unsafe building or structure issued under Section 118.3, the building official shall be permitted to cause the unsafe building or structure to be razed or removed when so authorized by the local governing body.

Note: Sections 15.2-906, 15.2-906 and 15.2-1115 of the Code of Virginia may provide additional authority for governmental actions to remove unsafe buildings or structures and the recovery of associated expenditures.

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13 VAC 5-63-1230. Section 119 Appeals.

13 VAC 5-63-1240. Section 119.1 Establishment of appeals board. In accordance with Section 36-105 of the Code of Virginia, there shall be established within each local building department a LBBCA. Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such appeals resulting therefrom. Fees may be levied by the local governing body in order to defray the cost of such appeals. In addition, as an authorization in this code, separate LBBCA's may be established to hear appeals of different enforcement areas such as electrical, plumbing or mechanical requirements. Each such LBBCA shall comply with the requirements of this section.

13 VAC 5-63-1250. Section 119.2 Membership of board. The LBBCA 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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13 VAC 5-63-1260. Section 119.3 Officers and qualifications of members. The LBBCA shall annually select one of its regular members to serve as chairman. When the chairman is not present at an appeal hearing, the members present shall select an acting chairman. The locality or the chief executive officer of the locality shall appoint a secretary to the LBBCA to maintain a detailed record of all proceedings. Members of the LBBCA 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 LBBCA.

13 VAC 5-63-1270. Section 119.4 Conduct of members. 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 (Section 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.

13 VAC 5-63-1280. Section 119.5 Right of appeal; filing of appeal application. The owner of a building or structure, the owner's agent or any other person involved in the design or construction of a building or structure may appeal a decision of the building official concerning the application of the USBC to such building or structure and may also appeal a refusal by the

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building official to grant a modification to the provisions of the USBC pertaining to such building or structure. The applicant shall submit a written request for appeal to the LBBCA within 90 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building 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 LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

Note: To the extent that a decision of a building official pertains to amusement devices there may be a right of appeal under the VADR.

13 VAC 5-63-1290. Section 119.6 Meetings and postponements. The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal. A 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, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBBCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBBCA shall reschedule the appeal

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within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

13 VAC 5-63-1300. Section 119.7 Hearings and decision. All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the building official's decision in question 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. The LBBCA 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 LBBCA shall be final if no further appeal is made. The decision of the BBCA shall be by resolution signed by the chairman and retained as part of the record of the appeal. Copies of the resolution shall be given or sent to all parties. In addition, the resolution shall contain the following wording:

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

13 VAC 5-63-1310. Section 119.8 Appeals to the State Review Board. After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with Section 36-98.2 of the Code of Virginia for state-owned



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buildings and structures, appeals by an involved state agency from the decision of the building official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the building official's decision. For appeals from a LBBCA, a copy of the building official's decision and the resolution of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the Office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or structures, the involved state agency shall submit a copy of the building official's decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (Section 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

13 VAC 5-63-1320. Chapter 2 Definitions; Section 202 Definitions.

A. Add the following definitions to Section 202 of the IBC to read:

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,

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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.

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

Day-night average sound level (Ldn). See Section 1202.1.

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.

Farm building or structure. A building or structure 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:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.

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

3. Business or office uses relating to the farm operations.

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

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

6. Implementation of best management practices associated with farm operations.

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.

Local board of building code appeals (LBBCA). See Section 119.1.

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Local building department. The agency or agencies of any local governing body charged with the administration, supervision, or enforcement of this code, approval of construction documents, inspection of buildings or structures, or issuance of permits, licenses, certificates or similar documents.

Local governing body. The governing body of any city, county or town in this Commonwealth.

Locality. A city, county or town in this Commonwealth.

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.

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

Sound transmission class (STC) rating. See Section 1202.1.

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State regulated care facility (SRCF). A building with an occupancy in Group R-2, R-3, R-4 or R-5 occupied by persons in the care of others where program oversight is provided by the Virginia Department of Social Services, the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, the Virginia Department of Education or the Virginia Department of Juvenile Justice.

State Review Board. The Virginia State Building Code Technical Review Board as established under Section 36-108 of the Code of Virginia.

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.

VADR. The Virginia Amusement Device Regulations (13 VAC 5-31).

VCS. The Virginia Certification Standards (13 VAC 5-21).

Working day. A day other than Saturday, Sunday or a legal local, state or national holiday.

B. Change the following definitions in Section 202 of the IBC to read:

Building. A combination of materials, whether portable or fixed, having a roof to form a

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structure for the use or occupancy by persons, or property. The word “building” shall be construed as though followed by the words “or part or parts thereof” unless the context clearly requires a different meaning.

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

C. Delete the following definitions from Section 202 of the IBC:

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Agricultural building.

Existing building.

13 VAC 5-63-1330. Chapter 3 Use and Occupancy Classification.

A. Add an exception to Section 308.2 of the IBC 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 persons with one or more resident counselors shall be classified as Group R-2, R-3, R-4 or R-5. Not more than five of the persons may require physical assistance from staff to respond to an emergency situation.

B. Change Section 308.5.2 of the IBC to read:

308.5.2 Child care facility. A facility other than family day homes under Section 310.4 that provides supervision and personal care on less than a 24-hour basis for more than five children 2-1/2 years of age or less shall be classified as Group I-4.

Exception: A child day care facility that provides care for more than five but no more than 100 children 2-1/2 years or less of age, when the rooms where such children are

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cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

C. Add a new occupancy classification to Section 310 of the IBC 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.

D. Add Section 310.3 to the IBC to read:

310.3 Group R-5. The construction of Group R-5 structures shall comply with the International Residential Code, also referred to as the “IRC.” The amendments to the IRC set out in Section 310.6 shall be made to the IRC for its use as part of this code. In addition, all references to Section 101.2 in the IBC relating to the construction to one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height shall be considered to be references to this section.

E. Add Section 310.4 to the IBC to read:

310.4 Family day homes. Family day homes where program oversight is provided by the Virginia Department of Social Services shall be classified as Group R-2, R-3 or R-5.



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Note: Family day homes may generally care for up to 12 children. See the DHCD Related Laws Package for additional information.

F. Add Section 310.5 to the IBC to read:

310.5 Radon-resistant construction in Group R-3 and R-4 structures. Group R-3 and R-4 structures shall be subject to the radon-resistant construction requirements in Appendix F in localities enforcing such requirements pursuant to Section R324 of the IRC.

G. Add Section 310.6 to the IBC to read:

310.6 Amendments to the IRC. The following changes shall be made to the IRC for its use as part of this code.

1. Change Section 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.

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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.

2. Change Note “e” of Table R301.2(1) to read:

e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed table (Table R301.2(4)). Wind exposure category shall be determined on a site specific basis in accordance with Section R301.2.1.4.

3. 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>
	<u>City of Franklin</u>	<u>Northampton County</u>	<u>Grayson County</u>

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	<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>City of Newport News</u>		
	<u>City of Norfolk</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>		

Note: The basic wind speed for a town shall be the same as the basic wind speed shown for the county in which the town is located.

4. Change Section R303.8 to read:

R303.8 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

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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.

5. Add Section R303.9 to read:

R303.9 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.

6. Add Section R306.5 to read:

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

7. Change Section R310.1 to read:

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R310.1 Emergency escape and rescue required. 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 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.

