

**SUMMARY**  
**DHCD Workgroup #1**  
**September 13, 2012 - 9:30 a.m. - 3:30 p.m.**

Workgroup 1 –2012 USBC, SFPC, VADR, VCS, MHSR, IBSR, MOA's and related laws administrative code changes

**First Meeting Summary:**

Emory Rodgers gave an overview and reminded attendees that the code change cycle schedule is on the DHCD website. He mentioned the public hearing on September 17<sup>th</sup>, which will be for the Board of Housing and Community Development (BHCD) to gather information and hear comments. He also noted that the election of a new Governor may impact this code cycle. The first Codes and Standards Committee meeting is proposed for December 20<sup>th</sup>. A new Committee has been created for Fire Code Changes. It is made up of three BHCD members and three Fire Service Board (FSB) members to review SFPC changes. The purpose of today's meeting is to discuss the issues and perhaps finalize some where everyone is in agreement. He thanked everyone for their participation, including the subgroup members, VBCOA committees and VPMIA. This participatory process is efficient and eliminates most legislative tinkering with technical issues.

**Introductions:** (List of attendees is attached – page 9)

**Agenda Items**

- HB 327 – Historic Structures – Requires review by historical board prior to ordering any razing or demolition by a Maintenance Official. The discussion was about if this language needs to be placed in the USBC. The VBCOA Admin. Committee did propose that but then decided it wasn't necessary. A note was added to Section 105 of the Maintenance Code only as a pointer in base document. No opposition. **Off list.**
- 1045 – Proposed going from three years to two years for completion of dwelling – also required substantial progress. No code change at this time. John Catlett said only the exterior was a concern. Mike Toalson said he would look at anything brought forward but had concerns about larger homes. There was an email from a person in Vienna where there had been an issue. **Off list if no code change.**
- HB 1292 – Mandatory appeal language for Fire Prevention Code Notice of Violation. **The FSBCC is drafting a code change for its October 17<sup>th</sup> meeting. DHCD will need by November 1<sup>st</sup>. This will be a consensus agenda item for the December 13<sup>th</sup> meeting.**
- HB 1294 – Clarifies no fees for purposes of assembly. Does not apply to Annual Inspections. Discussion included interpretation by some code officials that this bill prohibits charging for site plans, etc. Author of bill was present and indicated it is not being read correctly. **Off list.**

- H 316 – VA Cemetery Assoc. addressed the group. Purpose was to get relief from small structures. Hoping to start a conversation about the realities of cemeteries and how they are used. Has a team willing to work on this. The VBCOA Admin. Committee is going to try to craft something through exemptions. There were some concerns over larger mausoleums that hold services. VBCOA Admin. Committee will work with Cemetery Assoc. to develop code changes. Will have something ready for the Dec. 13 meeting. Ron Clements has been working with association group and will help as well. Ron reminded the association that this workgroup (and code change process) has no oversight over zoning issues, which have to be addressed through a different process. Two code changes submitted by VBCOA for fences and retaining walls fix two concerns. **Attached are two code changes from Clements that addresses plumbing and building issues to discuss December 13<sup>th</sup> with VBCOA AC to consider prior to then (page 12).**
- HB 152 – Liability Insurance limits for fireworks displays. Ed A indicated that this was put in by an individual that does very small shows. Concerned about the \$500,000 limit. FSBC and SFMO code change to increase limit. October 17<sup>th</sup> FSBC to review. **Need code change by November 1<sup>st</sup>.**
- HB 1293 – City of Chesapeake limited to \$50 for fire inspections. Will be part of related law package. **Off list.**
- Proposed SFMO fees. The proposed complaint/inspection fee will be \$51 per hour per inspector to include court time and travel time after 1<sup>st</sup> two inspections. VRMA asked if complaint fees will apply to those that have an annual inspection as well. Ed Altizer stated that the complaint fees would not apply to those that already have an annual fee attached. Need to clarify in the submitted code change. These complaint/inspection fees will now include all SFPC complaints while the 1<sup>st</sup> submittal was for hotels, motels and bed and breakfasts. Question asked if names of complainants are required. Ed indicated that name of complainant is not required but they do have to provide what the specific complaint is, not general complaints. If they give a name they will have to release under FOIA. Needs to be tweaked, will be brought back. Ed cited two examples noting some 200 hours had been consumed in just one hotel/motel case that would work out to a 10,000 dollar fee. Should there be a cap or what if there is non-payment address in supporting statement-DHCD comments for Ed to consider. The 2<sup>nd</sup> new fee is for annual inspections of permissible firework stands and retail sales with a proposed flat rate. Still being reviewed for legal and technical issues. **Draft code changes attached (page 15).** Supporting statement may need more information on purpose, fire data available, staff resources and revenue projections. **Need all code changes by November 1<sup>st</sup>.**
- Discussion on raising existing firework display fees if requesting quick turn-around. Ed discussed reasons. Sometimes requests come in two days before an event and want a permit. Purpose is to discourage folks from dragging their feet. May increase fee to \$1000 if less than 48-hours. **Need final code change by November 1<sup>st</sup>.**

- HB 1111 – Not in package - If inspections are done during regular hours, overtime charges are not permitted. Resulted from some Fire Officials bringing in off-duty fire inspectors during the day but charging overtime rates. **Will be in Related Law package. Off list.**
- Sky lanterns – TRB ruling for SFPC that is recreational fire. FSBCC will be doing code change where can be approved. **Need code change by November 1<sup>st</sup> for December 13<sup>th</sup> meeting and consensus agenda code change.**
- SFPC parking of fuel trucks in residential areas IFC. TRB decision reversed case before them that the homes and acreage involved constituted residential area. **Staff will ask FSBCC to review on October 17<sup>th</sup>. Also representative for fuel operators felt some clarification was necessary too. Need a code change developed. This one may require a sub-group. On December 13<sup>th</sup> agenda and final Workgroup 1 agenda on March 12, 2013.**
- Policy for 3<sup>rd</sup> party approvals. Will be the same across all regulations that is Building/Maintenance/Fire. John C. stated he had vetted it with Robby Dawson. Question if jurisdiction could restrict acceptance. Answer was yes, but it has to be a written policy that is applied equitably. Came up because of proposed HB and because of confusion by code officials on what their authority was. Dec. 13<sup>th</sup> will have the specifics of this code change. **Code change attached for consensus December 13<sup>th</sup> (page 20).**
- USBC VCC – Link 110 and 118 with VMC regarding inactive and unsafe buildings. John C had already sent this out to client groups for vetting. All they did was recreate language from VMC. Trying to avoid legislation. **Code changes attached (page 24). December 13<sup>th</sup> for consensus.**
- Discussion on A-3 on a Farm exemption. Also discussion on communication towers, what is covered and what is not? Do the current exemptions need to be looked at? The wording in the exemption is a mess. VBCOA Admin. Committee may want to look at this. Need to get input from stakeholders. John C. said that they tackled this in the last cycle. **Farm buildings will be off list but we will keep communication towers on the agenda for December 13<sup>th</sup> meeting. No code changes have been submitted.**
- Nightclubs – definitions of “Main Use”. TRB decision that it is up to the Code Official. Need clarification for both the building code and fire code. May impact retail merchants. Skip H. said this was addressed last cycle. Just need to put language in Fire Code. There was a suggestion to delete from definition “main use”. **John C. will work with Fire to fix. Need code change November 1<sup>st</sup> for December 13<sup>th</sup> meeting. VA-AIA, VRMA and VHTA need to be involved too.**
- USBC VCC 102.3 shipping containers not covered unless converted to habitable uses with CO. **No opposition so on consensus agenda December 13<sup>th</sup> meeting.**
- USBC 103.5 #4 Discussion on the “like for like” provision. VBCOA Admin. Committee is looking at this. AIA needs to be involved as well as the merchants association. Couldn’t gain consensus in 2009. Would like to try again. John C. discussed that they are looking at the 2015 code change that moves Chapter 34

into IEBC or to delete 34 altogether and use only IEBC. Thinking about IRC remaining the same for USBC 103.5 #4 while IBC following VRC/IEBC. Only wrinkle is 4-story townhomes. VRC has been around for a couple of cycles and is intended for use in rehabbing old buildings. **Need code change November 1<sup>st</sup> for December 13<sup>th</sup> meeting.**

- USBC 118.23 codes change no opposition to move redundant language. **Consensus code change agenda for December 13<sup>th</sup> meeting.**
- Abortion Clinics VDH regulations – working with health department on language to coordinate their new language with the USBC. Abortion clinics mostly remain as B occupancy but will have higher ceiling heights and wider corridor with perhaps some electrical upgrades similar to hospitals. DHCD will take lead with VDH when meet October 3rd. **Will be back on the agenda for Dec. 13<sup>th</sup> meeting with any code change or perhaps MOA. Also, there is a need to coordinate definition of clinics in current 2009 USBC that DHCD will do with a code change for the December 13<sup>th</sup> meeting and send out with the agenda.**
- State regulated care facilities – juvenile facilities and other DSS facilities. Can we insert these into the code or do we need to take legislative action? Will be meeting with state agencies on MOA's and will discuss. **If we don't have anything by Dec. 13, it will be off the list.**
- Homeless shelters – hypothermia safety facilities – temporary in nature. Natural disaster temporary shelters. VBCOA Admin. Committee is working on this. Final wasn't included in package. John C. thinks it has been moved from 117 to 103. Question on if it would apply to emergency shelters. Answer was yes as those are generally agreed to ahead of time and discussed with the Fire/Building Officials. How is temporary use defined? Attempting to avoid legislative action. **Code change attached (page 32). Any final code change need by November 1<sup>st</sup> for December 13<sup>th</sup> meeting.**
- Appeal Board language requiring an annual meeting. Discussion ongoing by VBCOA Administrative Committee. Need to address for the VMC and SFPC too for coordination where there are separate appeal boards. **Draft code change attached (page 33).**
- USBC 108.2 increase exemptions for small buildings from 200 to 256 sq. ft. Reason is because it matches exemption for permanent foundations. **No opposition. On consensus agenda for December 13<sup>th</sup> meeting.**
- USBC VCC, VMC and SFPC 3<sup>rd</sup> party issue – issue is limiting to defray code enforcement costs but not making a profit. Example: jurisdiction eliminated elevator inspection position then had to use 3<sup>rd</sup> party but still charged the full inspection fee in addition to the 3<sup>rd</sup> party fee. This may be more educational as it's already in the code to defray costs. Do we need to tweak? Variation on this is requiring under the VMC or SFPC 3<sup>rd</sup> party inspections and reports to the code official, but then to also require the testing and witnessing done by the 3<sup>rd</sup> party to also be done by the code official and charging those costs too to owners. Part of the HB 1111 discussions on charging OT and later for manufactured and

industrialized housing inspections. FSBC, VBCOA AC and VA MMHA with DHCD review. **Code changes by November 1<sup>st</sup> for December 13<sup>th</sup> meeting.**

