



Virginia Register of Regulations

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THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation,

unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to no more than 12 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*. During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **26:20 VA.R. 2510-2515 June 7, 2010**, refers to Volume 26, Issue 20, pages 2510 through 2515 of the *Virginia Register* issued on June 7, 2010.

The *Virginia Register of Regulations* is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **John S. Edwards**, Chairman; **Bill Janis**, Vice Chairman; **James M. LeMunyon**; **Ryan T. McDougle**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Jane M. Roush**; **Patricia L. West**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

September 2010 through August 2011

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
27:2	September 8, 2010	September 27, 2010
27:3	September 22, 2010	October 11, 2010
27:4	October 6, 2010	October 25, 2010
27:5	October 20, 2010	November 8, 2010
27:6	November 3, 2010	November 22, 2010
27:7	November 16, 2010 (Tuesday)	December 6, 2010
27:8	December 1, 2010	December 20, 2010
27:9	December 14, 2010 (Tuesday)	January 3, 2011
27:10	December 29, 2010	January 17, 2011
27:11	January 12, 2011	January 31, 2011
27:12	January 26, 2011	February 14, 2011
27:13	February 9, 2011	February 28, 2011
27:14	February 23, 2011	March 14, 2011
27:15	March 9, 2011	March 28, 2011
27:16	March 23, 2011	April 11, 2011
27:17	April 6, 2011	April 25, 2011
27:18	April 20, 2011	May 9, 2011
27:19	May 4, 2011	May 23, 2011
27:20	May 18, 2011	June 6, 2011
27:21	June 1, 2011	June 20, 2011
27:22	June 15, 2011	July 4, 2011
27:23	June 29, 2011	July 18, 2011
27:24	July 13, 2011	August 1, 2011
27:25	July 27, 2011	August 15, 2011
27:26	August 10, 2011	August 29, 2011

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Agency Decision

Title of Regulation: **18VAC110-20. Regulations Governing the Practice of Pharmacy.**

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Name of Petitioner: Eric Haas.

Nature of Petitioner's Request: Amend requirement for filing prescriptions to allow filing by date of initial dispensing or date of initial entry into pharmacy electronic recordkeeping system if such a system is employed by the pharmacy. The rationale for the request is that prescriptions are often placed into electronic systems for later dispensing, and retrieval and reassignment of the date is cumbersome and unnecessary and may promote errors in a patient's record.

Agency Decision: Request denied.

Statement of Reason for Decision: The board denied the petition but agreed that it would like to query other states to determine policies and/or rules for entry of different dates into an electronic recordkeeping system. An informal opinion from the Drug Enforcement Administration states that, while not directly prohibited, the policy of "holding" a prescription in a computer for subsequent filling is not advisable and presents a diversion issue. The board will revisit the request after additional information is obtained.

Agency Contact: Caroline D. Juran, Acting Executive Director, Board of Pharmacy, 9960 Mayland Drive, Richmond, VA 23233, telephone (804) 367-4416, FAX (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

VA.R. Doc. No. R10-61; Filed September 15, 2010, 9:22 a.m.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Agency Decision

Title of Regulation: **24VAC30-121. Comprehensive Roadside Management Program.**

Statutory Authority: §§ 33.1-12 and 33.1-223.2:9 of the Code of Virginia.

Name of Petitioner: Proctor S. Harvey.

Nature of Petitioner's Request: Amend provisions of regulations as follows: (i) in 24VAC30-121-30, add new

subsection C to allow VDOT District Administrator or designees to review issues arising from a permit application, and make recommendations and decisions for resolution; and (ii) in 24VAC30-121-40 D 4 concerning location of acknowledgement signs, change criteria in subdivisions a, b, c, and d from 45 mph to 60 mph to allow for greater locations for gardens.

Agency Decision: Initiate a regulatory change.

Statement of Reason for Decision: In its interim response to this petition published in The Virginia Register on July 5, 2010, VDOT deferred any decision while seeking comment from the Federal Highway Administration (FHWA) regarding the portion of the changes proposed to the regulation involving signage along the main traveled way and interchanges of noncontrolled and controlled access primary and secondary highways, in addition to interstate interchanges. VDOT has considered Part (i) of the petitioner's proposal, which involves allowing VDOT District Administrators or designees to review issues arising from a permit application, and make recommendations and decisions for resolution. VDOT has decided to reject implementation of Part (i) due to concerns that implementation would adversely affect consistency in how the regulation is applied on a statewide basis. Without some degree of standardization, the public could lose confidence that the regulations are being implemented fairly from district to district.

VDOT has received input from the Federal Highway Administration (FHWA) concerning Part (ii) of this proposal, which involves signage along the main traveled way and interchanges of noncontrolled and controlled access primary and secondary highways, in addition to interstate interchanges. VDOT concurs with the petitioner that implementation of this part of the petition will make more sites eligible for location of gardens and enhance support for the program from potential donors while maintaining satisfactory safety parameters for travel. Therefore, VDOT will proceed with a Fast-Track implementation of Part (ii) as soon as pending changes to the Comprehensive Roadside Management Program (CRMP) regulations have been made in conjunction with a previous Fast-Track action concerning new General Rules and Regulations of the Commonwealth Transportation Board, the adoption of which affected content of the CRMP. VDOT reserves the right to make additional regulatory changes not covered in the petition as dictated by good business practices, the application of sound engineering principles, or to improve the usefulness of the regulations to the regulated parties, the public, and VDOT staff.

Agency Contact: M. Brian Waymack, State Roadside Manager Maintenance Division, Virginia Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-0967, FAX (804) 786-0628, or email brian.waymack@vdot.virginia.gov.

VA.R. Doc. No. R10-41; Filed September 14, 2010, 2:47 p.m.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF MINERAL MINING EXAMINERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending the following regulation: **4VAC25-35, Certification Requirements for Mineral Miners**. The purpose of the proposed action is to amend the certification requirements for mineral miners to allow for electronic submission of certification forms and payment of associated fees. Doing so will allow the Department of Mines, Minerals and Energy and the Board of Mineral Mining Examiners to more effectively and efficiently serve their customers. Additionally, the Board of Mineral Mining Examiners will consider revising all aspects of the certification process which includes, but is not limited to, the format and content of applications and supporting documents, examination requirements, proof of certification, and the temporary certification process.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 45.1-161.292:19 of the Code of Virginia.

Public Comment Deadline: October 27, 2010.

Agency Contact: Michael Skiffington, Regulatory Coordinator, Department of Mines, Minerals and Energy, 1100 Bank Street, 8th Floor, Richmond, VA 23219-3402, telephone (804) 692-3212, FAX (804) 692-3237, TTY (800) 828-1120, or email mike.skiffington@dmme.virginia.gov.

V.A.R. Doc. No. R11-2542; Filed September 8, 2010, 12:18 p.m.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: For the following regulations, the Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife. The board is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final wildlife management regulations, including length of seasons and bag limits allowed on the wildlife resources within the Commonwealth of Virginia.

Proposed Regulation

Title of Regulation: 4VAC15-20. Definitions and Miscellaneous: in General (amending 4VAC15-20-50, 4VAC15-20-130, 4VAC15-20-140).

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comments: Public comments may be submitted until September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

*The proposed amendments (i) update the department's "List of Native and Naturalized Fauna of Virginia," consistent with current nomenclature and knowledge of the wildlife of the Commonwealth; (ii) add the Virginia northern flying squirrel (*Glaucomys sabrinus fuscus*) to the Virginia List of Endangered and Threatened Species, thereby prohibiting the taking, transportation, possession, or sale of these rare native species without a permit, and adopt the updated and modified federal list of endangered and threatened wildlife species to clarify the federal and state status of affected species; and (iii) delete the regulatory definition of "special concern," which will reduce confusion with species identified in Virginia's Wildlife Action Plan as "species of greatest conservation need."*

4VAC15-20-50. Definitions; "wild animal," "native animal," "naturalized animal," "nonnative (exotic) animal" and "domestic animal."

In accordance with § 29.1-100 of the Code of Virginia, the following terms shall have the meanings ascribed to them by this section when used in regulations of the board:

~~"Wild animal" means any member of the animal kingdom, except domestic animals, including without limitation any native, naturalized, or nonnative (exotic) mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any hybrid of them, except as otherwise specified in regulations of the board, or part, product, egg, or offspring of them, or the dead body or parts of them.~~

"Native animal" means those species and subspecies of animals naturally occurring in Virginia, as included in the department's 2007 2010 "List of Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

"Naturalized animal" means those species and subspecies of animals not originally native to Virginia which have established wild, self-sustaining populations, as included in the department's 2007 2010 "List of Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

"Nonnative (exotic) animal" means those species and subspecies of animals not naturally occurring in Virginia, excluding domestic and naturalized species.

The following animals are defined as domestic animals:

- Domestic dog (*Canis familiaris*), including wolf hybrids.
- Domestic cat (*Felis catus*), including hybrids with wild felines.
- Domestic horse (*Equus caballus*), including hybrids with *Equus asinus*.
- Domestic ass, burro, and donkey (*Equus asinus*).
- Domestic cattle (*Bos taurus* and *Bos indicus*).
- Domestic sheep (*Ovis aries*) including hybrids with wild sheep.
- Domestic goat (*Capra hircus*).
- Domestic swine (*Sus scrofa domestica*), including pot-bellied pig.

Regulations

Llama (*Lama glama*).

Alpaca (*Lama pacos*).

Camels (*Camelus bactrianus* and *Camelus dromedarius*).

Domesticated races of hamsters (*Mesocricetus* spp.).

Domesticated races of mink (*Mustela vison*) where adults are heavier than 1.15 kilograms or their coat color can be distinguished from wild mink.

Domesticated races of red fox (*Vulpes*) where their coat color can be distinguished from wild red fox.

Domesticated races of guinea pigs (*Cavia porcellus*).

Domesticated races of gerbils (*Meriones unguiculatus*).

Domesticated races of chinchillas (*Chinchilla laniger*).

Domesticated races of rats (*Rattus norvegicus* and *Rattus rattus*).

Domesticated races of mice (*Mus musculus*).

Domesticated races of European rabbit (*Oryctolagus cuniculus*).

Domesticated races of chickens (*Gallus*).

Domesticated races of turkeys (*Meleagris gallopavo*).

Domesticated races of ducks and geese distinguishable morphologically from wild birds.

Feral pigeons (*Columba domestica* and *Columba livia*) and domesticated races of pigeons.

Domesticated races of guinea fowl (*Numida meleagris*).

Domesticated races of peafowl (*Pavo cristatus*).

"Wild animal" means any member of the animal kingdom, except domestic animals, including without limitation any native, naturalized, or nonnative (exotic) mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any hybrid of them, except as otherwise specified in regulations of the board, or part, product, egg, or offspring of them, or the dead body or parts of them.

4VAC15-20-130. Endangered and threatened species; adoption of federal list; additional species enumerated.

A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered Species Act of December 28, 1973 (16 USC §§ 1531-1543), as amended, and declares all species listed thereon to be endangered or threatened species in the Commonwealth. Pursuant to § 29.1-103.12 of the Code of Virginia, the director of the department is hereby delegated authority to propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List in accordance with the

procedures of §§ 29.1-501 and 29.1-502 of the Code of Virginia.

B. In addition to the provisions of subsection A, the following species are declared endangered or threatened in this Commonwealth, and are afforded the protection provided by Article 6 (§ 29.1-563 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia:

1. Fish:

Endangered:

Dace, Tennessee	<i>Phoxinus tennesseensis</i>
Darter, sharphead	<i>Etheostoma acuticeps</i>
Darter, variegated	<i>Etheostoma variatum</i>
Sunfish, blackbanded	<i>Enneacanthus chaetodon</i>

Threatened:

Darter, Carolina	<i>Etheostoma collis</i>
Darter, golden	<i>Etheostoma denoncourti</i>
Darter, greenfin	<i>Etheostoma chlorobranchium</i>
Darter, longhead	<i>Percina macrocephala</i>
Darter, western sand	<i>Ammocrypta clara</i>
Madtom, orangefin	<i>Noturus gilberti</i>
Paddlefish	<i>Polyodon spathula</i>
Shiner, emerald	<i>Notropis atherinoides</i>
Shiner, steelcolor	<i>Cyprinella whipplei</i>
Shiner, whitemouth	<i>Notropis alborus</i>

2. Amphibians:

Endangered:

Salamander, eastern tiger	<i>Ambystoma tigrinum tigrinum</i>
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Threatened:

Salamander, Mabee's	<i>Ambystoma mabeei</i>
Treefrog, barking	<i>Hyla gratiosa</i>

3. Reptiles:

Endangered:

Rattlesnake, canebrake (Coastal Plain population of timber rattlesnake)	<i>Crotalus horridus</i>
Turtle, bog	<i>Glyptemys muhlenbergii</i>

Turtle, eastern chicken	Deirochelys reticularia reticularia
Threatened:	
Lizard, eastern glass	Ophisaurus ventralis
Turtle, wood	Glyptemys insculpta

4. Birds:

Endangered:	
Plover, Wilson's	Charadrius wilsonia
Wren, Bewick's	Thryomanes bewicki bewickii

Threatened:

Eagle, bald	Haliaeetus leucocephalus
Falcon, peregrine	Falco peregrinus
Sandpiper, upland	Bartramia longicauda
Shrike, loggerhead	Lanius ludovicianus
Sparrow, Bachman's	Aimophila aestivalis
Sparrow, Henslow's	Ammodramus henslowii
Tern, gull-billed	Sterna nilotica

5. Mammals:

Endangered:

Bat, Rafinesque's eastern big-eared	Corynorhinus rafinesquii macrotis
Hare, snowshoe	Lepus americanus
Shrew, American water	Sorex palustris
<u>Squirrel, Virginia northern flying</u>	<u>Glaucomys sabrinus fuscus</u>
Vole, rock	Microtus chrotorrhinus

Threatened:

Shrew, Dismal Swamp southeastern	Sorex longirostris fisheri
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6. Molluscs:

Endangered:

Ghostsnailed, thankless	Holsingeria unthinksensis
Coil, rubble	Helicodiscus lirellus
Coil, shaggy	Helicodiscus diadema
Deertoe	Truncilla truncata
Elephantear	Elliptio crassidens

Elimia, spider	Elimia arachnoidea
Floater, brook	Alasmidonta varicosa
Heelsplitter, Tennessee	Lasmigona holstonia
Lilliput, purple	Toxolasma lividus
Mussel, slippershell	Alasmidonta viridis
Pigtoe, Ohio cordatum	Pleurobema
Pigtoe, pyramid	Pleurobema rubrum
Snuffbox	Epioblasma triquetra
Springsnail, Appalachian	Fontigens bottimeri
Springsnail (no common name)	Fonitgens morrisoni
Spectaclecase	Cumberlandia monodonta
Supercoil, spirit	Paravitrea hera

Threatened:

Floater, green	Lasmigona subviridis
Papershell, fragile	Leptodea fragilis
Pearlymussel, slabside	Lexingtonia dolabelloides
Pigtoe, Atlantic	Fusconaiamasoni
Pimpleback	Quadrula pustulosa pustulosa
Pistolgrip	Tritogonia verrucosa
Riversnail, spiny	Ioflualis
Sandshell, black	Ligumia recta
Sheepnose	Plethobasus cyphyus
Supercoil, brown	Paravitrea septadens

7. Arthropods:

Threatened:

Amphipod, Madison Cave	Stygobromus stegerorum
Pseudotremia, Ellett Valley	Pseudotremia cavernarum
Xystodesmid, Laurel Creek	Sigmoria whiteheadi

8. Crustaceans:

Endangered:

Crayfish, Big Sandy	Cambarus veteranus
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C. It shall be unlawful to take, transport, process, sell, or offer for sale within the Commonwealth any threatened or endangered species of fish or wildlife except as authorized by law.

Regulations

4VAC15-20-140. Endangered species—definitions.

For the purposes of §§ 29.1-564 through 29.1-570 of the Code of Virginia, 4VAC15-20-130 of this chapter, and this section:

1. "Endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range within the Commonwealth, other than a species of the class Insecta deemed to be a pest whose protection would present an overriding risk to the health or economic welfare of the Commonwealth.
2. "Fish or wildlife" means any member of the animal kingdom, vertebrate or invertebrate, without limitation, and includes any part, products, egg, or the dead body or parts of it.
3. "Harass," in the definition of "take," means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering.
4. "Harm," in the definition of "take," means an act which actually kills or injures wildlife. Such act may include significant habitat modifications or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.
5. "Person" means any individual, firm, corporation, association or partnership.
- ~~6. "Special concern" means any species, on a list maintained by the director, which is restricted in distribution, uncommon, ecologically specialized or threatened by other imminent factors.~~
7. 6. "Species" includes any subspecies of fish or wildlife and any district population segment of any species or vertebrate fish or wildlife which interbreed when mature.
- ~~8.~~ 7. "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, possess or collect, or to attempt to engage in any such conduct.
- ~~9.~~ 8. "Threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range within the Commonwealth.

DOCUMENTS INCORPORATED BY REFERENCE
(4VAC15-20)

2010 List of Native and Naturalized Fauna of Virginia, Virginia Department of Game and Inland Fisheries.

V.A.R. Doc. No. R11-2589; Filed September 8, 2010, 11:16 a.m.

Proposed Regulation

Title of Regulation: **4VAC15-30. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals (amending 4VAC15-30-40).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comment Deadline: September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

*The proposed amendments add all species of African dwarf frog (*Hymenochirus* spp. and *Pseudohymenochirus merlini*) to the list of predatory and undesirable species whose introduction into Virginia would be detrimental to the native fish and wildlife of the state, thereby prohibiting the importation, possession, or sale of these species without a permit.*

4VAC15-30-40. Importation requirements, possession and sale of nonnative (exotic) animals.

A. Permit required. A special permit is required and may be issued by the department, if consistent with the department's fish and wildlife management program, to import, possess, or sell those nonnative (exotic) animals listed below and in 4VAC15-20-210 that the board finds and declares to be predatory or undesirable within the meaning and intent of § 29.1-542 of the Code of Virginia, in that their introduction into the Commonwealth will be detrimental to the native fish and wildlife resources of Virginia:

AMPHIBIANS:				
Order	Family	Genus/Species	Common Name	
Anura	Buforidae	Bufo marinus	Giant or marine toad*	
	Pipidae	<u>Hymenochirus spp.</u> <u>Pseudohymenochirus merlini</u>	<u>African dwarf frog</u>	
		Xenopus spp.	Tongueless or African clawed frog	
Caudata	Ambystomatidae	Ambystoma tigrum mavortium	Barred tiger salamander	
		A. t. diaboli	Gray tiger salamander	
		A. t. melanostictum	Blotched tiger salamander	
BIRDS:				
Order	Family	Genus/Species	Common Name	
Psittaciformes	Psittacidae	Myiopsitta monachus	Monk parakeet*	
Anseriformes	Anatidae	Cygnus olor	Mute swan	
FISH:				
Order	Family	Genus/Species	Common Name	
Cypriniformes	Catostomidae	Ictiobus bubalus	Smallmouth* buffalo	
		I. cyprinellus	Bigmouth* buffalo	
		I. niger	Black buffalo*	
	Characidae	Pygopristis spp. Pygocentrus spp. Rooseveltiella spp. Serrasalmo spp. Serrasalmus spp. Taddyella spp.	Piranhas	
		Cyprinidae	Aristichyhs nobilis	Bighead carp*
			Ctenopharyngodon idella	Grass carp or white amur
			Cyprinella lutrensis	Red shiner
			Hypophthalmichthys molitrix	Silver carp*
			Mylopharyngodon piceus	Black carp*
	Scardinius erythrophthalmus		Rudd	
	Gobiesociformes	Gobiidae	Proterorhinus marmoratus	Tube-nose goby
			Neogobius melanostomus	Round goby
	Perciformes	Channidae	Channa spp. Parachanna spp.	Snakeheads

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	Cichlidae	Tilapia spp.	Tilapia
		Gymnocephalus cernuum	Ruffe*
Siluriformes	Clariidae	All species	Air-breathing catfish
Synbranchiformes	Synbranchidae	Monopterus albus	Swamp eel
MAMMALS:			
Order	Family	Genus/Species	Common Name
Artiodactyla	Suidae	All Species	Pigs or Hogs*
	Cervidae	All Species	Deer*
Carnivora	Canidae	All Species	Wild Dogs*, Wolves, Coyotes or Coyote hybrids, Jackals and Foxes
	Ursidae	All Species	Bears*
	Procyonidae	All Species	Raccoons and* Relatives
	Mustelidae	All Species (except Mustela putorius furo)	Weasels, Badgers,* Skunks and Otters Ferret
	Viverridae	All Species	Civets, Genets,* Lingsangs, Mongooses, and Fossas
	Herpestidae	All Species	Mongooses*
	Hyaenidae	All Species	Hyenas*
	Protelidae	Proteles cristatus	Aardwolf*
	Felidae	All Species	Cats*
Chiroptera		All Species	Bats*
Lagomorpha	Leporidae	Lepus europeaeous	European hare
		Oryctolagus cuniculus	European rabbit
Rodentia		All species native to Africa	All species native to Africa
	Sciuridae	Cynomys spp.	Prairie dogs
MOLLUSKS:			
Order	Family	Genus/Species	Common Name
Neotaenioglossa	Hydrobiidae	Potamopyrgus antipodarum	New Zealand mudsnail
Veneroida	Dreissenidae	Dreissena bugensis	Quagga mussel
		Dreissena polymorpha	Zebra mussel

REPTILES:			
Order	Family	Genus/Species	Common Name
Squamata	Alligatoridae	All species	Alligators, caimans*
	Colubridae	Boiga irregularis	Brown tree snake*
	Crocodylidae	All species	Crocodiles*
	Gavialidae	All species	Gavials*
CRUSTACEANS:			
Order	Family	Genus/Species	Common Name
Decapoda	Cambaridae	Orconectes rusticus	Rusty crayfish
	Parastacidae	Cherax spp.	Australian crayfish
	Varunidea	Eriocheir sinensis	Chinese mitten crab

B. Temporary possession permit for certain animals. Notwithstanding the permitting requirements of subsection A, a person, company or corporation possessing any nonnative (exotic) animal, designated with an asterisk (*) in subsection A, prior to July 1, 1992, must declare such possession in writing to the department by January 1, 1993. This written declaration shall serve as a permit for possession only, is not transferable, and must be renewed every five years. This written declaration must include species name, common name, number of individuals, date or dates acquired, sex (if possible), estimated age, height or length, and other characteristics such as bands and band numbers, tattoos, registration numbers, coloration, and specific markings. Possession transfer will require a new permit according to the requirements of this subsection.

