

Workgroup 1, 2, 3 & 4 Meeting
Virginia Housing Center
June 13, 2017
Summary Notes

Cindy Davis welcomed everyone and had attendees introduce themselves. Review of code proposals began.

C-102.3(2) cdpVA-15 Proponent: Peter E. Broadbent, Jr. Esq representing Virginia Cable Telecommunications pbroadbent@cblaw.com

2012 Virginia Construction Code
102.3 Exemptions.

Reason: Public comment was submitted by the telecommunications industry through the Department of Planning and Budget's Town Hall. Staff created this proposal using the language in the Town Hall comments and the Town Hall comments are included as an attachment to this proposal. In section 102.3, the language approved by the Board of Housing and Community Development in the proposed regulations is shown modified by the public comment. Public comment also received by Verizon with no suggested changes. <http://townhall.virginia.gov/>

Comments: Jennifer McClellan representing Verizon began with an overview of this proposal. Ms. McClellan stated that the current exemption and the proposed exemption no longer reflect how wireless companies are installing their equipment. The current exemption exempts supporting structures for telecommunications equipment based on who the provider is that is building it. The public utility regulated by the Virginia State Corporation Commission supports structures are exempt. Under the proposal, it switches to the exemption and is based on what services are provided on the equipment of that support structure. It limits that to wired telecommunications and utility companies but wireless services supported on that structure would not be exempt. That was fine when wireless companies almost exclusively placed their equipment on towers. More and more equipment has gotten smaller and they are installing them on the same wooden utility poles that public utility companies, cable companies and wireline companies are using. In particular, the wooden utility poles that you see in the rights-of-way. Under both the current exemption and the proposed exemption, if you have a wooden telephone pole that has a wired cell communications equipment or public utility equipment, it is exempt. If it has solely wireless equipment it is not exempt. There is no actual basis to exempt a wooden telephone pole solely on what company placed it there or what service is being provided over the equipment. In addition, the General Assembly recently passed legislation that will take effect July 1, 2017 that essentially says no locality or VDOT can put any requirements on wireless providers that are unreasonable or discriminatory. It specifically gives an example of the building code. So they submit exempting a wooden telephone pole based solely on the provider that placed it there or the services that are provided over it rather than the nature of the structure itself will violate that section.

They believe the cable association has suggested language that would say if it is a traditional utility pole, it would remain exempt. Not sure how that would be defined, but wireless providers are not in state code at least where they have utility poles defined in this new legislation, it is limited because of the context of that statute to the regulated public utility and wouldn't include wireless. Verizon has proposed, the wooden telephone poles are regulated under the National Electrical Safety Standards and so would suggest support structures that are governed by those standards or wooden support structures and should continue to be exempt regardless of who the provider that installed or what services are provided over the equipment installed on it.

Peter Broadbent with Christian Barton representing Virginia Cable Telecommunications Association (VCTA) members are cable television operators in Virginia providing video, internet and telephone service and other advanced communication services such as remote home monitoring systems. The VCTA is in general agreement with Verizon; we don't think there is a basis of record for creating wireless vs. wireline distinction in regulating structures. Communication systems today and in the future are going to be a mixture of wired and wireline facilities so arbitrarily imposing different burdens on wired vs wireline is not going to be helpful to future broadband or wireless deployment. They agree with Senator McClellan and Verizon that the new Virginia Small Wireless Cell statute will prohibit discrimination and seems clearly on point and applicable to the USBC. There are two regulatory proceedings underway at the FCC designed to remove barriers to broadband and wireless deployment. It will be later this year before the FCC regulations are promulgated; the FCC has clearly signaled its intent to preempt state and local laws and regulations which are a barrier to wireless deployment. Even if any new FCC regulations haven't come down by the end of this year or don't expressly address building codes, interested parties will still be able to petition the FCC and ask that a specific local barrier to wireless deployment be preempted. VCTA doesn't disagree in principal with Verizon that there should be no wired vs. wireline distinction in structure regulation, the VCTA suggests a compromise that traditional utility poles should be treated equally with no building permit required. We think this would address most concerns. The VCTA also has a concern with Section 108 with the exemption from permit application provisions. They need to be updated to reflect current technology and advanced communication services mainly whole home or commercial building monitoring services. The current Section 108 has a carve out that if a component of any nine elements are present, a permit must be required. The VCTA would like to see this clarified to provide the whole home or building monitoring systems are exempt whether or not one of their components is a smoke alarm or door locking system, etc. They don't do smoke alarm installation systems and they don't manufacture the equipment. Most of the VCTA member home monitoring systems are wireless. The chips in the equipment communicate with each other, the monitoring system is plugged in with possibly a battery or generator back-up, but there is generally wired installation of a new home monitoring system. Some commercial buildings may already be wired and the assumption is they are in compliance with NFPA72 requirements the same as telephone lines. If there are legacy home monitoring systems and the homeowner already has a working system but doesn't have it hooked up for remote monitoring, that existing legacy wireline system can be tied into the new wireless system. This consequently can lead to a variety of potential

issues which could lead to local disagreements. The VCTA would urge you to update this portion of Section 108 to reflect current technology service and clarify the whole home or commercial building monitoring systems that are advanced communication services and should be exempt from USBC permit requirements.

Ron Clements stated he has an issue with the new Section 108.2, he read it several times and still not sure what it means.

Andrew Milliken said he would agree and is also concerned. Another thing that concerns him is the reference to NFPA72 suggesting that because there is an element regulated by NFPA72 should exempt it from any permanent requirements. Not sure what the relevance is for referencing NFPA72.

Cindy Davis said based on some of the concerns on both sides of this issue, and that we have another workgroup scheduled for August to hear final proposals, asked if there is a willingness in having a sub-workgroup convene to discuss appropriate language to get to where the proponent wants to go without having unintended consequences.

David Beahm stated VBCOA would support this sub-workgroup on this issue before we take any position.

Cindy Davis asked proponents if they were willing to work with a sub-workgroup. Proponents stated Yes. Ms. Davis asked for a show of hands of stakeholders who would be interested in participating on this sub-workgroup. Andrew Milliken, Ron Clements, Peter Broadbent, Jennifer McClellan, David Beahm, Bill Ferguson with VDOT, Joe Lerch with VACO, Michelle Gowdy with VML, Jo Anne Maxwell with VDOT and Marshall Pearsall.

C-105.2.1 cdpVA-15 Proponent: Debra McMahan
Debra.mcmahan@fairfaxcounty.gov

2012 Virginia Construction Code

105.2.1 Qualifications of technical assistants.

Reason: Qualifications are defined in Section 105.2.1 A change is being proposed to this section that would allow individuals who primarily enforce the requirements of the USBC Chapter 1 through building construction conceptual/administrative processes to obtain the necessary qualifications to become technical assistants.

Comments:

Debra McMahan gave an overview of her proposal.

Sean Farrell stated he received an email from Greg Revels in Henrico County saying he had a problem with this.

Kenney Payne said he believed Greg had a problem with this in earlier workgroups.

David Beahm stated that if the group here has no opposition to it, it should move forward as consensus. Greg Revels only said he had a problem. Let the BHCD decide.

Cindy Davis read the email from Mr. Revels.

Chuck Bajnai asked if he could bring this up at the August meeting.

Cindy Davis stated that if it goes forward as consensus, it is done. He can raise an objection at the board meeting.

Robby Dawson said he would raise an objection to have it carried over to the August meeting.

Pending carry over in August (Greg Revels concerns)

Shaun Pharr said it sounded like he would be here later. We could possibly defer to later in the agenda.

C-108.2(2) cdpVA-15 Proponent: DHCD State Building Codes Office-Vernon Hodge vernon.hodge@dhcd.virginia.gov

2012 Virginia Construction Code

108.2 Exemptions from application for permit.

Reason: This proposal is necessary to give localities flexibility to determine how to address requirements of the National Flood Insurance Program requiring development in special flood hazard areas to be permitted. While zoning or other permits or methods may be used to document such development, should a locality choose to involve its building permit process, this exemption would remove any conflict in the existing permit exemption provision of the code prohibiting such process.

Comments:

Vernon Hodge gave an overview of his meeting with FEMA and DCR.

Mike Toalson asked about adding a definition for special flood hazard area?

Vernon Hodge stated it is already in the code.

Kris Bridges asked if it was a special flood hazard area should be italicized.

Vernon Hodge stated we don't italicize state amendments.