- USBC 110.6 when a permit expires is it required or should be to notify the permit applicant? There was some inquiry to DHCD this past year so this is why this is on the agenda. Some building department do this and have computer programs that automatically send out a notice permit is expiring when there is no inspections called for by the permit applicant. **Off list if no code change.**
- Plumbing permit exemptions code change submitted by Skip H. Specific to well pumps. Need to review MOA with VDH to determine if there is a conflict. Doesn't seem to address anything except public water supplies. **If no VDH conflict, no opposition so on consensus agenda for December 13<sup>th</sup> meeting. Code change attached (page 34).**
- Atomic Energy Roanoke presentation– question on red tagging gas appliances. Who has authority to require new appliances to be purchased versus repairs? Are utilities involving code officials? Building departments need to coordinate with local public utilities gas and electric to avoid conflicts and ensure permits obtained. **Off list**
- Overcrowding – room sizes. Do we need to replicate table from VMC to USBC? VBCOA Admin. Committee not doing anything at this point. **Off list.**
- VBCOA Admin. Committee – USBC 108.2 permit exemptions recommending all fences, instead of current under 6 feet, be removed from code req's except for masonry walls over 6 feet and except for pool fencing or mandatory safety fencing. Will be included in the summary. Separate change for retaining walls that will make permitting required at four feet. Fix cemetery concerns too. **Code changes in summary (page 35). No opposition on consensus agenda for December 13<sup>th</sup> meeting.**
- USBC 107.1.1 – Note for fees being less for manufactured or modular housing. Same issue as for 3<sup>rd</sup> parties and localities not having reduced permit fee. **No opposition on consensus agenda for December 13<sup>th</sup> meeting.**
- HJR 648 issues –USBC VCC 108. Parking lot restriping, repaving and reconfiguration. When are these an alteration? Based on an opinion by DOJ, restriping, repaving and reconfiguration are alterations. There was opposition to restriping part of the code change. There was less opposition to repaving and reconfiguration. Conference call will be held with study group. Will try to come up with consensus but, if not will move it forward and let the BHCD hear the issues and decide. **Need revised code changes by November 1<sup>st</sup>. Workgroup 2 and 3 are looking at 6 other HJR 648 code changes.**
- TRB – code changes based on appeals. – Electrical service to be energized prior to final. Need to look at 6 items required. Proposed change makes clear it must be done. Is it the intent to limit to buildings? Should include structures. DHCD will do building and structures as editorial change. **No opposition on consensus agenda for December 13<sup>th</sup> meeting.**
- TRB – 113 – 6. Approval or notice of defective work. Shall be permitted to be done electronically. Define "written" as also allowing electronic means. As

determined by localities legal counsel was an issue. **On agenda for December 13<sup>th</sup> meeting.**

- TRB 112.1 – No interpretation rendered. Realized the code doesn't adequately address what happens if one violation creates another violation. Proposed change tries to make it clear. **No opposition on consensus agenda for December 13<sup>th</sup> meeting. Code change attached (page 37).**
- AIA – Ken Payne linked provision between VCC and VRC. Will include for December 13. Just a note. If everything goes to IEBC then this issue goes away. **Off list 13<sup>th</sup>.**
- Maintenance Code – Heating and cooling days. VBCOA Admin. Committee has code change ready that will provide some flexibility besides the May and October dates. Avoids legislation. **Need AOBA to review. Code change attached (page 38). On agenda for December 13<sup>th</sup> meeting.**
- Type I hoods over stoves – is being looked at by workgroups 2 and 4. Draft has been created that everyone agrees with in concept. Just brought up here for informational purposes. Discussion recommended that "commercial cooking" be defined as opposed to type of appliances. **Emory suggested FSBCC take a look at this as well. Code changes are attached (page 39).**
- VDH – Emory attended meeting to discuss recommendations for the remediation of meth labs. Some of the recommendations are dependent upon how long the process had been in place. Does something need to be placed in the maintenance code? What permits may or may not be required? Revoke CO? If code is currently adequate to deal with these issues, then OK. Would like to avoid legislation. Preference would be to work with other agencies. Task force at Health Dept. is tasked with developing guidelines. DHCD will distribute information for everyone to consider. Perhaps the answer is to do a separate ordinance allowed by the Code of Virginia that Christiansburg did or even an MOA with VDH. EPA remediation protocol is similar to USBC defective drywall requirements. **On agenda for December 13<sup>th</sup>.**
- IBSR and MHSR – Provided for review. Suggested looking at the regulations as it relates to unregistered buildings. Look at 424 tried to clarify what is already being done. Question has come up whether or not a bus stop is an unregistered building. Changed the transition to a new code cycle from 90 days to one year. Migrant dwelling units are under the Virginia Employment Commission/DOLI. Need to vet it with these agencies one more time to see if anything is necessary. Discussed IT pods used by Google, Amazon and others at their storage and server centers. Can be IBSR units or unregistered buildings. Prince William County raised questions on how to approve. If they are unregistered buildings, how do building official check concealed plumbing, insulation, electrical and mechanical components. **On December 13<sup>th</sup> agenda. Need VBCOA AC to review.**
- USBC VCC Lead/asbestos – EPA and DOLI has authority, not building code. Bringing it up for informational purposes. **Off list if not code changes.**
- USBC VCC/MMC Elevator Maintenance and control plan – Do we delete or clarify? It's in the standard but most don't know about it. Most professionally

managed properties shouldn't be caught unaware. Since this is through a standard referenced by the code, is it enforceable and can the VCC or VMC inspector cite as violation if this document isn't in an accessible location? The plan has certain mandated replacements that need to be reviewed and identified. Should the BHCD keep, amend or delete? USBC 606.1 of the Maintenance Code also references this standard. Dale Powers suggested that this is a vital maintenance issue. Has been in for a couple of cycles. Should this be incorporated into training? If plan isn't part of the USBC VCC and VMC scope, then a notice of violation cannot be issued. **The VBCOA AC, AOBA and elevator association need to review and provide a list of what this control plan does. DHCD staff will get copies for review too. On December 13<sup>th</sup> agenda.**

- Amusement Device Code Changes –Amusement Device Technical Advisory Committee considering. One code change is to require all rides to have state Certificate of Inspections – what does that mean, gives direction to inspectors that they must use state sticker. 99% use state sticker now. No more local stickers would be allowed. Second code change redefines kiddie rides and inflatables. Issues include fees and inspection frequencies. Third code change has new state fee for generators. A fourth code change increases fees and allows localities by ordinance to increase fee by 50% to cover their costs. Some still felt not enough for OT inspections. Perhaps OT could be handled as well. Open to the public is another problem and maybe a legislative proposal from VBCOA to sponsoring legislation to remove “open to the public” and replacing with the ASTM definition. Emory warned that they need to look carefully before doing this that it doesn't create more problems than it creates. Fifth code change to name DGS state building official to oversee VADR on state property. Sixth code change to clarify NOV are done under the USBC NOV section. A draft staff change for open to the public is in the summary notes. **Code changes attached (page 43). On agenda for December 13<sup>th</sup>.** One operator noted that Arlington provides open to the public amusement rides that have never been inspected. The Building Official was notified.
- Virginia Certification Standards – NOIRAs for the VCS, Local Academies and MHSR are scheduled to be approved at BHCD on Monday. Why doesn't the BHCD hold hearings and take away your certification if deemed necessary? Historically, the BHCD policy has been to allow local governments to determine if officials have been doing a good job. State hasn't been interested in serving as a personnel board for the profession. **VCS proposed regulations on agenda for December 13<sup>th</sup> meeting after with BCAAC.**
- DHCD Meeting coming up at beginning of Oct. with all state agencies with which DHCD have an MOA. **Will be reviewing them all and have them for the December 13<sup>th</sup> meeting.**
- New item not discussed is DHCD/DEQ MOA for UST and installation, alterations and closure/removal and the USBC/SFPC IFC UST removal/closure requirements applicability. There may be new MOA's too.
- **The Related Laws package will be revised for review on December 13<sup>th</sup>.**

**List of suggested ways to improve your supporting statement, to gain consensus and to gain regulatory approval of your code change by the BHCD.**

- Code changes should indicate the need and purpose of the submission. This can include the code change is for clarification, for introduction of new technology and standards, for introduction of new code requirements from future editions of the ICC, for new and preservation of code incentives or for Virginia specific needs.
- Code changes should indicate the impacts and the stakeholders being subjected to the code change. Is it a mandate, unfunded mandate or optional requirement?
- Has there many any outreach to the stakeholders and the results for support or opposition.
- If the code change is for increases and changes to existing fees, then there needs to be a history provided when last changed, the percentage of the increased fee; any contact with the stakeholders; staff resources for the program and revenue projections; what occurs without the increase and the consequences; and, the reasonableness and fairness of the fee increase.
- Code change for new fees need the purpose and why with some data to justify such as fire data or complaints; contacts made, staff resources if adding and revenue projections. What occurs if new fees/programs are not approved? Compare new fees/programs with current fees and programs from a risk perspective. Are there other alternatives to be considered?
- Providing credible and sound supporting statements enhances the chances for approval and lessens the potential for opposition. DHCD will be glad to provide our assistance in this regard