C. Exception for certain monk parakeets. A permit is not required for monk parakeets (quakers) that have been captive bred and are closed-banded with a seamless band.

D. Exception for parts or products. A permit is not required for parts or products of those nonnative (exotic) animals listed in subsection A that may be used for personal use, in the manufacture of products, or used in scientific research, provided that such parts or products be packaged outside the Commonwealth by any person, company, or corporation duly licensed by the state in which the parts originate. Such packages may be transported into the Commonwealth, consistent with other state laws and regulations, so long as the original package remains unbroken, unopened and intact until its point of destination is reached. Documentation concerning the type and cost of the animal parts ordered, the purpose and date of the order, point and date of shipping, and date of receiving shall be kept by the person, business or institution ordering such nonnative (exotic) animal parts. Such documentation shall be open to inspection by a representative of the Department of Game and Inland Fisheries.

E. Exception for certain mammals. Nonnative (exotic) mammals listed in subsection A, except members of the Cervidae family, African rodents, and prairie dogs, that are imported or possessed by dealers, exhibitors, transporters, and researchers who are licensed or registered by the United States Department of Agriculture under the Animal Welfare Act (7 USC §§ 2131 et seq.) will be deemed to be permitted pursuant to this section, provided that those individuals wanting to import such animals notify the department 24 hours prior to importation with a list of animals to be imported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a copy of the current license or licenses or registration or registrations from the U.S. Department of Agriculture, and further provided that such animals shall not be liberated within the Commonwealth.

F. Exception for prairie dogs. The effective date of listing of prairie dogs under subsection A of this section shall be January 1, 1998. Prairie dogs possessed in captivity in Virginia on December 31, 1997, may be maintained in captivity until the animals' deaths, but they may not be sold on or after January 1, 1998, without a permit.

G. Exception for snakehead fish. Anglers may legally harvest snakehead fish of the family Channidea, provided that they immediately kill such fish and that they notify the department, as soon as practicable, of such actions.

H. All other nonnative (exotic) animals. All other nonnative (exotic) animals not listed in subsection A of this section may be possessed, purchased, and sold; provided, that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to threatened/endangered species, and further provided, that such animals shall not be liberated within the Commonwealth.

VA.R. Doc. No. R11-2590; Filed September 8, 2010, 11:16 a.m.

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Proposed Regulation

Title of Regulation: **4VAC15-90. Game: Deer (amending 4VAC15-90-85).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comment Deadline: September 20, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

*The proposed amendments designate that the term elk refers specifically to Rocky Mountain elk (*Cervus elaphus*) and prohibit the hunting of Rocky Mountain elk in Virginia.*

4VAC15-90-85. Hunting of Rocky Mountain elk of either sex.

~~Elk Rocky Mountain elk (*Cervus elaphus*) of either sex may not be taken during the general firearms deer season (as prescribed by 4VAC15 90 10, 4VAC15 90 20, 4VAC15 90 21, and 4VAC15 90 30), during the special archery seasons (as prescribed by 4VAC15 90 70), and during the special muzzleloading seasons (as prescribed by 4VAC15 90 80) with bag limits and checking requirements as prescribed in 4VAC15 90 90, 4VAC15 90 230, and 4VAC15 90 240 hunted in Virginia.~~

V.A.R. Doc. No. R11-2596; Filed September 8, 2010, 11:16 a.m.

Proposed Regulation

Title of Regulation: **4VAC15-250. Game: Falconry (amending 4VAC15-250-10, 4VAC15-250-20, 4VAC15-250-60, 4VAC15-250-80, 4VAC15-250-110; repealing 4VAC15-250-30, 4VAC15-250-40, 4VAC15-250-50, 4VAC15-250-70, 4VAC15-250-100).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comment Deadline: September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The proposed amendments update Virginia's falconry regulations to improve consistency with new federal falconry regulations and to provide expanded opportunities to take falcons from the wild.

4VAC15-250-10. Definitions Falconry; adoption of federal standards, regulations, and definitions.

As used in this chapter:

~~1. "Raptor" means any live migratory bird of the order Falconiformes or the order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*).~~

~~2. "Permittee" means any holder of a valid falconry permit issued by Virginia or any other state or federal agency authorized to issue such permits or licenses.~~

~~3. "Take" means to trap, capture or attempt to trap or capture a raptor for the purposes of falconry.~~

The board hereby adopts the federal definitions, regulations, and standards pertaining to falconry as contained in 50 CFR 21.3 (definitions; effective July 8, 1983, and as amended June 17, 1999; August 10, 2006; February 28, 2007; August 20, 2007; October 8, 2008; and January 7, 2010) and 50 CFR 21.29 (falconry standards and falconry permitting; effective October 8, 2008, and as amended December 8, 2009; January 7, 2010; and January 21, 2010). Pursuant to § 29.1-103.12 of the Code of Virginia, the director of the department is hereby delegated authority to propose adoption of modifications and amendments to these federal definitions, regulations, and standards in accordance with the procedures of §§ 29.1-501 and 29.1-502 of the Code of Virginia.

4VAC15-250-20. Permit conditions.

A. An applicant for a permit to practice falconry pursuant to § 29.1-419 of the Code of Virginia shall submit to the department a completed application form, provided by the department and approved by the United States Fish and Wildlife Service, including all required information indicated on such form.

B. A permit shall not be issued before applicant has answered correctly at least 80% of the questions on a supervised examination provided by the department and approved by the United States Fish and Wildlife Service.

C. A permit shall not be issued or renewed unless applicant has adequate facilities and equipment, which shall have been inspected and certified by a representative of the department as meeting federal standards set forth in 50 CFR ~~21.21 et seq.~~ 21.29.

D. A person who is a nonresident of the Commonwealth may engage in falconry in Virginia provided he possesses a valid Virginia nonresident hunting license and satisfactory evidence that such person legally possesses the raptor and a

valid falconry permit issued by the his state, tribe, or territory of residence. Such practitioners must nonetheless comply with all applicable hunting and falconry regulations and conditions of Virginia's Falconry Permit.

4VAC15-250-30. Classes of permits. (Repealed.)

A. Apprentice class.

1. Permittee shall be at least 14 years old.
2. ~~A sponsor who is a holder of a general or master falconry permit is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time.~~
3. ~~Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12 month period.~~
4. ~~Permittee shall possess only the following raptors, which must be taken from the wild: an American Kestrel; a red tailed hawk; or a red shouldered hawk.~~

B. General class.

1. Permittee shall be at least 18 years old.
2. ~~Permittee shall have at least two years experience in the practice of falconry at the apprentice level or its equivalent.~~
3. ~~Permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12 month period.~~
4. ~~Permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered in federal regulations published pursuant to the Endangered Species Act of 1973, as amended. Permittee may not take, transport, or possess any species listed as threatened or endangered under 4VAC15-20-130 unless authorized via a falconry permit issued by the department.~~

C. Master class.

1. ~~Permittee shall have at least five years experience in the practice of falconry at the general class level or its equivalent.~~
2. ~~Permittee may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12 month period.~~
3. ~~Permittee may not take, transport or possess any golden eagle for falconry purposes, nor any species listed as threatened or endangered in federal regulations published pursuant to the Endangered Species Act of 1973, as amended, unless authorized in writing by the department and the United States Fish and Wildlife Service. Permittee may not take, transport or possess any species listed as threatened or endangered under 4VAC15-20-130 unless authorized via a falconry permit issued by the department.~~

4VAC15-250-40. Transportation and temporary holding. (Repealed.)

~~A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.~~

4VAC15-250-50. Marking. (Repealed.)

~~A. All peregrine falcons (*Falco peregrinus*), gyr falcons (*Falco rusticolus*), and Harris hawks (*Parabuteo unicinctus*), except a captive bred raptor lawfully marked by a numbered, seamless band issued by the U.S. Fish and Wildlife Service, must be banded with a permanent, nonreusable, numbered band supplied by the U.S. Fish and Wildlife Service.~~

~~B. It shall be unlawful for any person to alter, counterfeit or deface a raptor marker furnished by the United States Fish and Wildlife Service, except that falconry permittees may remove the rear tab on markers furnished, and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.~~

~~C. A permittee may replace the numbered seamless band on a captive bred bird with a standard adjustable yellow marker furnished by the Fish and Wildlife Service; however, once the seamless marker is removed, the bird may no longer be purchased, sold, or bartered.~~

4VAC15-250-60. Taking of raptors by nonresidents.

~~A. Young birds not yet capable of flight (eyases) may be taken only by a general or master falconer, and not more than two such birds may be taken by the same permittee during any one calendar year. The open season for taking such birds is May 1 through June 30 of each year only.~~

~~B. In addition, there shall be an open season for taking first-year passage birds, also called passengers (hawks caught wild before first moult), from September 15 through January 11 of each year only; except, that marked raptors may be retrapped at any time.~~

~~C. Only American Kestrels and great horned owls may be taken under a falconry permit when over one year old, except that any raptor other than an endangered or threatened species taken under a depredation (or special purpose) permit may be used for falconry by general and master falconers.~~

~~D. A nonresident raptor trapping permit may be issued to applicants a nonresident general or master falconer for the purpose of taking a raptor in Virginia, provided that his resident state is a state listed in Paragraph (k), of 50 CFR 21.29, as a participating state, and his resident state, tribe, or territory issues nonresident falconry permits or licenses, or otherwise provides for the taking of raptors by nonresidents. Nonresident applicants A nonresident applicant shall submit a copy of a his valid resident state falconry permit and a copy of a his valid import permit from their his resident state, tribe,~~

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or territory. Nonresident permits shall be issued only in the general or master class.

E. A permittee may purchase, sell, or barter any lawfully possessed raptor which was bred in captivity under authority of a raptor propagation permit issued under Part 21.30, Chapter I of Title 50, CFR, and banded with a numbered seamless marker issued or authorized by the Fish and Wildlife Service.

4VAC15-250-70. Possession of raptors. (Repealed.)

A. A person who possesses a lawfully acquired raptor before the enactment of this chapter and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the United States Fish and Wildlife Service and cannot be replaced if death, loss, release, or escape occurs.

B. A person who possesses raptors before the enactment of this chapter, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors. All such birds shall be identified with markers supplied by the United States Fish and Wildlife Service and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

C. A falconry permit holder shall obtain written authorization from the department before any species not indigenous to Virginia is intentionally released to the wild, at which time the marker from the released bird shall be removed and surrendered to the department. The marker from an intentionally released bird which is indigenous shall also be removed and surrendered to the department. A standard federal bird band shall be attached to such birds by a state or United States Fish and Wildlife Service authorized federal bird bander whenever possible.

D. A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee for maintenance and care for a period not to exceed 30 days. The raptor must be accompanied at all times by a properly executed U.S. Fish and Wildlife Service authorization (currently USFWS form 3 186A) designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing temporary possession.

E. Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping purposes.

4VAC15-250-80. Season for raptor hunting with raptors.

It shall be lawful to hunt nonmigratory game birds and game animals with raptors from October 1 through March 31, both dates inclusive.

4VAC15-250-100. Out of season, wrong species or sex, kills by raptors. (Repealed.)

A permittee whose raptor accidentally kills quarry that is out of season or of the wrong species or sex, or otherwise protected, must leave the dead quarry where it lies; except, that the raptor may feed upon the quarry prior to leaving the site of the kill.

4VAC15-250-110. Reports by permit holders; inspections Inspections.

No permittee may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a properly executed U.S. Fish and Wildlife Service authorization (currently USFWS form 3 186A) to the issuing office within five calendar days of any transaction. Falcons, hawks and owls held under permit Falconry facilities, equipment, and raptors shall be open to inspection by representatives of the department at all times.

VA.R. Doc. No. R11-2591; Filed September 8, 2010, 11:16 a.m.

Proposed Regulation

Title of Regulation: 4VAC15-320. Fish: Fishing Generally (amending 4VAC15-320-25, 4VAC15-320-90; repealing 4VAC15-320-130).

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comment Deadline: September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The proposed amendments (i) adjust freshwater fishing creel and length limits; (ii) add the James River to the list of waters where a National Forest Permit is not required to fish from national forest lands; and (iii) eliminate the "only bait with a single point hook (no artificial lures allowed)" requirement for the Witcher Creek (Cedar Key cove) area on Smith Mountain Lake.

4VAC15-320-25. Creel and length limits.

The creel limits (including live possession) and the length limits for the various species of fish shall be as follows, unless otherwise excepted by posted rules at department-owned or department-controlled waters (see 4VAC15-320-100 D).

Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
largemouth bass, smallmouth bass, spotted bass		5 per day in the aggregate; No statewide length limits	Lakes	
			Briery Creek Lake	No bass 14 to 24 inches, only 1 per day longer than 24 inches
			Buggs Island (Kerr)	Only 2 of 5 bass less than 14 inches
			Claytor Lake	No bass less than 12 inches
			Flannagan Reservoir	No bass less than 12 inches
			Lake Gaston	Only 2 of 5 bass less than 14 inches
			Leesville Reservoir	Only 2 of 5 bass less than 14 inches
			Lake Moomaw	No bass less than 12 inches
			Philpott Reservoir	No bass less than 12 inches
			Quantico Marine Base waters	No bass 12 to 15 inches
			Smith Mt. Lake and its tributaries below Niagara Dam	Only 2 of 5 bass less than 14 inches
			Rivers	
			Clinch River – within the boundaries of Scott, Wise, Russell, or Tazewell counties	No bass 11 to 14 inches
			Dan River and tributaries down stream from the Brantley Steam Plant, Danville	Only 2 of 5 bass less than 14 inches
			James River – Confluence of the Jackson and Cowpasture rivers (Botetourt County) downstream to the 14th Street Bridge in Richmond	No bass 14 to 22 inches, only 1 per day longer than 22 inches

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			<p>New River – Fields Dam (Grayson County) downstream to the VA – WV state line and its tributary Little River downstream from Little River Dam in Montgomery County (This does not include Claytor Lake which is delineated as: The upper end of the island at Allisonia downstream to the dam)</p>	<p>No bass 14 to 20 inches, only 1 per day longer than 20 inches</p>
			<p>North Fork Holston River - Rt. 91 bridge upstream of Saltville, VA downstream to the VA-TN state line</p>	<p>No bass less than 20 inches, only 1 per day longer than 20 inches</p>
			<p>North Fork Shenandoah River – Rt. 42 bridge, Rockingham Co. downstream to the confluence with S. Fork Shenandoah at Front Royal</p>	<p>No bass 11 to 14 inches</p>
			<p>Potomac River - Virginia tidal tributaries above Rt. 301 bridge</p>	<p>No bass less than 15 inches from March 1 through June 15</p>
			<p>Roanoke (Staunton) River - and its tributaries below Difficult Creek, Charlotte Co.</p>	<p>Only 2 of 5 bass less than 14 inches</p>
			<p>Shenandoah River – Confluence of South Fork and North Fork rivers, Front Royal, downstream, to the Warren Dam, near Front Royal Base of Warren Dam, near Front Royal downstream to Rt. 17/50 bridge Rt. 17/50 bridge downstream to VA - WV state line South Fork Shenandoah River -</p>	<p>No bass 11 to 14 inches No bass 14 to 20 inches, only 1 per day longer than 20 inches No bass 11 to 14 inches</p>

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			<p>Confluence of North and South rivers, below Port Republic, downstream to Shenandoah Dam, near Town of Shenandoah</p> <p>Base of Shenandoah Dam, near Town of Shenandoah, downstream to Luray Dam, near Luray</p> <p>Base of Luray Dam, near Luray, downstream to the confluence with North Fork of Shenandoah, Front Royal</p>	<p>No bass 11 to 14 inches</p> <p>No bass 14 to 20 inches, only 1 per day longer than 20 inches</p> <p>No bass 11 to 14 inches</p>
			<p><u>Staunton River - Leesville Dam (Campbell County) downstream to the U.S. Route 360 Bridge (Halifax/Charlotte County Line) near Clover, VA</u></p>	<p><u>No bass less than 20 inches, only 1 per day longer than 20 inches</u></p>
striped bass	landlocked striped bass and landlocked striped bass x white bass hybrids	4 per day in the aggregate; No fish less than 20 inches	<p>Buggs Island (Kerr) reservoir including the Staunton River to Leesville Dam and the Dan River to Brantly Steam Plant (Danville)</p>	<p>October 1 - May 31: 2 per day in the aggregate;</p> <p>No striped bass <u>or hybrid striped bass</u> less than 26 inches;</p> <p>June 1 - September 30: 4 per day in the aggregate;</p> <p>No length limit</p>
			<p>Smith Mountain Lake and its tributaries, including the Roanoke River upstream to Niagara Dam</p>	<p>2 per day in the aggregate;</p> <p>October <u>November 1 - May 31</u>: No striped bass 26 to 36 inches;</p> <p>June 1 - September 30 <u>October 31</u>: No length limit</p>

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			<u>Lake Gaston</u>	4 per day in the <u>aggregate</u> <u>October 1 - May 31:</u> <u>No striped bass or hybrid striped bass less than 20 inches</u> <u>June 1 - September 30: No length limit</u>
	anadromous (coastal) striped bass above the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be set by the Virginia Marine Resources Commission for recreational fishing in tidal waters		
	anadromous (coastal) in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay	2 per day; No striped bass less than 18 inches		
white bass		5 per day; No statewide length limits		
walleye		5 per day; No statewide length limits <u>No walleye less than 18 inches</u>	Flannagan, Philpott, and South Holston reservoirs, and the Middle Fork Holston and South Fork Holston rivers	No walleye less than 18 inches
			<u>Claytor Lake and New River upstream of Claytor Lake Dam</u> <u>New River upstream of Buck Dam in Carroll County</u>	No walleye less than 20 inches

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			<u>Claytor Lake and the New River upstream of Claytor Lake Dam to Buck Dam in Carroll County</u>	February 1 - May 31: <u>2 walleye per day; no walleye 19 to 28 inches;</u> June 1 - January 31: <u>5 walleye per day; no walleye less than 20 inches</u>
sauger		2 per day; No statewide length limits		
chain pickerel		5 per day; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs	No daily limit
northern pike		2 per day; No pike less than 20 inches		
muskellunge		2 per day; No muskellunge less than 30 inches	New River - Fields Dam (Grayson County) downstream to the VA - WV state line, including Claytor Lake	1 per day No muskellunge less than 42 inches
bluegill (bream) and other sunfish excluding crappie, rock bass (redeye) and Roanoke bass		50 per day in the aggregate; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
crappie (black or white)		25 per day in the aggregate; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
			Flannagan and South Holston reservoirs	No crappie less than 10 inches

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rock bass (redeye)		25 per day; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County.	No daily limit
			Nottoway and Meherrin rivers and their tributaries	5 per day in the aggregate with Roanoke bass; No rock bass less than 8 inches
Roanoke bass		No statewide daily limit; No statewide length limits	Nottoway and Meherrin rivers and their tributaries	5 per day in the aggregate with rock bass; No Roanoke bass less than 8 inches
trout	See 4VAC15-330. Fish: Trout Fishing.			
catfish	channel, white, and flathead catfish	20 per day; No length limits	All rivers below the fall line	No daily limit
	blue catfish	20 per day, only 1 blue catfish per day longer than 32 inches	All rivers below the fall line	No daily limit, except only 1 blue catfish per day longer than 32 inches
	yellow, brown, and black bullheads	No daily limit; No length limits		

<p>American shad and hickory shad</p>	<p>James River above the fall line (14th Street Bridge), the Meherrin River above Emporia Dam, the Chickahominy River above Walkers Dam, the Appomattox River above Harvell Dam, the Pamunkey River and the Mattaponi River above the Rt. 360 bridge, and the Rappahannock River above the Rt. 1 bridge, <u>and Virginia waters of Lake Gaston and Buggs Island (Kerr) Reservoir and tributaries to include the Dan and Staunton rivers</u></p>	<p>No possession (catch and release only)</p>		
	<p>(below the fall line) in tidal rivers of the Chesapeake Bay</p>	<p>Creel and length limits shall be those set by the Virginia Marine Resources Commission</p>		
	<p>Meherrin River below Emporia Dam Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay</p>	<p>10 per day in the aggregate No length limits</p>		
<p>anadromous (coastal) alewife and blueback herring</p>	<p>Above and below the fall line in all coastal rivers of the Chesapeake Bay</p>	<p>Creel and length limits shall be those set by the Virginia Marine Resources Commission</p>		
	<p>Meherrin River, Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay</p>	<p>No possession</p>		

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other native or naturalized nongame fish	See 4VAC15-360-10. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. Taking aquatic invertebrates, amphibians, reptiles and nongame fish for private use.
endangered or threatened fish	See 4VAC15-20-130. Definitions and Miscellaneous: In General. Endangered and threatened species; adoption of federal list; additional species enumerated.
nonnative (exotic) fish	See 4VAC15-30-40. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. Importation requirements, possession and sale of nonnative (exotic) animals.