Consensus for Approval

C-109.7 cdpVA-15 Proponent: Brian McGraw, State Fire Marshal's Office
Brian.mcgraw@vdfp.virginia.gov

2012 Virginia Construction Code

109.7 As-Built Drawings

Reason: Conducting inspections of existing buildings to determine compliance with the provisions of the Statewide Fire Prevention Code and the Property Maintenance Code often require knowing what specific Building Code the building was constructed under as well as any modifications that were approved. Such information is often not available on site. Building department records may not be kept indefinitely. By requiring approved as-built drawings to be maintained on the premises, a Fire Prevention Inspector or Property Maintenance Inspector has an accurate standard against which to assess the condition of the building and compliance with applicable code requirements. This requirement reduces or eliminates the "guesswork" associated with determining what was "approved" at the time of construction or renovation. This will greatly enhance an inspector's capability to accurately assess the existence and scope of violations when faced with time sensitive situations such as responding to an after-hours complaint. The current process of removing "unenforceable provisions" from the Fire Code also removes metrics that the Fire Prevention Inspector can use as a starting point for assessing compliance. The Rehabilitation Code allows for work to be performed and systems to be installed in portions of buildings rather than throughout. Maintaining up to date, accurate as-built drawings on the premises allows an inspector to readily identify what has actually been approved.

Comments:

Companion proposal to this on page 249 with a section being added to the fire code Section 511. Says a set of accurate, up to date as-built drawings, as required by the Building code, shall be maintained on the premises at all times.

Chuck Bajnai asked if upon final approval means when you have the certificate of occupancy.

David Beahm stated he thinks it is when the plans are officially approved by the building official.

Steven Sites stated that Brian McGraw will be here at lunch time.

David Beahm expressed disapproval, non-consensus.

Shaun Pharr also expressed disagreement with proposal. It creates an excessive and unnecessary burden on the property owners. Until these as-built drawings are validated, the certificate of occupancy will not be issued and occupancy will not be allowed.

Kenney Payne has concerns with the terminology of as-built, actual, and accurately. Also, not sure what **many** means, usually the cost effect is 50-50.

Robby Dawson stated he is curious with Shaun's opinion of this. What if approved drawings was used instead of as-built? Would this set better?

Kenney Payne said AIA would withdraw our objections.

Rick Fortner said the Virginia Library only requires you to keep drawings for three years. Build out drawings may have a shorter shelf life. The as-built drawings have to look identical to the building and have to be verified at the building site. He is sure this may be helpful to the fire marshal but he sees this as the responsibility of the owner. He is against this.

David Beahm stated with the change in the language there still needs to have some re-write done.

Shaun Pharr said he believes this is still problematic.

Robby Dawson stated he would like this moved to the August meeting and have Brian McGraw get with Kenney Payne and Shaun Pharr to craft different language. Single family home was not the intent here.

Chuck Bajnai asked if a strip center with eight stores have to have these. This is a little vague.

Cindy Davis said she had a problem with the language because the owner doesn't generally stay with the building. The property changes hands and there are no drawings. There are a number of issues to be addressed.

Ned Yost spoke from experience where the retirement community is reconstructing a 2 unit 2 family dwelling and there are on-going discussions about what should be incorporated into that, such as sound proofing, strengthened interior walls and egress. He wants as-built drawings to see if management did what they were supposed to do or promised to do.

Andrew Milliken stated he appreciates the dialogue on this and more discussion is needed. He wanted to emphasize during this code cycle with the fire code being relative to the code in which it was constructed, it is important to do something to facilitate this. We need to validate where things are and what needs to be maintained.

John Walsh stated this is a complicated issue. Part of the fire code regulations beyond public safety is firemen safety. Firemen do not know what has been changed and maybe running into dead end corridors. This is the wrong direction to place it back on the building official. When you build, change, or alter these buildings it needs to be on file with the fire marshal. This is the right idea but putting it on the wrong person. He understands the concept but doesn't like the direction.

Pending carry over in August

Because of a scheduling problem, Mr. Michael O'Connor has asked us to move up a proposal regarding mobile fueling operations.

F-5706.1.1 cdpVA-15

Proponent James Dawson dawson@chesterfield.gov

2012 Virginia Statewide Fire Prevention Code

5706.1.1 Mobile Fueling Operations

Reason: Submitted on behalf of the Fire Services Board Code Committee. This replaces a previous proposal submitted to modify Section 2304. Mobile fueling operations are emerging as a service that is already prohibited by this code, however, the clarity of the provisions are buried well inside of sections and sub-sections of this chapter...

Michael O'Connor gave an overview along with distributing a handout for clarification.

Cindy Davis stated she apologized for this and wanted to clarify that Robby Dawson is the proponent of this proposal and that Michael O'Connor wanted to speak on this proposal.

Robby Dawson said he met with Mike O'Connor to discuss this issue. Robby has recently attended a program in Boston on NFPA. California has crafted new language to the NFPA documents and standards as well as the 2018 IFC which carves out a message under which this could take place. He had thought about bringing this in but it would create a violation of the state law.

Mike O'Connor stated that a company named Sip fuel began operation last November in Loudoun County. The fire marshal did an investigation and issued a cease and desist order in December because of this specific prohibition.

David Beahm stated he still raises the question for farm vehicles. He disagrees the way it was written because it would reach out to portable tanks and non-portable containers on a farm vehicle to fuel a vehicle at a construction site or a farm site.

Robby Dawson said neither of these scenarios is covered because this is from a vehicle on a highway.

Mike O'Connor said the difference is that farm vehicles are untaxed.

David Beahm stated the way it is written you cannot use that tank to fuel a vehicle that is sitting on a site that is registered for a highway. This happens on a daily basis. He opposes it in the state code but not in the fire code.

Mike O'Connor asked what the building codes opposition was. He doesn't understand the objection.

David Beahm said if it is in the state code it doesn't have to be duplicated in the fire code.

Cindy Davis said we will move forward as non-consensus or work on language and carry over to August.

Andrew Milliken asked if we add farm vehicles to the exception, would anyone have any problems.

Andrew Smith stated he believed this was a legitimate concern.

David Beahm asked the definition of a farm vehicle. He doesn't believe putting an exemption in there for farm vehicles is going to be sufficient because of the definition.

Robby Dawson stated he would like to add new language for farming, make sure it is acceptable to David Beahm and bring it back in August.

Pending carry over in August (working on new language with David Beahm)

C-113.7.1(2) cdpVA-15 Proponent: Michael Redifer
mredifer@nvva.gov

2012 Virginia Construction Code

113.7.1 Third-party inspectors.

Reason: Proposal C-113.7.1(1) cdpVA-15 has advanced through Workgroup 1 with concerns for approval. The original proposal provides the building official with the ability to establish mandatory third-party inspections but limits the authority to elevators, escalators, chairlifts, dumbwaiters and similar conveyances. Considering that some local building officials may be faced with resource restrictions, this revision is brought forth to allow for the third-party approach for all inspections.

Comments:

Ron Clements gave an overview in the absence of Michael Redifer.

Shaun Pharr stated he was reluctant with this. He said it strikes him unfair to pay for 3rd party inspections.

John Walsh stated he believed Michael Redifer put in the same proposal under the Maintenance Code for 3rd party inspectors.

Michael Toalson stated he was concerned about this. Typically when you pay permit fees this is what the fees are for.

Luke Richardson stated with the amusement device inspections, the locality is responsible for providing 75% of the permit fee but the provision with the 3rd party inspectors they can only collect 25%.

Allison Cook stated that Amusement Device fees have become very problematic with many jurisdictions. She wouldn't specify any dollar amounts or percentages.

Pending carry over in August

C-116.4 cdpVA-15 Proponent: Andrew Milliken
Amilliken@staffordcountyva.gov

2012 Virginia Construction Code:

116.4 Issuance of certificate for pre-USBC buildings or other existing structures.

Reason: The purpose of this proposal is to assist Building Officials and Fire Officials with issuing certificates of occupancy for existing buildings where no record of such documents are available. Since the Fire Prevention Code edit is highlighting the fact that buildings are to be maintained to the Code at which the building was constructed, it is absolutely critical that owners, occupants, Fire Officials and Building Officials have an accurate and valid occupancy permit for every existing building. This proposal builds on existing language in place for Pre-USBC buildings and expands it to include situations where not record or a copy of an occupancy permit is available.

Comments:

Andrew Milliken gave an overview of his proposal.

David Beahm stated on his proposal there is no cost impact, however who will be paying the fee?

Andrew Milliken stated it depends on the locality.

Shaun Pharr stated there is a dilemma here. The building official can't issue the requested change of occupancy if there are Maintenance Code or Fire Code violations.

Sean Farrell asked how the locality determines there are no current violations. He stated an inspection does cost.

Vernon Hodge gave a history of this provision. No justification for changing this. This possibly could be an option.

David Beahm stated he could only speak for his jurisdiction. He stated if his fire marshal comes to him and asks what building code this comes under, he will let them know and if necessary, go to court with them. The fee we charge is \$100.

Allison Cook stated we are not the only ones that go out. Zoning and probably 5-6 other people also go out.

Andrew Milliken stated he would rather the fire marshal speak with the building official. He stated he can work with Vernon on language.

David Beahm said that would be acceptable.

Sean Farrell stated to both Robby Dawson and Andrew Milliken during the transition 1973 to 1980 not all localities came on board. Prince William County only has post 1980 through 1990 records which are spotty. During 1973-1990 the records are questionable. Add the transition period in this language.