# DHCD Workgroup #1

Thursday, September 13, 2012 - 9:30 a.m.

| NAME                  | REPRESENTING                   | EMAIL ADDRESS<br>IF JANICE DOES NOT ALREADY HAVE IT |
|-----------------------|--------------------------------|---|
| DALE POWERS<br>LAWSON | VA. ELEV. SAFETY ASSN.<br>SFMD | POW02@CO. HENRICO.VA.US                             |
| Ed ALTIZEL            | SFMO                           |   |
| SANDI MORRIS          | DHCD                           |   |
| Paul W. Abernathy     | NENA                           | Paul W.   |
| Andrew Milliken       | Stafford County FMO            | amilliken@staffordcountyva.gov                      |
| Eddy Ailiff           | VAIB                           |   |
| MICHAEL H. DOHERTY    | VA CEMETERY ASSN.              | MIKE DOHERTY @ ATT.NET                              |
| Ed Rhodes             | VCA                            | Regva@comcast.net                                   |
| David Boehm           | Warren County                  | dboehm@warrencountyva.net                           |
| Kevin E. Kline        | Rockingham County / IRC Comm.  |   |
| Frank Marnick         | County of Fairfax              |   |
| Kenney Payne          | VSAVA                          |   |
| Tyler Cordlock        | VA mmmt                        |   |
| Rick Witt             | Chesterfield                   |   |
| Janice                | DHCD                           |   |
| Cindy                 |                                |   |
| James                 |                                |   |
| Veranda               |                                |   |
| John Walsh            | Louisa Cty / VPIITA            | Shoape @ Louisa. org                                |
| Stanley Skinning      | City of Fredericksburg         |   |
| JOHN CARLETT          | City of Suffolk                | SISKI.  |
|                       | Alexandria VRCA                |   |

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### DHCD Workgroup #1

Thursday, September 13, 2012 - 9:30 a.m.

| NAME               | REPRESENTING      | EMAIL ADDRESS<br>IF JANICE DOES NOT ALREADY HAVE IT |
|--------------------|-------------------|---|
| Don Clements       | VRCo / Chesapeake |   |
| Joe McLermack      | VACO              |   |
| Steve Damm         | Lancaster County  |   |
| IAH DRAUM          | Lancaster Co      |   |
| Ken Marfin         | KRM Consulting    |   |
| Michael Reliford   | Newport News      |   |
| MARK FLYNN         | VML               | mflynn@vml.org                                      |
| Annette Kelley     | VDSS              |   |
| Sean Farrell       | PWC VRCCA         | sc  |
| ERIC LEATHERBY     | DHCD              |   |
| ALAN MONTAN        | DHCD              |   |
| Mike Tolson        | HBAV              |   |
| Mike Haag          | Chesapeake Fire   | mhaag@cityofchesapeake.net                          |
| Scott Saunders     | Chesapeake Fire   | ssaunders@cityofchesapeake.net                      |
| Paula Johnson      | PWC - VAESA       | PaulaJohnson@purgoy.org                             |
| Danna Olney Kohler | B-B Assoc. of VA  | danna@figstreetva.com                               |
| Jodi Roth          | VRMA              | JRoth@virginiaaretail.org                           |
| Guy Timberline     | FAE - VBCOA       |   |
| MIKE O'CONNOR      | VPCGA             | Mike@vpcga.com                                      |
| Nicole Kelly       | NHIB              | Nicole.kelly@efis.org                               |
| Ron Ruggens        | SFMO              |   |
| SHAWN THARR        | AD13A             |   |
| JAMES STUART       | Cemetery industry | James.Stuart@DignityMemorial.com                    |



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Ron Clements

Representing: VBCOA administrative committee

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): VPC table 403.1

Proposed Change (including all relevant section numbers, if multiple sections):

Add new foot note "b" to table 403.1 with no change to the table.

TABLE 403.1  
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES a e

(table occupancy cell A-3)

A-3 d e

(Remainder of table unchanged)

e. Plumbing fixtures are not required to serve cemetery structures used primarily for the intrment of human or animal remains, or as monuments, with or without short term incidental occupancy. Onsite cemetery chapels, used solely for funeral services, with an occupant load of 50 or less are only required to be provided with a service sink provided at least one men's and one women's restroom facility, each with a water closet and lavatory, are available on the cemetery property for the chapel occupants.

Supporting Statement (including intent, need, and impact of the proposal):

This code change is intended to exempt cemetery structures from plumbing fixture requirements when warranted by the infrequent and short duration of occupancy, or lack of occupancy, of specialized cemetery structures. A complete exemption is proposed for non-occupied or limited occupancy structures such as crypts, mausoleums or columbaria. In many cemeteries no facilities are provided. For small occupancy chapels an exemption is proposed when there is a restroom available onsite.

This proposed regulatory change was prompted by an issue raised during the 2012 legislative session by bills HB316 and SB430. The bills as passed did not mandate this regulatory change but VBCOA agreed to work with the cemetery industry on this regulatory change during collaborative work on the bills. Cemetery structures, especially those used as burial crypts and/or monuments are in a grey area of the code and subject to a wide range of building permit and code interpretations across the state. The legislative initiative and this subsequent code change intends to clarify the intent of building code applicability to these structures.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

**Code Change Form for the 2012 Code Change Cycle**

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Ron Clements

Representing: VBCOA administrative committee

Mailing Address: 9800 Government Center Parkway

Email Address: clementsro@chesterfield.gov

Telephone Number: (804) 751-4163

Proposal Information

Code(s) and Section(s): VCC section 108.2

Proposed Change (including all relevant section numbers, if multiple sections):

Add new exemption #4 to VCC section 102.3 and renumber subsequent sections:

102.3 Exemptions. The following are exempt from this code.

4. Cemetery buildings and structures not exceeding 400 square feet in area if the building or structure is non-occupiable and used solely for the interment of human or animal remains.

Add new exemption #4 to VCC section 108.2 and renumber subsequent sections:

108.2 Exemptions from application for permit.  
(no change to base section 108.2)

#4 Cemetery buildings and structures not exceeding 256 square feet in area.

Supporting Statement (including intent, need, and impact of the proposal):

The 400 square foot exemption for non-occupiable buildings used to store remains is targeted at crypts, mausoleums, and columbaria structures that are not occupied. Since these structures are not occupied and typically constructed out of substantial materials such as stone, masonry and concrete, a larger area exemption is justified. Since these structures are not occupied and many code provisions such as energy code, plumbing, mechanical, means of egress and life safety are not applicable this exemption is proposed as a code exemption rather than a permit exemption.

This 256 square foot exemption is intended to exempt any structures in cemeteries from permit requirements that are 256 square feet or less in area. This is targeted at tool and storage sheds that are not necessarily accessory to a main building and other small structures erected or installed at cemeteries. This change meets the spirit and intent of the existing accessory structure exemption and the 256 square foot is consistent with another VBCOA code change proposal to adjust the accessory structure exemption to 256 square feet based on that being the maximum area for a building to be constructed without a frost protected footing. This is proposed a permit exemption, not a code exemption, because these structures can be entered or occupied.

This proposed regulatory change was prompted by an issue raised during the 2012 legislative session by bills HB316 and SB430. The bills as passed did not mandate this regulatory change but VBCOA agreed to work with the cemetery industry on this regulatory change during collaborative work on the bills. Cemetery structures, especially those used as burial crypts and/or monuments are in a grey area of the code and subject to a wide range of building permit and code interpretations across the state. The legislative initiative and this subsequent code change intends to clarify the intent of building code applicability to these structures.

### Submittal Information

Date Submitted: \_\_\_\_\_

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
The Jackson Center  
501 N. 2nd Street  
Richmond, VA 23219-1321

Email Address: [taso@dhcd.virginia.gov](mailto:taso@dhcd.virginia.gov)  
Fax Number: (804) 371-7092  
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

**Code Change Form for the 2012 Code Change Cycle**

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Ed Altizer

Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov

Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): SFPC Sections 107.6 and 107.14

Proposed Change (including all relevant section numbers, if multiple sections):

**107.6 State Fire Marshal:** Permits will not be required by the State Fire Marshal except those permits listed in Section 107.13 and the levy of annual compliance inspection fees listed in Section 107.14 of this code.

**Exception:** Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the State Fire Marshal is made annually by the Chief Arson Investigator listing all storage locations within areas where enforcement is provided by the State Fire Marshal's office.

**107.14 State annual compliance inspection permit fees.** ~~Annual fees for compliance inspections permits issued/performed~~ by the State Fire Marshal's Office ~~for the inspection of buildings~~ shall be as follows:

1. Night clubs

- 1.1. \$350 for occupant load of 100 or less.
- 1.2. \$450 for occupant load of 101 to 200.
- 1.3. \$500 for occupant load of 201 to 300.
- 1.4. \$500 plus \$50 for each 100 occupants where occupant load exceed 300.

2. Private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.

- 2.1. \$150 for 3,500 square feet (325.15 m<sup>2</sup>) or less.
- 2.2. \$200 for greater than 3,500 square feet (325.15 m<sup>2</sup>) up to 7,000 square feet (650 m<sup>2</sup>).
- 2.3. \$250 for greater than 7,000 square feet (650 m<sup>2</sup>) up to 10,000 square feet (929 m<sup>2</sup>).
- 2.4. \$250 plus \$50 for each additional 3,000 square feet (278 m<sup>2</sup>) where square footage exceeds 10,000 (929 m<sup>2</sup>).