4VAC15-320-90. Exception to requirement of national forest permit.

A national forest permit, as provided for in § 29.1-408 of the Code of Virginia shall not be required to fish from national forest lands in the North and South forks of the Shenandoah River, in the James River, in Skidmore Lake in Rockingham County, in Lake Moomaw (Gathright Project), in the Jackson River below Gathright Dam, in North Fork Pound Reservoir, and in Wilson Creek downstream of Douthat Lake in Alleghany and Bath Counties.

~~4VAC15-320-130. Special provision applicable to a portion of Witcher Creek (Cedar Key) within Smith Mountain Lake. (Repealed.)~~

~~It shall be lawful to fish using only bait with a single point unweighted bait hook (no artificial lures allowed) in that portion of Witcher Creek in Smith Mountain Lake from behind the no wake buoy line at the mouth of the cove known as Cedar Key to the back of the cove from April 15 to May 31, both dates inclusive. For the purpose of this chapter, a single point unweighted bait hook is defined as a hook that does not have a weight affixed to the hook. Any other weight must be attached to the line at least 12 inches above the hook (no weights below the hook).~~

V.A.R. Doc. No. R11-2592; Filed September 8, 2010, 11:17 a.m.

Proposed Regulation

Title of Regulation: **4VAC15-330. Fish: Trout Fishing (amending 4VAC15-330-120, 4VAC15-330-140, 4VAC15-330-150, 4VAC15-330-160, 4VAC15-330-171; adding 4VAC15-330-175).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comment Deadline: September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The proposed amendments adjust trout fishing requirements on multiple sections of trout waters within the Commonwealth.

4VAC15-330-120. Special provisions applicable to certain portions of Buffalo Creek, Dan River, Pound River, Roaring Run, ~~Smith River~~ South River, and South Fork Holston River.

A. It shall be lawful year around to fish using only artificial lures with single hooks in that portion of Buffalo Creek in Rockbridge County from the confluence of Colliers Creek upstream 2.9 miles to the confluence of North and South Buffalo Creeks, ~~in that portion of Smith River in Henry County from signs below the east bank of Towne Creek downstream to the State Route 666 (Trent Hill Road) bridge in that portion of South River from the N. Oak Lane Bridge in Waynesboro upstream to a sign posted 1.5 miles above the State Route 632 (Shalom Road) Bridge,~~ in that portion of the Dan River in Patrick County from Talbott Dam approximately six miles downstream to a sign posted just upstream from the confluence of Dan River and Townes Reservoir, in that portion of the Pound River from a sign posted 0.4 miles below the Flannagan Dam, downstream 1.2 miles to a sign posted just upstream of the confluence of the Pound River and the Russell Fork River, in that portion of the South Fork Holston River in Smyth County from a sign posted at the upper Jefferson National Forest boundary downstream approximately four miles to a sign posted 500 feet upstream of the concrete dam at Buller Fish Culture Station, and in that portion of Roaring Run in Botetourt County from a sign posted at the third footbridge above the Roaring Run Furnace Day Use Area upstream approximately one mile to a sign posted at the Botetourt/Alleghany County line.

B. The daily creel limit in these waters shall be two trout a day year around and the size limit shall be 16 inches or more in length. All trout caught in these waters under 16 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 16 inches in length in these areas.

4VAC15-330-140. Special provision applicable to certain portions of Big Wilson Creek, Cabin Creek, Conway River, Little Stony Creek, Little Wilson Creek, Mill

Creek, North Fork Buffalo River, St. Mary's River and Ramsey's Draft.

It shall be lawful to fish using only artificial lures with single hooks in that portion of the Conway River and its tributaries in Greene and Madison Counties within the Rapidan Wildlife Management Area, in that portion of Big and Little Wilson Creeks and their tributaries and Cabin Creek and its tributaries in Grayson County within the Grayson Highlands State Park and the Jefferson National Forest Mount Rogers National Recreation Area, in that portion of Little Stony Creek in Giles County within the Jefferson National Forest, in that portion of Little Stony Creek in Shenandoah County within the George Washington National Forest, in Mill Creek and its tributaries upstream of the Poplar Street Bridge in the Town of Narrows (Mill Creek flows through the Town of Narrows and Jefferson National Forest in Giles County), in the North Fork Buffalo River and its tributaries in Amherst County within the George Washington National Forest, in that portion of St. Mary's River in Augusta County and its tributaries upstream from the gate at the George Washington National Forest property line, and in that portion of Ramsey's Draft and its tributaries in Augusta County within the George Washington National Forest. All trout caught in these waters under nine inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under nine inches in length while in these areas.

4VAC15-330-150. Special provision applicable to Stewarts Creek Trout Management Area; certain portions of Dan, Rapidan, South Fork Holston and Staunton rivers, the East Fork of Chestnut Creek, Roaring Fork, North Creek, Spring Run, Venrick Run, Brumley Creek, and their tributaries.

It shall be lawful year around to fish for trout using only artificial lures with single hooks within the Stewarts Creek Trout Management Area in Carroll County, in the Rapidan and Staunton rivers and their tributaries upstream from a sign at the Lower Shenandoah National Park boundary in Madison County, in the Dan River and its tributaries between the Townes Dam and the Pinnacles Hydroelectric Project powerhouse in Patrick County, in the East Fork of Chestnut Creek (Farmer's Creek) and its tributaries upstream from the Blue Ridge Parkway in Grayson and Carroll Counties, in Roaring Fork and its tributaries upstream from the southwest boundary of Beartown Wilderness Area in Tazewell County and in that section of the South Fork Holston River and its tributaries from the concrete dam at Buller Fish Culture Station downstream to the lower boundary of the Buller Fish Culture Station in Smyth County, and in North Creek and its tributaries upstream from a sign at the George Washington National Forest North Creek Campground in Botetourt County, in Spring Run from its confluence with Cowpasture River upstream to a posted sign at the discharge for Coursey

Springs Hatchery in Bath County, in Venrick Run and its tributaries within the Big Survey Wildlife Management Area and Town of Wytheville property in Wythe County, and in Brumley Creek and its tributaries from the Hidden Valley Wildlife Management Area boundary upstream to the Hidden Valley Lake Dam in Washington County. All trout caught in these waters must be immediately returned to the water. No trout or bait may be in possession at any time in these areas.

4VAC15-330-160. Special provisions applicable to certain portions of Accotink Creek, Back Creek, Chestnut Creek, Hardware River, Holliday Creek, Holmes Run, North River, Passage Creek, Peak Creek, Pedlar River, North Fork of Pound and Pound rivers, Roanoke River, and South River.

It shall be lawful to fish from October 1 through May 31, both dates inclusive, using only artificial lures in Accotink Creek (Fairfax County) from King Arthur Road downstream 3.1 miles to Route 620 (Braddock Road), in Back Creek (Bath County) from the Route 600 bridge just below the Virginia Power Back Creek Dam downstream 1.5 miles to the Route 600 bridge at the lower boundary of the Virginia Power Recreational Area, in Chestnut Creek (Carroll County) from the U.S. Route 58 bridge downstream 11.4 miles to the confluence with New River, in the Hardware River (Fluvanna County) from the Route 646 bridge upstream ~~2.6~~ 3.0 miles to Muleshoe Bend as posted, in Holliday Creek (Appomattox/Buckingham Counties) from the Route 640 crossing downstream 2.8 miles to a sign posted at the headwaters of Holliday Lake, in Holmes Run (Fairfax County) from the Lake Barcroft Dam downstream 1.2 miles to a sign posted at the Alexandria City line, in the North River (Augusta County) from the base of Elkhorn Dam downstream 1.5 miles to a sign posted at the head of Staunton City Reservoir, in Passage Creek (Warren County) from the lower boundary of the Front Royal State Hatchery upstream 0.9 miles to the Shenandoah/Warren County line, in Peak Creek (Pulaski County) from the confluence of Tract Fork downstream 2.7 miles to the Route 99 bridge, in the Pedlar River (Amherst County) from the City of Lynchburg/George Washington National Forest boundary line (below Lynchburg Reservoir) downstream 2.7 miles to the boundary line of the George Washington National Forest, in North Fork of Pound and Pound rivers from the base of North Fork of Pound Dam downstream to the confluence with Indian Creek, in the Roanoke River (Roanoke County) from the Route 760 bridge (Diuguids Lane) upstream 1.0 miles to a sign posted at the upper end of Green Hill Park (Roanoke County), in the Roanoke River (City of Salem) from the Route 419 bridge upstream 2.2 miles to the Colorado Street bridge, and in the South River from the Second Street Bridge upstream 2.4 miles to the base of Rife Loth Dam in the City of Waynesboro. From October 1 through May 31, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to

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have in possession any bait or trout. During the period of June 1 through September 30, the above restrictions will not apply.

4VAC15-330-171. Special provisions applicable to certain portions of Jackson River.

A. ~~The In that portion of the Jackson River from Gathright Dam downstream to the Westvaco Dam at Covington in Allegheny County, the daily creel limit shall be four trout per day and only one of the four may be a brown trout, the minimum size limit for brown trout shall be 12 to 20 inches in length on that portion of the Jackson River from Gathright Dam downstream to the Westvaco Dam at Covington in Allegheny County, and the protected slot limit for rainbow trout shall be 12 to 16 inches. All brown trout caught in this section of the Jackson River under 12 to 20 inches in length and all rainbow trout between 12 and 16 inches in length caught in this section of Jackson River shall be immediately returned to the water. It shall be unlawful for any person to have in his possession possess any brown trout under 12 to 20 inches in length or any rainbow trout between 12 and 16 inches in length in this area. Because of the 12-inch to 16-inch protected slot limit for rainbow trout, the statewide seven-inch minimum trout limit does not apply to rainbow trout in this section of Jackson River.~~

B. The trout daily creel limit shall be two, the minimum size limit shall be 16 inches in length, and only artificial lures may be used in that portion of Jackson River in Bath County from the swinging bridge located just upstream from the mouth of Muddy Run, upstream three miles to the last ford on FS 481D. All trout caught in these waters under 16 inches in length shall be immediately returned to the water unharmed. It shall be unlawful for any person to have in his possession any bait or any trout under 16 inches in length in these areas.

4VAC15-330-175. Special provisions applicable to certain portions of Smith River.

~~In that portion of the Smith River from Philpott Dam downstream to the State Route 636 Bridge crossing (Mitchell Bridge), the protected slot limit for brown trout shall be 10 to 24 inches and only one brown trout longer than 24 inches can be harvested per day. All brown trout caught in this section of Smith River between 10 and 24 inches in length must be immediately returned to the water unharmed. It shall be unlawful for any person to possess any brown trout between 10 and 24 inches or more than one brown trout longer than 24 inches in length in this section of Smith River. Because of the 10-inch to 24-inch protected slot limit for brown trout, the statewide seven-inch minimum trout limit does not apply to brown trout in this section of Smith River. Statewide creel and size limits shall apply to all other trout species caught in this section of the Smith River, and the statewide daily creel limit of six trout per day applies to all trout species combined, in aggregate.~~

VA.R. Doc. No. R11-2593; Filed September 8, 2010, 11:15 a.m.

Proposed Regulation

Title of Regulation: **4VAC15-350. Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc (amending 4VAC15-350-10, 4VAC15-350-60; repealing 4VAC15-350-80).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comment Deadline: September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The proposed amendments (i) add the use of SCUBA (Self-Contained Underwater Breathing Apparatus) gear as an unlawful method of taking or attempting to take freshwater fish; (ii) limit the number of jugs that an angler may set and retrieve, and require that jugs be labeled with a reflective marker and attended within sight by anglers at all times; and (iii) eliminate dulling and noosing as fishing methods to take suckers in Highland County.

4VAC15-350-10. Gigs, grab hooks, etc.; generally.

Except as otherwise provided by local legislation and with the specific exceptions provided in the sections appearing in this chapter, it shall be unlawful to take or attempt to take fish at any time by snagging, grabbing, snaring, and gigging, and with a striking iron; and with the use of SCUBA (Self-Contained Underwater Breathing Apparatus) gear.

4VAC15-350-60. Trotlines, juglines or set poles.

A. Generally. Except as otherwise provided by local legislation and by ~~subsection~~ subsections B and C of this section, and except on waters stocked with trout and within 600 feet of any dam, it shall be lawful to use trotlines, juglines (single hook, including one treble hook, and line attached to a float) or set poles for the purpose of taking nongame fish (daily creel (possession) and length limits for nongame fish are found in 4VAC15-320-25) and turtles (limits for turtles are found in 4VAC15-360-10), provided that no live bait is used. Notwithstanding the provisions of this section, live bait other than game fish may be used on trotlines to take catfish in the Clinch River in the Counties of Russell, Scott and Wise. Any person setting or in possession of a trotline, jugline or set pole shall have it clearly marked by permanent means with his name, address and telephone number, and is required to check all lines at least once each day and remove all fish and animals caught. This requirement shall not apply to landowners on private ponds, nor to a bona fide tenant or lessee on private ponds within the bounds of

land rented or leased by him, nor to anyone transporting any such device from its place of purchase.

B. Quantico Marine Reservation. It shall be unlawful to fish with trotlines in any waters within the confines of Quantico Marine Reservation.

C. Additional jugline requirements. Jugline sets (except as exempt under subsection A of this section) shall be restricted to 20 per angler and must be attended (within sight) by anglers at all times. Also, in addition to being labeled with the angler's name, address and telephone number, jugs shall also be labeled with a reflective marker that encircles the jugs to allow for visibility at night.

4VAC15-350-80. ~~Dulling suckers in Highland County. (Repealed.)~~

~~It shall be lawful to take suckers in the daytime only with a dull or noose in Highland County from December 1 through February 28, both dates inclusive.~~

VA.R. Doc. No. R11-2594; Filed September 8, 2010, 11:15 a.m.

Proposed Regulation

Title of Regulation: 4VAC15-360. **Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish (amending 4VAC15-360-10).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comment Deadline: September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The proposed amendments reduce the recreational daily bag limit on snapping turtles, prohibit the collection of freshwater mussels statewide, and allow the unlimited collection of Asian clams statewide.

4VAC15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4VAC15-20-130, subdivision 8 of 4VAC15-320-40 and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale no more than five individuals of any single native or naturalized (as defined in 4VAC15-20-50) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in 4VAC15-20-

50) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, bowfin, longnose gar, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see 4VAC15-320-25 for anadromous blueback herring limits), white perch, yellow perch, alewife (see 4VAC15-320-25 for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, and goldfish, and Asian clams.

2. See 4VAC15-320-25 for American shad, hickory shad, channel catfish, white catfish, flathead catfish, and blue catfish limits.

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders (each under six inches in total length), crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant to the provisions of 4VAC15-360-60 and 4VAC15-360-70. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs shall be 15 and for snapping turtles shall be 15 and bullfrogs 5. Bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. The following species may not be taken in any number for private use: candy darter, eastern hellbender, diamondback terrapin, and spotted turtle.

6. Native amphibians and reptiles, as defined in 4VAC15-20-50, that are captured within the Commonwealth and possessed live for private use and not for sale may be liberated under the following conditions:

- a. Period of captivity does not exceed 30 days;
- b. Animals must be liberated at the site of capture;
- c. Animals must have been housed separately from other wild-caught and domestic animals; and
- d. Animals that demonstrate symptoms of disease or illness or that have sustained injury during their captivity may not be released.

B. Methods of taking species in subsection A. Except as otherwise provided for in the Code of Virginia, 4VAC15-20-130, 4VAC15-320-40, and other regulations of the board, and

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except in any waters where the use of nets is prohibited, the species listed in subsection A may only be taken by hand, hook and line, with a seine not exceeding four feet in depth by 10 feet in length, an umbrella type net not exceeding five by five feet square, small minnow traps with throat openings no larger than one inch in diameter, cast nets, and hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Gizzard shad and white perch may also be taken from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire. Snapping turtles may be taken for personal use with hoop nets not exceeding six feet in length with a throat opening not exceeding 36 inches.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take ~~mussels and~~ the spiny riversnail (*Io fluviatilis*) in the Tennessee drainage in Virginia (Clinch, Powell and the North, South and Middle Forks of the Holston Rivers and tributaries). It shall be unlawful to take ~~mussels in the James River and tributaries west of U.S. Route 29, in the entire North Fork of the Shenandoah River, and in the entire Nottoway River from any inland waters of the Commonwealth.~~

D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

VA.R. Doc. No. R11-2595; Filed September 8, 2010, 11:18 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: For the following regulations, the Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 29.1-701 E of the Code of Virginia, which provides that the board shall promulgate regulations to supplement Chapter 7 (§ 29.1-700 et seq.) of Title 29.1 (Boating Laws) of the Code of Virginia as prescribed in Article 1 (§ 29.1-500 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia. Regulations promulgated pursuant to Article 1 of Chapter 5 of Title 29.1 (Wildlife Management Regulations) are exempt from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia.

Title of Regulation: 4VAC15-370. Watercraft: In General (amending 4VAC15-370-50).

Statutory Authority: §§ 29.1-701 and 29.1-735 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comment Deadline: September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The proposed amendment changes the minimum width, from three inches to two inches, required for each of two horizontal bands of international orange that are required around the circumference of buoys that are used as regulatory markers on public waters. The proposed amendment would make this requirement under state regulation consistent with United States Coast Guard standard specifications for aids to navigation and regulatory markers.

4VAC15-370-50. Regulatory markers and aids to navigation.

A. Under the provisions of Chapter 7 of Title 29.1 of the Code of Virginia a system of regulatory markers and a lateral buoyage marking system of aids to navigation are hereby adopted on all public waters of the Commonwealth not marked by an agency of the United States. Regulatory markers will be white with international orange bands. A vertical open-faced diamond shape with a white center shall denote danger. A vertical open-faced diamond shape with an inside cross shall denote a prohibition of all vessels. A circular shape with a white center shall denote a control or restriction. A rectangular shape shall denote information other than a danger, control or restriction. No regulatory marker, aid to navigation or other waterway marker affecting the safety, health or well-being of a boat operator, excepting those placed by an agency of the United States or a political subdivision of this Commonwealth as authorized in § 29.1-744 D of the Code of Virginia, shall be placed in, on or near the water unless authorized by the department.

B. When buoys are used as regulatory markers, they shall be white with horizontal bands of international orange, having a minimum width of ~~three~~ two inches, placed completely around the buoy circumference. One band shall be at the top of the buoy, with a second band placed just above the waterline so that both bands are clearly visible to approaching watercraft. The area of the buoy body visible between the two bands shall be white and not less than 12 inches in height. No

buoy shall be less than 24 inches in overall height from the waterline.

C. Where a regulatory marker consists of a sign displayed from a marine structure, post or piling, the sign shall be white, with an international orange border having a minimum width of three inches. The geometric shape associated with the meaning of the marker shall be centered on the signboard.

D. The size of the display area shall be as required by circumstances, except that no display area shall be smaller than one foot in height. The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds of the display area. The side of the diamond shall slope at a 35° angle from the vertical on the plane surface. Approximate adjustments for curvature may be made when applied to a cylindrical surface.

E. Explanatory words may be added outside the diamond with a center cross, the open diamond and the no wake circle on fixed markers only, and shall be added to the inside of the circle, square and rectangle. The letters of such words shall be black, in block characters of good proportion, spaced in a manner that will provide maximum legibility, and of a size that will provide the necessary degree of visibility. Applicable words include, but are not limited to:

1. Open faced diamond: rock, snag, cable, dam, dredge, shoal, reef, wreck.
2. Diamond with cross: dam, swim area, rapids, no boats.
3. Circle: no skiing, no wake, no anchoring, no fishing, no scuba, no boats, ski only, fishing only, for wording inside the circle; and entering no wake zone, leaving no wake zone, for wording outside the circle.
4. Square or rectangle: information other than a danger, control or restriction, which may contribute to health, safety, or well-being of boaters, such as place names, arrows indicating availability of gas, oil, groceries, marine repairs, limits of controlled areas, or approaching controlled area.

F. Waterway markers shall be made of materials that will retain the characteristics essential to their basic significance, such as color, shape, legibility and position, despite weather or other exposures.

G. Regulatory markers shall be placed where they are reasonably visible from boats approaching the marker and the visibility of the marker shall be maintained.

H. Written approval of the department must be obtained before relocation of any marker.

I. The person responsible for the marker shall immediately notify the department when any approved marker is removed or destroyed. Such marker shall be replaced without unnecessary delay.

J. After notification to the person responsible for the marker, the department may cancel for reasonable cause any marker authorization. Such marker shall be removed by the person responsible for the marker without unnecessary delay. Should the marker not be removed within a reasonable amount of time, the department may remove the marker or have it removed at the expense of the person responsible for the marker.

K. The political subdivision or agency making application shall certify that the markers to be installed conform to the above provisions.

L. It shall be unlawful to enter, use, or occupy public waters for a purpose contrary to the use indicated on markers authorized by the department, or placed by an agency of the United States or a political subdivision of this Commonwealth.