8. Change Section 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 m<sup>2</sup>), including the tilting or removal of the sash as the normal operation to comply with sections R310.1.2 and R310.1.3.

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Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m<sup>2</sup>).

9. Change Section R311.5.3.1 to read:

R311.5.3.1 Riser height. The maximum riser height shall be 8-1/4 inches (210 mm). The riser shall be measured vertically between the leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

10. Change Section R311.5.3.2 to read:

R311.5.3.2 Tread depth. The minimum tread depth shall be 9 inches (229 mm). 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 greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5

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mm).

11. Add Section R324 Radon-Resistant Construction.

12. Add Section R324.1 to read:

R324.1 Local enforcement of radon requirements. Following official action under Article 7 (Section 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.

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

13 Add Section R325 Swimming Pools, Spas and Hot Tubs.

14. Add Section R325.1 to read:

R325.1 Use of Appendix G for swimming pools, spas and hot tubs. In addition to other applicable provisions of this code, swimming pools, spas and hot tubs shall comply with the provisions in Appendix G.

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15. Add Section R326 Patio Covers.

16. Add Section R326.1 to read:

R326.1 Use of Appendix H for patio covers. Patio covers shall comply with the provisions in Appendix H.

17. Add Section R327 Sound Transmission.

18. Add Section R327.1 to read:

R327.1 Sound transmission between dwelling units. Construction assemblies separating dwelling units shall provide airborne sound insulation as required in Appendix K.

19. Add Section R327.2 to read:

R327.2 Airport noise attenuation. This section applies to the construction of the exterior envelope of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means or egress within airport noise zones when enforced by a locality pursuant to Section



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15.2-2295 of the Code of Virginia. The exterior envelope of such structures shall comply with Section 1207.4 of the state amendments to the IBC.

20. Change Section 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 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.

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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.

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 of</u>	<u>Alleghany County</u>	<u>Highland County</u>
<u>Amelia County</u>	<u>Norfolk, City of</u>	<u>Amherst County</u>	<u>Hopewell, City of</u>
<u>Appomattox County</u>	<u>Northampton County</u>	<u>Bath County</u>	<u>Isle of Wight County</u>
<u>Arlington County</u>	<u>Orange County</u>	<u>Bedford County</u>	<u>King and Queen</u>
<u>Augusta County</u>	<u>Page County</u>	<u>Bedford, City of</u>	<u>County</u>
<u>Bland County</u>	<u>Poquoson, City of</u>	<u>Brunswick County</u>	<u>King George County</u>
<u>Botetourt County</u>	<u>Portsmouth, City of</u>	<u>Buchanan County</u>	<u>King William County</u>
<u>Buckingham County</u>	<u>Powhatan County</u>	<u>Caroline County</u>	<u>Lancaster County</u>
<u>Buena Vista, City of</u>	<u>Prince Edward County</u>	<u>Carroll County</u>	<u>Loudoun County</u>
<u>Campbell County</u>	<u>Prince George County</u>	<u>Charlotte County</u>	<u>Lunenburg County</u>
<u>Charles City County</u>	<u>Prince William County</u>	<u>Charlottesville, City</u>	<u>Manassas, City of</u>
<u>Chesapeake, City of</u>	<u>Pulaski County</u>	<u>of</u>	<u>Martinsville, City of</u>

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

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<u>Lynchburg, City of</u>	<u>Winchester, City of</u>		
<u>Madison County</u>	<u>Wythe County</u>		
<u>Mathews County</u>	<u>York County</u>		
<u>Montgomery County</u>			

21. Change Section 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 m<sup>2</sup>) of building area, provided all of the following conditions are met:

1. The building height is not more than 12 feet.

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

3. 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.

4. The structure is anchored to withstand wind loads as required by this code.

5. 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.

22. Change Section 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 (610 mm) 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.

23. Change Section 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 base course material when accompanied by a certification from a RDP and approved by the building official.

24. Add Section M2201.2.1.1 to read:

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.

25. Delete Section P2602.1.

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26. Change Section 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.

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

<u>Plumbing Fixture</u>	<u>Trap Size Minimum (inches)</u>
<u>Clothes washer standpipe</u>	<u>1-1/2</u>
<u>Shower</u>	<u>1-1/2</u>

28. Add Section E3501.8 to read:

E3501.8 Energizing 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.

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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.

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.

13 VAC 5-63-1340. Chapter 4 Special Detailed Requirements Based on Use and Occupancy.

A. Change Section 408.3.5 of the IBC 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.



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B. Add Section 415.1.1 to the IBC 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.

C. Add IBC Section 419 Site Work for Manufactured Homes and Industrialized Buildings.

D. Add Section 419.1 to the IBC to read:

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

E. Add Section 419.2 to the IBC to read:

419.2 Site work. Construction work associated with the installation of a manufactured home

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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. In addition, Appendix E of the International Residential Code entitled, "Manufactured Housing used as Dwellings," shall be an acceptable alternative to this code for construction work associated with the installation of manufactured homes and for additions, alterations and repairs to manufactured homes.

F. Add Section 419.3 to the IBC to read:

419.3 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 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.

G. Add Section 419.4 to the IBC to read:

419.4 Skirting requirements for manufactured homes. 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. Manufactured homes installed or relocated shall have skirting

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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<sup>2</sup>) 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.

13 VAC 5-63-1350. Chapter 7 Fire-Resistant-Rated Construction.

A. Add Section 701.2 to the IBC 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 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).

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

B. Add exceptions 12 and 13 to Section 707.2 of the IBC 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 Section 707.14.1 of the IBC.

D. Add exception 4 to Section 715.3.3 of the IBC to read:

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

E. Add an exception to Section 715.4.4.1 of the IBC to read:

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Exception: Security glazing in doors and windows in smoke barriers in Group I-3 shall be considered to be fire-protection-rated glazing when protected on both sides by an automatic sprinkler system. Individual panels of glazing shall not exceed 1,296 square inches (0.84 m<sup>2</sup>), 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.

13 VAC 5-63-1360. Chapter 9 Fire Protection Systems.

A. Change the following definition in Section 902 of the IBC to read:

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. Change Section 903.2.7 of the IBC to read:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area, except in the following

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Group R-2 occupancies when the necessary water pressure or volume, or both, for the 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 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. Add an exception to Section 905.2 of the IBC to read:

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 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.

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D. Change Section 906.1 of the IBC 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.

E. Add Section 907.9.1.1.1 to the IBC to read:

907.9.1.1.1 Location of appliances in Group I-3 occupancies. Wall-mounted visible alarm notification appliances in Group I-3 occupancies shall be permitted to be a maximum of 120 inches (3048 mm) above the floor or ground, measured to the bottom of the appliance and shall otherwise comply with Section 702.3.3.1 of ICC A117.1.

F. Change Section 909.6 of the IBC to read:

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.

G. Add footnote “c” to Table 910.3 to read:

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

c. 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 5-63-1370. Chapter 10 Means of Egress.

A. Change Section 1004.1 of the IBC to read:

1004.1 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 1004.1.1, 1004.1.2 or 1004.1.3 and shall not exceed the occupant load permitted by 1004.2.

B. Change Section 1004.9 of the IBC to read:

1004.9 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 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.



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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. Change Section 1008.1.8.6 of the IBC to read:

1008.1.8.6 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.

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.

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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.

6. Emergency lighting shall be provided at the door.

D. Add Section 1008.1.8.8 to the IBC to read:

1008.1.8.8 Locking arrangements in correctional facilities. 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

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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 903.2.