3. Assembly areas that are part of private college dormitories.

- 3.1. \$50 for 10,000 square feet (929 m<sup>2</sup>) or less provided the assembly area is within or attached to a dormitory building.
- 3.2. \$100 for greater than 10,000 square feet (929 m<sup>2</sup>) up to 25,000 square feet (2322.5 m<sup>2</sup>) provided the assembly

2012 SFPC change to Section 107 13 and 170 14 for NEWLY PROPOSED SFMO permit fees and HOURLY RATE.doc

area is within or attached to a dormitory building, such as gymnasiums, auditoriums or cafeterias.

3.3. \$100 for up to 25,000 square feet (2322.5 m<sup>2</sup>) provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

3.4. \$150 for greater than 25,000 square feet (2322.5 m<sup>2</sup>) for assembly areas within or attached to a dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

4. Hospitals.

4.1. \$300 for 1 to 50 beds.

4.2. \$400 for 51 to 100 beds.

4.3. \$500 for 101 to 150 beds.

4.4. \$600 for 151 to 200 beds.

4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.

5. Child day centers, assisted living facilities and adult day care centers licensed by the Virginia Department of Social Services based on licensed capacity as follow:

5.1. \$50 for 1 to 8.

5.2. \$75 for 9 to 20.

5.3. \$100 for 21 to 50.

5.4. \$200 for 51 to 100.

5.5. \$400 for 101 or more.

Exception: Annual compliance inspection permits fees for any building or groups of buildings on the same site may not exceed \$2500.

6. Registered complaints.

1<sup>st</sup> Visit (initial complaint) hourly rate per SFMO staff person - \$0.00

2<sup>nd</sup> Visit (follow-up on initial complaint) hourly rate per SFMO staff person - \$0.00

3<sup>rd</sup> Visit (additional follow-up on initial complaint and any resulting summons) hourly rate per SFMO staff person - \$51.00

7. Storage/Retail Display of permissible fireworks.

|   |                 |
|---|-----------------|
| <u>9.1 Temporary Structures or Stands – 60 day period</u> | <u>\$100.00</u> |
| <u>9.2 Permanent Structure – 60 day period</u>            | <u>\$190.00</u> |
| <u>9.3 Permanent Structure – year-round</u>               | <u>\$240.00</u> |

Supporting Statement (including intent, need, and impact of the proposal):

The change to Section 107.6 is a coordinated change to what is proposed for Section 107.14.

The changes to Section 107.14 is based upon the statutory authority granted in § 27-98 of the Code of Virginia allowing the SFMO charge a fee to recover the actual cost of administering and enforcing the SFPC in jurisdictions for which the office serves as the enforcing authority.

The compliance inspections undertaken for the occupancies listed in Section 107.14, Items 6 and 7 are essentially for the same reasons inspections are performed in the occupancies listed in items 1 through 5; to ensure continued compliance.

Response to complaints results in inspections to ensure all required built-in fire safety features that were required by the USBC at the time of design and construction are properly maintained, including any retrofitting provisions required within the USBC, and that any conditions related to the storage, handling, and use of substances, materials and devices remain in compliance with the provision established in the

SFPC.

Whether intentional or not, illegal fireworks are often found at retail outlets, and sometimes *under the counter*. The inspection related to permissible fireworks is a means to ensure illegal fireworks are not mixed into the retail stream and only permissible fireworks are available to the public.

Submittal Information

Date Submitted: \_\_\_\_\_

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
Main Street Centre  
600 E. Main St., Ste. 300  
Richmond, VA 23219

Email Address: [tsu@dhcd.virginia.gov](mailto:tsu@dhcd.virginia.gov)  
Fax Number: (804) 371-7092  
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Ed Altizer

Representing: State Fire Marshal's Office

Mailing Address: 1005 Technology Park Drive, Glen Allen, VA 23059

Email Address: ed.altizer@vdfp.virginia.gov

Telephone Number: 804-371-0220

Proposal Information

Code(s) and Section(s): SFPC Sections 107.6, 107.13 and 107.14

Proposed Change (including all relevant section numbers, if multiple sections):

**107.13. State explosives, blasting agents, theatrical flame effects and firework permit fees:** Except as modified herein. Applications for firework or pyrotechnic displays shall be submitted to and received by the State Fire Marshal's Office not less than 15 days prior to the planned event. Fees for permits issued by the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks and flame effects on state-owned property shall be as follows:

1. \$125 per year per magazine to store explosives and blasting agents.
2. \$200 per year per city or county to use explosives and blasting agents.
3. \$150 per year to sell explosives and blasting agents.
4. \$200 per year to manufacture explosives, blasting agents and fireworks.
5. \$350 the first day of fireworks, pyrotechnics or proximate audience displays conducted in any state-owned building and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be ~~\$450~~ per \$550 the first day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be ~~\$550~~ per \$650 the first day and \$150 per day for each consecutive day for identical multi-day events.
6. \$250 the first day of fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be ~~\$450~~ per \$550 the first day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be ~~\$550~~ per \$650 the first day and \$150 per day for each consecutive day for identical multi-day events.
7. \$100 per event for the use of explosives in special operations or emergency conditions.
8. \$300 the first day for flame effects conducted in accordance with Section 308.3.6 indoors of any state-owned building or outdoors on state-owned property and \$150 per day for each consecutive day for identical multi-day events, or, if conducted as part of a firework (pyrotechnic) display, \$100 the first day and \$75 per day for each consecutive day for identical multi-day events. If an application for flame effects is received by the SFMO less than 15 days prior to the planned event, the permit fee shall be ~~\$450~~ per \$550 the first day and \$150 per day for each consecutive day for identical multi-day events or, if conducted as part of a firework (pyrotechnic) display, \$200 the

2012 SFPC change to Section 107 13 and 170 14 for CURRENT SFMO permit fees.doc

first day and \$100 per day for each consecutive day for identical multi-day events.. If an application is received by the SFMO less than 7 days prior to the planned event, the permit fee shall be ~~\$550 per~~650 the first day and \$150 per day for each consecutive day for identical multi-day events or, if conducted as part of a firework (pyrotechnic) display, \$300 the first day and \$125 per day for each consecutive day for identical multi-day events..

Supporting Statement (including intent, need, and impact of the proposal):

The increases for Section 107.13, Items 5, 6 and 8 are to strengthen the incentive for submitting applications at least 15 days prior to planned events.

Submittal Information

Date Submitted: \_\_\_\_\_

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
Main Street Centre  
600 E. Main St., Ste. 300  
Richmond, VA 23219

Email Address: [tsu@dhcd.virginia.gov](mailto:tsu@dhcd.virginia.gov)  
Fax Number: (804) 371-7092  
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one): X  Individual     Government Entity     Company

Name: John Catlett

Representing: VBCOA Administration Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: john.catlett@alexandriava.gov

Telephone Number: 703.746.4182

Proposal Information

Code(s) and Section(s): Virginia Statewide Fire Prevention Code

Section No(s): SFPC 106.4

Proposed Change (including all relevant section numbers, if multiple sections):

Proposed Change: Modify 106.3, create new section 106.4, and renumber existing sections 106.4, 106.5, 106.7

~~106.3~~ **Inspections.** The fire official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code. ~~and to approve reports of inspection by approved agencies or individuals. All reports of such inspections by approved agencies or individuals shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual.~~ The fire official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues in accordance with local policies.

106.3.1 **Observations** When, during an inspection, the fire official or authorized representative observes an apparent or actual violation of another law, ordinance or code not within the official's authority to enforce, such official shall report the findings to the official having jurisdiction in order that such official may institute the necessary measures.

~~106.4~~ **(New) Approved inspection agencies and Individuals.** The fire official may accept reports of inspections or tests from individuals or inspection agencies approved in accordance with the fire official's written policy required by Section 106.4.1. The individual or inspection agency shall meet the qualifications and reliability requirements established by the written policy. Reports of inspections by approved individuals or agencies shall be in writing, shall indicate if compliance with the applicable provisions of the SFPC have been met and shall be certified by the individual inspector or by the responsible officer when the report is from an agency. The fire official shall review and approve the report unless there is cause to reject it. Failure to approve a report shall be in writing within two days of receiving it stating the reasons for rejection.

106.4.1 **(New) Third-party inspectors.** Each fire official charged with the enforcement of the SFPC shall have a written policy establishing the minimum acceptable qualifications for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalification or preapproval requirements before conducting a third-party inspection and any other requirements and procedures established by the fire official.

106.4.2 **(New) Qualifications** In determining third-party qualifications, the fire official may consider such items as DHCD inspector certification, other state or national certifications, state professional registrations, related experience, education and any other factors that would demonstrate competency and reliability to conduct inspections.

~~106.4~~ 106.5 Alternatives

~~106.5~~ 106.6 Modifications.....

**Supporting Statement (including intent, need, and impact of the proposal):**

There has been an indication that the administrative provisions of the Statewide Fire Prevention Code did not permit the acceptance of third party inspection reports from approved agencies or individuals. This change would align the SFPC with the USBC in requiring a written policy that describes the minimum qualifications and requirements for third-party inspectors or agencies.

**Submittal Information**

Date Submitted: August 2, 2012

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)

600 East Main Street

Suite 300

Richmond, VA 23219

Email Address: [taso@dhcd.virginia.gov](mailto:taso@dhcd.virginia.gov)

Fax Number: (804) 371-7092

Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one): X  Individual     Government Entity     Company

Name: John Catlett

Representing: VBCOA Administration Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: john.catlett@alexandriava.gov

Telephone Number: 703.746.4182

Proposal Information

Code(s) and Section(s):    Regulation Title: Virginia Maintenance Code    Section No(s): VMC 104.5.3  
Inspections.

Proposed Change (including all relevant section numbers, if multiple sections):

Proposed Change: Modify 104.5.3, create remaining.

**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. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues in accordance with local policies.

**104.5.3.1 (New) Observations** When, during an inspection, the maintenance code official or authorized representative observes an apparent or actual violation of another law, ordinance or code not within the official's authority to enforce, such official shall report the findings to the official having jurisdiction in order that such official may institute the necessary measures.