M. It shall be unlawful to moor or attach a vessel to a marker other than an approved mooring buoy, or move, remove, displace, tamper with, damage or destroy a marker authorized by the department, placed by an agency of the United States or placed by a political subdivision of this Commonwealth.

VA.R. Doc. No. R11-2597; Filed September 8, 2010, 11:14 a.m.

Proposed Regulation

Title of Regulation: 4VAC15-390. Watercraft: Safe and Reasonable Operation of Vessels (amending 4VAC15-390-130).

Statutory Authority: §§ 29.1-701 and 29.1-735 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA.

Public Comment Deadline: September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The proposed amendment repeals the requirement for vessels of less than 65.4 feet in length to have a bell on board.

4VAC15-390-130. Standard whistle and horn signals.

A. Whenever vessels are approaching in a meeting, crossing, or overtaking situation, and it appears desirable to the operator of one of the vessels to communicate his intentions to the operator of the other, the following standard whistle or horn signals will be used, and none other:

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1. One short blast; meaning: "I am altering my course to the right"; except that in a crossing situation when this signal is initiated by the vessel to the right of the other it means, "I am holding my course and speed."
2. Two short blasts; meaning: "I am altering my course to the left."
3. Three short blasts; meaning: "I am stopping, or backing, by applying power astern."
4. Five or more short blasts in rapid succession; meaning: "DANGER"; or "I do not understand your intentions"; or "I do not concur in the maneuver indicated by your signal."

B. Whenever a motorboat less than 65.6 feet long receives one of the above signals from an approaching vessel, and if the operator understands the signal and concurs in the maneuver, he will answer with a similar signal. Whenever the intention of the approaching vessel is unclear, or if the proposed maneuver appears to involve risk of collision or other danger, the operator of the motorboat receiving the signal will answer with five or more short blasts in rapid succession, whereupon the operators of both vessels will slow, stop, or change course as necessary to avoid collision.

C. Signals in or near an area of restricted visibility or when the operator's vision is obscured by fog or other weather conditions shall be one prolonged blast of intervals of not more than two minutes for motorboats, and one prolonged plus two short blasts of intervals of not more than two minutes by sailboats under sail alone.

D. A vessel of 39.4 feet (12 meters) or more in length shall be provided with a whistle ~~and a bell~~ that meets U.S. Coast Guard requirements. ~~The bell may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.~~ A motorboat of less than 39.4 feet (12 meters) shall not be obligated to carry a whistle or bell as required above, but the operator shall have a whistle or other device intended to make audible signals capable of being heard 0.5 mile.

E. The operators of vessels not required to have sound-producing devices on board are not required to give or answer horn to whistle signals, but if they have sound-producing devices on board and elect to give or answer signals, the standard signals prescribed above shall be used, and none other.

V.A.R. Doc. No. R11-2599; Filed September 8, 2010, 11:14 a.m.

Proposed Regulation

Title of Regulation: 4VAC15-410. Watercraft: Boating Safety Education (amending 4VAC15-410-40).

Statutory Authority: §§ 29.1-701, 29.1-735, and 29.1-735.2 of the Code of Virginia.

Public Hearing Information:

October 5, 2010 - 9 a.m. - Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, VA

Public Comment Deadline: September 16, 2010.

Agency Contact: Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-8341, or email phil.smith@dgif.virginia.gov.

Summary:

The proposed amendments (i) establish that a license to operate a vessel issued to maritime personnel by the United States Coast Guard, a marine certificate issued by the Canadian government, or a Canadian Pleasure Craft Operator's Card, is considered valid regardless of whether the license is current; and (ii) clarify that "a nonresident temporarily using the waters of Virginia" for 90 days or less means operating a boat not registered in Virginia.

4VAC15-410-40. Provisions for compliance and minimum standards for boating safety education course competency.

A. A person shall be considered in compliance with the requirements for boating safety education if he meets one or more of the following provisions pursuant to § 29.1-735.2 B 1 through 9 of the Code of Virginia:

1. Completes and passes a boating safety education course;
2. Passes an equivalency exam;
3. Possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government or possesses a Canadian Pleasure Craft Operator's Card. For the purposes of this subsection a license is considered valid regardless of whether the license is current;
4. Possesses a temporary operator's certificate;
5. Possesses a rental or lease agreement from a motorboat or personal watercraft rental or leasing business that lists the person as the authorized operator of the motorboat;
6. Operates the motorboat under onboard direct supervision of a person who meets the requirements of this section;
7. Is a nonresident, ~~is~~ temporarily using the waters of Virginia for a period not to exceed 90 days (which means operating a boat not registered in Virginia), and meets any applicable boating safety education requirements of the state of residency, or possesses a Canadian Pleasure Craft Operator's Card;
8. Has assumed operation of the motorboat or personal watercraft due to the illness or physical impairment of the initial operator, and is returning the motorboat or personal

watercraft to shore in order to provide assistance or care for the operator; or

9. Is registered as a commercial fisherman pursuant to § 28.2-241 of the Code of Virginia or is under the onboard direct supervision of the commercial fisherman while operating the commercial fisherman's boat.

B. The minimum standards for boating safety education course competency required by the department are:

1. Successful completion of a classroom boating safety education course in person and a passing score of at least 70% on a written test administered closed-book at the conclusion of the course by the designated course instructor(s) or other designated course assistant;

2. Successful completion of a classroom boating safety education course in person and a passing score of at least 90% on a written test administered open-book at the conclusion of the course by the designated course instructor(s) or other designated course assistant;

3. Successful completion of a boating safety education course offered through the Internet or through an electronic format such as CD-ROM and a passing score of at least 90% on a self-test administered in conjunction with the course material; or

4. A score of at least 70% on a proctored equivalency exam.

VA.R. Doc. No. R11-2600; Filed September 8, 2010; 11:14 a.m.



TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The Virginia Racing Commission is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 12 of the Code of Virginia, which exempts agency action relating to instructions for application or renewal of a license, certificate, or registration required by law.

Title of Regulation: 11VAC10-50. Racing Officials (amending 11VAC10-50-290).

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: September 27, 2010.

Agency Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Lane, New Kent, VA 23024, telephone (804) 966-7404, FAX (804) 966-7418, or email david.lermond@vrc.virginia.gov.

Summary:

11VAC10-50-290 contains a fee schedule for permit holders that was amended on January 1, 2010. This outdated fee schedule simply is being removed from this section as the correct schedule already appears in 11VAC10-60-15. The Virginia Racing Commission was unaware that the fee schedule for permit holders was included in both chapters when the fee schedule was amended in 11VAC10-60-15 earlier this year.

11VAC10-50-290. Other persons qualified to assist racing officials.

The licensee may appoint qualified persons to assist the racing officials for the race meeting. No person shall act as an assistant in any capacity or serve under the supervision of a racing official unless the person has been issued a permit by the commission as provided for elsewhere in these regulations.

FEE SCHEDULE FOR PERMIT HOLDERS

Type of Permit	Fee
Apprentice Jockey	\$10
Assistant General Manager	\$10
Assistant Racing Secretary	\$10
Assistant Starter	\$5
Assistant Trainer	\$10
Authorized Agent	\$10
Bloodstock Agent	\$10
Claims Clerk	\$10
Clerk of Scales	\$10
Clerk of the Course	\$10
Clocker	\$10
Concessionaire/Vendor	\$25
Concessionaire/Vendor Employee	\$5
Corporate Horse Owner	\$25
Custodian of Jockeys' Room	\$10
Director of Security	\$10
Driver	\$10
Entry Clerk	\$10
Exercise Rider	\$10
Farrier	\$10

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Foreman	\$10
Gap Attendant	\$10
General Manager	\$10
Groom/Hotwalker	\$5
Horse Identifier	\$10
Horsemen's Bookkeeper	\$10
Horse Owner	\$10
Jockey	\$10
Jockey Agent	\$10
Lease	\$25
Licensee Administrative Employee	\$10
Licensee Marketing Employee	\$10
Licensee Medical Employee	\$10
Licensee Operations Employee	\$10
Licensee Plant Employee	\$10
Licensee Staff Employee	\$10
Mutuel Clerk	\$10
Mutuel Manager	\$10
Nightwatchman	\$10
Other	\$10
Outrider	\$10
Paddock Judge	\$10
Partnership	\$25
Patrol Judge	\$10
Pharmaceutical Representative	\$25
Photo Finish Camera Operator	\$10
Placing Judge	\$10
Pony Rider	\$10
Program Director	\$10
Racing Secretary	\$10
Security Officer	\$10
Stable Name	\$25
Stall Superintendent	\$10
Starter	\$10
Timer	\$10

Track Superintendent	\$10
Trainer	\$10
Valet	\$5
Veterinarian (Licensee)	\$10
Veterinarian (Private Practice)	\$10
Video Patrol Personnel	\$10

VA.R. Doc. No. R11-2588; Filed September 7, 2010, 3:45 p.m.



TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Final Regulation

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4006 A 12 of the Code of Virginia, which excludes regulations adopted by the Board of Housing and Community Development pursuant to § 36-98.3 of the Code of Virginia provided the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (iii) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations.

Additionally, the board is claiming an exclusion from the Administrative Process Act pursuant to § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Housing and Community Development will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 13VAC5-31. Virginia Amusement Device Regulations (amending 13VAC5-31-20, 13VAC5-31-40, 13VAC5-31-50, 13VAC5-31-75, 13VAC5-31-85; adding 13VAC5-31-280, 13VAC5-31-290).

Statutory Authority: § 36-98.3 of the Code of Virginia.

Effective Date: January 3, 2011.

Agency Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Main Street Center, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

Summary:

The Virginia Amusement Device Regulations (VADR) govern the construction and operation of amusement devices, which are defined by statute as devices or structures open to the public by which persons are conveyed or moved in an unusual manner for diversion and passenger tramways. The regulations are very closely related to the Virginia Uniform Statewide Building Code (USBC), 13VAC5-63, as, also by statutory arrangement, the USBC applies to amusement devices to the extent that they are not superseded by the VADR. The VADR utilizes nationally recognized standards to provide the technical requirements for the construction and operation of amusement devices. The standards are produced by the American Society for Testing and Materials (ASTM). To coincide with the updating of its other building and fire regulations, the Board of Housing and Community Development has amended the regulations to correlate with the Department of Housing and Community Development's other building and fire regulations and to adopt available newer ASTM standards.

The changes comprising the final regulation are divided into two categories: (i) those changes necessary to match changes in state law where no agency discretion is involved under the exemption in § 2.2-4006 A 4 a of the Code of Virginia, and (ii) those changes based upon proposals or public comment received by the board during the public comment period. The changes comprising the final regulation are described below:

Changes under § 2.2-4006 A 4 a of the Code of Virginia to match changes in state law where no agency discretion is involved.

13VAC5-31-75: Chapter 66 of the 2010 Acts of Assembly requires local building departments to assess a fee levy on permits issued under the VADR to support training programs of the Virginia Building Code Academy as an extension of the existing levy requirements for permits issued under the USBC. Changes to this section in the final regulation are to implement the legislation.

Changes under § 2.2-4006 A 12 of the Code of Virginia based on proposals or public comment received by the board.

13VAC5-31-40: The reference standard section is updated to include two newly available ASTM standards for amusement devices.

13VAC5-31-85: The Department of Housing and Community Development is added to the notification requirements when a serious accident occurs involving an amusement device to permit the department to maintain records of such accidents.

13VAC5-31-280 and 13VAC5-31-290 (new Part IX of the regulation): Requirements for new permanent park rides to provide for accessibility for persons with disabilities are added to be consistent with federal guidelines issued by the Architectural and Transportation Barriers Compliance Board. The changes are necessary to enable the department to apply for certification of the state building code by the U.S. Department of Justice as being equivalent to the Americans with Disabilities Act.

13VAC5-31-20. Definitions.

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

"Amusement device" means (i) a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion and (ii) passenger tramways.

"Bungee cord" means the elastic rope to which the jumper is attached which lengthens and shortens to produce a bouncing action.

"Carabineer" means a shaped metal device with a gate used to connect sections of a bungee cord, jump rigging, equipment, or safety gear.

"DHCD" means the Virginia Department of Housing and Community Development.

"Gravity ride" means a ride that is installed on an inclined surface, which depends on gravity for its operation to convey a passenger from the top of the incline to the bottom, and which conveys a passenger in or on a carrier tube, bag, bathing suit, or clothes.

"Ground operator" means a person who assists the jump master to prepare a jumper for jumping.

"Harness" means an assembly to be worn by a bungee jumper to be attached to a bungee cord. It is designed to prevent the wearer from becoming detached from the bungee system.

"Jump master" means a person who has responsibility for the bungee jumper and who takes the jumper through the final stages to the actual jump.

"Jump zone" means the space bounded by the maximum designed movements of the bungee jumper.

"Jumper" means the person who departs from a height attached to a bungee system.

"Kiddie ride" means an amusement device where the passenger or patron height is limited to 54 inches or less, the design capacity of passengers or patrons is 12 or less, and the assembly time for the device is two hours or less.

"Landing area" means the surface area of ground or water directly under the jump zone, the area where the lowering

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device moves the bungee jumper to be landed away from the jump space and the area covered by the movement of the lowering device.

"Local building department" means the agency or agencies of the governing body of any city, county or town in this Commonwealth charged with the enforcement of the USBC.

"Operating manual" means the document that contains the procedures and forms for the operation of bungee jumping equipment and activity at a site.

"Passenger tramway" means a device used to transport passengers uphill, and suspended in the air by the use of steel cables, chains or belts, or ropes, and usually supported by trestles or towers with one or more spans.

"Platform" means the equipment attached to the structure from which the bungee jumper departs.

"Private inspector" means a person performing inspections who is independent of the company, individual or organization owning, operating or having any vested interest in an amusement device being inspected.

"Ultimate tensile strength" means the greatest amount of load applied to a bungee cord prior to failure.

"USBC" means the Virginia Uniform Statewide Building Code (13VAC5-63).

B. Words and terms used in this chapter which are defined in the USBC shall have the meaning ascribed to them in that regulation unless the context clearly indicates otherwise.

C. Words and terms used in this chapter which are defined in the standards incorporated by reference in this chapter shall have the meaning ascribed to them in those standards unless the context clearly indicates otherwise.

[13VAC5-31-40. Incorporated standards.

A. The following standards are hereby incorporated by reference for use as part of this chapter:

1. American National Standards Institute (ANSI) Standard No. B77.1-2006 for the regulation of passenger tramways; and

2. American Society for Testing and Materials (ASTM) Standard Nos. F698-94 (Reapproved 2000), F747-06, F770-06a, F846-92 (Reapproved 2003), F853-05, F893-05a, F1159-03a, F1193-06, F1305-94 (Reapproved 2002), F1950-99, F1957-99 (Reapproved 2004), F2007-06, ~~F2137-04 (Reapproved 2009 F2137-09), F2291-06a F2291-09b, F2374-07a, F2376-06 and F2460-06~~ for the regulation of amusement devices.

The standards referenced above may be procured from:

ANSI
25 W 43rd Street
New York, NY
10036

ASTM
100 Barr Harbor Dr.
West Conshohocken, PA
19428-2959

B. The provisions of this chapter govern where they are in conflict with any provisions of the standards incorporated by reference in this chapter.

C. The following requirements supplement the provisions of the ASTM standards incorporated by reference in this chapter:

1. The operator of an amusement device shall be at least 16 years of age, except when the person is under the supervision of a parent or guardian and engaged in activities determined not to be hazardous by the Commissioner of the Virginia Department of Labor and Industry;

2. The amusement device shall be attended by an operator at all times during operation except that (i) one operator is permitted to operate two or more amusement devices provided they are within the sight of the operator and operated by a common control panel or station and (ii) one operator is permitted to operate two kiddie rides with separate controls provided the distance between controls is no more than 35 feet and the controls are equipped with a positive pressure switch; and

3. The operator of an amusement device shall not be (i) under the influence of any drugs which may affect the operator's judgment or ability to assure the safety of the public or (ii) under the influence of alcohol.

D. Where an amusement device was manufactured under previous editions of the standards incorporated by reference in this chapter, the previous editions shall apply to the extent that they are different from the current standards.]

13VAC5-31-50. Certification of amusement device inspectors.

A. Any person, including local building department personnel, inspecting an amusement device relative to a certificate of inspection shall possess ~~a valid certificate of competence~~ certification as an amusement device inspector ~~from the Virginia Board of Housing and Community Development in accordance with the Virginia Certification Standards (13VAC5-21).~~

B. Local building department personnel enforcing this chapter and private inspectors shall attend ~~16 hours every two years of continuing education and~~ periodic maintenance training courses approved or required as designated by DHCD. Additional In addition to the periodic maintenance training required above, local building department personnel and private inspectors shall attend 16 hours of continuing education hours shall not be required if more than one every two years as approved by DHCD. If local building

~~department personnel or private inspectors possess more than one BHCD certificate is held, the 16 hours shall satisfy the continuing education requirement for all BHCD certificates.~~

Part II

Enforcement, Permits and Certificates of Inspection

13VAC5-31-75. Local building department.

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

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

B. Notwithstanding the provisions of subsection A of this section, when an amusement device is constructed in whole or in part at a site for permanent operation at that site and is not intended to be disassembled and moved to another site, then the local building department may utilize permit and inspection fees established pursuant to the USBC to defray the cost of enforcement. This authorization does not apply to an amusement device that is only being reassembled, undergoing a major modification at a site or being moved to a site for operation.

C. A permit application shall be made to the local building department at least five days before the date in which the applicant intends to operate an amusement device. The application shall include the name of the owner, operator or other person assuming responsibility for the device or devices, a general description of the device or devices including any serial or identification numbers available, the location of the property on which the device or devices will be operated and the length of time of operation. The permit application shall indicate whether a private inspector will be utilized. If a private inspector is not utilized, the applicant shall give reasonable notice when an inspection is sought and may stipulate the day such inspection is requested provided it is during the normal operating hours of the local building department. In addition to the information required on the permit application, the applicant shall provide proof of liability insurance of an amount not less than ~~\$100,000 per person and \$1,000,000 in the aggregate for each amusement~~

~~device insuring the owner or operator against liability for injury suffered by persons riding the amusement device or by persons in, on, under or near the amusement device; per occurrence or proof of equivalent financial responsibility.~~ The local building department shall be notified of any change in the liability insurance or financial responsibility during the period covered by the permit.

D. Notwithstanding the provisions of subsection C of this section, a permit application is not required for a kiddie ride ~~in which the passenger height is 54 inches or less, the design capacity is for 12 passengers or less and that can be assembled in two hours or less, provided the kiddie ride that~~ has an unexpired certificate of inspection issued by any local building department in this Commonwealth. In such cases, the local building department shall be notified prior to the operation of the kiddie ride and the information required on a permit application as listed in subsection C of this section shall be provided to the local building department.

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

F. In addition to obtaining a certificate of inspection in conjunction with a permit application for amusement devices permanently fixed to a site, a new certificate of inspection shall also be obtained prior to the operation of an amusement device following a major modification, prior to each seasonal operation of a device, at least once during the operating season and prior to resuming the operation of a device following an order from a local building department to cease operation. This requirement shall not apply to kiddie rides meeting the conditions outlined in subsection D of this section.

G. For amusement devices manufactured prior to 1978, the owner or operator shall have the information required by §§ 2.1 through 2.6 of ASTM ~~F628~~ F698 available at the time of inspection. In addition, the operator of any amusement device shall be responsible for obtaining all manufacturer's notifications, service bulletins and safety alerts issued

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pursuant to ASTM F853 and the operator shall comply with all recommendations and requirements set out in those documents. A copy of all such documents shall be made available during an inspection.

H. In the enforcement of this chapter, local building department personnel shall have authority to conduct inspections at any time an amusement device would normally be open for operation or at any other time if permission is granted by the owner or operator, to issue an order to temporarily cease operation of an amusement device upon the determination that the device may be unsafe or may otherwise endanger the public and to accept and approve or deny requests for modifications of the rules of this chapter in accordance with the modification provisions of the USBC.

[I. In accordance with subdivision 7 of § 36-137 of the Code of Virginia, the local building department shall collect a 2.0% levy of fees charged for permits under this chapter and transmit it quarterly to DHCD to support training programs of the Virginia Building Code Academy. Localities that maintain individual or regional training academies accredited by DHCD shall retain such levy.]

[13VAC5-31-85. Accidents involving serious injury or death.

A. If an accident involving the serious injury or death of a patron occurs, the operation of an amusement device shall cease and the local building department and DHCD shall be notified as soon as practicable, but in no case later than during the next working day. The operation of the device shall not resume until inspected by a private inspector or an inspector from the local building department, except where the owner or operator determines the cause was not related to malfunction or improper operation of the amusement device.

B. The owner or operator shall conduct an investigation of the accident including, at a minimum, an examination of the accident scene and interviews of any witnesses or persons involved in the accident. An accident investigation report shall be compiled which, at a minimum, shall contain a summary of the investigation and a description of the device involved, including its serial number and date of manufacture, if available. The report shall be submitted to the local building department within 24 hours of the accident except that if the local building department is closed during that period, then the report shall be submitted with four hours of the reopening of the department.

C. Local building department personnel are authorized to investigate the accident and to issue an order to cease operation when warranted and to specify the conditions under which the device may resume operation. The amusement device shall be inspected prior to resuming operation either by an inspector from the local building department or by a private inspector and found to comply with this chapter.]

[Part IX

Accessibility Requirements for Amusement Devices

13VAC5-31-280. Scope.