Robby Dawson stated Prince William is a progressive community. There is a huge divide where those records exist. If he doesn't have a document that says the building was built under a certain version of the USBC, which version of the USBC do I use?

David Beahm stated no one has brought up accessory structures that don't require official certificate of occupancies. The final inspection is to serve as the certificate of occupancy. Then you get into problematic of other buildings, do they have a certificate of occupancy?

Vernon Hodge gave a history of what happened in the past for pre-USBC buildings. Maybe Andrew Milliken can look at it again and carry this over until August.

Kenney Payne suggested if this moves forward, the heading should be written for pre-USBC or other existing building structures.

Pending carry over in August (Andrew Milliken will work on it)

C-202 cdpVA-15 Proponent: Shahriar Amiri, representing Arlington County
samiri@arlingtonva.us

2012 Virginia Construction Code

Reason: Justification: with the rise of housing and real estate prices and the need for elderly to be able to age in place, it becomes necessary for some households to create independent living facility for elder parents or as a source of income for rental purposes. This change is not intended to replace the requirements established for two-dwelling units which is characteristically different than an accessory dwelling unit. The intend of this section is to use part of dwelling such as a finished basement and be able to use it for elderly or as a rental living arrangement.

Comments:

Consensus for Disapproval.

CB-202(1) cdpVA-15 Proponent: Arthur Berkley, representing Isle of Wight County
aberkley@isleofwightus.net

2012 Virginia Construction Code

Reason: There is currently no definition in the code providing a definition of a farming operation although the term is utilized in the definition of a farm building or structure. This leads to confusion and an inability to effectively define a farm building or structure eligible for the exception to permitting found in Chapter 1, Section 102.3. This definition, based on the definition contained in Title 25, Chapter 25.1, Section 25.1-400 Definitions of the Code of Virginia, provided a clear understanding of the activities that would comprise a farm operation. I have included the full definition referenced above for information purposes.
25.1-400 Definitions: "Farm Operations means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for home sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support"

The addition of this definition will give a clear understanding of the intent of the code is to provide an exemption to legitimate farm operations and farmers.

Comments:

Andrew Smith gave an overview of Arthur Berkley's proposal in his absence. He said he was going to withdraw this proposal.

Consensus for Disapproval

CB-717.6.2.2 cdpVA-15 Proponent: Thomas Clark representing VPMIA/VBCOA, PMG Committee tdclark@pwcgov.org

2015 International Building Code

717.6.2.2 Equipment shutdown

Reason: The fire performance measured by ANSI/UL 263 is based upon the assumption that air movement will be effectively stopped at the start of a fire. A proposal was approved with this language for the International Mechanical Code. This proposal duplicates the language in the International Building Code.

Comments:

Mr. Clark gave an overview of his proposal. This mirrors the exact language as in the Mechanical Code.

Consensus for Approval

CB-903.2.4 cdpVA-15 Proponent: Emory Rodgers
Errpp1242@verizon.net

2015 International Building Code

(F) 903.2.4 Group F-1

Reason: This proposal is to correlate with the Virginia amendment in the 2012 VCC for Group M. Fire driving this change was improperly built without separation and permits. If it remains it penalizes owners of factories built to code. VA fire data doesn't support.

Comments:

Kenney Payne asked since Emory Rodgers could not be here, carry over to August.

Pending carry over in August

CB-905.2 cdpVA-15 Proponent: Christopher Born
cborn@clarknexsen.com

2012 Virginia Construction Code

(F) 905.2 Installation standard

Reason: When originally written for the 2000 VUSBC, this change was intended to capture the allowance of NFPA 14 that permitted manual wet standpipe systems. However, the exception only mentioned pressure and not volume. Therefore, the VUSBC actually addressed something that was already in part in NFPA 14 (elimination of the minimum residual pressure), it technically required a minimum volume be automatically delivered to the hose valves. In other words, while NFPA 14 allowed elimination of pressure and volume requirements for buildings of up to 75 feet; the VUSBC eliminates the pressure requirement for buildings up to 150 feet while still always requiring that the volume be automatically delivered. This can result in fire pumps being required in some cases when that wasn't the intent.

Additionally, as currently written the exception technically does not require any minimum pressure, even when the system is supplied through the fire department connection. This change will clarify that the system must always be capable of satisfying the hydraulic requirements when supplied through the FDC, and indicates that the fire code official shall be consulted regarding the capabilities and standard operating procedures of the fire department.

Comments:

Vernon Hodge gave an overview of this proposal and stated this is a state amendment.

Andrew Milliken spoke in favor of this proposal.

Ron Clements asked if we still needed this state amendment any more. Can't we just revert back to the IBC and have this deleted?

Steve Skalko is to contact Christopher Born regarding deleting the state amendment and going with the 2015 language.

Pending carry over in August

CB-912.3 cdpVA-15 Proponent: James Dawson, representing VFSB
dawsonj@chesterfield.gov

2012 Virginia Construction Code
(F) 912.3 Access

Reason: This proposal clarifies the section to require the provision of access at time of Certificate of Occupancy and removes maintenance requirements which are not within the scope of the USBC.

Comments:

Robby Dawson gave an overview of this proposal. This is a fire code function and not a building code function. Striking maintenance language and adding provided.

Consensus for Approval

CB-1011.16 cdpVA-15 Proponent: Kenney Payne, representing AIA Virginia
kpayne@moseleyarchitects.com

2015 International Building Code

1011.16 Ladders

Reason: The deleted #6 is not an "area" (note the end of 1011.16 which says, ". . . to the following areas."). How to construct a ladder is not an "area." If it needed to stay, it should be located within 1011.16. However, requiring such ladders to be constructed per IMC 306.5 creates conflicts with standard ladders used for other locations...

Comments:

Kenney Payne gave an overview of this proposal.

Robby Dawson stated he didn't disagree with Kenney's logic; however, if there are no standards existing, what are the standards the inspector uses?

Rick Fortner stated he had not personally had this situation as an issue.

Kenney Payne stated creating a code modification is not the answer. I want to meet the code.

Tom Clark asked how this ended up in the Mechanical Code. Why can't we take it out of the Mechanical Code and move it here where we need it?

Consensus for Approval

CB-1704.2 cdpVA-15 Proponent: Special Inspections Sub-workgroup (of DHCD's WG Two)
DHCD Staff Contact: Vernon Hodge vernon.hodge@dhcd.virginia.gov

2012 Virginia Construction Code

1704.2 Special inspections.

Reason: DHCD initiated a sub-workgroup to address the threshold for requiring special inspections since it was discovered that there is non-uniform application of the existing provisions across the state. The sub-workgroup members were provided with the history of the Virginia amendments to the special inspection threshold provisions. This consensus proposal re-addresses the minor work exception (Exception #1) to allow the local building official to determine whether they have the staffing necessary to perform special inspections or whether special inspections are necessary for a particular project. In addition, the proposal changes the threshold exception (Exception #2) to eliminate the need for determining whether professional design is required for a building or structure as the basis for determining when special inspections are required since that leads to non-uniform application of the provision. Instead, the sub-workgroup members agreed to provide a threshold based on size and height to eliminate confusion. The threshold was based partly on other states' thresholds and on a threshold for smaller projects with materials and construction techniques typically familiar to the local inspector.

The changes are shown to the 2012 Virginia Construction Code text. The editorial changes approved by the Board of Housing and Community Development to correlate the state amendments with the 2015 International Building Code language are not affected by the proposal and it's understood that DHCD staff would correlate both.

Organizations represented in the sub-workgroup were:
Virginia Building and Code Officials Association
Virginia Association of American Institute of Architects
Building and Office Managers Association
Virginia Apartment Managers Association
Virginia Society of Professional Engineers

Comments:

Vernon gave an overview of this proposal.

Chip Dicks stated on behalf of Lamar Advertising, the issue is for minor repairs that don't affect the force load and asked if there was any reason for a special inspection? Basically for minor repairs that doesn't affect the force load, the existing code clarified in special inspections aren't necessary.

Consensus for Approval

CB-3307.2 cdpVA-15 Proponent: Andrew Milliken
amilliken@staffordcountyva.gov

2012 Virginia Construction Code

3307.2 Protection of Adjacent Occupied Areas

Reason: This proposal seeks to provide enforcement language for the Building Official to ensure that vacant spaces or areas undergoing construction/demolition in occupied and operating buildings have the minimum partitions and separation between occupied and unoccupied areas. This code addition originated with the deletion of the vacant tenant language for covered malls that was located in the Fire Prevention Code. It recognizes the importance of separation for the safety of occupants but also that any construction partitions should be consistent with the existing type of construction for the building.

Comments:

Andrew Milliken gave an overview of his proposal.

Kenney Payne asked would this include buildings under-going alterations. Would the adjacent occupied space have to move out?