**104.5.3.2 (New) Approved inspection agencies and Individuals.** The code official may accept reports of inspections or tests from individuals or inspection agencies approved in accordance with the code official's written policy required by Section 104.5.3.3. The individual or inspection agency shall meet the qualifications and reliability requirements established by the written policy. Reports of inspections by approved individuals or agencies shall be in writing, shall indicate if compliance with the applicable provisions of the VMC have been met and shall be certified by the individual inspector or by the responsible officer when the report is from an agency. The code official shall review and approve the report unless there is cause to reject it. Failure to approve a report shall be in writing within two days of receiving it stating the reasons for rejection.

**104.5.3.3 (New) Third-party inspectors.** Each code official charged with the enforcement of the VMC shall have a written policy establishing the minimum acceptable qualifications for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalification or preapproval requirements before conducting a third-party inspection and any other requirements and procedures established by the code official.

**104.5.3.4 (New) Qualifications** In determining third-party qualifications, the code official may consider such items as DHCD inspector certification, other state or national certifications, state professional registrations, related experience, education and any other factors that would demonstrate competency and reliability to conduct inspections.

Supporting Statement (including intent, need, and impact of the proposal):

**Supporting Statement:**

There has been an indication that the administrative provisions of the Virginia Maintenance Code did not permit the acceptance of third party inspection reports from approved agencies or individuals. This change would align the VMC with the USBC in requiring a written policy that describes the minimum qualifications and requirements for third-party inspectors or agencies.

Submittal Information

Date Submitted: August 2, 2012

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The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
600 East Main Street  
Suite 300  
Richmond, VA 23219

Email Address: [taso@dhcd.virginia.gov](mailto:taso@dhcd.virginia.gov)  
Fax Number: (804) 371-7092  
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

**Code Change Form for the 2012 Code Change Cycle**

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one): X  Individual       Government Entity       Company

Name: John Catlett

Representing: VBCOA Administration Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: john.catlett@alexandriava.gov

Telephone Number: 703.746.4182

Proposal Information

Code(s) and Section(s): VCC Section 118 Unsafe Buildings

Proposed Change (including all relevant section numbers, if multiple sections):

**Proposed VCC definition of unsafe structure**

**UNSAFE BUILDINGS AND STRUCTURES.** Any building or structure that is under construction and has not received a permanent certificate of occupancy, final inspection, or in which a permit was never issued or has expired and (i) has been determined by the building code official to be dangerous to the health, safety and welfare of those performing construction, authorized or unauthorized, or (ii) is either of faulty construction, deficient in adequate exit facilities, a fire hazard or dangerous to life or the public health, safety, and welfare, or any combination of the foregoing; 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; or any unfinished construction that does not have a valid permit or the permit has been revoked, and the condition of the unfinished construction presents an immediate serious and imminent threat to the life and safety of the occupants or the public.

**Proposed Revision to 118 of the VCC:**

**SECTION 118  
BUILDINGS AND STRUCTURES BECOMING UNSAFE DURING CONSTRUCTION**

**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 completed or a certificate of occupancy has not been issued, or both~~ defined as an unsafe building or structure by this code. In addition, this section applies to any building or structure that is under construction regardless of permit activity status or that 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 that also has requirements for unsafe conditions.

**118.2 Repair or removal of unsafe buildings or structures.** Any building or structure subject to this section ~~that 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.~~

**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 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 of an unsafe building or structure 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.~~

**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 that reads as follows:~~

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

**118.5 Emergency repairs and demolition.** ~~To the extent permitted by the locality, the building official may authorize emergency repairs to unsafe buildings or structures 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 there is a code violation resulting in the immediate, serious and imminent threat to the life and safety of the occupants. The building official shall be permitted to authorize the necessary work to make the building or structure temporarily safe whether or not legal action to compel compliance has been instituted.~~

~~In addition, whenever an owner of an unsafe building or structure fails to comply with a notice to demolish issued under Section 118.3 in the time period stipulated, the building official shall be permitted to cause the unsafe building or structure to be demolished. In accordance with Sections 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the locality may be requested to institute appropriate action against the property owner to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.~~

~~**Note:** Building officials and local governing bodies should be aware that other statutes and court decisions may impact on matters relating to demolition, in particular whether newspaper publication is required if the owner cannot be located and whether the demolition order must be delayed until the owner has been given the opportunity for a hearing.~~

**118.4 Notice of unsafe building or structure.** When a building or structure is determined to be unsafe by the building official, a written notice of unsafe structure shall be issued by personal service 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 repairs or demolition must occur. Requirements in Section 115 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section.

**Note:** Whenever possible, the notice should also be given to any tenants or occupants of the affected structure.

**118.4.1 Vacating unsafe structure.** If the code official determines there is actual and immediate danger to the occupants or public, or when life is endangered by the occupancy of an unsafe structure, the code official shall be authorized to order the occupants to immediately vacate the unsafe structure. When an unsafe structure is ordered to be vacated, the code official shall post a notice with the following wording at each entrance: "THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY (OR USE) IS PROHIBITED BY THE CODE OFFICIAL." 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 structure.

**118.5 Posting of notice.** If the notice is unable to be issued by personal service as required by Section 118.4, 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.

**118.6 Posting of placard.** In the case of an unsafe building or structure, if the notice is not complied with, a placard with the following wording shall be posted at the entrance to the structure: "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL." After a structure is placarded, entering the structure shall be prohibited except as authorized by the code official to make inspections, to perform required repairs or to demolish the structure. In addition, the placard shall not be removed until the structure is determined by the code official to be safe to occupy, nor shall the placard be defaced.

**118.7 Emergency repairs and demolition.** To the extent permitted by the locality, the building official may authorize emergency repairs to unsafe buildings or structures when it is determined that there is an immediate danger of any portion of the unsafe structure or structure unfit for human habitation collapsing or falling and when life is endangered. Emergency repairs may also be authorized where there is a code violation resulting in a serious and imminent threat to the life and safety of the occupants or public.

The building 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, whenever an owner of an unsafe structure or structure unfit for human habitation fails to comply with a notice to demolish issued under Section 118.4 in the time period stipulated, the building official shall be permitted to cause the structure to be demolished. In accordance with Sections 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the locality may be requested to institute appropriate action against the property owner to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be enforceable in the same manner as provided in Articles 3 (Section 58.1-3490 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

**Note:** Building officials and local governing bodies should be aware that other statutes and court decisions may impact on matters relating to demolition, in particular whether newspaper publication is

required if the owner cannot be located and whether the demolition order must be delayed until the owner has been given the opportunity for a hearing.

118.8 Closing of streets. When necessary for public safety, the building 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.

Supporting Statement (including intent, need, and impact of the proposal):

During the last economic downturn, several localities were left with construction projects that occasionally exceeded the norm when it comes to health and safety, especially in established neighborhoods. Some localities looked at spot blight provisions and some utilized the Virginia Maintenance Code to address the concerns. However the Virginia Maintenance Code is intended to address buildings and structures that either currently and legally exist, or have completed the construction process through the VCC and received an occupancy permit or final inspection.

It is generally felt that the provisions of the VMC were adequate to address those few situations that result in imminent danger to the health and safety of the community. This code change takes defining an unsafe structure out of Section 118 and places it in the definition provisions of the code. It further proposes duplicated processes and procedures from the VMC that not only provide consistency, a proven track record, and predictability, it also provides a clear path to appeals that spot blight does not apply.

These provisions are comprehensive enough to deal with any unsafe provision while requiring the building official to provide multiple levels of notification and documentation which protect the property rights of the building owner.

#### Submittal Information

Date Submitted: August 21, 2012

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
600 East Main Street  
Suite 300  
Richmond, VA 23219

Email Address: [taso@dhcd.virginia.gov](mailto:taso@dhcd.virginia.gov)  
Fax Number: (804) 371-7092  
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

**Code Change Form for the 2012 Code Change Cycle**

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one): X  Individual     Government Entity     Company

Name: John Catlett

Representing: VBCOA Administration Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: john.catlett@alexandriava.gov

Telephone Number: 703.746.4182

Proposal Information

Code(s) and Section(s): VCC Section 118 Unsafe Buildings (Revised September 17, 2012)

Proposed Change (including all relevant section numbers, if multiple sections):

**Proposed VCC definition of unsafe structure**

**UNSAFE BUILDINGS AND STRUCTURES.** Any building or structure that is under construction and has not received a permanent certificate of occupancy, final inspection, or in which a permit was never issued or has expired and has been determined by the building code official to be of faulty construction that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely; or any unfinished construction that does not have a valid permit or the permit has been revoked, and the condition of the unfinished construction presents an immediate serious and imminent threat to the life and safety of the occupants or the public.

**Proposed Revision to 118 of the VCC:**

**SECTION 118  
BUILDINGS AND STRUCTURES BECOMING UNSAFE DURING CONSTRUCTION**

**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 completed or a certificate of occupancy has not been issued, or both~~ defined as an unsafe building or structure by this code. In addition, this section applies to any building or structure that is under construction regardless of permit activity status or that 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 that also has requirements for unsafe conditions.

**118.2 Repair or removal of unsafe buildings or structures.** Any building or structure subject to this section ~~that 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.

~~**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 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 of an unsafe building or structure 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.~~

~~**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 that reads as follows:~~

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

~~**118.5 Emergency repairs and demolition.** To the extent permitted by the locality, the building official may authorize emergency repairs to unsafe buildings or structures 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 there is a code violation resulting in the immediate, serious and imminent threat to the life and safety of the occupants. The building official shall be permitted to authorize the necessary work to make the building or structure temporarily safe whether or not legal action to compel compliance has been instituted.~~

~~In addition, whenever an owner of an unsafe building or structure fails to comply with a notice to demolish issued under Section 118.3 in the time period stipulated, the building official shall be permitted to cause the unsafe building or structure to be demolished. In accordance with Sections 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the locality may be requested to institute appropriate action against the property owner to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.~~

~~**Note:** Building officials and local governing bodies should be aware that other statutes and court decisions may impact on matters relating to demolition, in particular whether newspaper publication is required if the owner cannot be located and whether the demolition order must be delayed until the owner has been given the opportunity for a hearing.~~

~~**118.4 Notice of unsafe building or structure.** When a building or structure is determined to be unsafe by the building official, a written notice of unsafe structure shall be issued by personal service 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 repairs or demolition must occur. Requirements in Section 115 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section.