This part shall apply to newly designed and constructed amusement devices for permanent installation and does not apply to amusement devices regularly assembled or disassembled. This part also does not apply to mobile, portable, or temporary amusement devices set up for short periods of time such as at traveling carnivals, state and county fairs, and festivals. For the purposes of this part, newly designed and constructed amusement devices are those that are new upon first use by patrons and the first permanent installation of the ride and would not include a ride that was moved within a park or to another park after several seasons of use.

13VAC5-31-290. Requirements.

Amusement devices subject to this part shall comply with applicable requirements of 36 CFR Part 1191 – Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities and Architectural Barriers Act (ABA) Accessibility Guidelines, 69 FR 44151-44455 (July 23, 2004).]

[DOCUMENTS INCORPORATED BY REFERENCE
(13VAC5-31)

F 698 -- 94 (Reapproved 2000), Standard Specification for Physical Information to be Provided for Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 747 -- 06, Standard Terminology Relating to Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 770 -- 06a, Standard Practice for Ownership and Operation of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 846 -- 92 (Reapproved 2003), Standard Guide for Testing Performance of Amusement Rides and Devices, ASTM International, West Conshohocken , PA 19428.

F 853 -- 05, Standard Practice for Maintenance Procedures for Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 893 -- 05a, Standard Guide for Inspection of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 1159 -- 03a, Standard Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air-Supported Structures, ASTM International, West Conshohocken, PA 19428.

F 1193 -- 06, Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 1305 -- 94 (Reapproved 2002), Standard Guide for Classification of Amusement Rides and Device Related Injuries and Illnesses, ASTM International, West Conshohocken, PA 19428.

F 1950 -- 99, Standard Specification for Physical Information to be Transferred With Used Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 1957 -- 99 (Reapproved 2004), Standard Test Method for Composite Foam Hardness-Durometer Hardness, ASTM International, West Conshohocken, PA 19428.

F 2007 -- 06, Standard Practice for Classification, Design, Manufacture, and Operation of Concession Go-Karts and Facilities, ASTM International, West Conshohocken, PA 19428.

F 2137 -- 04 09, Standard Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

~~F 2291 -- 06a~~ F 2291 -- 09b, Standard Practice for Design of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 2374 -- 07a, Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices, ASTM International, West Conshohocken, PA 19428.

F 2376 -- 06, Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems, ASTM International, West Conshohocken, PA 19428.

F 2460 -- 06, Standard Practice for Special Requirements for Bumper Boats, ASTM International, West Conshohocken, PA 19428.

B 77.1 -- 06, Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements, ANSI, New York, NY 10036.]

VA.R. Doc. No. R09-1892; Filed September 2, 2010, 3:41 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4006 A 12 of the Code of Virginia, which excludes regulations adopted by the Board of Housing and Community Development pursuant to Statewide Fire Prevention Code (§ 27-94 et seq. of the Code of Virginia) provided the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) publishes the proposed

regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (iii) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations.

Additionally, the board is claiming an exclusion from the Administrative Process Act pursuant to § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Housing and Community Development will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **13VAC5-51. Virginia Statewide Fire Prevention Code (amending 13VAC5-51-21, 13VAC5-51-81, 13VAC5-51-85, 13VAC5-51-121, 13VAC5-51-130, 13VAC5-51-131, 13VAC5-51-132, 13VAC5-51-133, 13VAC5-51-133.5, 13VAC5-51-135, 13VAC5-51-140, 13VAC5-51-145, 13VAC5-51-150, 13VAC5-51-154, 13VAC5-51-155; adding 13VAC5-51-154.5; repealing 13VAC5-51-143).**

Statutory Authority: § 27-97 of the Code of Virginia.

Effective Date: January 3, 2011.

Agency Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Main Street Center, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

Summary:

The Virginia Statewide Fire Prevention Code (SFPC) governs the maintenance of fire safety features in existing buildings and structures and fire-safety related operations on property. The SFPC incorporates by reference the International Fire Code (IFC), a nationally recognized model code produced by the International Code Council as a companion code to that used under the Virginia Uniform Statewide Building Code (USBC). Every three years, a new edition of the model code becomes available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer edition of the model code into the regulation.

The changes comprising the final regulation are divided into two categories: (i) those changes necessary to match changes in state law where no agency discretion is involved under the exemption in the Virginia Administrative Process Act at § 2.2-4006 A 4 a of the Code of Virginia, and (ii) those changes based upon proposals or public comment received by the board during the public comment period. The changes comprising the final regulation are described below:

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Changes under § 2.2-4006 A 4 a of the Code of Virginia to match changes in state law where no agency discretion is involved.

13VAC5-51-121: Chapter 102 of the 2010 Acts of Assembly addresses appeals of the application of local fire prevention regulations. Changes to this section in the final regulation are to provide a reference to the legislation.

Changes under § 2.2-4006 A 12 of the Code of Virginia based on proposals or public comment received by the board.

1. 13VAC5-51-81 B and 13VAC5-51-150: Establishes a certification program administered by the State Fire Marshal's office for pyrotechnicians, who are persons engaged in the setup and display of fireworks. Chapters 587 and 643 of the 2010 Acts of Assembly authorize the establishment of the program, which is modeled after the current blaster certification program in the SFPC.

2. 13VAC5-51-81 O: Implements a minimal fee increase for permits issued by the State Fire Marshal's office for the use of pyrotechnics on state-owned property and to add theatrical flame effects to the types of pyrotechnics covered.

3. 13VAC5-51-81 P: Adds minimal fees for the State Fire Marshal's office to charge for the inspection of child and adult facilities licensed by the Virginia Department of Social Services based on the number of occupants in such facilities.

4. 13VAC5-51-121 B: Adds a requirement that local appeals boards meet at least once annually to assure a duly constituted board. This addition matches identical language in the USBC.

5. 13VAC5-51-131 E and F: Broadens the requirements in the IFC to include both combustible and noncombustible storage.

6. 13VAC5-51-133 C: Adds a provision permitting the width of fire lanes to be less in fully sprinklered residential developments.

7. 13VAC5-51-133 F: Changes the requirements of the IFC for the type of locking box for keys which need to be provided to permit access to a building by a fire department.

8. 13VAC5-51-133 G: Adds a requirement for standardized elevator keys to be provided where an elevator may be used for firefighting purposes.

9. 13VAC5-51-133 H: Permits the use of an appendix in the IFC for calculating the sizing of the water supply system to a building for firefighting purposes and establishes a reduction in the necessary sizing when a residential development is fully sprinklered.

10. 13VAC5-51-133 J: Permits the use of an appendix in the IFC for determining the number and distribution of fire hydrants and establishes a reduction in the configuration when a residential development is fully sprinklered.

11. 13VAC5-51-133.5 C: Adds a requirement for portable heaters to comply with an Underwriters Laboratories standard.

12. 13VAC5-51-133.5 D: Adds a requirement for a cleaning schedule for grease hoods in commercial cooking establishments to be posted.

13. 13VAC5-51-135 F: Changes the requirements for fire extinguishers to remove an exception in the IFC for the omission of extinguishers in certain new occupancies when quick-response sprinklers are used and to add an exception for the placement of extinguishers in correctional facilities to match requirements in the USBC.

14. 13VAC5-51-135 I: Adds detailed requirements for the information necessary in the maintenance and testing of fire protection systems.

15. 13VAC5-51-140 A: Clarifies the requirements for distances between dispensing devices at service stations and open flames or smoking.

16. 13VAC5-51-154 C: Provides additional details for the storage of portable propane tanks at retail establishments.

17. 13VAC5-51-154.5: Deletes a chapter in the IFC that addresses construction requirements for existing buildings for consistency with the USBC.

13VAC5-51-21. Section 102.0. Applicability.

A. 102.1. General: The provisions of the SFPC shall apply to all matters affecting or relating to structures, processes and premises as set forth in Section 101.0. The SFPC shall supersede any fire prevention regulations previously adopted by a local government or other political subdivision.

B. 102.1.1. Changes: No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group of occupancies, unless such structure is made to comply with the requirements of this code and the USBC.

C. 102.2. Application to pre-1973 buildings and structures: Buildings and structures constructed prior to the USBC (1973) shall comply with the maintenance requirements of the SFPC to the extent that equipment, systems, devices, and safeguards which were provided and approved when constructed shall be maintained. Such buildings and structures, if subject to the state fire and public building regulations (Virginia Public Building Safety Regulations, VR

394-01-05) in effect prior to March 31, 1986, shall also be maintained in accordance with those regulations.

D. 102.3. Application to post-1973 buildings and structures: Buildings and structures constructed under any edition of the USBC shall comply with the maintenance requirements of the SFPC to the extent that equipment, systems, devices, and safeguards which were provided and approved when constructed shall be maintained.

E. 102.4. Referenced codes and standards: The codes and standards referenced in the IFC shall be those listed in Chapter ~~45~~ 47 and considered part of the requirements of the SFPC to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

F. 102.5. State-owned buildings and structures: The SFPC shall be applicable to all state-owned buildings and structures in the manner and extent described in § 27-99 of the Code of Virginia and the State Fire Marshal shall have the authority to enforce this code in state-owned buildings and structures as is prescribed in §§ 27-98 and 27-99 of the Code of Virginia.

G. 102.6. Relationship to USBC: In accordance with §§ 27-34.4, 36-105.1 and 36-119.1 of the Code of Virginia, the USBC does not supersede the provisions of this code that prescribe standards to be complied with in existing buildings and structures, provided that this code shall not impose requirements that are more restrictive than those of the USBC under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the USBC. Inspection of buildings other than state-owned buildings under construction and the review and approval of building plans for these structures for enforcement of the USBC shall be the sole responsibility of the appropriate local building inspectors.

Upon completion of such structures, responsibility for fire safety protection shall pass to the local fire marshal or official designated by the locality to enforce this code in those localities that enforce the SFPC or to the State Fire Marshal in those localities that do not enforce this code.

H. 102.7. Inspections for USBC requirements: The fire official shall require that existing structures subject to the requirements of the applicable retrofitting provisions relating to the fire protection equipment and system requirements of the USBC, Part I, Construction, Sections 103.7 and ~~3411~~ 3413, comply with the provisions located therein.

13VAC5-51-81. Section 107.0. Permits and fees.

A. 107.1. Prior notification: The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

B. 107.2. Permits required: Permits may be required by the fire official as permitted under the SFPC in accordance with Table 107.2, except that the fire official shall require permits for the manufacturing, storage, handling, use, and sale of explosives. [~~An~~ In accordance with Section 3301.2.3.1, an] application for a permit to manufacture, store, handle, use, or sell explosives shall only be made by [~~an individual certified as a blaster in accordance with Section 3301.4, or by a person who has been issued a background clearance card in accordance with Section 3301.2.3.1.1~~ a designated individual].

Exception: Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

C. Add Table 107.2 as follows:

Table 107.2.

OPERATIONAL PERMIT REQUIREMENTS (to be filled in by local jurisdiction).

Description	Permit Required (yes or no)	Permit fee	Inspection fee
Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.			
Amusement buildings. An operational permit is required to operate a special amusement building.			
Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.			

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Carnivals and fairs. An operational permit is required to conduct a carnival or fair.			
Battery systems. An operational permit is required to install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).			
Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.			
Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.			
Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m ³). Exception: An operational permit is not required for agricultural storage.			
Compressed gas. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.			
Permit Amounts for Compressed Gases			
Type of Gas	Amount (cubic feet at NTP)		
Corrosive	200		
Flammable (except cryogenic fluids and liquefied petroleum gases)	200		
Highly toxic	Any Amount		
Inert and simple asphyxiant	6,000		
Oxidizing (including oxygen)	504		
Toxic	Any Amount		
For SI: 1 cubic foot = 0.02832 m ³ .			
Covered mall buildings. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid- or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall.			
Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below. Exception: Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.			

Permit Amounts for Cryogenic Fluids		
Type of Cryogenic Fluid	Inside Building (gallons)	Outside Building (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount
For SI: 1 gallon = 3.785 L.		
Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.		
Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.		
Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.		
Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 33.		
Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public. Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.		
Flammable and combustible liquids. An operational permit is required: 1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOTn) (see § 3501.1.2) nor does it apply to piping systems (see § 3503.6). 2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:		
2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition. 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.		

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<p>3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</p> <p>4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.</p> <p>5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</p> <p>6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.</p> <p>7. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.</p> <p>8. To manufacture, process, blend or refine flammable or combustible liquids.</p>			
<p>Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.</p>			
<p>Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.</p>			
<p>Fumigation and thermal insecticidal fogging. An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.</p>			
<p>Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.</p>			
<p>Permit Amounts for Hazardous Materials</p>			
<p>Type of Material</p>	<p>Amount</p>		
<p>Combustible liquids</p>	<p>See flammable and combustible liquids</p>		
<p>Corrosive materials</p>			
<p>Gases Liquids Solids</p>	<p>See compressed gases 55 gallons 1000 pounds</p>		
<p>Explosive materials</p>	<p>See explosives</p>		
<p>Flammable materials</p>			
<p>Gases Liquids Solids</p>	<p>See compressed gases See flammable and combustible liquids 100 pounds</p>		
<p>Highly toxic materials</p>			
<p>Gases Liquids Solids</p>	<p>See compressed gases Any Amount Any Amount</p>		

Oxidizing materials			
Gases	See compressed gases		
Liquids			
Class 4	Any Amount		
Class 3	1 gallon		
Class 2	10 gallons		
Class 1	55 gallons		
Solids			
Class 4	Any Amount		
Class 3	10 pounds		
Class 2	100 pounds		
Class 1	500 pounds		
Organic peroxides			
Liquids			
Class I	Any Amount		
Class II	Any Amount		
Class III	1 gallon		
Class IV	2 gallons		
Class V	No Permit Required		
Solids			
Class I	Any Amount		
Class II	Any Amount		
Class III	10 pounds		
Class IV	20 pounds		
Class V	No Permit Required		
Pyrophoric materials			
Gases	See compressed gases		
Liquids	Any Amount		
Solids	Any Amount		
Toxic materials			
Gases	See compressed gases		
Liquids	10 gallons		
Solids	100 pounds		
Unstable (reactive) materials			
Liquids			
Class 4	Any Amount		
Class 3	Any Amount		
Class 2	5 gallons		
Class 1	10 gallons		
Solids			
Class 4	Any Amount		
Class 3	Any Amount		
Class 2	50 pounds		
Class 1	100 pounds		
Water-reactive Materials			
Liquids			

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<p>Class 3 Any Amount Class 2 5 gallons Class 1 55 gallons</p>			
<p>Solids</p>			
<p>Class 3 Any Amount Class 2 50 pounds Class 1 500 pounds</p>			
<p>For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.</p>			
<p>HPM facilities. An operational permit is required to store, handle or use hazardous production materials.</p>			
<p>High piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m²).</p>			
<p>Hot work operations. An operational permit is required for hot work including, but not limited to:</p> <ol style="list-style-type: none"> 1. Public exhibitions and demonstrations where hot work is conducted. 2. Use of portable hot work equipment inside a structure. <p>Exception: Work that is conducted under a construction permit.</p> <ol style="list-style-type: none"> 3. Fixed-site hot work equipment such as welding booths. 4. Hot work conducted within a hazardous fire area. 5. Application of roof coverings with the use of an open-flame device. 6. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision. 			
<p>Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 21.</p>			
<p>Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).</p>			
<p>Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.</p>			
<p>LP-gas. An operational permit is required for:</p> <ol style="list-style-type: none"> 1. Storage and use of LP-gas. <p>Exception: An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.</p> <ol style="list-style-type: none"> 2. Operation of cargo tankers that transport LP-gas. 			
<p>Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.</p>			

<p>Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.</p>			
<p>Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Exception: Recreational fires.</p>			
<p>Open flames and candles. An operational permit is required to remove paint with a torch; use a torch or open-flame device in a hazardous fire area; or to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.</p>			
<p>Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.</p>			
<p>Assembly/educational. An operational permit is required to operate a place of assembly /educational occupancy.</p>			
<p>Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants. Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.</p>			
<p>Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.</p>			
<p>Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.</p>			
<p>Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.</p>			
<p>Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations.</p>			
<p>Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.</p>			
<p>Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.</p>			
<p>Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.</p>			
<p>Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent. Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m²) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons.</p>			

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Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.			
Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.			
Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³).			

D. 107.3. Application for permit: Application for a permit shall be made on forms prescribed by the fire official.

E. 107.4. Issuance of permits: Before a permit is issued, the fire official shall make such inspections or tests as are necessary to assure that the use and activities for which application is made comply with the provisions of this code.

F. 107.5. Conditions of permit: A permit shall constitute permission to store or handle materials or to conduct processes in accordance with the SFPC, and shall not be construed as authority to omit or amend any of the provisions of this code. Permits shall remain in effect until revoked or for such period as specified on the permit. Permits are not transferable.

G. 107.5.1. Special conditions for the State Fire Marshal's [~~Office office~~] : Permits issued by the State Fire Marshal's [~~Office office~~] for the use of explosives in special operations or under emergency conditions shall be valid for one week from the date of issuance and shall not be renewable.

H. 107.6. State Fire Marshal: Permits will not be required by the State Fire Marshal except for [~~the manufacturing, storage, handling, use, and sale of explosives in localities not enforcing the SFPC, and for the display of fireworks on state-owned property~~ those permits listed in Sections 107.13 and 107.14 of this code].

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

I. 107.7. Annual: The enforcing agency may issue annual permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

J. 107.8. Approved plans: Plans approved by the fire official are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

K. 107.9. Posting: Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

L. 107.10. Suspension of permit: A permit shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

M. 107.11. Revocation of permit: The fire official may revoke a permit or approval issued under the SFPC if conditions of the permit have been violated, or if the approved application, data or plans contain misrepresentation as to material fact.

N. 107.12. Local permit fees: ~~Fees~~ In accordance with § 27-97 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC.

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

1. [~~\$100~~ \$125] per year per magazine to store explosives and blasting agents.
2. [~~\$150~~ \$200] per year per city or county to use explosives and blasting agents.
3. \$150 per year to sell explosives and blasting agents.
4. \$200 per year to manufacture explosives, blasting agents and fireworks.
5. [~~\$300 per~~ \$350 the first] day [~~for~~ of] fireworks, pyrotechnics or proximate audience displays conducted in any state-owned building and \$150 per day for each [~~subsequent~~ consecutive] day [for identical multi-day

events]. [If an application is received by the State Fire Marshal's office less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's office less than seven days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.]

6. [~~\$200 per~~ \$250 the first] day [~~for of~~] fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and \$150 per day for each [~~subsequent consecutive~~] day [for identical multi-day events]. [If an application is received by the State Fire Marshal's office less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's office less than seven days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.]

7. [~~\$75~~ \$100] per event for the use of explosives in special operations or emergency conditions.

[8. \$300 the first day for flame effects conducted in accordance with Section 308.3.6 indoors of any state-owned building or outdoors on state-owned property and \$150 per day for each consecutive day for identical multi-day events, or, if conducted as part of a firework (pyrotechnic) display, \$100 the first day and \$75 per day for each consecutive day for identical multi-day events. If an application for flame effects is received by the State Fire Marshal's office less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's office less than seven days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.]

P. 107.14 State annual inspection permit fees. Annual fees for inspection permits issued by the State Fire Marshal's office for the inspection of buildings shall be as follows:

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

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

- 2.1. \$150 for 3500 square feet or less.
- 2.2. \$200 for greater than 3500 square feet up to 7000 square feet.
- 2.3. \$250 for greater than 7000 square feet up to 10,000 square feet.
- 2.4. \$250 plus \$50 for each additional 3000 square feet where square footage exceeds 10,000.

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

- 3.1. \$50 for 10,000 square feet or less provided the assembly area is within or attached to a dormitory building.
- 3.2. \$100 for greater than 10,000 square feet up to 25,000 square feet provided the assembly area is within or attached to a dormitory building, such as gymnasiums, auditoriums or cafeterias.
- 3.3. \$100 for up to 25,000 square feet provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.
- 3.4. \$150 for greater than 25,000 square feet for assembly areas within or attached to a dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

4. Hospitals.

- 4.1. \$300 for 1 to 50 beds.
- 4.2. \$400 for 51 to 100 beds.
- 4.3. \$500 for 101 to 150 beds.
- 4.4. \$600 for 151 to 200 beds.
- 4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.

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

- 5.1. \$50 for 1 to 8.
- 5.2. \$75 for 9 to 20.
- 5.3. \$100 for 21 to 50.
- 5.4. \$200 for 51 to 100.
- 5.5. \$400 for 101 or more.]

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

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Q. 107.15. Fee schedule: The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

R. 107.16. Payment of fees: A permit shall not be issued until the designated fees have been paid.

Exception: The fire official may authorize delayed payment of fees.

13VAC5-51-85. Section 108.0. Operational permits.

A. 108.1. General. Operational permits shall be in accordance with Section 108. The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

B. 108.1.1. Permits required. Operational permits may be required by the fire official in accordance with Table 107.2. The fire official shall require operational permits for the manufacturing, storage, handling, use and sale of explosives. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

Exceptions:

1. Operational permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use and sale of explosives in localities not enforcing the SFPC.

2. Operational permits will not be required for the manufacturing, storage, handling or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

C. 108.1.2. ~~Types~~ Duration of operational permits. ~~There shall be two types of permits as follows:~~

~~1. Operational permit.~~ An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 108.1.1 for either:

~~1.1.~~ 1. A prescribed period.

~~1.2.~~ 2. Until renewed or revoked.