Andrew Milliken stated there would be protection for the occupant staying.

Robby Dawson stated it was not relevant about shelving, just resetting furniture.

David Beahm stated he agreed with Robby about the shelving. This is completely separate, and if so, thinks it would be much more amenable.

Andrew Milliken said maybe we should add, shall be physically separated and secured. He will work on language by changing completely to physically.

David Beahm stated make changes and carry over to August.

Rick Fortner stated shall be physically separated and secured from the remainder of the occupied building. As opposed to by construction that is consistent with the existing type of construction. Personally he would leave up to the building official.

Sean Farrell stated the concern you are hearing is, if he was repairing or replacing a fire rated assembly, this tells him he would have to build a fire rated assembly in order to repair one. Work on language and come back in August.

Pending carry over in August

CE-C402.4.3 cdpVA-15 Proponent: Energy Sub-workgroup (of DHCD's Workgroup Two)
DHCD Staff Contact: Richard Potts Richard.potts@dhcd.virginia.gov

2015 International Energy Conservation Code Table C402.4

Reason: The purpose of this proposed code change is to maintain the calculation of projection factor and the simple SHGC requirement that is currently being enforced in Virginia. The result

of this proposal will be to maintain exactly the same fenestration SHGC and trade-off ability permitted in the current Virginia commercial energy code, or “business as usual” on commercial fenestration SHGC...

Comments:

Richard Potts gave an overview of this proposal

Consensus for Approval

CE-C403.2.6.3 cdpVA-15 Proponent: Energy Sub-workgroup (of DHCD’s Workgroup Two) DHCD Staff Contact: Richard Potts Richard.potts@dhcd.virginia.gov

2015 International Energy Conservation Code

2015 International Mechanical Code

401.2 Ventilation required.

Reason: See proposal

Comments:

Richard Potts gave an overview of this proposal. Members on the sub-workgroup included participants from HBAV, HBAR VBCOA. Some include the stakeholders present in this meeting. Philip Agee with Viridiant, John Ainslie with HBAV, David Beahm with VBCOA, K.C. Bleile with Viridiant, Bruce Cornwall with VBCOA-Energy, Andrew Grigsby with LEAP/VAEEC, Chelsea Harnish with VAEEC, Eric Lacey with RECA, Michael Moore with Newport/Broan-Nutone, Rich Napier with HBAV, David Owen with HBAV, Shaun Pharr with AOBA, J.M. Snell with HBAV, Don Surrena with NAHB, Mike Toalson with HBAV, Matt Waring with Viridiant, Matt Westheimer with VBCOA and Rick Witt with VBCOA.

Sean Farrell stated to move forward as consensus for approval.

Consensus for Approval

CE-R401.2 cdpVA-15 Proponent: Energy Sub-workgroup (of DHCD’s Workgroup Two) DHCD Staff Contact: Richard Potts Richard.potts@dhcd.virginia.gov

2015 International Energy Conservation Code

R401.2 Compliance

2015 International Residential Code

N1101.13 (R401.2) Compliance

Reason: This proposal helps clarify the four compliance options that should be available to builders under Virginia's version of the 2015 IRC/IECC. It does not change any of the requirements in the base code...

Comments:
Consensus for Approval

CE-R402.2.4 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
R402.2.4 Access hatches and doors.

Reason: This amendment would bring Virginia's USBC into alignment with the 2012 and 2015 model energy codes. New home occupants in Virginia deserve to have homes that meet what has been the national standard for our climate zone for the last 5 years.

If Virginia had adopted the 2012 IECC without modification, the average new home buyer from 2015 would already have saved more than \$650 according to DOE analysis – even after accounting for the increased down-payment and mortgage costs. But Virginia slashed the great majority of the 2012 improvements – and so the bulk of that \$650 was just wasted.

In the 2012 cycle, Virginia opted against the 2012 IECC's requirement that pull-down attic stairs and vertical access doors (such as into a side attic or conditioned crawl) be insulated to the same R-Value as the surrounding area. This amendment remedies that and provides new home buyers in Virginia with a more cost-effective building envelope.

Comments:
Withdrawn

CE-R402.4.1.2 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code (DHCD Staff Note: Proponent confirmed corresponding changes to be made to IRC energy provisions.)

R402.4.1.2 Airsealing

Reason: There is no substitute for actual mechanical testing of the building. A visual inspection standard is no standard – as it cannot obtain a numerical value. Air leaks – even large ones – are not always observable during a visual inspection. It is precisely the hard-to-find leaks that are the problem. Most builders will address a visible hole. It is not difficult to build a tight house. But the only way to find the random problems is to test. One can only know the actual air changes per hour if we test. It is untenable to ask a building official to sign off on a CO - which is his statement to the buyer that reasonable effort has been made to confirm that the home meets the standards in the code - when he actually has no data on the homes air changes per hour - and that data is readily available. It makes the code official vulnerable to lawsuits. Montgomery County, VA has been requiring the blower door test for several years. Fourteen other states require it. This is a basic quality assurance test that is a win for quality and efficiency. It's not

expensive. There are trained folks all over the state. Without the results of the blower door test, the ventilation system will either be over- or under- ventilating the home, resulting in either efficiency or health being compromised.

Comments:
Withdrawn

CE-R402.4.1.3 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
R402.4.1.3 Leakage rate (Prescriptive)

Reason: This amendment would bring Virginia's USBC into alignment with the 2012 and 2015 model energy codes. New home occupants in Virginia deserve to have homes that meet what has been the national standard for our climate zone for the last 5 years.

A home that is properly built to minimize unintended infiltration and exfiltration and provided with modern ventilation (as is already required by the USBC) is more energy efficient, more comfortable, more durable, and healthier. It makes no sense to rely on random leaks through walls, floors, ceilings to provide "fresh" air for a home - we have operable windows and mechanical ventilation to do that.

The 3 air changes standard was part of the collection of efficiency improvements included in the 2012 IECC that the US Department of Energy deemed "cost-effective". Researchers at DOE national labs calculated a simple payback of 5.2 years and net positive cash flow in less than 2 years for Virginia homes built to the 2012 IECC relative to the 2009 USBC, on average.

Comments:
Withdrawn

CE-R403.2.2 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code (DHCD Staff Note: Proponent confirmed corresponding changes to be made to IRC energy provisions)

R403.2.2 Sealing (Mandatory)

Reason: There is no substitute for a pressure test of the ductwork. Any person who actually has tested ductwork knows that, unless every inch of the entire duct system is readily visible, then only a mechanical test would have a hope of finding all of the leaks. It makes no sense to ask an inspector to crawl around the entire system hunting for leaks. Usually that's physically impossible. The only evaluation that gives results that can be compared against an objective standard is an actual pressure test. Otherwise, there is no standard. I have tested many systems that failed the pressure test. Some even fail it twice. It is untenable to ask a building

official to sign off on a CO - which is his statement to the buyer that reasonable effort has been made to confirm that the home and its systems meet the standards in the code - when he actually has no data on how the duct system performs - and that data is readily available. It makes the code official vulnerable to lawsuits.

Comments:
Withdrawn

CE-R403.2.2.1 cdpVA-15 Proponent: Andrew Grigsby
Andrew@leap-va.org

2012 Virginia Energy Conservation Code
R403.2.2.1 Testing option.

Reason: This amendment would bring Virginia's USBC into alignment with the 2012 and 2015 model energy codes. New home occupants in Virginia deserve to have homes that meet what has been the national standard for our climate zone for the last 5 years.

Duct leakage to unconditioned attics, crawlspaces, etc. is abject waste. It's like a leak in your car's gas tank - except that you can't see it. You just pay for it, year in and year out. Further, the leaks create disruptive imbalances in airflow: supply leaks in an attic drive a home to go into a negative pressure – pulling outside air in through random leaks. Return leaks in an attic suck in scorching, dirty air on July afternoons. Leaks in conditioned space mean that the air isn't getting to the registers as intended, leaving rooms uncomfortable. A 3 ton air conditioner that normally can cool a home in July can't if it's sucking in too much 120 degree attic air rather than recirculating the already conditioned air. Plus, that dust from the attic lands on coils and fans making them even less efficient. Then the air conditioner runs even longer and the electrical grid has to meet that unnecessarily high load and everyone's utility bills go up when the power company has to build a new peaking plan because of all of those straining air conditioners. So leaky ducts increase residents' costs, hurt indoor air quality, damage residents' equipment, compromise comfort, and strain our whole energy system. Don't buyers of new homes, and all of us, deserve something as simple as ducts that don't leak?

The 4% duct leakage standard was part of the collection of efficiency improvements included in the 2012 IECC that the US Department of Energy deemed "cost-effective". DOE researchers at the national labs calculated a simple payback of 5.2 years and net positive cash flow in less than 2 years for Virginia homes built to the 2012 IECC relative to the 2009 USBC, on average.