2. Actuation of a key-operated manual alarm station required by Section 907.2.

3. A signal from a central control station.

E. Add Section 1008.1.10 to the IBC to read:

1008.1.10 Locking certain residential 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.

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

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F. Add Section 1008.1.11 to the IBC to read:

1008.1.11 Door viewers in certain residential buildings. 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.

G. Add exception 7 to Section 1009.3 of the IBC to read:

7. Stairways in penal facilities serving guard towers, observation stations and control rooms not more than 250 square feet (23 m<sup>2</sup>) 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.

H. Change Section 1013.2 of the IBC to read:

1013.2 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

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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:

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.

I. Change exception 2 of Section 1014.2.1 of the IBC 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.

J. Change Table 1016.1 of the IBC to read:

Table 1016.1.

Corridor Fire-Resistance Rating.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

<u>Occupancy</u>	<u>Occupant Load Served By Corridor</u>	<u>Required Fire-Resistance Rating (hours)</u>	
		<u>Without sprinkler system</u>	<u>With sprinkler system<sup>b</sup></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>0.5</u>
<u>I-2<sup>a</sup>, 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>

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 Sections 903.3.1.1 or 903.3.1.2.

13 VAC 5-63-1380. Chapter 11 Accessibility.

Add Section 1106.8 to the IBC to read:

1106.8 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

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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 5-63-1390. Chapter 12 Interior Environment.

A. Add the following definitions to Section 1202.1 of the IBC:

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.

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."

B. Add Section 1203.4.4 to the IBC to read:

1203.4.4 Insect screens in occupancies other than Group R. 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,

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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.

C. Add Section 1203.4.5 to the IBC to read:

1203.4.5 Insect screens in Group R occupancies. 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.

D. Change Section 1207.1 of the IBC to read:

1207.1 Scope. Sections 1207.2 and 1207.3 shall apply to common interior walls, partitions and floor/ceiling assemblies between adjacent dwelling units or between dwelling units and adjacent public areas such as halls, corridors, stairs or service areas. Section 1207.4 applies to the construction of the exterior envelope of Group R occupancies within airport noise zones when enforced by a locality pursuant to Section 15.2-2295 of the Code of Virginia.



13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

E. Add Section 1207.4 to the IBC to read:

1207.4 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 1207.4. As an alternative to compliance with Table 1207.4, 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.

F. Add Table 1207.4 to the IBC to read:

Table 1207.4.

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

13 VAC 5-63-1400. Chapter 16 Structural Design.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

A. Delete Figure 1609 of the IBC and replace with Table 1609 to read as follows:

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>
	<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>City of Newport News</u>		
	<u>City of Norfolk</u>		
	<u>Northumberland County</u>		
	<u>City of Poquoson</u>		
	<u>City of Portsmouth</u>		
	<u>Southampton County</u>		
	<u>City of Suffolk</u>		

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	<u>Surry County</u>		
	<u>York County</u>		

Note: The basic wind speed for a town shall be the same as the basic wind speed shown for the county in which the town is located.

B. Change Section 1609.3 of the IBC to read:

1609.3 Basic wind speed. The basic wind speed, in mph, for the determination of the wind loads shall be determined by Table 1609. All references to Figure 1609 in the IBC shall be considered to be references to Table 1609. The basic wind speed for special wind regions shall be in accordance with local jurisdiction requirements determined in accordance with Section 6.5.4 of ASCE 7.

In nonhurricane-prone regions, when the basic wind speed is estimated from regional climatic data, the basic wind speed shall be not less than the wind speed associated with an annual probability of 0.02 (50-year mean recurrence interval), and the estimate shall be adjusted for equivalence to a 3-second gust wind speed at 33 feet (10 m) above ground in exposure Category C. The data analysis shall be performed in accordance with Section 6.5.4 of ASCE 7.

C. Add Section 1612.1.1 to the IBC to read:

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

1612.1.1 Elevation of manufacture 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.

13 VAC 5-63-1410. Chapter 17 Structural Test and Special Inspections.

A. Change Section 1704.1 of the IBC 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 113.3.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

Exceptions:

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 Section 1704.1.1 of the IBC to read:

1704.1.1 Building permit requirement. The permit applicant shall submit a statement of special inspections prepared by the RDP in responsible charge in accordance with Section 111.1. 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 a category “11” to Table 1704.4 of the IBC 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 reshoring.</u>	-	<u>X</u>	<u>ACI 318: 6.1, 6.2</u>	<u>1906</u>

13 VAC 5-63-1420. Chapter 18 Soils and Foundations.

Change the exception to Section 1803.5 of the IBC 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.

13 VAC 5-63-1430. Chapter 27 Electrical.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

Add Section 2701.1.1 to the IBC to read:

2701.1.1 Changes to the ICC Electrical Code. The following changes shall be made to the ICC Electrical Code:

1. Add Section 801.2.1 to the ICC Electrical Code to read:

801.2.1 Temporary connection to dwelling units. 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.
4. Service equipment covers shall be installed.

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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.

2. Change Section 1202.2 of the ICC Electrical Code to read:

1202.2 Nonmetallic-sheathed cable. The use of Type NM, NMC and NMS (nonmetallic sheathed) cable wiring methods in buildings not exceeding four floors above grade shall not be limited based upon construction type of the building. For the purpose of this section, the first floor of a building shall be that floor that has 50 percent or more of the exterior wall surface level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use shall be permitted.

13 VAC 5-63-1440. Chapter 28 Mechanical Systems.

A. Change Section 2801.1 of the IBC to read:

2801.1 Scope. Mechanical appliances, equipment and systems shall be constructed and installed in accordance with this chapter, the International Mechanical Code and the International Fuel Gas Code. Masonry chimneys, fireplaces and barbecues shall comply with



13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

the International Mechanical Code and Chapter 21 of this code.

Exception: This code shall not govern the construction 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 IBC Section 2802 Heating Facilities.

C. Add Section 2802.1 to the IBC to read:

2802.1 Required heating in dwelling units. Heating facilities shall be required in 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. The heating facilities shall be 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.

D. Add Section 2802.2 to the IBC to read:

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

2802.2 Required heating in nonresidential structures. Heating facilities shall be required in every enclosed occupied space in nonresidential structures. The heating facilities shall be 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.

E. Add IBC Section 2803 Fuel Gas.

F. Add Section 2803.1 to the IBC to read:

2803.1 Changes to the International Fuel Gas Code. The following changes shall be made to the International Fuel Gas Code:

1. Change Section 301.1 of the International Fuel Gas Code to read:

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

301.1 Scope. This code 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. Systems with an operating pressure of 125 psig (862 kPa gauge) or less.

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

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 and inspection.

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

This code shall not apply to the following:

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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.

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.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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.

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.

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

2. Add Section 404.8.3 to the International Fuel Gas Code 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.

13 VAC 5-63-1450. Chapter 29 Plumbing Systems.

A. Change Section 2901.1 of the IBC to read:

2901.1 Scope. The provisions of this chapter and the International Plumbing Code shall govern the design and installation of all plumbing systems and equipment, except that water supply sources and sewage disposal systems are regulated and approved by the Virginia Department of Health. The approval of pumping and electrical equipment associated with such water supply sources and sewage disposal systems shall, however, be the responsibility of the building official.