~~2. Construction permit.~~ ~~A construction permit is required, and shall be issued in accordance with the USBC and shall be issued by the building official. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by section 108.5.~~

D. 108.1.3. Operational permits for the same location. When more than one operational permit is required for the same

location, the fire official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

E. 108.2. Application. Application for an operational permit required by this code shall be made to the fire official in such form and detail as prescribed by the fire official. Applications for permits shall be accompanied by such plans as prescribed by the fire official.

F. 108.2.1. Refusal to issue permit. If the application for an operational permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

G. 108.2.2. Inspection authorized. Before a new operational permit is approved, the fire official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

H. 108.2.3. Time limitation of application. An application for an operational permit for any proposed work or operation shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

I. 108.2.4. Action on application. The fire official shall examine or cause to be examined applications for operational permits and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements of pertinent laws, the fire official shall reject such application in writing, stating the reasons. If the fire official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire official shall issue a permit as soon as practicable.

J. 108.3. Conditions of a permit. An operational permit shall constitute permission to maintain, store or handle materials; or to conduct processes in accordance with the SFPC, and shall not be construed as authority to omit or amend any of the provisions of this code. The building official shall issue permits to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by section 108.5. Such permission shall not be construed as authority to omit or amend any of the provisions of this code.

K. 108.3.1. Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked for such a period

of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

L. 108.3.2. Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 90 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

M. 108.3.3. Annual. The enforcing agency may issue annual operational permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

N. 108.3.4. Suspension of permit. An operational permit shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

O. 108.3.5. Posting. Issued operational permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

P. 108.3.6. Compliance with code. The issuance or granting of an operational permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Operational permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on other data shall not prevent the fire official from requiring the correction of errors in the provided documents and other data. Any addition to or alteration of approved provided documents shall be approved in advance by the fire official, as evidenced by the issuance of a new or amended permit.

Q. 108.3.7. Information on the permit. The fire official shall issue all operational permits required by this code on an approved form furnished for that purpose. The operational permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire official. Issued permits shall bear the signature of the fire official.

R. 108.4. Revocation. The fire official is authorized to revoke an operational permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. Inclusion of any false statements or misrepresentations as to a material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the person or firm for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

~~S. 108.5. Required construction permits. The building official is authorized to issue construction permits in accordance with the USBC for work as set forth in Sections 108.5.1 through 108.5.12.~~

~~T. 108.5.1. Automatic fire extinguishing systems. A construction permit is required for installation of or modification to an automatic fire extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.~~

~~U. 108.5.2. Compressed gases. When the compressed gases in use or storage exceed the amounts listed in Table 107.2, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.~~

~~Exceptions:~~

- ~~1. Routine maintenance.~~
- ~~2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

~~The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to § 2701.5.3 of the Code of Virginia. The 30 day period is not applicable when approved based on special circumstances requiring such waiver.~~

~~V. 108.5.3. Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance~~

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with this code is not considered a modification and does not require a permit.

~~W. 108.5.4. Fire pumps and related equipment. A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.~~

~~X. 108.5.5. Flammable and combustible liquids. A construction permit is required:~~

- ~~1. To repair or modify a pipeline for the transportation of flammable or combustible liquids.~~
- ~~2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.~~
- ~~3. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.~~

~~Y. 108.5.6. Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 107.2.~~

~~Exceptions:~~

- ~~1. Routine maintenance.~~
- ~~2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

~~Z. 108.5.7. Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 21.~~

~~Exceptions:~~

- ~~1. Routine maintenance.~~
- ~~2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

~~AA. 108.5.8. LP gas. A construction permit is required for installation of or modification to an LP gas system.~~

~~BB. 108.5.9. Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants.~~

~~CC. 108.5.10. Spraying or dipping. A construction permit is required to install or modify a spray room, dip tank or booth.~~

~~DD. 108.5.11. Standpipe systems. A construction permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.~~

~~EE. 108.5.12. Membrane structures, air supported structures and tents. A construction permit is required to erect all membrane structures or any tent or air supported structure that covers an area greater than 900 square feet (84 m²), including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures have an occupant load of greater than 50 persons. Tents used exclusively for recreational camping shall not be required to obtain a construction permit.~~

[13VAC5-51-121. Section 112.0. Appeals.

A. 112.1. Local Board of Fire Prevention Code Appeals (BFPCA): Each local governing body which enforces the SFPC shall have a BFPCA to hear appeals as authorized herein or it shall enter into an agreement with the governing body of another county or municipality, with some other agency, or with a state agency approved by the DHCD to act on appeals. An appeal case decided by some other approved agency shall constitute an appeal in accordance with this section and shall be final unless appealed to the State Building Code Technical Review Board (TRB).

B. 112.2. Membership: The BFPCA shall consist of at least five members appointed by the local governing body and having terms of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the local governing body. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any one-year period. The BFPCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary and receive such training on the code as may be appropriate or necessary from staff of the locality.

C. 112.2.1. Chairman: The BFPCA shall annually select one of its regular members to serve as chairman. In case of the absence of the chairman at a hearing, the members present shall select an acting chairman.

D. 112.2.2. Secretary: The local governing body shall appoint a secretary to the BFPCA to maintain a detailed record of all proceedings.

E. 112.3. Qualifications of members: BFPCA members shall be selected by the local governing body on the basis of their ability to render fair and competent decisions regarding application of the SFPC and shall, to the extent possible, represent different occupational or professional fields relating

to building construction or fire prevention. At least one member should be an experienced builder and one member a licensed professional engineer or architect. Employees or officials of the local governing body shall not serve as members of the BFPCA.

F. 112.4. Disqualification of member: A member shall not hear an appeal in which that member has conflict of interest in accordance with the State and Local Government Conflict of Interests Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

G. 112.5. Application for appeal: The owner of a structure, the owner's agent or any other person involved in the design, construction or maintenance of the structure may appeal a decision of the fire official concerning the application of the SFPC or the fire official's refusal to grant modification under Section 106.5 to the provisions of the SFPC. The appeal shall first lie to the local board of fire prevention code appeals (BFPCA) and then to the TRB except that appeals concerning the application of the SFPC or refusal to grant modifications by the State Fire Marshal shall be made directly to the TRB. The appeal shall be submitted to the BFPCA within 14 calendar days of the application of the SFPC. The application shall contain the name and address of the owner of the structure and the person appealing if not the owner. A copy of the written decision of the fire official shall be submitted along with the application for appeal and maintained as part of the record. The application shall be stamped or otherwise marked by the BFPCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the fire official's decision.

Note: In accordance with § 27-98 of the Code of Virginia, any local fire code may provide for an appeal to a local board of appeals. If no local board of appeals exists, the TRB shall hear appeals of any local fire code violation.

H. 112.6. Notice of meeting: The BFPCA shall meet within 30 calendar days after the date of receipt of the application for appeal. Notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing. Less notice may be given if agreed upon by the applicant.

I. 112.7. Hearing procedures: All hearings before the BFPCA shall be open to the public. The appellant, the appellant's representative, the local governing body's representative and any person whose interests are affected shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings.

J. 112.7.1. Postponement: When a quorum of the BFPCA is not present to hear an appeal, either the appellant or the

appellant's representative shall have the right to request a postponement of the hearing. The BFPCA shall reschedule the appeal within 30 calendar days of the postponement.

K. 112.8. Decision: The BFPCA shall have the power to uphold, reverse or modify the decision of the fire official by a concurring vote of a majority of those present. Decisions of the BFPCA shall be final if no appeal is made therefrom and the appellant and the fire official shall act accordingly.

L. 112.8.1. Resolution: The BFPCA "s decision shall be by resolution signed by the chairman and retained as part of the record by the BFPCA. The following wording shall be part of the resolution: "Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board (TRB) by submitting an application to the TRB within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the TRB, 501 North Second Street, Richmond, Virginia 23219, (804) 371-7150." Copies of the resolution shall be furnished to all parties.

M. 112.9. Appeal to the TRB: After final determination by the BFPCA, any person who was a party to the local appeal may appeal to the TRB. Application shall be made to the TRB within 21 calendar days of receipt of the decision to be appealed. Application for appeal to the TRB arising from the SFMO's enforcement of the code shall be made to the TRB within 14 calendar days of receipt of the decision to be appealed and shall be accompanied by copies of the inspection reports and other relevant information. Failure to submit an application for appeal within the time limit established by this section shall constitute an acceptance of the BFPCA's resolution or fire official's decision.

N. 112.9.1. Information to be submitted: Copies of the fire official's decision and the resolution of the BFPCA shall be submitted with the application for appeal. Upon request by the office of the TRB, the BFPCA shall submit a copy of all inspection reports and all pertinent information from the record of the BFPCA.

O. 112.9.2. Decision of TRB: Procedures of the TRB are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the TRB shall be final if no appeal is made therefrom and the appellant and the code official shall act accordingly.]

13VAC5-51-130. IFC Section 202.0. Definitions.

A. Add the following definitions:

Background clearance card: See Section 3302.1.

Blaster, restricted: See Section 3302.1.

Blaster, unrestricted: See Section 3302.1.

[Designated individual: See Section 3302.1.]

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DHCD: The Virginia Department of Housing and Community Development.

Local government, local governing body or locality: The governing body of any county, city, or town, other political subdivision and state agency in this Commonwealth charged with the enforcement of the SFPC under state law.

Night club: Any building or portion thereof in which the main use is a place of public assembly that provides exhibition, performance or other forms or entertainment; serves alcoholic beverages; and provides music and space for dancing.

[Pyrotechnician (firework operator): See Section 3302.1.

Responsible management. See Section 3302.1.

Sole proprietor. See Section 3302.1.]

State Fire Marshal: The State Fire Marshal as provided for by § 36-139.2 of the Code of Virginia.

State Regulated Care Facility (SRCF): A building ~~or part thereof with an occupancy in Group R-2, R-3, R-4, or R-5~~ occupied by persons in the care of others where program ~~regulatory~~ oversight is provided by the Virginia Department of Social Services; ~~the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Behavioral Health and Developmental Services;~~ the Virginia Department of Education or the Virginia Department of Juvenile Justice (Groups R-2, R-3, R-4 and R-5).

Technical Assistant: Any person employed by or under an extended contract to a local enforcing agency for enforcing the SFPC. For the purposes of this definition, an extended contract shall be a contract with an aggregate term of 18 months or longer.

TRB: The Virginia State Building Code Technical Review Board.

USBC: The Virginia Uniform Statewide Building Code (13VAC5-63).

B. Add the following definition under the term "Occupancy Classification--Residential Group R":

R-5 Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures. The terms "R-5" and "one and two-family dwelling" where used in this code shall be interchangeable.

C. Change the following definitions to read:

~~Canopy: A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration and may be structurally independent or supported by~~

~~attachment to a building on one end by not less than one stanchion on the other end.~~

Fire code official: The officer or other designated authority charged with administration and enforcement of this code, or a duly authorized representative. For the purpose of this code, the terms "code official" and "fire official" shall have the same meaning as the term "fire code official" and, in addition, such official shall have the powers outlined in § 27-98.1 of the Code of Virginia.

[13VAC5-51-131. IFC Chapter 3. Precautions Against Fire.

A. Add Section 301.3 to read:

301.3. Occupancy. The occupancy of a structure shall be continued as originally permitted under and in full compliance with the codes in force at the time of construction or alteration. The occupancy of a structure shall not change to another occupancy that will subject the structure to any special provisions of this code or the USBC without the approval of the building official.

B. Change Section 304.3.2 to read:

304.3.2. Capacity exceeding 5.88 cubic feet. Containers with a capacity exceeding 5.88 cubic feet (44 gallons) (0.17 m³) shall be provided with lids. Containers and lids shall be constructed of noncombustible materials or approved combustible materials.

C. Change Section 314.1 to read:

314.1. General. Indoor displays constructed within any building or structure shall comply with Sections 314.2 through 314.5.

D. Add Section 314.5 to read:

314.5. Smokeless powder and small arms primers. Venders shall not store, display or sell smokeless powder or small arms primers during trade shows inside exhibition halls except as follows:

1. The amount of smokeless powder displayed by each vender is limited to the amount established in Section 3306.5.1.1.

2. The amount of smokeless powder each vender may store is limited to the storage arrangements and storage amounts established in Section 3306.5.2.1. Smokeless powder shall remain in the manufacturer's original sealed container and the container shall remain sealed while inside the building. The repackaging of smokeless powder shall not be performed inside the building. Damaged containers shall not be repackaged inside the building and shall be immediately removed from the building in such manner to avoid spilling any powder.

3. There shall be at least 50 feet separation between venders and 20 feet from any exit.

4. Small arms primers shall be displayed and stored in the manufacturer's original packaging and in accordance with the requirements of Section 3306.5.2.3.

E. Change Section 315.1 to read:

315.1. General. Storage shall be in accordance with this section.

F. Change Section 315.2 to read:

315.2. Storage in buildings. Storage of materials in buildings shall be orderly and stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

G. Change Section 315.3 to read:

315.3. Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line or other building on the site.

Exceptions:

1. The separation distance is allowed to be reduced to 3 feet (914 mm) for storage not exceeding 6 feet (1829 mm) in height.
2. The separation distance is allowed to be reduced when the fire official determines that no hazard to the adjoining property exists.

~~F.~~ H. Change Section 315.3.1 to read:

315.3.1. Storage beneath overhead projections from buildings. To the extent required by the code the building was constructed under, when buildings are required to be protected by automatic sprinklers, the outdoor storage, display and handling of combustible materials under eaves, canopies or other projections or overhangs is prohibited except where automatic sprinklers are installed under such eaves, canopies or other projections or overhangs.]

13VAC5-51-132. IFC Chapter 4. Emergency Planning and Preparedness.

A. Add Section 401.1.1 to read:

401.1.1. State Regulated Care Facilities: when a state license is required by the Virginia Department of Social Services; Virginia Department of [~~Mental Health, Mental Retardation and Substance Abuse~~ Behavioral Health and Developmental] Services; Virginia Department of Education; or Virginia Department of Juvenile Justice to operate, SRCF shall comply with this section and the provisions of Section 404.0.

B. Add item ~~14~~ 15 to Section 404.2 to read:

~~14.~~ 15. SRCF.

C. Add exception to Section 405.1 to read:

Exception: Emergency evacuation drills shall not be conducted in school buildings during periods of mandatory testing required by the Virginia Board of Education.

D. Add the following category to Table 405.2 to read:

Group or occupancy	Frequency	Participation
SRCF	Monthly	All occupants

E. Add Section 405.2.1 to read:

405.2.1. High-rise buildings. Fire exit drills shall be conducted annually by building staff personnel or the owner of the building in accordance with the fire safety plan and shall not affect other current occupants.

F. Add Section 408.1.1 to read:

408.1.1. Maintaining occupant load posting. Occupant load postings required by the building code are required to be maintained.

G. Change Section 408.2 to read:

408.2. Group A occupancies. Group A occupancies shall comply with applicable requirements of Sections 408.2.1 through 408.2.3 and 401 through 406.

H. Add Sections 408.2.3, 408.2.3.1 and 408.2.3.2 to read:

408.2.3. Night clubs. Night clubs shall comply with Sections 408.2.3.1 and 408.2.3.2.

408.2.3.1. Audible announcements. Audible announcements shall be made to the occupants no longer than 10 minutes prior to the start of the entertainment and at each intermission to notify the occupants of the location of the exits to be used in the event of a fire or other emergency.

408.2.3.2. Occupant load count. Upon request of the fire code official, the owner or operator, or both, will be required to keep a running count of the occupant load to provide to the fire code official during performance hours of operation, entertainment hours of operation, or both.

13VAC5-51-133. IFC Chapter 5. Fire Service Features.

A. Delete Section 501.4.

B. Add exceptions to Section 503.1 to read:

Exceptions:

1. Fire apparatus access roads shall be permitted to be provided and maintained in accordance with written policy that establish fire apparatus access road requirements and such requirements shall be identified to the owner or his agent prior to the building official's approval of the building permit.

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2. On construction and demolition sites fire apparatus access roads shall be permitted to be provided and maintained in accordance with Section 1410.1.

C. [Add exception to Section 503.2.1 to read:

Exception: Fire apparatus access roads exclusively serving single family dwelling or townhouse developments that are fully sprinklered as provided for in Sections R313.1 or R313.2 of the International Residential Code shall have an unobstructed width of not less than 18 feet (5486 mm), exclusive of shoulders.

D. Add Section 503.7 to read:

503.7. Fire lanes for existing buildings. The fire code official is authorized to designate public and private fire lanes as deemed necessary for the efficient and effective operation of fire apparatus. Fire lanes shall comply with Sections 503.2 through 503.6.

E. Change the title of Section 506 to read "Key Boxes and Elevator Fire Service Keys."

F. Change Section 506.1 to read:

506.1. Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037 and shall contain keys to gain necessary access as required by the fire code official.

Exception: Existing key boxes are not required to be listed in accordance with UL 1037 unless replaced.

G. Add Section 506.3, including all subsections, to read:

506.3. Standardized fire service elevator keys. All buildings with elevators equipped with Phase I emergency recall or Phase II emergency in-car operation, or buildings equipped with fire service access or occupant evacuation elevators shall be equipped to operate with a standardized fire service key approved by the fire code official.

Exception: Where providing a standardized key is not possible due to the existing nonstandard elevator equipment, the owner shall be permitted to place the building's nonstandardized fire service elevator keys in a key box installed in accordance with Section 506.1.

506.3.1. Requirements for standardized fire service keys. Standardized fire service elevator keys shall comply with all of the following:

1. All fire service elevator keys within the jurisdiction shall be uniform and specific for the jurisdiction. Keys shall be cut to a uniform key code.

2. Fire service elevator keys shall be a patent protected design to prevent unauthorized duplication.

3. Fire service elevator keys subject to these rules shall be engraved with the words "DO NOT DUPLICATE."

506.3.2. Access to standardized fire service keys. Access to standardized fire service elevator keys shall be restricted to the following persons or groups:

1. Elevator owners or their authorized agents.

2. Elevator contractors.

3. Elevator inspectors of the jurisdiction.

4. Fire and building code officials of the jurisdiction.

5. The fire department and other emergency response agencies designated by the fire code official and the code official responsible for the enforcement of Part III, Maintenance, of the USBC.

506.3.3. Duplication or distribution of keys. No person may duplicate a standardized fire service elevator key or issue, give, or sell a duplicated key unless in accordance with this code.

506.3.4. Responsibility to provide keys. The building owner shall provide up to three standardized fire service elevator keys, if required by the fire code official, upon installation of a standardized fire service key switch or switches in the building.

H. Add Sections 507.3.1 and 507.3.2 to read:

507.3.1. Fire flow requirements for fully sprinklered residential developments. Notwithstanding Section 103.1.2, the fire flow requirements in Table B105.1 of Appendix B of the IFC, as modified by Section 507.3.2, shall be permitted to be used for determining fire flow in single family dwelling and townhouse developments which are fully sprinklered as provided for in Sections R313.1 or R313.2 of the International Residential Code.

507.3.2. Modifications to Table B105.1. The first six rows of columns five and six of Table B105.1 of Appendix B of the IFC shall be modified as shown below for the use of Table B105.1 in Section 507.3.1.

<u>Type 5-B</u>	<u>Fire-flow (gallons per minute)</u>
<u>0-5000</u>	<u>1000</u>
<u>5001-7200</u>	<u>1250</u>
<u>7201-8200</u>	<u>1500</u>
<u>8201-9500</u>	<u>1750</u>
<u>9501-11300</u>	<u>2000</u>
<u>11301-13000</u>	<u>2250</u>

~~L.]~~ Change Section ~~508.5.1~~ 507.5.1 to read:

~~508.5.1. 507.5.1.~~ Where required. Fire hydrant systems shall be located and installed as directed by the fire department. Fire hydrant systems shall conform to the written standards of the jurisdiction and the fire department.

~~[D. Add Section 503.7 to read:~~

~~503.7. Fire lanes for existing buildings. The fire code official is authorized to designate public and private fire lanes as deemed necessary for the efficient and effective operation of fire apparatus. Fire lanes shall comply with Sections 503.2 through 503.6.~~

J. Add Section 507.5.1.1 to read:

507.5.1.1. Fire hydrant requirements for fully sprinklered residential developments. Notwithstanding Section 103.1.2, the number and distribution of fire hydrants in Table C105.1 of Appendix C of the IFC shall be permitted to be used in single family dwelling and townhouse developments which are fully sprinklered as provided for in Sections R313.1 or R313.2 of the International Residential Code, with the spacing and distances of fire hydrants indicated in Table C105.1 increased by 100%.

~~E- K.]~~ Add Change Section ~~544~~ 510 to read:

Section ~~544~~ 510.

Maintenance of In-Building Emergency Communication Equipment.

~~544.1. 510.1.~~ General. In-building emergency communication equipment shall be maintained in accordance with USBC and the provisions of this section.

~~544.2. 510.2.~~ Additional in-building emergency communications installations. If it is determined by the locality that increased amplification of their emergency communication system is needed, the building owner shall allow the locality access as well as provide appropriate space within the building to install and maintain necessary additional communication equipment by the locality. If the building owner denies the locality access or appropriate space, or both, the building owner shall be responsible for the installation and maintenance of these additional systems.

~~544.3. 510.3.~~ Field tests. After providing reasonable notice to the owner or their representative, the fire official, police chief, or their agents shall have the right during normal business hours, or other mutually agreed upon time, to enter onto the property to conduct field tests to verify that the required level of radio coverage is present at no cost to the owner.