**Note:** Whenever possible, the notice should also be given to any tenants or occupants of the affected structure.

**118.4.1 Vacating unsafe structure.** If the building official determines there is actual and immediate danger to the occupants or public, or when life is endangered by the occupancy of an unsafe structure, the building official shall be authorized to order the occupants to immediately vacate the unsafe structure. When an unsafe structure is ordered to be vacated, the building official shall post a notice with the following wording at each entrance: “THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY (OR USE) IS PROHIBITED BY THE BUILDING OFFICIAL.” 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 structure.

**118.5 Posting of notice.** If the notice is unable to be issued by personal service as required by Section 118.4, 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.

**118.6 Posting of placard.** In the case of an unsafe building or structure, if the notice is not complied with, a placard with the following wording shall be posted at the entrance to the structure: “THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.” After a structure is placarded, entering the structure shall be prohibited except as authorized by the code official to make inspections, to perform required repairs or to demolish the structure. In addition, the placard shall not be removed until the structure is determined by the code official to be safe to occupy, nor shall the placard be defaced.

**118.7 Emergency repairs and demolition.** To the extent permitted by the locality, the building official may authorize emergency repairs to unsafe buildings or structures when it is determined that there is an immediate danger of any portion of the unsafe structure or structure unfit for human habitation collapsing or falling and when life is endangered. Emergency repairs may also be authorized where there is a code violation resulting in a serious and imminent threat to the life and safety of the occupants or public.

The building 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, whenever an owner of an unsafe structure or structure unfit for human habitation fails to comply with a notice to demolish issued under Section 118.4 in the time period stipulated, the building official shall be permitted to cause the structure to be demolished. In accordance with Sections 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the locality may be requested to institute appropriate action against the property owner to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be enforceable in the same manner as provided in Articles 3 (Section 58.1-3490 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

**Note:** Building officials and local governing bodies should be aware that other statutes and court decisions may impact on matters relating to demolition, in particular whether newspaper publication is required if the owner cannot be located and whether the demolition order must be delayed until the owner has been given the opportunity for a hearing.

118.8 Closing of streets. When necessary for public safety, the building 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.

Supporting Statement (including intent, need, and impact of the proposal):

During the last economic downturn, several localities were left with construction projects that occasionally exceeded the norm when it comes to health and safety, especially in established neighborhoods. Some localities looked at spot blight provisions and some utilized the Virginia Maintenance Code to address the concerns. However the Virginia Maintenance Code is intended to address buildings and structures that either currently and legally exist, or have completed the construction process through the VCC and received an occupancy permit or final inspection.

It is generally felt that the provisions of the VMC were adequate to address those few situations that result in imminent danger to the health and safety of the community. This code change takes defining an unsafe structure out of Section 118 and places it in the definition provisions of the code. It further proposes duplicated processes and procedures from the VMC that not only provide consistency, a proven track record, and predictability, it also provides a clear path to appeals that spot blight does not apply.

These provisions are comprehensive enough to deal with any unsafe provision while requiring the building official to provide multiple levels of notification and documentation which protect the property rights of the building owner.

#### Submittal Information

Date Submitted: August 21, 2012

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
600 East Main Street  
Suite 300  
Richmond, VA 23219

Email Address: [taso@dhcd.virginia.gov](mailto:taso@dhcd.virginia.gov)  
Fax Number: (804) 371-7092  
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one): X  Individual     Government Entity     Company

Name: John Catlett

Representing: VBCOA Administration Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: john.catlett@alexandriava.gov

Telephone Number: 703.746.4182

Proposal Information

Code(s) and Section(s): 117.1 Temporary Buildings, Structures and Uses

Proposed Change (including all relevant section numbers, if multiple sections):

**117.1 Temporary building and, structures.** The building official is authorized to issue a permit for temporary buildings or structures, and. 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, removal of temporary buildings or structures during the period authorized by the permit when determined necessary.

**117.1.1 Temporary uses within existing buildings and structures.** The building official shall review and may approve conditions or modifications for temporary uses, including hypothermia and hyperthermia shelters, that may be necessary as long as they meet the spirit and functional intent with this code. The building official is authorized to terminate the approval and order the discontinuance of the temporary use during the period authorized by the permit when determined necessary.

Supporting Statement (including intent, need, and impact of the proposal):

It has been identified that some localities have not allowed temporary uses such as shelters and other uses except in buildings meeting all of the requirements for the proposed uses. The proposed changes will clearly allow the building officials to consider alternatives and approve them for temporary uses. This will allow consideration of the risk vs. benefit associated with short term temporary uses. This can provide flexibility to consider temporary uses for things such as hyper/hypothermia shelters, overnight events such as Club or youth group overnight events at churches, fundraising events of very limited duration while considering alternatives such as fire watches, occupancy limitations, single station smoke detection, etc.

Submittal Information

Date Submitted: August 21, 2012

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: VBCOA Admin Committee (Draft)

Representing: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Proposal Information

Code(s) and Section(s): Virginia Construction Code, Virginia Maintenance Code and Statewide Fire Prevention Code

Proposed Change (including all relevant section numbers, if multiple sections):

Change the sentence below in the appeals provisions to read as shown:

The LBBCA (or BFPCA) shall meet at least once annually in a physical location or by using telephonic or electronic media to assure a duly constituted board, appoint officers as necessary, and receive such training on the code as may be appropriate or necessary from staff of the locality.

Supporting Statement (including intent, need, and impact of the proposal):

The VBCOA Admin Committee believes requiring local appeals board members to travel to a meeting location if there are no appeals to be heard to be overly burdensome, so this amendment would provide for the meeting to be accomplished using conference calls or video-conferencing.

Submittal Information

Date Submitted: \_\_\_\_\_

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
600 East Main Street  
Suite 300  
Richmond, VA 23219

Email Address: [taso@dhcd.virginia.gov](mailto:taso@dhcd.virginia.gov)  
Fax Number: (804) 371-7092  
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

**Code Change Form for the 2012 Code Change Cycle**

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual      X Government Entity       Company

Name: Skip Harper

Representing: Louisa County

Mailing Address: PO Box 160 Louisa, Va. 23093

Email Address: sharper@louisa.org

Telephone Number: 540-967-3414

Proposal Information

Code(s) and Section(s): 2012 USBC Section 108.2

Proposed Change (including all relevant section numbers, if multiple sections):

10.2. Replacement of plumbing fixtures and well pumps in all groups without alteration of the water supply and distribution systems, sanitary drainage systems or vent systems.

Supporting Statement (including intent, need, and impact of the proposal):

In my opinion a well pump is part of the water supply system definition in both the IRC and IPC. This is no different than changing out electric hot water heaters or (10.4) replacement of mechanical appliances (electric), both which are currently exempt from permits.

No cost impact

Submittal Information

Date Submitted: 8/12/12

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
600 East Main Street  
Suite 300  
Richmond, VA 23219

Email Address: taso@dhcd.virginia.gov  
Fax Number: (804) 371-7092  
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: DRAFT

Proponent Information (Check one):  Individual  Government Entity  Company

Name: John Catlett Representing: VBCOA Administration Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: john.catlett@alexandriava.gov Telephone Number: 703.746.4182

Proposal Information

Code(s) and Section(s): VCC Section 108.2

Proposed Change (including all relevant section numbers, if multiple sections):

**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; 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 through 4 no change.

5. Fences of any height constructed of all materials except concrete or masonry and privacy walls not part of a building, structure, required for pedestrian safety as provided for by Section 3306 or of that form the barrier for a swimming pool, provided such ~~fences and~~ privacy walls do not exceed six feet in height above the finished grade. Ornamental post caps shall not be considered to contribute to the height of the ~~fence or~~ privacy wall and shall be permitted to extend above the six feet height measurement.

6 through 10 no change.

Supporting Statement (including intent, need, and impact of the proposal):  
No technical provisions are provided in the building codes regardless of their height. The requirement that fences less than 6' contain less of a hazard than fences over that height has no technical support in the building code. Fences, regardless of height, receive no footing inspection nor are there technical standards for fences over 6 feet. This code change proposes removing all light weight material fences from a permit requirement. The provision retains that concrete and masonry walls do have a greater hazard and must support their weight on a proper foundation. In addition, the provision still requires a permit for any pool barrier and now adds pedestrian safety barriers for construction sites adjacent to public pedestrian ways.

Submittal Information

Date Submitted: August 2, 2012

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information (Check one): X  Individual  Government Entity  Company

Name: John Catlett Representing: VBCOA Administration Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: john.catlett@alexandriava.gov Telephone Number: 703.746.4182

Proposal Information

Code(s) and Section(s): 108.2 Exemptions from Permit

Proposed Change (including all relevant section numbers, if multiple sections):

**108.2 Exemptions from application for permit. . . .**  
  
6. Retaining walls supporting less than ~~two~~ four feet of unbalanced fill which are not constructed for the purpose of ~~. This exemption shall not apply to any wall~~ impounding class I, II or III-A liquids or supporting a surcharge other than ordinary unbalanced fill.  
  
(No other changes)

Supporting Statement (including intent, need, and impact of the proposal):  
  
It is generally felt throughout the construction community and code administrators alike that the current language is too restrictive and requires small area retaining walls around plantings and minor changes in grade to obtain a permit. The risk at 2' is negligible unless supporting a surcharge which is addressed in the code. The current requirement for flammable and combustible liquid enclosures would remain. The language is also consistent with the ICC IRC Administrative provisions for exemptions from permit.