B. Add Section 2901.1.1 to the IBC to read:

2901.1.1 Changes to the International Plumbing Code. The following change shall be made

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

to the International Plumbing Code:

1. Delete Sections 311 and 311.1.

13 VAC 5-63-1460. Chapter 30 Elevators and Conveying Equipment.

Change Section 3002.4 of the IBC to read:

3002.4 Elevator car to accommodate ambulance stretcher. In buildings four or more stories in height where an elevator or elevators are provided, at least one of the elevators shall be capable of providing fire department personnel emergency access to all floors and shall have the elevator car of such a size and arrangement to accommodate a 24-inch by 76-inch (610 mm by 1930 mm) ambulance stretcher in the horizontal, open position. The elevator 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 door frame.

Exception: Elevators in multistory dwelling units or guest rooms.

13 VAC 5-63-1470. Chapter 33 Safeguards During Construction.

Delete IBC Sections 3305 and 3305.1.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

13 VAC 5-63-1480. Chapter 34 Existing Structures.

A. Change Section 3401.1 of the IBC to read:

3401.1 Scope. The provisions of this chapter and the applicable requirements of Chapter 1 shall control the alteration, repair, addition and change of occupancy of existing structures.

B. Delete IBC Sections 3401.2 and 3401.3.

C. Delete IBC Section 3403.

D. Change Section 3405.1 of the IBC to read:

3405.1 Standards for replacement glass. In accordance with Section 36-99.2 of the Code of Virginia, any replacement glass installed in buildings constructed prior to first edition of the USBC shall meet the quality and installation standards for glass installed in new buildings as are in effect at the time of installation.

E. Delete IBC Section 3406.

F. Delete IBC Section 3408.



13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

G. Change Section 3410.2 of the IBC to read:

3410.2 Applicability. When specifically requested by an owner or an owner's agent in structures where there is work involving additions, alterations or changes of occupancy, the provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

H. Add IBC Section 3411 Retrofit Requirements.

I. Add Section 3411.1 to the IBC to read:

3411.1 Scope. In accordance with Section 103.7 and as setout herein, the following buildings are required to be provided with certain fire protection equipment or systems or other retrofitted components.

J. Add Section 3411.2 to the IBC to read:

3411.2 Smoke detectors in colleges and universities. In accordance with Section 36-99.3 of the Code of Virginia, college and university buildings containing dormitories for sleeping purposes shall be provided with battery-powered or AC-powered smoke detector devices

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

installed therein in accordance with this code in effect on July 1, 1982. All public and private college and university dormitories shall have installed 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.

K. Add Section 3411.3 to the IBC to read:

3411.3 Smoke detectors in certain juvenile care facilities. In accordance with Section 36-99.4 of the Code of Virginia, battery-powered or AC-powered smoke detectors shall be installed 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 of the smoke detector devices.

L. Add Section 3411.4 to the IBC to read:

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3411.4 Smoke detectors for the deaf and hearing-impaired. In accordance with Section 36-99.5 of the Code of Virginia, 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.

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

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

detectors for the hearing impaired. Visual detectors shall be provided for all meeting rooms for which an advance request has been made.

M. Add Sections 3411.5, 3411.5.1 and 3411.5.2 to the IBC to read:

3411.5 Assisted living facilities (formerly known as adult care residences or homes for adults). Existing assisted living facilities licensed by the Virginia Department of Social Services shall comply with this section.

3411.5.1. 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.

3411.5.2. 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.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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

N. Add Section 3411.6 to the IBC to read:

3411.6 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 more dwelling units or rooming houses offering to rent overnight sleeping accommodations, when it is determined by the building official that the responsible party of such building or dwelling unit fails to maintain battery-powered smoke detectors in working condition.

O. Add Section 3411.7 to the IBC to read:

3411.7 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. 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.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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.

P. Add Section 3411.8 to the IBC to read:

3411.8 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.

Q. Add Section 3411.9 to the IBC to read:

3411.9 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, 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

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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.

R. Add Section 3411.10 to the IBC to read:

3411.10 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.

S. Add Section 3411.11 to the IBC to read:

3411.11 Sprinkler systems in hotel 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.

T. Add Section 3411.12 to the IBC to read:

3411.12 Fire suppression systems in dormitories. An automatic fire suppression system shall be provided throughout all buildings having a 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,

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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 edition of this code in effect on August 20, 1997 and the requirements for sprinkler systems under the edition of the NFPA 13 standard referenced by that code. 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 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.

Exceptions:

1. Buildings equipped with an automatic fire suppression system in accordance with Section 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 this section shall be modified in accordance with the following:
  - 3.1. 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



13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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.

3.2. 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.

3.3. 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 <sup>2</sup>) in area, (ii) have the smallest dimension less than 36 inches (914 mm), and (iii) comply with all of the following:

3.3.1. 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.

3.3.2. 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 shall be corridor sprinklers where the wardrobe or closet is

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

used to divide the room. Rooms divided by a wardrobe or closet shall be considered one room for the purpose of this requirement.

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

3.4. 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 m<sup>2</sup>) and 120 square feet (11.16 m<sup>2</sup>) provided the sprinkler is located to protect the lavatory area and the plumbing fixtures are of a noncombustible material.

3.5. 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.

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

3.7. 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.

U. Add Section 3411.13 to the IBC to read:

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

3411.13 Fire extinguishers and smoke detectors in SRCF's. SRCF's shall be provided with at least one approved type ABC portable fire extinguisher with a minimum rating of 2A10BC installed in each kitchen. In addition, SRCF's shall provide at least one approved and properly installed battery operated smoke detector outside of each sleeping area in the vicinity of bedrooms and bedroom hallways and on each additional floor.

V. Add Section 3411.14 to the IBC to read:

3411.14 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.

13 VAC 5-63-1490. Chapter 35 Referenced Standards.

Add new referenced standard to the IBC as follows:

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>ASTM E329-02</u>	<u>Standard Specification for Agencies Engaged in the Testing and/or Inspection of Materials Used in Construction</u>	<u>111.2</u>

13 VAC 5-63-1500. Appendix F Rodent Proofing.

The following provisions of Appendix F of the IBC are part of this code:

F101.2 Foundation wall ventilation openings.

F101.6 Pier and wood construction. (Includes all provisions.)

13 VAC 5-63-1510. Appendix H Signs.

The following provisions of Appendix H of the IBC are part of this code:

H101.2 Signs exempt from permits.

H102 Definitions. (Includes all definitions.)

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H103 Location. (Includes Section H103.1.)

H105 through H114. (Includes all provisions.)

13 VAC 5-63-1520. Appendix I Patio Covers.

The following provisions from Appendix I of the IBC are part of this code:

I101 through I104 (Includes all provisions.)

## PART II.

### REHABILITATION.

13 VAC 5-63-1530. Chapter 1 Administration; Section 101 General.

13 VAC 5-63-1540. Section 101.1 Short title. The Virginia Uniform Statewide Building Code, Part II, Rehabilitation, may be cited as the Virginia Rehabilitation Code.

13 VAC 5-63-1550. Section 101.2 Incorporation by reference. Chapters 2 – 14 of the 2003 International Existing Building Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the Virginia Rehabilitation Code. The term “IEBC” means the 2003 International Existing Building Code, published by the

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

International Code Council, Inc. Any codes and standards referenced in the IEBC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference.