Comments:
Withdrawn

CE-R403.3.3 cdpVA-15 Proponent: Energy Sub-workgroup (of DHCD's Workgroup Two)
DHCD Staff Contact: Richard Potts Richard.potts@dhcd.virginia.gov

2012 Virginia Construction Code
113.7 Approved inspection agencies.

2015 International Energy Conservation Code

Reason: This proposal is submitted as a consensus proposal from the sub-workgroup on energy of Workgroup 2 of the Department of Housing and Community Development's workgroups for the development of the 2015 edition of the Virginia Construction Code.

The purpose of the proposal is to incentivize the use of the Energy Rating Index (ERI) provisions of the 2015 IECC with the added allowance from the ICC code development process for the 2018 IECC which permits on-site renewable energy to be included in the ERI calculations and raises the energy rating index score by eight points (from 54 to 62) to encourage the use of the ERI method. Tradeoffs agreed to by the sub-workgroup members for the use of enhanced ERI method were the deletion of the visual inspection option for duct testing for all buildings regardless of the compliance path chosen, with the clarification that the licensed mechanical contractor installing the mechanical system may perform the duct testing, and that the backstop for thermal performance when renewables are included would be the 2015 IECC levels. Without the use of re-newables, the backstop is the 2009 IECC levels (as set out in Section R406.2 of the 2015 IECC)....

Comments:

Consensus for Approval

CE-R405.5.2 cdpVA-15 Proponent: Eric Lacey, representing Responsible energy Codes Alliance eric@reca-codes.com

2012 Virginia Energy Conservation Code (DHCD Staff Note: Proponent confirmed corresponding changes to be made to IRC energy provisions)

Reason: Virginia currently assumes a fixed 15% fenestration area in its performance path, in direct conflict with every edition of the IECC since 2006 (and Virginia's previous Uniform Code). This results in an approximately **1.6% to 3.2% reduction in energy efficiency** for below-average glazed homes, as compared to a scenario in which Virginia applied the glazing area assumption as published in the IECC.

Comments:

Andrew Grigsby gave an overview of his proposal.

Mike Toalson stated that home builders object to this on the basis of fairness. If you have a home in Virginia with less than 15%, there is no credit. We object to this.

David Beahm stated as a building official he objects to this.

Non-Consensus

CR-R202 cdpVA-15 Proponent: Ross Shearer rsshearer@cox.net

2012 Virginia Residential Code

Reason: There is evidence of confusion over the language of the code where it provides that buildings "should be permitted to be constructed...at the least possible cost". The aim of "least possible cost" is inclusive of the costs of a building's use by its owner or tenants. The biggest use cost is a building's energy cost. To permit to least cost on energy requirements, the process must incorporate energy conserving designs that are cost effective.

The requirements of §36-99 provide that the provisions of the Building Code shall protect the welfare of the residents of the Commonwealth. It provides further that building to the least possible cost should be consistent with recognized standards for energy conservation which includes a building's requirements and costs for heating, cooling, lighting and humidity control. Also, §36-99B requires the Board have "due regard" for generally accepted standards as recommended by nationally recognized organizations, including the International Code Council (ICC). The International Energy and Conservation Code (IECC) is a product of the ICC....

Comments

Vernon Hodge said this is a statutory requirement; we need to have our legal counsel look at this.

Consensus for Disapproval

CR-R303.5.1 cdpVA-15 Proponent: Mike Moore, representing Broan
mmoore@newportventures.net

2015 International Residential Code **R303.5.1 Intake openings**

Reason: Combined intake and exhaust terminations are regularly installed with heating and energy recovery ventilators (H/ERVs) used for dwelling units. Their use reduces building penetrations, labor, and associated system costs. By reducing the number of penetrations, air leakage can also be reduced, resulting in space conditioning energy savings. Further, the durability of the structure can be improved through reducing entry pathways for bulk water. Manufacturer tests have demonstrated that minimum cross-contamination of airflow results from these terminations. The 10% cross contamination metric is based on language in ASHRAE 62.2 that approves combined intake and exhaust terminations that are self-verified by manufacturers to meet this specification. By adding a requirement for listed performance in this proposal, we build in organizational oversight to ensure that the terminations do in fact perform as expected.

Within ASHRAE 62.2 and ASHRAE 62.1, no standard is cited for determining cross-contamination of intake and exhaust streams, because none yet exists; similarly, there is currently no industry listing for these units. However, in speaking with members of the Home Ventilating Institute, the gap in standards and listings for performance verification of combined intake and exhaust terminations exists primarily because the code does not provide a path for compliance. If Virginia agrees to approve listed combined intake and exhaust terminations that meet a performance specification, then I expect that the performance verification standards and listings of these products will soon follow.

Comments:

Mike Moore gave an overview of this proposal

Tom Clark asked if he stated there wasn't anything on the market that was listed out there as a combined intake and exhaust?

Rick Fortner said there is a provision in the code for alternative methods.

John Walsh said it is not on us.

Mike Moore asked for direction from the building officials in the room saying that this would be considered or would be welcomed if listed and verified?

David Beahm stated if it is listed, the majority of the officials are going to utilize this. If it is properly listed, the investment is part of the industries responsibility. It should be approved by the normal process.

Shaun Pharr said the energy sub-workgroup agreed to a mechanical ventilation requirement. This particular proposal would help that and Mike Moore gave an overview of this.

Ron Clements stated the ICC Evaluation Services would be happy to work with you.

Consensus for disapproval

CR-R313.1 cdpVA-15

R313.1, R313.2 Proponent: Ned Yost

nedjanet@gmail.com

2012 Virginia Residential Code

R313.1 Townhouse automatic fire sprinkler systems.

R313.2 One-family and two-family dwellings automatic fire sprinkler systems.

Reason: Summary Statement: Code requirements for life safety measures to protect elderly residents living independently in one and two-family dwellings designed or developed and marketed to senior citizens 55 years of age or older do not address the life safety risks to which such older residents are exposed...

Comments:

Ned Yost gave an overview of his proposal. Several chapters added their letters of support for this proposal. Staff indicated the supporting documents would be added to cdpVA.

Mike Toalson stated that he objects to this because every occupant has the option to add the automatic fire sprinkler system. You can also retrofit your home. To mandate on all 55 plus communities would be opposed by the home builders because it is not necessary.

Robby Dawson stated that we have a real issue of aging in place; some of these dwellings are not equipped to handle fire. Smoke alarms only give you a heads up, the escape time is only 3

minutes. Robby took it upon himself to craft an alternative proposal that has not been submitted which adds more consistent code language.

Mike Toalson stated since Mr. Dawson said this was a national code, there are only two states that have adopted this, California and Maryland. This would be a mistake.

Mr. Yost stated when deciding on a retirement community, the principle decisions are location, proximity to family, and then you investigate which communities are there vacancies. Sprinklers never entered into the discussion. A fire in one of his cottages brought it home. He is talking about only new construction. Existing structures would not be covered. We are talking about senior citizens being at risk in retirement communities.

David Beahm stated he would also oppose this.

Andrew Milliken and Kenney Payne will work on language.

Non-Consensus

CR-R404.1.9.2 cdpVA-15 Proponent: Charles Bajnai, representing Chesterfield County and the VBCOA IRC Committee bajnaic@chesterfield.gov

2015 International Residential Code

R404.1.9.2 Masonry piers supporting floor girders.

Reason: The requirement that all interior girder lines have to be constructed of 12" x 12" x12" cmu was submitted by the NAHB approved in the 2012 IRC. Gary's proposal does not consider smaller cmu sizes for shorter piers - which are typical in many crawl spaces.

Section R404.1.9 allows isolated, solidly filled masonry piers to be constructed with a nominal height of 10 x the nominal "thickness".

Section R404.1.9.2 changes the verbiage slightly and says that the piers for interior girder lines are required to *have a minimum nominal dimension of 12"* (that means a minimum of 12"x12"x12" cmu) and a maximum height of 10 feet (i.e. 10x nominal thickness). The text offers nothing for shorter piers which are typical in most houses. This proposal is intended to allow for 8 x 16 x 8" tall cmu having a height of 80 inches.

Comments:

Chuck Bajnai gave an overview of his proposal.

Steve Skalko asked what you meant by thickness?

Pending carry over in August (Chuck Bajnai will work with Steve Skalko and Kris Bridges on new language and bring back at August meeting)

CTE-725 cdpVA-15 Proponent: Kurt Clemente

kclemente@clarknexsen.com

2701.1.1 Changes to NFPA 70.

Reason: Power-over-ethernet technologies have advanced in capability, exceeding the safety parameters of the National Electrical Code for Class 2 and Class 3 power-limited circuits. While power-limited, the five-fold increase in power transmission capability of power-over-ethernet combined with permitted practices of Class 2 and Class 3 cable bundling in construction may result in conductor heating exceeding the ratings of telecommunications cable insulation. Typical telecommunications cable installation practice can bundle 50, 100, or 200 cables in various ambient temperatures including conditioned, unconditioned, and exterior (attic) locations. Legislative controls for power-over-ethernet applications for bundled telecommunications cables is necessary for safety.