[**13VAC5-51-133.5. IFC Chapter 6. Building Services and Systems.**

A. Add a note to Section 603.7 to read:

Note: The fire code official may request a copy of the latest certificate of inspection from the Virginia Department of Labor and Industry for boilers and pressure vessels subject to such requirements. When the certificate is not available, the fire code official shall notify the Department of Labor and Industry to ensure that the required maintenance and testing is performed in accordance the Virginia Boiler and Pressure Vessel Regulations (16VAC25-50).

B. Add Section 604.6 to read:

604.6. Testing of Battery Powered Emergency Lights and Exit Signs. Required emergency lighting utilizing battery powered emergency lights or exit signs, or both, shall be tested annually. The emergency lights and exit signs shall be tested for proper operation for the time period established in the building code in effect when the equipment was installed. Written records of tests shall be retained by the owner of the building for a minimum of two years after the test is conducted and shall be made available to the fire code official upon request.

C. Change Section 605.10.1 to read:

605.10.1. Listed and labeled. Only portable electric space heaters listed and labeled in accordance with UL 1278 shall be used.

D. Change Section 609.3.3.2 to read:

609.3.3.2. Cleaning. Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease based upon a written and posted cleaning schedule that shall be established and maintained on the premises by the owner or operator of the ventilation system. The schedule shall be originated by the owner or operator of the ventilation system based upon criteria particular to the cooking operation. Cleanings shall be recorded and the records shall state the extent, time and date of cleaning.]

13VAC5-51-135. IFC Chapter 9. Fire Protection Systems.

A. Change Section 901.4.2 to read:

901.4.2. Nonrequired fire protection systems. Nonrequired fire protection systems shall be maintained to function as originally installed. If any such systems are to be reduced in function or discontinued, approval shall be obtained from the building official in accordance with Section 103.8.1 of Part I of the USBC.

B. Delete Section 901.4.3.

C. Change Section 901.6 to read:

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901.6. Inspection, testing and maintenance. To the extent that equipment, systems, devices, and safeguards, such as fire detection, alarm and extinguishing systems, which were provided and approved by the building official when constructed, shall be maintained in an operative condition at all times. And where such equipment, systems, devices, and safeguards are found not to be in an operative condition, the fire official shall order all such equipment to be rendered safe in accordance with the USBC.

D. Add Section 901.10 to read:

901.10. Defective equipment. When the fire official determines through investigation or testing or reports by a nationally recognized testing agency that specific, required water sprinkler or water-spray extinguishing equipment has been identified as failing to perform or operate through not less than 30 randomly selected sprinkler heads at four or more building sites anywhere in the nation, the fire official shall order all such equipment to be rendered safe.

E. Change the following definition in Section 902 to read:

Automatic fire-extinguishing system. An approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire. Such system shall include an automatic sprinkler system, unless otherwise expressly stated.

F. Change item 1 in Section 906.1 to read:

1. In Group A, B, E, F, H, I, M, R-1, R-4 and S occupancies.

[Exception: In Group I-3 occupancies, portable fire extinguishers shall be permitted to be located at staff locations and the access to such extinguishers shall be permitted to be locked.]

G. Add a note to Section 906.1 to read:

Note: In existing buildings, whether fire extinguishers are needed is determined by the USBC or other code in effect when such buildings were constructed.

H. Change Section ~~907.20.2~~ 907.9.2 to read:

~~907.20.2.~~ 907.9.2. Testing. Testing shall be performed in accordance with the schedules in Chapter 10 of NFPA 72 or more frequently where required by the fire code official. Where automatic testing is performed at least weekly by a remotely monitored fire alarm control unit specifically listed for the application, the manual testing frequency shall be permitted to be extended to annual. In Group R-1 occupancies, battery-powered single station smoke detectors shall be tested and inspected at one-month intervals.

Exception: Devices or equipment that are inaccessible for safety considerations shall be tested during scheduled

shutdowns where approved by the fire code official, but not less than every 18 months.

[I. Change Section 907.9.5 to read:

907.9.5. Maintenance, inspection and testing. The building owner shall be responsible for maintaining the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official. In addition to all applicable information contained in Figure 10.6.2.3 of NFPA 72, the written record of inspections, testing and maintenance shall contain the following minimum information:

1. Date, name and address of property.

2. Name of person performing inspection, maintenance and tests, or combination thereof, and affiliation, business address and telephone number.

3. Name, address and representative of approving agency or agencies.

4. Test frequency.

5. Designation of the detector or detectors tested (for example, "Test performed in accordance with Section _____").

6. Physical location (for example, "Heat detector in main kitchen; horn-strobe in Room 115.") and a list of all initiating and notification devices and appliances tested.

7. Functional list of detectors and required sequence of operations.

8. Check of all smoke detectors.

9. Loop resistance for all fixed-temperature, line-type detectors.

10. Other tests as required by either the equipment manufacturer's published instructions or the authority having jurisdiction.

11. Signature of tester and approved authority representative.

12. Disposition of problems identified during test (examples, "Owner notified," "Problem corrected or successfully retested, or both," "Device abandoned in place.").

[J. Add Section 908.7 to read:

908.7. Carbon monoxide alarms. Carbon monoxide alarms shall be maintained as approved.]

[13VAC5-51-140. IFC Chapter 22. Service Stations and Repair Garages.

A. Change Section 2205.4 to read:

2205.4. Sources of ignition. Smoking and open flames shall be prohibited within 20 feet (6096 mm) of a fuel dispensing device. The engines of vehicles being fueled shall be shut off during fueling. Electrical equipment shall be in accordance with NFPA 70.

B. Change Section 2206.2.1.1 to read:

2206.2.1.1. Inventory control and leak detection for underground tanks. Accurate inventory records shall be maintained on underground fuel storage tanks for indication of possible leakage from tanks and piping. The records shall be kept at the premises or made available for inspection by the fire official within 24 hours of a written or verbal request and shall include records for each tank. Where there is more than one system consisting of tanks serving separate pumps or dispensers for a product, the inventory record shall be maintained separately for each tank system.

Owners and operators of underground fuel storage tanks shall provide release detection for tanks and piping that routinely contain flammable and combustible liquids in accordance with one of the following methods:

1. Monthly inventory control to detect a release of at least 1.0% of flow-through plus 130 gallons.
2. Manual tank gauging for tanks with 2,000 gallon capacity or less when measurements are taken at the beginning and ending of a 36- to 58-hour period during which no liquid is added to or removed from the tank.
3. Tank tightness testing capable of detecting a 0.1 gallon per hour leak rate.
4. Automatic tank gauging that tests for loss of liquid.
5. Vapor monitoring for vapors within the soil of the tank field.
6. Groundwater monitoring when the groundwater is never more than 20 feet from the ground surface.
7. Interstitial monitoring between the underground tank and a secondary barrier immediately around or beneath the tank.
8. Other approved methods that have been demonstrated to be as effective in detecting a leak as the methods listed above.

A consistent or accidental loss of product shall be immediately reported to the fire official.]

~~13VAC5-51-143. IFC Chapter 24. Tents, Canopies and Other Membrane Structures. (Repealed.)~~

~~A. Change the title of Chapter 24 to read "Tents and Membrane Structures."~~

~~B. Change Section 2401.1 to read:~~

~~2401.1. Scope. Tents and membrane structures shall comply with this chapter. The provisions of Section 2403 are applicable only to temporary membrane structures. The provisions of Section 2404 are applicable to temporary and permanent membrane structures.~~

~~C. Delete the definition of the term "Canopy" in Section 2402.1 and change the definition of the term "Tent" in Section 2402.1 to read:~~

~~Tent: Any structure, enclosure or shelter, other than a canopy, with or without sidewalls or drops constructed of fabric or pliable material supported by any manner except by air or the contents it protects.~~

~~D. Change the title of Section 2403 to read "Temporary Tents and Membrane Structures."~~

~~E. Change Section 2403.1 to read:~~

~~2403.1. General. All temporary tents and membrane structures shall comply with this section.~~

~~F. Change Section 2403.2 to read:~~

~~2403.2. Approval required. Tents and membrane structures having an area in excess of 200 square feet (19 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.~~

~~Exception: Tents used exclusively for recreational camping purposes.~~

~~G. Change Section 2403.5 to read:~~

~~2403.5. Use period. Temporary tents and air supported, air inflated or tensioned membrane structures shall not be erected for a period of more than 180 days within a 12-month period on a single premises.~~

~~H. Change Section 2403.6 to read:~~

~~2403.6. Construction documents. A detailed site and floor plan for tents or membrane structures with an occupant load of 50 or more shall be provided with each application for approval. The tent or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment.~~

~~I. Change Sections 2403.8, 2403.8.2 and 2403.8.5 to read:~~

~~2403.8. Access, location and parking. Access location and parking for temporary tents and membrane structures shall be in accordance with this section.~~

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2403.8.2. Location. Tents or membrane structures shall not be located within 20 feet (6096 mm) of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure or tent.

Exceptions:

1. Separation distance between membrane structures and tents not used for cooking, is not required when the aggregate floor area does not exceed 15,000 square feet (1394 m²).

2. Membrane structures or tents need not be separated from buildings when all of the following conditions are met:

2.1. The aggregate floor area of the membrane structure or tent shall not exceed 10,000 square feet (929 m²).

2.2. The aggregate floor area of the building and membrane structure or tent shall not exceed the allowable floor area including increases as indicated in the International Building Code.

2.3. Required means of egress provisions are provided for both the building and the membrane structure or tent, including travel distances.

2.4. Fire apparatus access roads are provided in accordance with Section 503.

2403.8.5. Fire break. An unobstructed fire break passageway or fire road not less than 12 feet (3658 mm) wide and free from guy ropes or other obstructions shall be maintained on all sides of all tents and membrane structures unless otherwise approved by the fire code official.

J. Change Section 2403.9 to read:

2403.9. Anchorage required. Tents or membrane structures and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the fire code official on request.

K. Change Section 2403.11 to read:

2403.11. Seating arrangements. Seating in tents or membrane structures shall be in accordance with Chapter 10.

L. Change Sections 2403.12, 2403.12.1, 2403.12.2 and Table 2403.2 to read:

2403.12. Means of egress. Means of egress for temporary tents and membrane structures shall be in accordance with Sections 2403.12.1 through 2403.12.8.

2403.12.1. Distribution. Exits shall be spaced at approximately equal intervals around the perimeter of the tent or membrane structure, and shall be located such that all points are 100 feet (30 480 mm) or less from an exit.

2403.12.2. Number. Tents or membrane structures or a usable portion thereof shall have at least one exit and not less than the number of exits required by Table 2403.12.2. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by a means of egress multiplied by 0.2 inches (5 mm) per person.

Table 2403.12.2. Minimum Number of Means of Egress and Means of Egress Widths from Temporary Membrane Structures and Tents.			
Occupant Load	Minimum Number of Means of Egress	Minimum Width of Each Means of Egress (inches)	Minimum Width of Each Means of Egress (inches)
		Tent	Membrane Structure
10 to 199	2	72	36
200 to 499	3	72	72
500 to 999	4	96	72
1,000 to 1,999	5	120	96
2,000 to 2,999	6	120	96
Over 3,000 ^a	7	120	96

For SI: 1 inch = 25.4 mm

^aWhen the occupant load exceeds 3,000, the total width of means of egress (in inches) shall not be less than the total occupant load multiplied by 0.2 inches per person.

M. Change the title of Section 2404 to read "Temporary and Permanent Tents and Membrane Structures."

N. Change Section 2404.1 to read:

2404.1. General. All tents and membrane structures, both temporary and permanent, shall be in accordance with this section. Permanent tents and membrane structures shall also comply with the International Building Code.

O. Change Section 2404.2 to read:

2404.2. Flame propagation performance treatment. Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the tents and membrane

structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting and combustible decorative materials and effects, including sawdust when used on floors or passageways, shall be composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA 701, and that such flame propagation performance criteria are effective for the period specified by the permit.

P. Change Section 2404.3 to read:

2404.3. Label. Membrane structures or tents shall have a permanently affixed label bearing the identification of size and fabric or material type.

Q. Change Section 2404.4 to read:

2404.4. Certification. An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises on which the tent or air supported structure is located. The affidavit shall attest to the following information relative to the flame propagation performance criteria of the fabric:

1. Names and address of the owners of the tent or air supported structure.
2. Date the fabric was last treated with flame retardant solution.
3. Trade name or kind of chemical used in treatment.
4. Name of person or firm treating the material.
5. Name of testing agency and test standard by which the fabric was tested.

R. Change Section 2404.5 to read:

2404.5. Combustible materials. Hay, straw, shavings or similar combustible materials shall not be located within any tent or membrane structure containing an assembly occupancy, except the materials necessary for the daily feeding and care of animals. Sawdust and shavings utilized for a public performance or exhibit shall not be prohibited provided the sawdust and shavings are kept damp. Combustible materials shall not be permitted under stands or seats at any time. The areas within and adjacent to the tent or air supported structure shall be maintained clear of all combustible materials or vegetation that could create a fire hazard within 20 feet (6096 mm) of the structure. Combustible trash shall be removed at least once a day from the structure during the period the structure is occupied by the public.

S. Change Section 2404.6 to read:

2404.6. Smoking. Smoking shall not be permitted in tents or membrane structures. Approved "No Smoking" signs

shall be conspicuously posted in accordance with Section 310.

T. Change Section 2404.7 to read:

2404.7. Open or exposed flame. Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet (6096 mm) of the tent or membrane structures while open to the public unless approved by the fire code official.

U. Change Section 2404.8 to read:

2404.8. Fireworks. Fireworks shall not be used within 100 feet (30 480 mm) of tents or membrane structures.

V. Change Section 2404.10 to read:

2404.10. Safety film. Motion pictures shall not be displayed in tents or membrane structures unless the motion picture film is safety film.

W. Change Sections 2404.15.2, 2404.15.5 and 2404.15.6 to read:

2404.15.2. Venting. Gas, liquid and solid fuel burning equipment designed to be vented shall be vented to the outside air as specified in the International Fuel Gas Code and the International Mechanical Code. Such vents shall be equipped with approved spark arresters when required. Where vents or flues are used, all portions of the tent or membrane structure shall be not less than 12 inches (305 mm) from the flue or vent.

2404.15.5. Cooking tents. Tents where cooking is performed shall be separated from other tents or membrane structures by a minimum of 20 feet (6096 mm).

2404.15.6. Outdoor cooking. Outdoor cooking that produces sparks or grease laden vapors shall not be performed within 20 feet (6096 mm) of a tent or membrane structure.

X. Change Sections 2404.16.2 and 2404.16.3 to read:

2404.16.2. Location of containers. LP gas containers shall be located outside. Safety release valves shall be pointed away from the tent or membrane structure.

2404.16.3. Protection and security. Portable LP gas containers, piping, valves and fittings which are located outside and are being used to fuel equipment inside a tent or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be located in an approved location. Portable LP gas containers shall be securely fastened in place to prevent unauthorized movement.

Y. Change Sections 2404.17.1, 2404.17.2 and 2404.17.3 to read:

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~~2404.17.1. Use. Flammable liquid fueled equipment shall not be used in tents or membrane structures.~~

~~2404.17.2. Flammable and combustible liquid storage. Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet (15 240 mm) from tents or membrane structures. Storage shall be in accordance with Chapter 34.~~

~~2404.17.3. Refueling. Refueling shall be performed in an approved location not less than 20 feet (6096 mm) from tents or membrane structures.~~

~~Z. Change Sections 2404.18, 2404.18.2 and 2404.18.5 to read:~~

~~2404.18. Display of motor vehicles. Liquid and gas fueled vehicles and equipment used for display within tents or membrane structures shall be in accordance with Sections 2404.18.1 through 2404.18.5.3.~~

~~2404.18.2. Fuel systems. Vehicles or equipment shall not be fueled or defueled within the tent or membrane structure.~~

~~2404.18.5. Competitions and demonstrations. Liquid and gas fueled vehicles and equipment used for competition or demonstration within a tent or membrane structure shall comply with Sections 2404.18.5.1 through 2404.18.5.3.~~

~~AA. Change Section 2404.19 to read:~~

~~2404.19. Separation of generators. Generators and other internal combustion power sources shall be separated from tents or membrane structures by a minimum of 20 feet (6096 mm) and shall be isolated from contact with the public by fencing, enclosure or other approved means.~~

~~BB. Change Section 2404.20 to read:~~

~~2404.20. Standby personnel. When, in the opinion of the fire code official, it is essential for public safety in a tent or membrane structure used as a place of assembly or any other use where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted.~~

~~Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures for extinguishment of fires that occur and assist in the evacuation of the public from the structure.~~

~~There shall be trained crowd managers or crowd manager supervisors at a ratio of one crowd manager/supervisor for every 250 occupants, as approved.~~

~~CC. Change Section 2404.21 to read:~~

~~2404.21. Vegetation removal. Combustible vegetation shall be removed from the area occupied by a tent or membrane structure, and from areas within 30 feet (9144 mm) of such structures.~~

~~DD. Change Section 2404.22 to read:~~

~~2404.22. Waste material. The floor surface inside tents or membrane structures and the grounds outside and within a 30 foot (9144 mm) perimeter shall be kept clear of combustible waste. Such waste shall be stored in approved containers until removed from the premises.~~

13VAC5-51-145. IFC Chapter 27. Hazardous Materials - General Provisions.

A. Change Add the following language to the end of Section 2701.5.1 to read:

~~2701.5.1. Hazardous Materials Management Plan. Where required by the fire code official, each application for a permit shall include a Hazardous Materials Management Plan (HMMP). The HMMP shall be maintained onsite for use by emergency responders, and shall be updated not less than annually. The HMMP shall include a facility site plan designating the following:~~

- ~~1. Storage and use areas.~~
- ~~2. Maximum amount of each material stored or used in each area.~~
- ~~3. Range of container sizes.~~
- ~~4. Locations of emergency isolation and mitigation valves and devices.~~
- ~~5. Product conveying piping containing liquids or gases, other than utility owned fuel gas lines and low pressure fuel gas lines.~~
- ~~6. On and off positions of valves for valves that are of the self indicating type.~~
- ~~7. Storage plan showing the intended storage arrangement, including the location and dimensions of aisles.~~
- ~~8. The location and type of emergency equipment. The plans shall be legible and drawn approximately to scale. Separate distribution systems are allowed to be shown on separate pages.~~

B. Change Add the following language to the end of Section 2701.5.2 to read:

~~2701.5.2. Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include an HMIS, such as SARA (Superfund Amendments and Reauthorization Act of 1986) Title III, Tier II Report, or other approved~~

~~statement.~~ The HMIS shall be maintained onsite or readily available through another means where approved by the fire code official for use by temporary responders, and shall be updated not less than annually. ~~The HMIS shall include the following information:~~

- ~~1. Manufacturer's name.~~
- ~~2. Chemical name, trade names, hazardous ingredients.~~
- ~~3. Hazard classification.~~
- ~~4. MSDS or equivalent.~~
- ~~5. United Nations (UN), North America (NA) or the Chemical Abstract Service (CAS) identification number.~~
- ~~6. Maximum quantity stored or used on site at one time.~~
- ~~7. Storage conditions related to the storage type, temperature and pressure.~~

C. Add Sections 2701.5.3, 2701.5.3.1 and 2701.5.3.2 to read:

2701.5.3. Repository container. When a HMMP or HMIS is required, the owner or operator shall provide a repository container (lock box) or other approved means for the storage of items required in Sections 2701.5.1 and 2701.5.2 so as to be readily available to emergency response personnel.

2701.5.3.1. Location and identification. The repository container (lock box) shall be located, installed and identified in an approved manner.

2701.5.3.2. Keying. All repository containers (lock boxes) shall be keyed as required by the fire code official.

D. Change Section 2703.3.1.4 to read:

2703.3.1.4. Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. The fire code official may require records and receipts to verify cleanup and proper disposal of unauthorized discharges. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge.

13VAC5-51-150. IFC Chapter 33. Explosives and Fireworks.

A. Change exception 4 in Section 3301.1 to read:

4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and

any amount of small arms primers for hand loading of small arms ammunition for personal consumption.

B. Add exceptions 10, 11 and 12 to Section 3301.1 to read:

10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.

11. The display of small arms primers in Group M when in the original manufacturer's packaging.

12. The possession, storage and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or R-5.

C. Change exception 4 in Section 3301.1.3 to read:

4. The possession, storage, sale, handling and use of permissible fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.

D. Add exception 5 to Section 3301.1.3 to read:

5. The sale or use of materials or equipment when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

E. Change entire Section 3301.2 to read:

3301.2. Permit required. Permits shall be required as set forth in Section 107.2 and regulated in accordance with this section. The manufacture, storage, possession, sale and use of fireworks or explosives shall not take place without first applying for and obtaining a permit.

3301.2.1. Residential uses. No person shall keep or store, nor shall any permit be issued to keep, possess or store, any fireworks or explosives at any place of habitation, or within 100 feet (30,480 mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 3306.

3301.2.2. Sale and retail display. Except for the Armed Forces of the United States, Coast Guard, National Guard, federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities, explosives shall not be sold, given, delivered or transferred to any person or company not in possession of a valid permit. The

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holder of a permit to sell explosives shall make a record of all transactions involving explosives in conformance with Section 3303.2 and include the signature of any receiver of the explosives. No person shall construct a retail display nor offer for sale explosives, explosive materials, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies.

3301.2.3. Permit restrictions. The fire official is authorized to limit the quantity of explosives, explosive materials, or fireworks permitted at a given location. No person, possessing a permit for storage of explosives at any place, shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified in such a permit shall be kept or stored.