Submittal Information

Date Submitted: August 1, 2012

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: State Building Code Technical Review Board

Representing: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Proposal Information

Code(s) and Section(s): Virginia Construction Code, Section 112.1

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 112.1 as shown below:

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. Damage to regulated building components caused by violations of this code or by the use of faulty materials or installations shall be considered as separate violations of this code and shall be subject to the applicable provisions of Section 115.

Supporting Statement (including intent, need, and impact of the proposal):

Arising as an issue in a appeal, the Review Board recommends that the above language be added to the code to clarify that damage to regulated components of a building caused by violations of the code or by faulty construction or installations are considered in and of themselves to be violations of the code. The reference to Section 115 is to reflect that, as with other violations of the code, the violations must be discovered within the statute of limitations period in order to compel correction, or would only be documented as violations if discovered after the statute of limitations period.

Submittal Information

Date Submitted: March 16, 2012



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: DRAFT

Proponent Information (Check one):  Individual  Government Entity  Company

Name: John Catlett Representing: VBCOA Administration Committee

Mailing Address: 301 King Street, Alexandria, Virginia 22314

Email Address: john.catlett@alexandriava.gov Telephone Number: 703.746.4182

Proposal Information

Code(s) and Section(s): VMC602.2 and VMC 602.4 Dates for heating and cooling.

Proposed Change (including all relevant section numbers, if multiple sections):

~~602.2 Heat supply. Every owner and operator of any building~~ Every owner and operator of a Group R-2 apartment building or other residential dwelling 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. The code official may also consider modifications as provided in Section 104.5.2 when requested for unusual circumstances or may issue notice approving building owners to convert shared heating and cooling piping HVAC systems 14 calendar days before or after the established dates when extended periods of unusual temperatures merit modifying these dates.

(Remainder unchanged)

**602.4 Cooling supply.** Every owner and operator of a Group R-2 apartment building who rents, leases or lets one or more dwelling units, rooming units or guestrooms on terms, either expressed or implied, to furnish cooling to the occupants thereof shall supply cooling during the period from May 15 to October 1 to maintain a temperature of not more than 80°F (27°C) in all habitable rooms. The code official may also consider modifications as provided in Section 104.5.2 when requested for unusual circumstances or may issue notice approving building owners to convert shared heating and cooling piping HVAC systems 14 calendar days before or after the established dates when extended periods of unusual temperatures merit modifying these dates.

Supporting Statement (including intent, need, and impact of the proposal):

The temperature differences throughout the state should be considered when establishing switch over dates between heating and cooling seasons. To assume that the Tidewater area and Northern Shenandoah Valley have the same climatic experiences each year would be incorrect. The provision allows for local official to have latitude based on local experience. The revised language also serves to remind the code official that modifications can be considered and granted during periods of extreme temperature changes from the normal.

The problem arises in older apartment buildings when a physical switch between heating and cooling must occur. The process can take several days and also serves as down time for maintenance. Making the switch back to the previous condition is time consuming. The unusual conditions such as they occurred in the late winter and spring of 2012 served as verification that firm dates may sometimes prove impracticable.

The addition of Group R2 apartment buildings to VMC 602.2 will take away the long term confusion of if these provisions should apply to R2 condominium buildings where renting is not the primary purpose.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual      X Government Entity       Company

Name: Skip Harper

Representing: Louisa County

Mailing Address: PO Box 160 Louisa, Va. 23093

Email Address: sharper@louisa.org

Telephone Number: 540-967-3414

Proposal Information

Code(s) and Section(s): 2012 VMC 507.2.3

Proposed Change (including all relevant section numbers, if multiple sections):

507.2.3 Domestic cooking appliances used for commercial purposes.  
Domestic cooking appliances utilized for commercial purposes shall be provided with Type I or Type II hoods as required for the type of appliances and processes in accordance with Sections 507.2, 507.2.1 and 507.2.2.  
Exception: One four burner cooking appliance installed in Places of Worship (A-3) that is not associated with day care centers, education, or homeless shelters shall comply with 505.1

Supporting Statement (including intent, need, and impact of the proposal):

Intent is to eliminate a type I or II exhaust system for a single stove that will have less use than the average single family dwelling on a daily basis. A Place of Worship might use this appliance twice a week for light cooking. Please note this is intended for one appliance only and limited to four burners for the simple fact that most residential stoves are four burners. Places of Worship come in all sizes with different numbers of members however the majority of these across The State are small in size and this change is intended for them. Bigger Places of Worship often have commercial kitchens intended to be used with day care facilities, education, and homeless shelters and as such 507.2.3 would apply.

Submittal Information

Date Submitted: 8/10/12

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
600 East Main Street  
Suite 300  
Richmond, VA 23219

Email Address: taso@dhcd.virginia.gov  
Fax Number: (804) 371-7092  
Phone Numbers: (804) 371-7140 or (804) 371-7150



VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Organization

Name: J. Kenneth Payne, Jr., AIA

Representing: VSAIA

Mailing Address: 3200 Norfolk Street, Richmond, VA 23230

Email Address: kpayne@moseleyarchitects.com

Telephone Number: 804.794.7555

Proposal Information

Code(s) and Section(s): **2009 IMC, Section 507**

Proposed Change (including all relevant section numbers, if multiple sections):

Add Exception 4 to IMC 507.1 as follows:

**507.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or II and shall be designed to capture and confine cooking vapors and residues. Commercial kitchen exhaust hood systems shall operate during the cooking operation.

**Exceptions:**

1-3 [unchanged]

4. Residential rated, labeled, and listed hood can be provided in lieu of Type I or Type II hood when all of the following conditions are met:
  1. Appliance under the hood shall be residential rated, labeled, and listed.
  2. Appliance under the hood shall be a single light-duty cooking appliance.
  3. Appliance under the hood shall be electric.
  4. Appliance under the hood shall have no more than six burners for any one appliance within any one room or space.
  5. Hood shall be ducted and exhausted directly to the exterior of the building, and cannot recirculate within the room, space, or building.
  6. Heat and moisture loads shall be incorporated into the HVAC system design or separate removal system.
  7. Room or space in which the hood is located shall be sprinklered in accordance with Section 903.3.
  8. Room or space in which the hood is located shall be equipped with a Class K-rated portable fire extinguisher within 30 feet of travel distance from the appliance under the hood.
  9. Room or space in which the hood is located shall be equipped with a manual fire alarm system in accordance with Section 907.
  10. Room or space in which the hood is located shall be equipped with an automatic smoke detection system in accordance with Section 907.
  11. Hood shall not penetrate the finished ceiling.
  12. Hood, appliance, and surrounding horizontal and vertical surfaces shall not show signs of grease, heat, or smoke build-up, and shall be cleaned away immediately after use of the appliance under the hood.

Supporting Statement (including intent, need, and impact of the proposal):

Currently, the interpretation and application of when a Type I or II hood is required for “residential” type appliances in different occupancy classifications is inconsistent. This has created numerous issues with designers and owners designing to meet the *intended* function of the cooking appliance, only to be required to provide a Type I or II hood, or request a code modification to avoid having to provide a Type I or II hood. Oftentimes, a “residential” cooking appliance within a “commercial” facility is classified by the building official or fire official as a “commercial” cooking appliance – thus typically requiring a Type I or II hood – where a “residential” hood should otherwise be sufficient.

Selected excerpts from the 2009 IBC Commentary are repeated below:

*The following are examples of kitchens serving occupancies that, depending on the nature of the cooking and the code official's interpretation of this section, might require only a Type II hood, a residential-type hood or no hood at all for the cooking appliances: church assembly halls; child care facilities; office or factory lunch rooms; employee break rooms; police and fire stations; bed-and-breakfast lodgings; VFW and similar halls; domestic-type kitchens in institutional occupancies; cooking classrooms; cooking demonstration displays and charity soup kitchens.*

*Some common scenarios that come up are the type of hoods that are required in a life science classroom in a high school (i.e., a classroom used to teach, among other things, cooking to students) and the type of hood required over a cooking appliance(s) in a fire station. In both cases, the type of cooking is the deciding factor on the type of hood required.*

*Typically, students in a life science class are learning to prepare meals that are the same as those that are prepared for a family in a residential dwelling unit. In most cases, residential-type range/ovens are installed in the classroom. As such, the same byproducts that are produced in a kitchen in a dwelling unit would be produced in the classroom. Based on the residential style of cooking that is being taught, it would seem appropriate that the same type of hood installed in a residential dwelling could be installed over the residential range/ovens used in a classroom. Therefore, a Type I or II hood would not be required and residential kitchen hoods that are ducted to the outdoors could be installed.*

*In the case of a kitchen located in a fire station, once again it depends on the type of cooking and the intended use of the facility. Meals prepared in a kitchen in a fire station that has a residential-type range/oven that is only intended to be used to prepare meals for the fire fighters on that particular shift is similar, if not the same, as those prepared in a home environment. As such, the same byproducts that are produced in a kitchen in a dwelling unit would be produced in the kitchen in the fire station. Based on the residential style of cooking that is being performed, it would seem appropriate that the same type of hood installed in a residential dwelling could be installed or, in a case where the space meets its ventilation requirements in Chapter 4 of the code, no hood at all.*

*It is important to note that cooking appliances installed in commercial occupancies do not necessarily require the installation of a Type I or II hood. There are a number of installations in a commercial occupancy where residential-type cooking occurs that would not require a commercial kitchen hood. Lunchrooms and breakrooms in commercial businesses often have residential ranges/ovens installed. In addition, many multiple-family residential buildings (e.g., condominiums and townhomes) have a clubhouse or community room that the residents can reserve for special functions. Typically these are seldom used, and when they are, it is to warm food or bake frozen food like pizza, lasagna or premade appetizers. Based on the residential style of cooking that is performed on these appliances, it would seem appropriate that the same type of hood installed in a residential dwelling could be installed or there may be no hood at all.*

The proposed code change attempts to take into account the highlighted context of the Code Commentary along with concerns expressed previously by building and/or fire officials to find a means by which a “residential-type” hood could be installed over a “residential-type” cooking appliance within a “commercial’ facility – by requiring a multitude of conditions to be met.