Comments:

Consensus for Disapproval

CTM-401.4 cdpVA-15 Proponent: Mike Moore, representing Broan-NuTone
mmoore@newportventures.net

2015 International Mechanical Code 401.4 Intake opening location

Reason: Combined intake and exhaust terminations are regularly installed with heating and energy recovery ventilators (H/ERVs) used for dwelling units. Their use reduces building penetrations, labor, and associated system costs. By reducing the number of penetrations, air leakage can also be reduced, resulting in space conditioning energy savings. Further, the durability of the structure can be improved through reducing entry pathways for bulk water. Combined terminations are regularly approved and installed in single family and multifamily dwelling units across the country, and manufacturer tests have demonstrated that minimum cross-contamination of airflow results from these terminations. The 10% cross contamination metric is based on language in ASHRAE 62.1 that limits cross contamination of exhaust and supply streams to 10% for "air with moderate contaminant concentration, mild sensory-irritation intensity, or mildly offensive odors"; a similar exception exists in the IMC, Section 514.4....

Comments:

Mike Moore gave an overview of his proposal

Pending carry over in August (303.5.1 move from Consensus of disapproval to Pending in August)

CTP-1106.2 cdpVA-15 Proponent: Chett Reynolds, representing VPMIA
creynolds2@pwcgov.org; Thomas Clark, representing VPMIA/VBCOA PMG Committee
tdclark@pwcgov.org

2015 International Plumbing Code

Reason: Roof drain manufacturers are behind on producing flow rates.

Comments:

Chett Reynolds gave an overview of his proposal. He is proposing to keep the 2015 for sizing of storm drains and keeping the 2015 Virginia Plumbing Code the same as the 2012.

Consensus for Approval

CTS-305.2.4 cdpVA-15 Proponent: Robert Adkins, representing Prince William County
radkins@pwcgov.org

2015 International Swimming Pool and Spa Code

305.2.4 Mesh fence as a temporary barrier

Reason: To identify mesh barriers as temporary barriers and not permanent.

Comments:

Withdrawn

CTS-305.2.9 (2) cdpVA-15 Proponent: David Bridges
kbridges@ci.martinsville.va.us

2015 International Swimming Pool and Spa Code

305.2.9 (Exception)

Reason: Maintaining the clear zone around the pool barrier is an integral layer of protection that needs to be in place. Given the issues involved with the TRB ruling, this would at least ensure there is a consideration for property issues while maintaining some level of protection.

Comments:

Kris Bridges gave an overview and stated the alternative would be a 6' barrier. There are at least two building officials that are allowing this now. He didn't see any reason to not have a clear zone on a public pool.

Kenney Payne asked if residential pool was defined.

David Beahm spoke in opposition to this.

Kris Bridges said the 6' barrier does come out of some studies such as A Safe Child.org which was the organization that did the testing.

Rick Fortner spoke in support of this 6' barrier in this proposal.

Ron Clements asks for non-consensus.

Chuck Bajnai and David Beahm said they both agreed.

Vernon Hodge gave an overview of the property line issue.

Kenney Payne agreed that we shouldn't write code for HOA's, however, some HOA's won't even agree to a 4' fence.

David Beahm stated to bring it forward in August for change.

Non-Consensus

F-102.1.1 cdpVA-15 Proponent: William Andrews
William.andrews@richmondgov.com

2012 Virginia Statewide Fire Prevention Code

102.1.1 Changes

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued an appropriate certificate of occupancy.

Reason: For 2015 code, change to wording from IBC, so use per Certificate of Occupancy issued by building official. Current code limits fire official from citing violation when use changes unless only within same use group (this section) or declare building unsafe due to changed use (section 110.4). Change enables fire official to require customer get appropriate Certificate of Occupancy from building official when use changes. Fire code applied base on Certificate of Occupancy, as approved by building official, thus when use changes, need new Certificate of Occupancy as document changed use allowed by building official.

Comments:

Consensus for disapproval

F-107.2(2) cdpVA -15 Proponent: James Dawson
dawson@chesterfield.gov

2012 Virginia Statewide Fire Prevention Code

Table 107.2

Reason: Because of an increased use of mobile food preparation vehicles and a commensurate increase in fire incidents involving such vehicles, this proposal was created to address the commercial use of mobile food preparation vehicles. This proposal is preferred over the Emory Rodgers proposal as it incorporates the Public Comment changes submitted and approved to the IFC, and addresses two critical operational issues which have been captured by the NFPA National Model Code....

Comments:

Robby Dawson gave an overview of this proposal. This is close to the 2018 language except about seating in the vehicle. Apply 2018 language locally.

Consensus for Approval

F-107.2 (3) cdpVA-15 Proponent: William Andrews
William.andrews@richmondgov.com

2015 International Fire Code

Table 107.2 Operational Permit Requirements

Reason: Work under a construction permit needs to comply with fire code on hot works safety regulations. Building code does not cover safety regulations of fire code on hot work; including distance to combustibles....

Comments:

William Andrews gave an overview of this proposal.

Robby Dawson said we should remove the exceptions.

Kris Bridges asked isn't this under OSHA?

Vernon Hodge gave alternatives.

Consensus for disapproval

F-107.11 cdpVA-15 Proponent: Steven Sites
Steven.sites@vdfp.virginia.gov

2012 Virginia SFPC

107.11 State Fire Marshal's office permit fees for explosives, blasting agents, theatrical flame effects, and fireworks.

Reason: To more accurately recover actual costs incurred by the agency during the application review process and the field inspection and oversight of explosives and fireworks use. The actual costs incurred by applicants could be reduced during a fireworks display when adverse weather forces the cancellation which results in a smaller fee from less time.

Comments:

Steve Sites gave an overview of his proposal. This is being done in northern Virginia now.

David Beahm gave an opposition to this. The hourly fees were astronomical in northern Virginia. He has been subject to these in Fairfax.

Andrew Milliken stated the hourly rate is already in the SFPC 107.12.

Steve Sites asked if we should take out the hourly rate.

Pending carry over in August.

F-112.5 cdpVA-15 Proponent: William Andrews representing City of Richmond Fire Marshal's Office william.andrews@richmondgov.com

2012 Virginia Statewide Fire Prevention Code

112.5 Application for appeal.

Reason: Since this fire code is not applicable in the design and construction of buildings or structures, should delete such from this section also. Appeals needs to also apply to activities regulated by the fire code. Activities might not involve a building or structure, such as fireworks in an open field or discharge of hazardous material from a vehicle.

Comments:

William Andrews gave an overview of this proposal.

Robby Dawson stated he doesn't mind leaving "or activity".

Vernon Hodge gave an overview of appeals.

Consensus for Approval with design and construction un-stricken and activity added.

F-301.3 cdpVA-15 Proponent: Andrew Milliken amilliken@staffordcountyva.gov

2012 Virginia Statewide Fire Prevention Code

301.3 Occupancy.

Reason: An accurate and valid certificate of occupancy is crucial to proper enforcement of the Fire Prevention Code provisions. This proposal adds language to direct an owner or representative to obtain a copy of the certificate of occupancy from the Building Official where it is available on site for reference.

Comments:

Andrew Milliken gave an overview of this proposal.

Consensus for Approval

Add languages

F-319(1) cdpVA-15 Proponent: Emory Rodgers Errpp1242@verizon.net

2012 Virginia Statewide Fire Prevention Code

Reason: Provides a statewide standard when localities want to permit food trucks. Now local FO's often use standards that in the IFC are only for systems in buildings. Uniformity is achieved statewide.

Comments:
Withdrawn

F-319(2) cdpVA-15 Proponent: William Andrews representing City of Richmond, Fire Marshal's Office william.andrews@richmondgov.com 2015 International Fire Code Section 319 Cooking

Reason: Cooking is main cause of fires, so fire official needs regulation on cooking that produces grease vapors....

Comments:
William Andrews gave an overview of his proposal.

Kenney Payne asked if there is a section number on this?

Chuck Bajnai stated to change approved by building code to building official. The building code cannot approve anything.

David Beahm stated it is already there in the language whether you agree with it or not.

Andrew Milliken stated this proposal is addressing the cooking activities.

Pending a rewrite in August

F-403.12.3.1 cdpVA-15 Proponent: Emory Rodgers Errpp1242@verizon.net

2015 International Fire Code

403.12.3.1 Number of crowd managers

Reason: Rather than having five crowd managers if over 1,000 persons, this proposal would establish one crowd manager for events having 1,001 through 1,250 persons and an additional crowd manager for every 250 persons above 1,250.

Comments:
Cindy Davis gave an overview of Emory's proposal.

Robby Dawson stated 1 crowd manager can manage 250. This proposal weakens the fire code and the crowd manager requirements for large gatherings.