13 VAC 5-62-1560. Section 101.3 Numbering system. A dual numbering system is used in the Virginia Rehabilitation Code to correlate the numbering system of the Virginia Administrative Code with the numbering system of the IEBC. IEBC numbering system designations are provided in the catch-lines of the Virginia Administrative Code sections and cross references between sections or chapters of the Virginia Rehabilitation Code use only the IEBC numbering system designations. The term “chapter” is used in the context of the numbering system of the IEBC and may mean a chapter in the Virginia Rehabilitation Code, a chapter in the IEBC or a chapter in a referenced code or standard, depending on the context of the use of the term. The term “chapter” is not used to designate a chapter of the Virginia Administrative Code, unless clearly indicated.

13 VAC 5-63-1570. Section 101.4 Arrangement of code provisions. The Virginia Rehabilitation Code is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2 – 14 of the IEBC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IEBC which are specifically identified. The terminology “changes to the text of the incorporated chapters of the IEBC which are specifically identified” shall also be referred to as the “state amendments to the IEBC.” Such state amendments to the IEBC are set out using corresponding chapter and

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

section numbers of the IEBC numbering system. In addition, since Chapter 1 of the IEBC is not incorporated as part of the Virginia Rehabilitation Code, any reference to a provision of Chapter 1 of the IEBC in the provisions of Chapters 2 - 14 of the IEBC is generally invalid. However, where the purpose of such a reference would clearly correspond to a provision of Chapter 1 established herein, then the reference may be construed to be a valid reference to such corresponding Chapter 1 provision.

13 VAC 5-63-1580. Section 101.5 Use of terminology and notes. The term “this code,” or “the code,” where used in the provisions of Chapter 1, in Chapters 2 – 14 of the IEBC or in the state amendments to the IEBC means the Virginia Rehabilitation Code, unless the context clearly indicates otherwise. The term “this code,” or “the code,” where used in a code or standard referenced in the IEBC means that code or standard, unless the context clearly indicates otherwise. The term “USBC” where used in this code means Part I of the Virginia Uniform Statewide Building Code, also known as the “Virginia Construction Code,” unless the context clearly indicates otherwise. In addition, the use of notes in Chapter 1 is to provide information only and shall not be construed as changing the meaning of any code provision. Notes in the IEBC, in the codes and standards referenced in the IEBC and in the state amendments to the IEBC may modify the content of a related provision and shall be considered to be a valid part of the provision, unless the context clearly indicates otherwise.

13 VAC 5-63-1590. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supercede any conflicting provisions of Chapters 2 – 14 of the IEBC and any conflicting

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

provisions of the codes and standards referenced in the IEBC. In addition, the state amendments to the IEBC supercede any conflicting provisions of Chapters 2 – 14 of the IEBC and any conflicting provisions of the codes and standards referenced in the IEBC. Further, the provisions of Chapters 2 – 14 of the IEBC supercede any conflicting provisions of the codes and standards referenced in the IEBC.

13 VAC 5-63-1600. Section 101.7 Administrative provisions. The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope and enforcement of the code. Any provisions of Chapters 2 – 14 of the IEBC or any provisions of the codes and standards referenced in the IEBC which address the same subject matter to a lesser or greater extent are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IEBC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 – 14 of the IEBC or of the codes and standards referenced in the IEBC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IEBC, then such requirements are not deleted and replaced.

Note: The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.



13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

13 VAC 5-63-1610. Section 101.8 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

13 VAC 5-63-1620. Section 102 Purpose and Scope.

13 VAC 5-63-1630. Section 102.1 Purpose. In accordance with Section 36-99.01 of the Code of Virginia, the General Assembly of Virginia has declared that (i) there is an urgent need to improve the housing conditions of low and moderate income individuals and families, many of whom live in substandard housing, particularly in the older cities of the Commonwealth; (ii) there are large numbers of older residential buildings in the Commonwealth, both occupied and vacant, which are in urgent need of rehabilitation and which must be rehabilitated if the State's citizens are to be housed in decent, sound, and sanitary conditions; and (iii) the application of those building code requirements currently in force to housing rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

The General Assembly further declares that (i) there is an urgent need to improve the existing condition of many of the Commonwealth's stock of commercial properties, particularly in older cities; (ii) there are large numbers of older commercial buildings in the Commonwealth, both occupied and vacant, that are in urgent need of rehabilitation and that must be rehabilitated if the citizens of the Commonwealth are to be provided with decent, sound and sanitary work spaces;

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

and (iii) the application of the existing building code to such rehabilitation has sometimes led to the imposition of costly and time-consuming requirements that result in a significant reduction in the amount of rehabilitation activity taking place.

13 VAC 5-63-1640. Section 102.2 Scope. In accordance with Section 103.6 of the USBC, this code shall be an acceptable alternative to compliance with the Virginia Construction Code for the rehabilitation of existing buildings and structures.

13 VAC 5-63-1650. Section 103 Application of Code.

13 VAC 5-63-1660. Section 103.1 General. The provisions of this code shall control the rehabilitation, alteration, repair, addition and change of occupancy of existing buildings and structures when this code is chosen as an alternative to compliance with the Virginia Construction Code. All administrative provisions of the Virginia Construction Code, including but not limited to, requirements for permits, inspections and approvals by the local building department, provisions for appeals from decisions of the local building department and the issuance of modifications, are applicable to the use of this code, except where this code sets out differing requirements.

13 VAC 5-63-1670. Section 103.2 Requirements relating to maintenance. Any requirements of the IEBC requiring the maintenance of existing buildings or structures are invalid.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

Note: Requirements for the maintenance of existing buildings and structures and for unsafe conditions are contained in Part III of the Virginia Uniform Statewide Building Code, also known as the “Virginia Maintenance Code.”

13 VAC 5-63-1680. Section 103.3 Use of Appendix A. Appendix A of the IEBC provides guidelines for the seismic retrofit of existing buildings. The use of this appendix is not mandatory but shall be permitted to be utilized at the option of an owner, the owner’s agent or the RDP involved in a rehabilitation project. However, in no case shall the use of Appendix A be construed to authorize the lowering of existing levels of health or safety in buildings or structures being rehabilitated.

13 VAC 5-63-1690. Section 103.4 Use of Appendix B. Appendix B of the IEBC provides supplementary accessibility requirements for existing buildings and facilities. All applicable requirements of Appendix B shall be met in buildings and structures being rehabilitated.

13 VAC 5-63-1700. Section 103.5 Use of Resource A. Resource A of the IEBC provides guidelines for the evaluation of fire resistance ratings of archaic materials and may be used in conjunction with rehabilitation projects.

13 VAC 5-63-1710. Chapter 2 Definitions.

Change Section 201.3 of the IEBC to read:

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the other International Codes, such terms shall have the meanings ascribed to them in those codes, except that terms defined in the Virginia Construction Code shall be used for this code and shall take precedence over other definitions.

13 VAC 5-63-1720. Chapter 12 Compliance Alternatives.

Change Section 1201.2 of the IEBC to read:

1201.2 Applicability. Work involving rehabilitation, additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 10. The provisions in Sections 1201.2.1 through 1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

### PART III.

### MAINTENANCE.

13 VAC 5-63-1730. Chapter 1 Administration; Section 101 General.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

13 VAC 5-63-1740. Section 101.1 Short title. The Virginia Uniform Statewide Building Code, Part III, Maintenance, may be cited as the Virginia Maintenance Code.

