

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

I N T E R P R E T A T I O N

Interpretation Number: 1/2019

Code: USBC, Part 1, Virginia Construction Code/2015

Section No(s): Section 102.3

102.3 Exemptions. The following are exempt from this code:

1. Equipment and wiring used for providing utility, communications, information, cable television, broadcast or radio service in accordance with all of the following conditions:

1.1. The equipment and wiring are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.

1.2. Buildings housing exempt equipment and wiring shall be subject to the USBC.

1.3. The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.

2. Support structures owned or controlled by a provider of publicly regulated utility service or its affiliates for the transmission and distribution of electric service in accordance with all of the following conditions:

2.1. The support structures are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.

2.2. The support structures exempted by this section shall not create an unsafe condition prohibited by the USBC.

3. Direct burial poles used to support equipment or wiring providing communications, information or cable television services. The poles exempted by this section

shall not create an unsafe condition prohibited by the USBC.

4. Electrical equipment, transmission equipment, and related wiring used for wireless transmission of radio, broadcast, telecommunications, or information service in accordance with all of the following conditions:

4.1. Buildings housing exempt equipment and wiring and structures supporting exempt equipment and wiring shall be subject to the USBC.

4.2. The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.

5. Manufacturing, processing, and product handling machines and equipment that do not produce or process hazardous materials regulated by this code, including those portions of conveyor systems used exclusively for the transport of associated materials or products, and all of the following service equipment:

5.1. Electrical equipment connected after the last disconnecting means.

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

5.3. Gas piping and equipment connected after the outlet shutoff valve. Manufacturing and processing machines that produce or process hazardous materials regulated by this code are only required to comply with the code provisions regulating the hazardous materials.

6. Parking lots and sidewalks, that are not part of an accessible route.

7. Nonmechanized 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.

8. Industrialized buildings subject to the Virginia Industrialized Building Safety Regulations (13VAC5-91) and

manufactured homes subject to the Virginia Manufactured Home Safety Regulations (13VAC5-95); except as provided for in Section 427 and in the case of demolition of such industrialized buildings or manufactured homes.

9. Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et seq.) of Title 35.1 of the Code of Virginia. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

10. Federally owned buildings and structures unless federal law specifically requires a permit from the locality. Underground storage tank installations, modifications and removals shall comply with this code in accordance with federal law.

11. Off-site manufactured intermodal freight containers, moving containers, and storage containers placed on site temporarily or permanently for use as a storage container.

12. Automotive lifts.

QUESTION #1: Are equipment, wiring and support structures that will be under the control of an electric company exempt from the USBC?

ANSWER: Yes, as long as the equipment wiring or support structures in question are located on property for which the electric company has rights of occupancy and entry.

Note: *No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.*

QUESTION #2: Are equipment, wiring and support structures that are under the control of an electric company, but are located on property that is leased, exempt from the USBC?

ANSWER: Yes, exempt equipment, wiring and support structures can be located within utility rights-of-way, land owned or leased by

the electric company, or on property that the electric has rights of entry and occupancy.

Note: *No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.*

QUESTION #3: Are equipment, wiring or support structures that are installed by a contractor or an entity other than the electric company, but the electric company will control the equipment, wiring or support structures once they are installed and will have rights of occupancy and entry to the property, exempt from the USBC?

ANSWER: Yes, regardless of who installs wiring, equipment or support structures, if they will be controlled by the electric company upon completion, they are exempt from the USBC and permits are not required.

Note: *No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.*

QUESTION #4: Are equipment, wiring or support structures that are under the control of the electric company and the electric company maintains rights of occupancy and entry to the property, but the wiring, equipment or support structures are being maintained and operated by a contractor or an entity other than the electric company, exempt from the USBC?

ANSWER: Yes, if the electric company utilizes a 3rd party contractor to operate or maintain wiring, equipment or support structures, but the electric company maintains control, the wiring, equipment or support structures in question are exempt from the USBC.

Note: *No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.*

QUESTION #5: Are equipment, wiring and support structures that are under the control of an entity that is not an electric company exempt from the USBC?

ANSWER: No.

Note: *No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC.*

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of May 17, 2019.


Chairman, State Building Code Technical Review Board

Pro Tem