Shaun Pharr suggested to carry over this proposal to August.

Kenney Payne said he agreed.

Pending carry over to August

F-511 cdpVA-15 511 (New) Proponent: Brian McGraw
Brian.mcgraw@vdfp.virginia.gov

2012 Virginia Statewide Fire Prevention Code Section 511 As-Built Drawings Companion change to page 10 Also applies to C-109.7

Reason: Conducting inspections of existing buildings to determine compliance with the provisions of the Statewide Fire Prevention Code and the Property Maintenance Code often require knowing what a specific Building code the building was constructed under as well as any modifications that were approved. Such information is often not available on site. Building Department records may not be kept indefinitely...

Comments:

Brian McGraw gave an overview of his proposal. Intent is for non-residential, new commercial buildings and future renovations after the effective date of this code.

Chuck Bajnai asked if this is intended for every one of the tenants on the premises to have a set of construction drawings.

David Beahm stated the building code does not require as-built drawings. It is the owner's responsibility.

Kenney Payne what does as-built mean?

Cheryl Taylor stated maintaining as-built drawings are fairly easy. You don't have to re-invent the wheel. You just re-draw the area involved. This is a simple procedure.

Sean Farrell asked if this was the intent for new construction coming out of the ground to have a new set of construction drawings. Why do we have to prepare as-built drawings and do these need seals and to be signed?

Brian McGraw stated the as-built drawings would go to the building official and the building official would sign off as yes this is what was approved. The intent is to have a reference set on site.

Shaun Pharr stated drawings should just be in one central location not on-site.

Ned Yost said he recently asked for a copy of the plans for a hydrant system in his retirement community and they stated there were none available. It is a private system.

Kenney Payne asked if Brian McGraw would be willing to tweak the language, maybe the objections would be lifted.

Brian McGraw stated yes.

Ron Clements said I am objecting to anything that requires me to do another plan review. I would have to have all of my inspectors (8) go through the plans with a fine tooth comb. A plan reviewer can't do this because they haven't inspected the building.

Andrew Milliken asked if we changed to record drawings instead of as-built.

Robby Dawson stated he would rather it go back to Brian for tweaking and bring back in August.

David Beahm stated in reference to Andrews comments, it doesn't matter whether the drawings are correct or not it still has to meet the code requirements. If they approve the original drawings or as-built, if it is in violation of code, it is in violation and you can cite it right then and there.

Allison Cook stated she would avoid the as-built and moving towards the approved permit set. She doesn't think it needs to be maintained on the premises but having a copy of the approved drawings available upon request. Another compromise is adding building constructed after the effective date of this code change.

Sean Farrell said if a certificate of occupancy is not available for a building, the owner should request one be issued from the building official. This is going to be retro-active.

Cheryl Taylor asked if they are renovating the building, aren't they keeping the drawings?

Allison Cook stated they are not obligated to keep drawings after three years. Even digital file storage is not financially feasible.

David Beahm stated most jurisdictions are mandated to remove after three years from the State Library.

Brian McGraw stated if we adopt "as required by the building code" under the 2015 code it becomes effective.

Shaun Pharr stated most responsible building owners should have drawings upon request.

Pending back in August

F-601.3 cdpVA-15 Proponent: William Andrews, representing City of Richmond, Fire Marshal's Office william.andrews@richmondgov.com

**2015 International Fire Code
601.3 Building records on site**

Reason: Since state code on record retention allows building plans, Certificate of Occupancy, etc. disposal after property sells or 3 years, fire and building maintenance officials need record of details approved by building official in order to apply maintenance requirements. Having records on site, or accessible via internet, allows future entities reference by those responsible for building compliance. "Existing" indicates no mandate to create, merely have at least copy of record.

Comments:

William Andrews gave an overview of his proposal. Would like to add records on-site.

Kenney Payne stated this may include some things that aren't part of the documents. Some instances the building official may have to ask for this information, for instance details of the kitchen exhaust hood, etc. Also, what about a fire hydrant being half a mile down the road when they are only doing a short part.

Ned Yost asked if this applies to buildings while they are under construction.

Cindy Davis stated No

Consensus for disapproval

**F-609.1 cdpVA-15 Proponent: Richard Witt
wittr@chesterfield.gov**

**2012 Virginia Statewide Fire Prevention Code
Section 609 Commercial Kitchen Hoods**

Reason: This change will clarify that commercial hoods must be maintained and if there is a change in cooking use or an appliance replacement it must be referred to the building official.

Comments:

Robby Dawson stated this is problematic the way it is written. Where are the maintenance requirements for a hood system?

Pending back in August

F-609.3 cdpVA-15 Proponent: William Andrews, representing city of Richmond, Fire Marshal's Office william.andrews@richmondgov.com

2015 International Fire Code

609.3 Operations and maintenance.

Reason: Cooking is the main cause of fires. Fire code needs to regulate where cooking that produces grease vapors occurs inside a building or structure. The current and past fire codes required a Type 1 hood over cooking that produces grease vapors...

Comments:

William Andrews gave an overview of his proposal.

Kenney Payne stated he would suggest moving to August meeting.

Chuck Bajnai said he would like to recommend that approved by the building official or in accordance with the building code be added.

Pending carry over in August

F-703.1(1) cdpVA-15 Proponent: Zachary Adams

adam.sz@vt.edu

2015 International Fire Code

703.1 Maintenance

Reason: While we agree it is imperative that the integrity of *fire-resistance construction* be maintained, to require an annual inspection imposes a substantial burden on the owner, especially where an extensive amount of square footage is occupied. Also, what tangible benefit does imposing an annual inspection requirement achieve?...

Comments:

Robby Dawson gave an overview of this proposal. This also has a sister proposal.

Kenney Payne asked if Zach Adams has seen Robby Dawson's proposal.

Consensus for disapproval

F-703.1(2) cdpVA-15 Proponent: James Dawson

dawsonj@chesterfield.gov

2015 International Fire Code

703.1 Maintenance

Reason: This proposal is the result of discussion held at the August 7, 2016 WG Meeting and August 17th WG Meeting. In those discussions, it was proposed that annual inspections of some of these fire-resistant features may be excessive when those areas are not occupied or entered for normal service work in the building...

Comments:
Consensus for Approval

F-703.4 cdpVA-15 Proponent: James Dawson
dawsonj@chesterfield.gov

2015 International Fire Code

Reason: This alternative proposal to Justin Biller's 703.4 proposal simplifies the flow of the SFPC and meets the objective of the original code change. It moves the testing requirements to a position that provides clear intent that the maintenance of opening protectives includes those types of protective listed in 703.4, and provides the testing and maintenance standard (NFPA 80 specifically Chapter 5 – Inspection, Testing, and Maintenance) for those fire resistance rated protectives...

Comments:

Robby Dawson gave an overview of his proposal. NFPA 80 is applied here.

Andrew Milliken stated we are just consolidating Zach's particular section.

Consensus for Approval

F-3103.2 cdpVA-15 Proponent: Andrew Milliken, representing Stafford County Fire Marshal's Office amilliken@staffordcountyva.gov

2015 International Fire Code

Reason: The intent of this proposal is to eliminate conflicting language regarding when a permit is required. Section 107.2 of the Virginia Statewide Fire Prevention Code indicates the criteria for when permits are required to be obtained from the fire official, including for temporary tents and membrane structures...

Comments:

Andrew Milliken gave an overview of his proposal.

Consensus for Approval

F-5605.1 cdpVA-15 Proponent: Steven Sites representing VA State Fire Marshal's Office
Steven.sites@vdfp.virginia.gov

2012 Virginia Statewide Fire Prevention Code
5605.1 General

Reason: Title 59.1, Chapter 11 of the Code of Virginia was repealed in 2002. The delete of exception #3 in Section 5605.1 is to correct an error that has existed since before the final IFC draft in July 1998...

Comments:

Consensus of Approval with verification of statutory sections.

F-5706.1.1 cdpVA-15 Proponent: James Dawson
dawsonj@chesterfield.gov

2012 Virginia Statewide Fire Prevention Code
5706.1.1 Mobile Fueling Operations

Reason: This replaces a previous proposal submitted to modify Section 2304. This is submitted on behalf of the Fire Services Board Code Committee. Mobile fueling operations are emerging as a service that is already prohibited by this code, however the clarity of the provisions are buried well inside of sections and sub-sections of this chapter...

Comments:

Pending carry over in August

I-120 cdpVA-15 Proponent: DHCD State Building Codes Office
Eric Leatherby eric.leatherby@dhcd.virginia.gov

2012 Virginia Building and Fire Code Related Regulations
13VAC5-91-120. Unregistered Industrialized buildings.

Reason: changes

Cindy Davis gave an overview of this proposal.

Consensus for Approval

M-103.2.1 cdpVA-15 Proponent: Earl Weaver, Representing Property Maintenance Committee earl.weaver@richmondgov.com

2012 Virginia Maintenance Code
103.2.2 Responsibility

Reason: The proposed regulations delete all of the responsibility sections from the International Property Maintenance Code in the technical chapters. Therefore, Chapter One must include a responsibility section.