13 VAC 5-63-1750. Section 101.2 Incorporation by reference. Chapters 2 – 8 of the 2003 International Property Maintenance Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the Virginia Maintenance Code. The term “IPMC” means the 2003 International Property Maintenance Code, published by the International Code Council, Inc. Any codes and standards referenced in the IPMC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference.

13 VAC 5-62-1760. Section 101.3 Numbering system. A dual numbering system is used in the Virginia Maintenance Code to correlate the numbering system of the Virginia Administrative Code with the numbering system of the IPMC. IPMC numbering system designations are provided in the catch-lines of the Virginia Administrative Code sections and cross references between sections or chapters of the Virginia Maintenance Code use only the IPMC numbering system designations. The term “chapter” is used in the context of the numbering system of the IPMC and may mean a chapter in the Virginia Maintenance Code, a chapter in the IPMC or a chapter in a referenced code or standard, depending on the context of the use of the term. The term “chapter” is not used to designate a chapter of the Virginia Administrative Code, unless clearly indicated.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

13 VAC 5-63-1770. Section 101.4 Arrangement of code provisions. The Virginia Maintenance Code is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2 – 8 of the IPMC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IPMC which are specifically identified. The terminology “changes to the text of the incorporated chapters of the IPMC which are specifically identified” shall also be referred to as the “state amendments to the IPMC.” Such state amendments to the IPMC are set out using corresponding chapter and section numbers of the IPMC numbering system. In addition, since Chapter 1 of the IPMC is not incorporated as part of the Virginia Maintenance Code, any reference to a provision of Chapter 1 of the IPMC in the provisions of Chapters 2 - 8 of the IPMC is generally invalid. However, where the purpose of such a reference would clearly correspond to a provision of Chapter 1 established herein, then the reference may be construed to be a valid reference to such corresponding Chapter 1 provision.

13 VAC 5-63-1780. Section 101.5 Use of terminology and notes. The term “this code,” or “the code,” where used in the provisions of Chapter 1, in Chapters 2 – 8 of the IPMC or in the state amendments to the IPMC means the Virginia Maintenance Code, unless the context clearly indicates otherwise. The term “this code,” or “the code,” where used in a code or standard referenced in the IPMC means that code or standard, unless the context clearly indicates otherwise. The term “USBC” where used in this code means Part I of the Virginia Uniform Statewide Building Code, also known as the “Virginia Construction Code,” unless the context clearly indicates otherwise. In addition, the use of notes in Chapter 1 is to provide information

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

only and shall not be construed as changing the meaning of any code provision. Notes in the IPMC, in the codes and standards referenced in the IPMC and in the state amendments to the IPMC may modify the content of a related provision and shall be considered to be a valid part of the provision, unless the context clearly indicates otherwise.

13 VAC 5-63-1790. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supercede any conflicting provisions of Chapters 2 – 8 of the IPMC and any conflicting provisions of the codes and standards referenced in the IPMC. In addition, the state amendments to the IPMC supercede any conflicting provisions of Chapters 2 – 8 of the IPMC and any conflicting provisions of the codes and standards referenced in the IPMC. Further, the provisions of Chapters 2 – 8 of the IPMC supercede any conflicting provisions of the codes and standards referenced in the IPMC.

13 VAC 5-63-1800. Section 101.7 Administrative provisions. The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope of the code, enforcement, fees, permits, inspections and disputes. Any provisions of Chapters 2 – 8 of the IPMC or any provisions of the codes and standards referenced in the IPMC which address the same subject matter to a lesser or greater extent are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IPMC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 – 8 of the IPMC or of the codes and standards referenced in the IPMC are specifically identified as valid

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

administrative requirements in Chapter 1 of this code or in the state amendments to the IPMC, then such requirements are not deleted and replaced.

Note: The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.

13 VAC 5-63-1810. Section 101.8 Definitions. The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

Note: The order of precedence outlined in Section 101.6 may be determinative in establishing how to apply the definitions in the IPMC and in the referenced codes and standards.

13 VAC 5-63-1820. Section 102 Purpose and Scope.

13 VAC 5-63-1830. Section 102.1 Purpose. In accordance with Section 36-103 of the Code of Virginia, the Virginia Board of Housing and Community Development may adopt and promulgate as part of the Virginia Uniform Statewide Building Code, building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare. Further, in accordance with Section 36-99 of the Code of Virginia, the purpose of this code is to protect the



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health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.

13 VAC 5-63-1840. Section 102.2 Scope. In accordance with Section 36-98 of the Code of Virginia, the Virginia Maintenance Code shall supercede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies.

13 VAC 5-63-1850. Section 102.3 Exemptions. This code shall not regulate those buildings and structures specifically exempt from the Virginia Construction Code, except that existing industrialized buildings and manufactured homes shall not be exempt from this code.

13 VAC 5-63-1860. Section 103 Application of Code.

13 VAC 5-63-1870. Section 103.1 General. This code prescribes regulations for the maintenance of all existing buildings and structures and associated equipment, including regulations for unsafe buildings and structures.

13 VAC 5-63-1880. Section 103.2 Maintenance requirements. The equipment, systems, devices and safeguards which were required, provided and approved when an existing building or

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structure was constructed shall be maintained and kept in good repair in accordance with the requirements of this code. Buildings and structures subject to any edition of the USBC when constructed shall also be maintained and kept in good repair in accordance with the USBC under which such building or structure was constructed. No provision of this code shall require alterations to be made to an existing building, structure or equipment unless conditions are present which meet the definition of an unsafe structure or a structure unfit for human occupancy.

13 VAC 5-63-1890. Section 103.3 Continued approval. Notwithstanding any provision of this code to the contrary, alterations shall not be required to be made to existing buildings or structures which are occupied in accordance with a certificate of occupancy issued under any edition of the USBC.

13 VAC 5-63-1900. Section 104 Enforcement, Generally.

13 VAC 5-63-1910. Section 104.1 Scope of enforcement. In accordance with Section 36-105 of the Code of Virginia, the local governing body may also inspect and enforce the provisions of the USBC for existing buildings and structures, whether occupied or not. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

Note: Generally, official action must be taken by the local government to enforce the Virginia

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Maintenance Code. Consultation with the legal counsel of the jurisdiction when initiating or changing such action is advised.

13 VAC 5-63-1920. Section 104.2 Fees. In accordance with Section 36-105 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals.

13 VAC 5-63-1930. Section 104.3 State buildings. In accordance with Section 36-98.1 of the Code of Virginia, this code shall be applicable to state-owned buildings and structures. Acting through the Division of Engineering and Buildings, the Department of General Services shall function as the building official for state-owned buildings.

13 VAC 5-63-1940. Section 104.4 Local enforcing agency. In jurisdictions enforcing this code, the local governing body shall designate the agency within the local government responsible for such enforcement and appoint a code official. The local governing body may also employ, appoint or contract with technical assistants to assist the code official in the enforcement of this code. A permanently appointed code 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. DHCD shall be notified by the appointing authority within 30 days of the appointment or release of a permanent or acting code official and within 60 days after retaining or terminating a technical assistant.

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Note: Code officials and technical assistants are subject to sanctions in accordance with the VCS.

13 VAC 5-63-1950. Section 104.4.1 Qualifications of code official. The code 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 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 code 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 local governing body may establish additional qualification requirements.