Although Exception 4.12 may be better suited to be included in Part 3 of the USBC, it is offered here as a reminder that the area is required to be maintained in a clean manner, and if an inspection finds build-up, the appliances could be shut down or a Type I or II hood could then be required at that time.

Submittal Information

Date Submitted: August 3, 2012

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

DHCD DBFR TASO (Technical Assistance and Services Office)  
600 East Main Street  
Suite 300  
Richmond, VA 23219

Email Address: [taso@dhcd.virginia.gov](mailto:taso@dhcd.virginia.gov)  
Fax Number: (804) 371-7092  
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Amusement Device Technical Advisory Comm. Representing: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Proposal Information

Code(s) and Section(s): VADR, Sections 75D, 200 and 210

Proposed Change (including all relevant section numbers, if multiple sections):

Change Sections 13 VAC 5-31-75D, 200 and 210 as shown below:

13 VAC 5-31-75. Local Building Department.

(Subsections A – C unchanged)

D. Notwithstanding the provisions of subsection C of this section, a permit application is not required for a kiddie ride that has an ~~unexpired~~ a certificate of inspection issued by any local building department in this Commonwealth within a one year prior to the dates the kiddie ride is to be used. In such cases, the local building department shall be notified prior to the operation of the kiddie ride and the information required on a permit application as listed in subsection C of this section shall be provided to the local building department.

(Remainder of section unchanged)

13 VAC 5-31-200. General requirements.

In addition to other applicable requirements of this chapter, inflatable amusement devices shall be operated, maintained and inspected in accordance with ASTM F2374.

Notwithstanding any requirements of this chapter to the contrary, a permit to operate an inflatable amusement device that is less than 150 square feet and in which the height of the patron containment area is less than 10 feet need not be obtained if the device has an ~~unexpired~~ a certificate of inspection issued by a local building department in this Commonwealth within a one year period prior to the dates the inflatable amusement device is to be used, regardless of whether the device has been disassembled or moved to a new site.

13 VAC 5-31-210. General requirements.

In addition to other applicable requirements of this chapter, artificial climbing walls shall be operated, maintained and inspected in accordance with ASTM F1159.

Notwithstanding any requirements of this chapter to the contrary, an artificial climbing wall may be moved, setup and operated without obtaining a permit provided the wall has a ~~valid~~ certificate of inspection issued by a local building department in this Commonwealth within the prior 90 days and the expiration date of the wire ropes used with the device does not expire within that 90-day period.

**Supporting Statement (including intent, need, and impact of the proposal):**

The changes are to clarify that amusement devices using the kiddie ride, inflatable or rock-climbing wall permit exception must already have a certificate of inspection. The use of the words "unexpired" and "valid" in the existing regulation could be misleading since a certificate of inspection for a permitted amusement device does not automatically last for one year, but rather is only for the period of time the permit is issued (see 13 VAC 5-31-75E). The exceptions for kiddie rides, inflatables and rock-climbing walls are to allow a certificate to be extended for up to a year (or 90 days in the case of rock-climbing walls). The new language is just to clarify what the terms "unexpired" and "valid" really mean.

**Submittal Information**

Date Submitted: \_\_\_\_\_

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Richmond, VA 23219

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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Amusement Device Technical Advisory Comm. Representing: \_\_\_\_\_

Proposal Information

Code(s) and Section(s): VADR, Sections 20 and 75

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 13 VAC 5-31-20 by adding the following definition and Section 13 VAC 5-31-75 to read as follows:

13 VAC 5-31-20. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Certificate of inspection" means the certificate or sticker for amusement devices distributed by DHCD.

(Remainder of section unchanged)

13 VAC 5-31-75. Local building department.

(no change to subsections A – D)

E. Local building department personnel shall examine the permit application within five days and issue the permit if all requirements are met. A certificate of inspection for each amusement device shall be issued when the device has been found to comply with this chapter by a private inspector or by an inspector from the local building department. It shall be the responsibility of the local building department to verify that the private inspector possesses a valid certificate of competence as an amusement device inspector from the Virginia Board of Housing and Community Development. In addition, local building department personnel shall be responsible for assuring that the certificate of inspection is posted or affixed on or in the vicinity of the device in a location visible to the public. Local building department personnel shall post or affix such certificates or permit the certificates to be posted or affixed by the private inspector. Permits shall indicate the length of time the device or devices will be operated at the site, clearly identify the device or devices to which it applies and the date of expiration of the permit. Permits shall not be valid for longer than one year.

(Remainder of section unchanged)

Supporting Statement (including intent, need, and impact of the proposal):

This proposal would require the use of the state sticker for amusement devices. In the existing regulation, the state sticker may be used or a locality may have their own sticker. In addition, the proposal clarifies that the local building department may allow the private inspector to post the sticker on the approved amusement device. The existing regulation permitted this practice, but only stated that the local department were to assure the certificate was posted on or near the device and didn't specifically address permitting the private inspectors to post the certificates, although it is common practice in many jurisdictions.

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Amusement Device Technical Advisory Comm. Representing: \_\_\_\_\_

Proposal Information

Code(s) and Section(s): VADR, Section 75

Proposed Change (including all relevant section numbers, if multiple sections):

Add Subsection J to Section 13 VAC 5-75 to read as follows:

13 VAC 5-31-75. Local building department.

(no change to subsections A – I)

J. In accordance with Section 36-98.1 of the Code of Virginia, the Virginia Department of General Services (DGS) shall function as the local building department for the application of this chapter to amusement devices located on state-owned property. In accordance with Sections 36-98.2 and 36-114 of the Code of Virginia, appeals of the application of this chapter by the DGS shall be made directly to the State Building Code Technical Review Board (Technical Review Board), established under Section 36-108 of the Code of Virginia. Further, as a condition of this chapter, such appeals shall be filed within 14 calendar days after receipt of the decision of DGS.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to clarify the application of the chapter to amusement devices operated on state-owned property.

Submittal Information

Date Submitted: \_\_\_\_\_

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600 East Main Street  
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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Amusement Device Technical Advisory Comm. Representing: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Proposal Information

Code(s) and Section(s): VADR, Section 75

Proposed Change (including all relevant section numbers, if multiple sections):

Add Subsection J to Section 13 VAC 5-75 to read as follows:

13 VAC 5-31-75. Local building department.

(no change to subsections A – I)

J: In accordance with Section 36-98.3 of the Code of Virginia and 13 VAC 5-31-10 B, the procedures for violations of this chapter shall be as prescribed in the USBC.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to clarify the procedural requirements for handling violations of the VADR as state law provides that the USBC is applicable to the extent that the VADR does not set out differing requirements.

Submittal Information

Date Submitted: \_\_\_\_\_

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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Amusement Device Technical Advisory Comm. Representing: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Proposal Information

Code(s) and Section(s): VADR, Section 30 \_\_\_\_\_

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 13 VAC 5-31-30 to read as follows:

13 VAC 5-31-30. ~~Exemptions~~ Devices covered and exempt.

A. The following devices, identified by name or description, when open to the public, shall be considered amusement devices subject to this chapter. The list is intended only to clarify questionable devices, while the definition of an "amusement device" in 13 VAC 5-31-20 is generally used to determine the applicability of this chapter.

1. Devices known as water walking balls, euro bubbles or similar devices;
2. Inflatable amusement devices;
3. Mechanical bulls;
4. Devices known as mall trains, shopping mall trains or electric trackless trains for malls; and
5. Zip lines.

B. The following equipment or devices shall not be considered amusement devices subject to this chapter:

1. Non-mechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps and similar equipment where no admission fee is charged for its use or for admittance to areas where the equipment is located;
2. Coin-operated rides designed to accommodate three or less passengers; and
3. Water slides or similar equipment used in community association, community club or community organization swimming pools.

Supporting Statement (including intent, need, and impact of the proposal):

This proposal is to assist local building departments in the determination of whether certain devices are amusement devices and to achieve more uniformity in the application of the regulation.

Submittal Information

Date Submitted: \_\_\_\_\_

The proposal may be submitted by email as an attachment, by fax, by mail, or by hand delivery.

Please submit the proposal to:

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600 East Main Street

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VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF BUILDING AND FIRE REGULATION

Code Change Form for the 2012 Code Change Cycle

Code Change Number: \_\_\_\_\_

Proponent Information

(Check one):  Individual  Government Entity  Company

Name: Amusement Device Technical Advisory Comm. Representing: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Proposal Information

Code(s) and Section(s): VADR, Section 75

Proposed Change (including all relevant section numbers, if multiple sections):

Change Section 13 VAC 5-31-75 to read as follows:

13 VAC 5-31-75. Local Building Department.

A. In accordance with §§ 36-98.3 and 36-105 of the Code of Virginia, the local building department shall be responsible for the enforcement of this chapter and may charge fees for such enforcement activity. The total amount charged for any one permit to operate an amusement device or devices or the renewal of such permit shall not exceed the following, except that when a private inspector is used, the fees shall be reduced by 50%:

1. \$25 for each kiddie ride covered by the permit;
2. ~~\$35~~ \$75 for each circular ride or flat-ride less than 20 feet in height covered by the permit;
3. ~~\$55~~ \$100 for each spectacular ride covered by the permit which permit which cannot be inspected as a circular ride or flat-ride in subdivision 2 of this subsection due to complexity or height; and
4. ~~\$150~~ \$200 for each coaster covered by the permit which exceeds 30 feet in height.

(Remainder of section unchanged)

Supporting Statement (including intent, need, and impact of the proposal):

The revised fees reflect the average real costs of local enforcement, taking into consideration travel times, the increased cost of fuel and actual time performing inspections. Although these factors vary by locality, the existing fees reflect an average hourly rate for an inspector of \$14.09; the new fees: \$23.09 an hour.

Submittal Information

Date Submitted: \_\_\_\_\_