Comments:

Earl Weaver gave an overview of this proposal.

Sean Farrell said this would be a better fit under Chapter 1.

John Walsh said it needs to be in Chapter 1 Administrative portion rather than having it in individual chapters.

Teresa Garber said the content was fine.

Vernon Hodge stated we should run it by the board.

Consensus for Approval

M-105.9 cdpVA-15 Proponent: Earl Weaver, representing Property Maintenance Committee earl.weaver@richmondgov.com

**2012 Virginia Maintenance Code
105.9 Emergency repairs and demolitions**

Reason: The proposed regulation deletes the definition of “Imminent danger” because the term is not used in the code....

Change immediate to imminent

Consensus for Approval

**M-202(2) cdpVA-15 Proponent: Richard Witt
wittr@chesterfield.gov**

2012 Virginia Maintenance Code and 2012 Virginia Statewide Fire Prevention Code

Reason: This change is intended to create a consistent definition of a term in both the Virginia Maintenance Code and the Virginia Fire Prevention Code...

Pending carry over in August

**M-505.4 cdpVA-15 Proponent: Earl Weaver
Earl.weaver@richmondgov.com
2012 Virginia Maintenance Code
505.4**

Reason: The reason behind the suggestion is because through discussion the Property Maintenance Committee decided that the lack of the minimum temperature was detrimental to the enforcement of the code, and it should be put back in the code section.

Comments:

Earl Weaver gave an overview of this proposal. The committee suggested adding temperature.

Teresa Garber needs some work on the language.

Sean Farrell said he is not opposed to moving it to August, however, as a board member he has to think it doesn't really compute to removing unenforceable provisions or retroactive provisions setting the temperature to 110 degrees. It would not have carried through in the Plumbing Code or the Residential Code.

Pending carry over in August

M-505.5 cdpVA-15 Proponent: Earl Weaver representing Property Maintenance Committee earl.weaver@richmondgov.com

**2015 International Property Maintenance Code
505.5 Non-potable water reuse systems.**

Reason: As newly developed and approved water reclamation systems are being added in the built-environment these systems need to be maintained so as to not cause hazards to structures or the public...

Comments:

Earl Weaver gave an overview of this proposal.

Teresa Garber said the language is not quite right.

Pending carry over in August.

**M-602.2 cdpVA-15 Proponent: Tom Belli
thomasabelli@gmail.com**

**2012 Virginia Maintenance Code
602.2 Heat supply**

Reason: Spring, summer and fall is becoming hotter earlier and longer. The health of citizens should be paramount and this is the easiest, simplest change to have a positive impact in people's lives.

Comments:

Cindy Davis gave an overview of this proposal.

John Walsh said this is not necessary.

Consensus for disapproval

M-602.2.1 cdpVa-15 Proponent: Earl Weaver, representing Property Maintenance Committee earl.weaver@richmondgov.com

**2012 Virginia Maintenance Code
602.2.1 Prohibited use.**

Reason: The reason for this proposal is unvented room heaters can also include electric baseboard heating. The committee would like unvented heating to be defined as portable.

Comments:

Earl Weaver gave an overview of this proposal. They want to add portable.

Christina Jackson stated and adding “performing to its intended function”.

David Beahm stated that Earl Weaver is speaking on behalf of the VBCOA committee.

John Walsh stated that once you add portable we could be talking about space heaters.

Sean Farrell asked if we are just adding portable.

Teresa Garber stated that portable should be the only thing involved here.

Christina Jackson stated that’s why she said “performing to its intended function”.

Pending carry over in August

M-603.1(2) cdpVA-15 Proponent Earl Weaver, representing Property Maintenance Committee earl.weaver@richmondgov.com

**2012 Virginia Maintenance Code
603.1**

Reason: Section 603.1, as published in the proposed regulations, adequately covers all mechanical appliances, but not the associated fuel conveyance piping, fuel gas systems, fuel oil storage, hangers, supports, etc....

Comments:

John Walsh gave an overview of this proposal by adding equipment and appliances

Consensus for Approval

M-604.3.2.1 cdpVA-15 Proponent: Earl Weaver, representing Property Maintenance Committee earl.weaver@richmondgov.com

**2015 International Property Maintenance Code
604.3.2.1 Electrical equipment**

Reason: These sections are deleted in the proposed regulations. However, they are similar to Section 604.3.1, which addresses water damage to electrical equipment and is part of the Virginia code. This proposal adds changes to these sections consistent with Section 604.3.1 so that the code will provide for situations where electrical equipment is exposed to water or to fire.

Comments:

Christina Jackson asked about third party license, does this mean there has to be another electrician?

John Walsh stated no, it means a third party other than another governmental agency. The locality is not certifying, a third party is doing it.

Consensus for Approval

M-606.1(2) Proponent: Michael Redifer
mredifer@nva.gov

2012 Virginia Maintenance Code
606.1 General

Reason: Discussion of previously submitted C-113.7.1 cdpVA during Workgroup 1 meetings resulted in DHCD staff opinion that, as proposed, the revision may not apply to the periodic inspections referenced in VMC Section 606.1 which are required by VCC Section 104.1 regardless of whether the locality had chosen to enforce the VMC. The original proposal was intended to provide clear authorization of an existing and ongoing practice to require the third-party inspections.

Pending carry over in August

R-101.1 cdpVA-15 Proponent Kenney Payne
kpayne@moseleyarchitects.com

2012 Virginia Rehabilitation Code

Reason: NOTE: This proposal has been vetted by the VBCOA Rehabilitation Code Committee (and others including Ron Clements and Emory Rodgers) and has received their SUPPORT.

Comments:

Kenney Payne gave an overview of this proposal.

Allison Cook stated the VBCOA Rehabilitation Code Committee approves this since it does provide clarity.

Consensus for Approval

R-102.2 cdpVA-15 Proponent: Kenney Payne representing AIA
kpayne@moseleyarchitects.com

2012 Virginia Construction Code

Reason: As a member of the team that developed the Jack A. Proctor Virginia Building Code Academy content for the rehab code training, and as one of its instructors for the rehab code, I have become aware of much confusion among the code officials, designers, and owners on how to apply the rehab code, especially when it comes to VCC Chapter 1, VRC Chapter 1, and the VRC technical provisions, including how to apply the change of occupancy provisions? This proposal attempts to address those concerns and make the provisions more user friendly and/or allow code officials the ability to properly interpret and/or enforce the rehab code...

Comments:

Kenney Payne gave an overview of this proposal.

Robby Dawson said when he hears rehabilitation activities he thinks of a Rehab Center.

Mike Toalson said strike activities.

Consensus for Approval (add rehabilitation and strike activities)

R-404.5 cdpVA-15 Proponent: Kenney Payne representing AIA
kpayne@moseleyarchitects.com

2015 International Existing Building Code

Reason: Requiring FULL compliance with current flood hazard area code requirements (e.g., raising an entire building or portion thereof) for ANY repair that constitutes a substantial improvement could prove to be onerous and would be contrary to the purpose of the VRC per VRC 102.1...

Comments:

Withdrawn

R-708.1 cdpVA-15 Proponent: Bob Orr, representing VBCOA VRC Committee
borr@culpepercounty.gov

2015 International Existing Building Code

Reason: When replacing insulation in the thermal envelope, the energy requirement demands the affected area be in compliance with the International Energy Conservation Code. The negative effect resulting in having to increase the thickness of the wall or roof framing to satisfy the depth of the insulation for proper installation. This would discourage rehabilitation of many older structures and contrary to the intent set forward by the Virginia Legislative body.

Comments:

Kenney Payne gave an overview of this proposal.

Allison Cook stated they are not trying to make it cost prohibited.

Consensus for Approval

R-902.1.2 cdpVA-15 Proponent: William King
William.king@alexandriava.gov

2012 Virginia Rehabilitation Code
902.1.2 Elevators

Reason: An elevator car capable of accommodating an ambulance stretcher is a critical component of rapid and effective responses to medical emergencies. As a Level 3 Alteration of a High Rise building would represent a significant investment in the existing building, this appears to be a reasonable threshold at which to place a requirement for this type of upgrade. To minimize the burden, an exception has been provided if the existing shaft is too small to allow for a compliant elevator car to be installed.

Comments:

Consensus for Disapproval

R-902.1.3 cdpVA-15 Proponent: William King
William.king@alexandriava.gov

2012 Virginia Rehabilitation Code
902.1.3 Fire Command Center

Reason: This section is to clearly require that a fire command center be installed in high rise buildings. These command centers are critical to addressing the specific challenges associates with significant events within these massive structures. As this requirement is limited to Level 3 alterations and above, it is only required where the majority of the building is undergoing significant construction or change in use.

Comments:

Consensus for Disapproval