13 VAC 5-63-1960. Section 104.4.2 Certification of code official and technical assistants. An acting or permanent code official shall be certified as a code official in accordance with the VCS within one year after being appointed as acting or permanent code official. A technical assistant shall be certified in the appropriate subject area within three years after being retained. When required by a locality to have two or more certifications, a technical assistant shall obtain the additional certifications within three years from the date of such requirement.

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Exception: A code official or technical assistant in place prior to April 1, 1995 shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same locality.

13 VAC 5-63-1970. Section 104.4.3 Non-certified code official. Except for a code official exempt from certification under the exception to Section 104.4.2, any acting or permanent code official who is not certified as a code official in accordance with the VCS shall complete an orientation course provided by DHCD within 60 days of appointment and shall attend the core module of the Virginia Building Code Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in Section 104.4.2.

13 VAC 5-63-1980. Section 104.4.4 Continuing education requirements. Code officials and technical assistants shall attend periodic training courses designated by DHCD.

13 VAC 5-63-1990. Section 104.4.5 Conflict of interest. The minimum standards of conduct for code officials and technical assistants shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

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13 VAC 5-63-2000. Section 104.4.6 Records. The local enforcing agency shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspections in accordance with The Library of Virginia's General Schedule Number Ten.

13 VAC 5-63-2010. Section 104.5 Powers and duties, generally. The code official shall enforce this code as set out herein and as interpreted by the State Review Board and shall issue all necessary notices or orders to ensure compliance with the code.

13 VAC 5-63-2020. Section 104.5.1 Delegation of authority. The code official may delegate powers and duties except where such authority is limited by the local government. When such delegations are made, the code official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

13 VAC 5-63-2030. Section 104.5.2 Issuance of modifications. Upon written application by an owner or an owner's agent, the code official may approve a modification of any provision of this code provided the spirit and intent of the code are observed and public health, welfare and safety are assured. The decision of the code official concerning a modification shall be made in writing and the application for a modification and the decision of the code official concerning such modification shall be retained in the permanent records of the local enforcing agency.

13 VAC 5-63-2040. Section 104.5.2.1 Substantiation of modification. The code official may require or may consider a statement from a professional engineer, architect or other person

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competent in the subject area of the application as to the equivalency of the proposed modification.

13 VAC 5-63-2050. Section 104.5.3 Inspections. The code official may inspect buildings or structures to determine compliance with this code and shall carry proper credentials when performing such inspections.

13 VAC 5-63-2060. Section 104.5.4 Notice of violation. If the code official determines there are violations of this code other than those for unsafe structures, unsafe equipment or structures unfit for human occupancy under Section 105, the code official shall issue a notice of violation to be communicated promptly in writing to the owner or the person responsible for the maintenance or use of the building or structure. Upon request of the owner of the building or structure to which the notice of violation pertains, if such notice does not contain reference to the section numbers of this code serving as the basis for the violations, then the code official shall provide the section numbers to the owner. The notice shall require correction of the violations within a reasonable time and the code official shall be responsible for any re-inspections to assure the violations have been corrected. In addition, the notice of violation shall indicate the right of appeal by referencing the appeals section.

Note: Work done to correct violations of this code is generally subject to the permit, inspection and approval provisions of the Virginia Construction Code.

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13 VAC 5-63-2070. Section 104.5.5 Coordination of inspections. The code official shall coordinate inspections and administrative orders with any other state or local agencies having related inspection authority and shall coordinate those inspections required by the Virginia Statewide Fire Prevention Code (13 VAC 5-51) for maintenance of fire protection devices, equipment and assemblies so that the owners and occupants will not be subjected to numerous inspections or conflicting orders.

Note: The Fire Prevention Code requires the fire official to coordinate such inspections with the code official.

13 VAC 5-63-2080. Section 104.5.6 Further action when violation not corrected. If the responsible party has not complied with the notice of violation, the code official shall submit a written request to the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved. In cases where the locality so authorizes, the code official may issue or obtain a summons or warrant.

13 VAC 5-63-2090. Section 104.5.7 Penalties and abatement. Penalties for violations of this code shall be as set out in Section 36-106 of the Code of Virginia. The successful prosecution of a violation of the code shall not preclude the institution of appropriate legal action to require correction or abatement of a violation.



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13 VAC 5-63-2100. Section 105 Unsafe Structures or Structures Unfit for Human Occupancy.

13 VAC 5-63-2110. Section 105.1 General. This section shall apply to existing buildings or structures which are classified as unsafe or unfit for human occupancy. All such structures shall be made safe through compliance with this code or shall be vacated and secured against public entry; however, such vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy is of such a potential for collapse that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

Note: Buildings or structures which become unsafe during construction are regulated under the Virginia Construction Code.

13 VAC 5-63-2120. Section 105.2 Inspection of unsafe or unfit structures. The code official shall inspect any structure reported as unsafe or unfit for human habitation 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 and a description of the nature and extent of any conditions found.

13 VAC 5-63-2130. Section 105.3 Unsafe conditions not related to maintenance. When the code official finds a condition that constitutes a serious and dangerous hazard to life or health in a

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building or structure constructed prior to the initial edition of the USBC and when that condition is of a cause other than improper maintenance or failure to comply with state or local building codes which were in effect when the building or structure was constructed, then the code official shall be permitted to order those minimum changes to the design or construction of the building or structure to remedy the condition.

13 VAC 5-63-2140. Section 105.3.1 Limitation to requirements for retrofitting. In accordance with Section 103.2, this code does not generally provide for requiring the retrofitting of any building or structure. However, conditions may exist in older buildings or structures because of faulty design or equipment which constitute a danger to life or health or a serious hazard. Any changes to the design or construction required by the code official under this section shall be only to remedy the serious hazard or danger to life or health and such changes shall not be required to fully comply with the requirements of the Virginia Construction Code applicable to newly constructed buildings or structures.

13 VAC 5-63-2150. Section 105.4 Notice of unsafe structure or structure unfit for human occupancy. When a building or structure is determined to be unsafe or unfit for human occupancy by the code official, a written notice of unsafe structure or structure unfit for human occupancy shall be issued in person to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 104.5.4 for notices of violation are also

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applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section. In addition, the notice shall contain a statement requiring the person receiving to notice to either accept or reject the terms of the notice.

Note: Whenever possible, the notice should also be given to any tenants of the affected building.

13 VAC 5-63-2160. Section 105.5 Posting of notice. If the notice is unable to be issued in person as required by Section 105.4, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

13 VAC 5-63-2170. Section 105.6 Posting of placard. In the case of a structure unfit for human habitation, at the time the notice is issued, a placard with the following wording shall be posted at the entrance to the building: "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." In the case of an unsafe structure, if the notice is not complied with, a placard with the above wording shall be posted at the entrance to the building. After a building is placarded, entering the building shall be prohibited except as authorized by the code official to make inspections, to perform required repairs or to demolish the building. In addition, the placard shall not be removed until the building is determined by the code official to be safe to occupy, nor shall the placard be defaced.

13 VAC 5-63-2180. Section 105.7 Revocation of certificate of occupancy. If a notice of unsafe

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structure or structure unfit for human habitation is not complied with within the time period stipulated on the notice, the code official shall be permitted to request the local building department to revoke the certificate of occupancy issued under the Virginia Construction Code.

13 VAC 5-63-2190. Section 105.8 Vacant and open structures. When an unsafe structure or a structure unfit for human habitation is open for public entry at the time a placard is issued under Section 105.6, the code official shall be permitted to authorize the necessary work to make such structure secure against public entry whether or not legal action to compel compliance has been instituted.

13 VAC 5-63-2200. Section 105.9 Temporary safeguards and emergency repairs. To the extent authorized by the locality, when an unsafe structure or a structure unfit for human habitation is in immediate danger of collapse or failure and is endangering life or when violations of this code result in a hazard which is an immediate serious and imminent threat to the life and safety of the occupants, the code official shall be permitted to authorize the necessary work to make the structure temporarily safe whether or not legal action to compel compliance has been instituted. In addition, also to the extent authorized by the locality, the code official shall be permitted to employ the necessary labor and to purchase the necessary materials to perform any necessary emergency repairs as expeditiously as possible. The legal counsel of the locality may be requested to institute appropriate action against the owner to recover the costs associated with any such emergency repairs.

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13 VAC 5-63-2210. Section 105.10 Closing of streets. When necessary for public safety, the code official shall be permitted to order the temporary closing of sidewalks, streets, public ways or premises adjacent to unsafe or unfit structures and prohibit the use of such spaces.

13 VAC 5-63-2220. Section 105.11 Demolition of unsafe or unfit structures. When the code official has ordered the demolition of an unsafe structure or a structure unfit for human habitation and when the demolition has not occurred in the time period required, or when the notice issued under Section 105.4 has not been complied within the time period stipulated, the code official shall be permitted to proceed with demolition to the extent permitted by the locality. The legal counsel of the locality may be requested to institute appropriate action against the owner to recover the costs associated with such demolition.

Note: A locality may be able to take actions to compel demolition or recover costs, or both, pursuant to Sections 15.2-900, 15.2-906 or 15.2-1115 of the Code of Virginia.

13 VAC 5-63-2230. Section 106 Appeals.

13 VAC 5-63-2240. Section 106.1 Establishment of appeals board. In accordance with Section 36-105 of the Code of Virginia, there shall be established within each local enforcing agency a LBBCA. Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such appeals

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resulting therefrom. Fees may be levied by the local governing body in order to defray the cost of such appeals. The LBBCA for hearing appeals under the Virginia Construction Code shall be permitted to serve as the appeals board required by this section.

13 VAC 5-63-2250. Section 106.2 Membership of board. The LBBCA 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.

13 VAC 5-63-2260. Section 106.3 Officers and qualifications of members. The LBBCA shall annually select one of its regular members to serve as chairman. When the chairman is not present at an appeal hearing, the members present shall select an acting chairman. The locality or the chief executive officer of the locality shall appoint a secretary to the LBBCA to maintain a detailed record of all proceedings. Members of the LBBCA 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

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property manager. Employees or officials of the locality shall not serve as members of the LBBCA.

13 VAC 5-63-2270. Section 106.4 Conduct of members. 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 (Section 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.

13 VAC 5-63-2280. Section 106.5 Right of appeal; filing of appeal application. The owner of a building or structure, the owner's agent or any other person involved in the use of a building or structure may appeal a decision of the code official concerning the application of the this code to such building or structure and may also appeal a refusal by the code official to grant a modification to the provisions of this code pertaining to such building or structure. The applicant shall submit a written request for appeal to the LBBCA within 21 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code 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 LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision.

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13 VAC 5-63-2290. Section 106.6 Meetings and postponements. The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal. A 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, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBBCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBBCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

13 VAC 5-63-2300. Section 106.7 Hearings and decision. All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the code official's decision in question 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. The LBBCA 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 LBBCA shall be final if no further appeal is made. The decision of the BBCA shall be by resolution signed by the chairman and retained as part of the record of the appeal. Copies of the resolution shall be given or sent to all parties. In addition, the resolution shall contain the following wording:



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

13 VAC 5-63-2310. Section 106.8 Appeals to the State Review Board. After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with Section 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the code official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the code official's decision. For appeals from a LBBCA, a copy of the code official's decision and the resolution of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the Office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or structures, the involved state agency shall submit a copy of the code official's decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (Section 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

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13 VAC 5-63-2320. Chapter 2 Definitions.

A. Change Section 201.3 of the IPMC to read:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them in those codes, except that terms defined in the Virginia Construction Code shall be used for this code and shall take precedence over other definitions.

B. Add the following definitions to Section 202 of the IPMC to read:

Structure unfit for human occupancy. An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment, or (ii) the required plumbing and sanitary facilities are inoperable.

Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment

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which is in such disrepair or condition that such equipment is determined by the code official to be dangerous to the health, safety and welfare of the occupants of a structure or the public.

Unsafe structure. An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that 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 to be an unsafe structure.

13 VAC 5-63-2330. Chapter 3 General Requirements.

A. Delete Section 302.1 of the IPMC.

B. Change Section 302.2 of the IPMC to read:

302.2 Grading and drainage. All premises shall be graded and maintained to protect the foundation walls or slab of the structure from the accumulation and drainage of surface or stagnant water in accordance with the Virginia Construction Code.

C. Change Section 302.3 of the IPMC to read:

Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and

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similar spaces regulated under the Virginia Construction Code shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702.

D. Delete Section 302.4 of the IPMC.

E. Change Section 302.5 of the IPMC 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.

F. Delete Sections 302.8 and 302.9 of the IPMC.

G. Change Section 304.14 of the IPMC to read:

304.14 Insect screens. During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of 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 (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working conditions.

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Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

H. Add Section 305.7 to the IPMC to read:

305.7 Lead-based paint. Interior and exterior painted surfaces of dwellings and child care facilities, including fences and outbuildings, that contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50% 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.

I. Change Section 307.1 of the IPMC to read as follows and delete the remaining provisions of Section 307:

307.1 Accumulation of rubbish and garbage. The interior of every structure shall be free from excessive accumulation of rubbish or garbage.

J. Delete Section 308 of the IPMC.

13 VAC 5-63-2340. Chapter 5 Plumbing Facilities and Fixture Requirements.

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A. Add Section 505.5 to the IPMC to read:

505.5 Inspection and testing of backflow prevention assemblies. Inspection and testing shall comply with Sections 505.5.1 and 505.5.2.

B. Add Section 505.5.1 to the IPMC to read:

505.5.1 Inspections. Inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable.

C. Add Section 505.5.2 to the IMPC to read:

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.

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

13 VAC 5-63-2350. Chapter 6 Mechanical and Electrical Requirements.

A. Change Section 602 of the IPMC to read:

Section 602 Heating and Cooling Facilities.

B. Change Section 602.1 of the IPMC to read:

602.1 Facilities required. Heating and cooling facilities shall be maintained and operated in structures as required by this section.

C. Change Section 602.2 of the IPMC to read:

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

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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.

D. Change Section 602.3 of the IPMC to read:

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:

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

E. Change Section 602.4 of the IPMC to read:

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



13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

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.

F. Add Section 606.3 to the IPMC to read:

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 code 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 the VCS.

DOCUMENTS INCORPORATED BY REFERENCE

13 VAC 5-63. VIRGINIA UNIFORM STATEWIDE BUILDING CODE (adding 13 VAC 5-63-10 through 13 VAC 5-63-2350).

International Building Code – 2003 Edition, International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401.

International Existing Building Code – 2003 Edition, International Code Council, Inc.

International Property Maintenance Code – 2003 Edition, International Code Council, Inc.