3301.2.3.1. Permit applicants. [The As a condition of a permit as provided for in Section 107.5, the] fire official shall not issue a permit to manufacture, store, handle, use or sell explosives or blasting agents to any [individual] applicant who [is not certified by the SFMO as a blaster in accordance with Section 3301.4.1, or who is not in the possession of a background clearance card or to designated persons representing an applicant that is not an individual and who is not in possession of a background clearance card issued in accordance with Section 3301.2.3.1.1. The SFMO shall process all applications for a background clearance card for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of background clearance cards has not provided on the permit application the name and signature of a designated individual as representing the applicant]. [When, as provided for in Section 107.2 or 107.6, a permit is required to conduct a fireworks display, as a condition of permit as provided for in Section 107.5, the fire official shall not issue a permit to design, setup or conduct a fireworks display to any applicant who has not provided on the permit application the name and signature of a designated individual as representing the applicant.

If the applicant's designated individual changes or becomes no longer qualified to represent the applicant as responsible management or designated individual, the applicant shall notify the fire official who issued the permit on the change of status of the designated individual. The notice is to be made prior to the use of any explosives or conducting a fireworks display but in no case shall the notification occur more than seven days after the change of status and shall provide the name of another designated individual. The fire official may revoke or require the reissuance of a permit based on a change of permit conditions or status or inability to provide another designated individual.]

3301.2.3.1.1. [Background clearance card BCC]: [A background clearance card The SFMO shall process all applications for a BCC for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of a

BCC. Using forms provided by the SFMO, a BBC] may be [applied for and] issued [upon completion of the following requirements:

1. Any firm or company manufacturing, storing, using or selling explosives in the Commonwealth shall provide the name of a designated person or persons who will be a representative of the company and be responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits from the fire official.

2. Using a form provided by the SFMO, all individual applicants and all designated persons representing an applicant that is not an individual, shall submit to a background investigation, to include a national criminal history record check, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster.

3. Each such applicant shall submit fingerprints and provide personal descriptive information to the SFMO to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant to any person who submits to the completion of a background investigation by providing fingerprints and personal descriptive information to the SFMO. The SFMO shall forward the fingerprints and personal descriptive information to the Central Criminal Records Exchange for submission to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history records check regarding such applicant].

3301.2.3.1.2. Issuance of a background clearance card: The issuance of a background clearance card shall be denied if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority.

3301.2.3.1.3. Fee for background clearance card: The fee for obtaining or renewing a background clearance card from SFMO shall be \$150 plus any additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

3301.2.3.1.4. Revocation of a background clearance card: After issuance of a background clearance card, subsequent conviction of a felony will be grounds for immediate revocation of a background clearance card, whether such conviction occurred under the laws of the Commonwealth,

or any other state, the District of Columbia, the United States or any territory thereof. The card shall be returned to the SFMO immediately. An individual may reapply for his background clearance card if his civil rights have been restored by the Governor or other appropriate authority.

3301.2.4. Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$500,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The legal department of the jurisdiction may specify a greater amount when conditions at the location of use indicate a greater amount is required. Government entities shall be exempt from this bond requirement.

3301.2.4.1. Blasting. Before approval to do blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in such form, amount, and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting but in no case shall the value of the coverage be less than \$500,000.

Exception: Filing a bond or submitting a certificate of liability insurance is not required for blasting on real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § 58.1-3230 of the Code of Virginia and conducted by the owner of such real estate.

3301.2.4.2. Fireworks display. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the legal department of the jurisdiction for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors [, but in no case shall the value of the coverage be less than \$500,000].

F. Change entire Section 3301.4 to read:

3301.4. Qualifications. Persons in charge of magazines, blasting, fireworks display, or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and possess knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks.

3301.4.1. Certification of blasters [and pyrotechnicians]. Certificates as a restricted [~~or blaster,~~] unrestricted blaster [or pyrotechnician] will be issued upon proof of successful completion of an examination approved by the SFMO [commensurate to the certification sought] and

[completion of] a background investigation for compliance with § 27-97.2 of the Code of Virginia. The applicant for certification shall submit proof to the SFMO of the following experience:

1. For certification as a restricted blaster, at least one year under direct supervision by a certified unrestricted blaster, certified restricted blaster or other person(s) approved by the SFMO.
2. For certification as an unrestricted blaster, at least one year under direct supervision by a certified unrestricted blaster or other person or persons approved by the SFMO.

[3. For certification as a pyrotechnician, aerial, or pyrotechnician, proximate, applicant was in responsible charge of or has assisted in the documented design, setup and conducting of a fireworks display on at least six occasions within the 24 months immediately preceding the application for certification.]

The SFMO shall process all certification applicants for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of blaster certifications.

Exception: The [use of explosives by the] owner of real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § 58.1-3230 of the Code of Virginia when blasting on such real estate.

3301.4.2. Certification issuance. The issuance of a certification as a blaster [or pyrotechnician] shall be denied if the applicant has [(i)] been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority [, (ii) has not provided acceptable proof or evidence of the experience required in Section 3301.4.1, or (iii) has not provided acceptable proof or evidence of the continued training or education required in Section 3301.4.5].

3301.4.3. Fee for certification. The fee for obtaining or renewing a blaster [or pyrotechnician] certificate from SFMO shall be \$150 plus any additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

3301.4.4. Revocation of a blaster [or pyrotechnician] certification. After issuance of a blaster [or pyrotechnician] certification, subsequent conviction of a felony will be grounds for immediate revocation of a blaster [or pyrotechnician] certification, whether such conviction occurred under the laws of the Commonwealth,

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or any other state, the District of Columbia, the United States or any territory thereof. The certification shall be returned to the SFMO immediately. An individual may subsequently reapply for his blaster [or pyrotechnician] certification if his civil rights have been restored by the Governor or other appropriate authority.

3301.4.5. Expiration and renewal of a [BCC, or] blaster [or pyrotechnician] certification. A certificate for an unrestricted [~~or blaster,~~] restricted blaster [or pyrotechnician] shall be valid for three years from the date of issuance. A [~~background clearance card~~ BCC] shall be valid for three years from the date of issuance. Renewal of the unrestricted blaster certificate will be issued upon proof of at least 16 [accumulated] hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with § 27-97.2 of the Code of Virginia. Renewal of the restricted blaster certificate will be issued upon proof of at least eight [accumulated] hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with § 27-97.2 of the Code of Virginia. [Renewal of the pyrotechnician certificate will be issued upon proof of at least 12 accumulated hours of continued training or education in the subject areas of explosives storage; the design, setup or conduct of a fireworks display within three consecutive years; and a background investigation for compliance with § 27-97.2 of the Code of Virginia.] The continued training or education required for renewal of a blaster [or pyrotechnician] certificate shall be obtained during the three years immediately prior to the certificate's published expiration date. Failure to renew a blaster [or pyrotechnician] certificate in accordance with this section shall cause an individual to obtain another blaster [or pyrotechnician] certificate upon compliance with Section 3301.4.1 to continue engaging in the unsupervised use of explosives [or conducting a fireworks display].

G. Change Section 3301.7 to read:

3301.7. Seizure. The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, fireworks offered or exposed for sale, stored, possessed or used in violation of this chapter.

H. Add the following definitions to Section 3302.1 to read:

Background clearance card [(BCC)]. An identification card issued to an individual who is not a certified blaster [or pyrotechnician] and is [~~representing himself or acting as a representative~~ responsible management or an employee] of a company, corporation, firm or other entity, solely for the purpose of submitting an application to the fire official for a permit to manufacture, use, handle, store, or sell explosive materials [~~;~~ or conduct a fireworks display]. A person to whom a BCC has been issued can

fulfill the role of a designated individual on an application for a permit to manufacture, use, handle, store, or sell explosive materials; or on an application for a permit to design, setup and conduct a fireworks display].

Blaster, restricted. Any person engaging in the use of explosives or blasting agents utilizing five pounds (2.25 kg) or less per blasting operation and using instantaneous detonators. [A certified restricted blaster can fulfill the role of a designated individual on an application for permit to manufacture, use, handle, store, or sell explosive materials.]

Blaster, unrestricted. Any person engaging in the use of explosives or blasting agents without limit to the amount of explosives or blasting agents or type of detonator. [A certified unrestricted blaster can fulfill the role of a designated individual on an application for permit to manufacture, use, handle, store, or sell explosive materials.]

Design. For the purposes of a fireworks display, either inside a building or structure or outdoors, it shall mean the pyrotechnician who will be in attendance and makes the final artistic determination for the placement of fireworks and ground display pieces suitable for the display site.

Designated individual. A person who is in possession of a BCC issued by the SFMO, certified by the SFMO as a pyrotechnician, or a restricted or unrestricted blaster, any of whom are responsible for ensuring compliance with state law and regulations relating to blasting agents and explosives and applying for explosives or firework permits; is at least 21 years of age; and demonstrates the capability to effectively communicate safety messages verbally and in writing in the English language.]

Permissible fireworks. Any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies.

[Pyrotechnician (fireworks operator). Any person supervising or engaged in the design, setup or conducting of any fireworks display, either inside a building or outdoors. A certified pyrotechnician can fulfill the role of a designated individual on an application for a permit for a fireworks display.]

Pyrotechnician, aerial. A person supervising or engaged in the design, setup or conducting of a outdoor aerial fireworks display performed in accordance with the regulations as set forth in this code and NFPA 1123, a referenced standard for fireworks displays.

Pyrotechnician, proximate. A person supervising or engaged in the design, setup or conducting of a fireworks display, either inside a building or outdoors, performed in accordance with the regulations as set forth in this code and NFPA 1126, a referenced standard for the use of pyrotechnics before a proximate audience.

Responsible management. A person who is any of the following:

1. The sole proprietor of a sole proprietorship.
2. The partners of a general partnership.
3. The managing partners of a limited partnership.
4. The officers of a corporation.
5. The managers of a limited liability company.
6. The officers or directors of an association, or both.
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

Sole proprietor. A person or individual, not a corporation, who is trading under his own name or under an assumed or fictitious name pursuant to the provisions of § 59.1-69 through 59.1-76 of the Code of Virginia.]

I. Change the following definitions in Section 3302.1 to read:

Fireworks. Any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and that explodes, rises into the air or travels laterally, or fires projectiles into the air. Fireworks shall not include automobile flares, paper caps containing not more than an average of 0.25 grain (16 mg) of explosive content per cap or toy pistols, toy canes, toy guns or other devices utilizing such caps and items commonly known as party poppers, pop rocks and snap-n-pops. Fireworks may be further delineated and referred to as:

Fireworks, 1.4G. (Formerly known as Class C, Common Fireworks.) Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks that comply with the construction, chemical composition, and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: Parts 1500 and 1507, are not explosive materials for the purpose of this code.

Fireworks, 1.3G. (Formerly Class B, Special Fireworks.) Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration, or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces that exceed the limits for classification as 1.4G fireworks. Such 1.3G

fireworks are also described as Fireworks, UN0335 by the DOTn.

Smokeless propellants. Solid propellants, commonly referred to as smokeless powders or any propellant classified by DOTn as a smokeless propellant in accordance with "NA3178, Smokeless Powder for Small Arms," used in small arms ammunition, firearms, cannons, rockets, propellant-actuated devices, and similar articles.

J. Change Section 3305.1 to read:

3305.1. General. The manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks shall comply with the requirements of this section, Title 59.1, Chapter 11 of the Code of Virginia, and NFPA 495 or NFPA 1124.

Exceptions:

1. The hand loading of small arms ammunition prepared for personal use and not offered for resale.
2. The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495.
3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.

K. Add Section 3305.1.1 to read:

3305.1.1. Permits. Permits for the manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks shall be required as set forth in Section 107.2 and regulated in accordance with this section. A permit to manufacture any explosive material in any quantity shall be prohibited unless such manufacture is authorized by a federal license and conducted in accordance with recognized safety practices.

L. Change Section 3306.4 to read:

3306.4. Storage in residences. Propellants for personal use in quantities not exceeding 50 pounds (23 kg) of black powder or 100 pounds (45 kg) of smokeless powder shall be stored in original containers in occupancies limited to Group R-3 and R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures that are at least 10 feet from inhabited buildings and are accessory to Group R-3 or R-5. In other than Group R-3 or R-5, smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) shall be kept in a wooden box or cabinet having walls of at least one inch (25 mm) nominal thickness or equivalent.

M. Delete Sections 3306.4.1 and 3306.4.2.

N. Change Section 3306.5.1.1 to read:

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3306.5.1.1. Smokeless propellant. No more than 100 pounds (45 kg) of smokeless propellants, in containers of 8 pounds (3.6 kg) or less capacity, shall be displayed in Group M occupancies.

O. Delete Section 3306.5.1.3.

P. Change Section 3306.5.2.1 to read:

3306.5.2.1 Smokeless propellant. Commercial stocks of smokeless propellants shall be stored as follows:

1. Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg) shall be stored in portable wooden boxes having walls of at least one inch (25 mm) nominal thickness or equivalent.

2. Quantities exceeding 100 pounds (45 kg), but not exceeding 800 pounds (363 kg), shall be stored in storage cabinets having walls at least one inch (25 mm) nominal thickness or equivalent. Not more than 400 pounds (182 kg) shall be stored in any one cabinet, and cabinets shall be separated by a distance of at least 25 feet (7620 mm) or by a fire partition having a fire-resistance rating of at least one hour.

3. Storage of quantities exceeding 800 pounds (363 kg), but not exceeding 5,000 pounds (2270 kg) in a building shall comply with all of the following:

3.1. The storage is inaccessible to unauthorized personnel.

3.2. Smokeless propellant shall be stored in nonportable storage cabinets having wood walls at least one inch (25 mm) nominal thickness or equivalent and having shelves with no more than three feet (914 mm) of vertical separation between shelves.

3.3. No more than 400 pounds (182 kg) is stored in any one cabinet.

3.4. Cabinets shall be located against walls with at least 40 feet (12 192 mm) between cabinets. The minimum required separation between cabinets may be reduced to 20 feet (6096 mm) provided that barricades twice the height of the cabinets are attached to the wall, midway between each cabinet. The barricades must extend a minimum of 10 feet (3048 mm) outward, be firmly attached to the wall, and be constructed of steel not less than 0.25 inch thick (6.4 mm), two-inch (51 mm) nominal thickness wood, brick, or concrete block.

3.5. Smokeless propellant shall be separated from materials classified as combustible liquids, flammable liquids, flammable solids, or oxidizing materials by a distance of 25 feet (7620 mm) or by a fire partition having a fire-resistance rating of one hour.

3.6. The building shall be equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

4. Smokeless propellants not stored according to Item 1, 2, or 3 above shall be stored in a Type 2 or 4 magazine in accordance with Section 3304 and NFPA 495.

Q. Change Section 3307.1 to read:

3307.1. General. Blasting operations shall be conducted only by persons certified by the SFMO as a restricted or unrestricted blaster or shall be supervised on-site by a person properly certified by the SFMO as a restricted or unrestricted blaster.

R. Add Section 3307.16 to read:

3307.16. Blast records. A record of each blast shall be kept and retained for at least five years and shall be available for inspection by the code official. The record shall contain the following minimum data:

1. Name of contractor;
2. Location and time of blast;
3. Name of certified blaster in charge;
4. Type of material blasted;
5. Number of holes bored and spacing;
6. Diameter and depth of holes;
7. Type and amount of explosives;
8. Amount of explosive per delay of 8 milliseconds or greater;
9. Method of firing and type of circuit;
10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial or institutional building;
11. Weather conditions;
12. Whether or not mats or other precautions were used;
13. Type of detonator and delay period;
14. Type and height of stemming; and
15. Seismograph record when utilized.

Exception: Subdivisions 8 and 13 of this section are not applicable to restricted blasters.

S. [~~Add exception to~~ Change] Section 3308.2 to read:

[3308.2. Permit application. Prior to issuing permits for a fireworks display, plans for the fireworks display, inspections of the display site and demonstrations of the display operations shall be approved. A plan establishing procedures to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or

fails to function over the fallout area or other malfunctions shall be provided to the fire code official.

In addition to the requirements of Section 3301.2.3.1, a permit to conduct a fireworks display shall not be issued to any applicant without the applicant identifying on the application the pyrotechnician who will be in responsible charge of the fireworks display and who is appropriately certified as a pyrotechnician in accordance with Section 3301.4.1.]

Exception: Permits are not required for the [supervised] use or display of permissible fireworks on private property with the consent of the owner of such property.

[T. Change Section 3308.3 to read:

3308.3. Approved fireworks displays. Approved fireworks displays shall include only the approved fireworks 1.3G, fireworks 1.4G, fireworks 1.4S and pyrotechnic articles 1.4G. The design, setup, conducting or direct on-site supervision of the design, setup and conducting of any fireworks display, either inside a building or outdoors, shall be performed only by persons certified by the SFMO in accordance with Section 3301.4.1 as a pyrotechnician (firework operator) and at least one person properly certified by the SFMO as a pyrotechnician shall be present at the site where the fireworks display is being conducted. The approved fireworks shall be arranged, located,

discharged and fired in a manner that will not pose a hazard to property or endanger any person.

Exception: Certification as a pyrotechnician is not required for the use or display of permissible fireworks when conducted on private property with the consent of the owner of such property.

U. Change Section 3308.4 to read:

3308.4 Clearance. Spectators, spectator parking areas, and dwellings, buildings or structures shall not be located within the display site. The site for the outdoor land or water display shall have at least 100-ft/in. (31-m/2.4mm) radius of internal mortar distance of the largest shell to be fired as shown in Table 3308.4.

Exceptions:

1. This provision shall not apply to pyrotechnic special effects and fireworks displays using Division 1.4G materials before a proximate audience in accordance with NFPA 1126.
2. This provision shall not apply to unoccupied dwellings, buildings and structures with the approval of the building owner and the fire code official.

V. Add Table 3308.4 to read:

Table 3308.4.

Distances for Outdoor Fireworks Display Sites: Minimum Separation Distances from Mortars to Spectators for Land and Water Displays.

Mortar Size ^a		Minimum Secured Diameter of Site		Vertical Mortars ^b		Angled Mortars ^c 1/3 offset		Mortars to Special Hazards ^d	
in.	mm	ft	m	ft	m	ft	m	ft	m
≤3	≤76	300	92	150	46	100	31	300	92
3	76	600	183	300	92	200	61	600	183
4	102	800	244	400	122	266	81	800	244
5	127	1000	305	500	152	334	102	1000	305
6	152	1200	366	600	183	400	122	1200	366
7	178	1400	427	700	213	467	142	1400	427
8	203	1600	488	800	244	534	163	1600	488
10	254	2000	610	1000	305	667	203	2000	610
12	305	2400	732	1200	366	800	244	2400	732
>12	Requires the approval of the fire official								

^aAerial shells, mines, and comets shall be classified and described only in terms of the inside diameter of the mortar from which they are fired (e.g., 3-in. (76-mm) aerial shells, mines and comets are only for use in 3-in. (76mm) mortars).

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^bWhere the mortars are positioned vertically, the mortars shall be placed at the approximate center of the display site.

^cMortars shall be permitted to be angled during a display to allow for wind and to carry shells away from the main spectator viewing areas. For angled mortars, the minimum secured diameter of the display site does not change. Only the location of the mortars within the secured area changes when the mortars are angled.

^dNote that this is only the distance to the special hazards. The minimum secured diameter of the display site does not change.]

~~F. Delete Section 3308.11.~~

[13VAC5-51-154. IFC Chapter 38. Liquefied Petroleum Gases.

A. Change Section 3801.2 to read:

3801.2. Permits. Permits shall be required as set forth in Section 107.2. Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the fire code official, except when the container is for temporary use on construction sites.

B. Add Section 3806.4 to read:

3806.4. DOT cylinders filled on site. DOT cylinders in stationary service that are filled on site and therefore are not under the jurisdiction of DOT either shall be requalified in accordance with DOT requirements or shall be visually inspected within 12 years of the date of manufacture or within five years from May 1, 2008, whichever is later, and within every five years thereafter, in accordance with the following:

1. Any cylinder that fails one or more of the criteria in Item 3 shall not be refilled or continued in service until the condition is corrected.

2. Personnel shall be trained and qualified to perform inspections.

3. Visual inspection shall be performed in accordance with the following:

3.1. The cylinder is checked for exposure to fire, dents, cuts, digs, gouges, and corrosion according to CGA C-6, Standards for Visual Inspection of Steel Compressed Gas Cylinders, except that paragraph 4.2.1(1) of that standard (which requires tare weight certification), shall not be part of the required inspection criteria.

3.2. The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

3.3. The cylinder is painted or coated to retard corrosion.

3.4. The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

3.5. There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

3.6. The cylinder is installed on a firm foundation and is not in contact with the soil.

3.7. A cylinder that passed the visual inspection shall be marked with the month and year of the examination followed by the letter "E" (example: 10-01E, indicating requalification in October 2001 by the external inspection method).

3.8. The results of the visual inspection shall be documented, and a record of the inspection shall be retained for a five-year period.

Exception: Any inspection procedure outlined in Items 3.1 through 3.8 that would require a cylinder be moved in such a manner that disconnection from the piping system would be necessary shall be omitted, provided the other inspection results do not indicate further inspection is warranted.

C. Add Sections 3809.15 and 3809.15.1 to read:

3809.15. LP-Gas cylinder exchange for resale. In addition to other applicable requirements of this chapter, facilities operating cylinder exchange stations for LP-gas that are accessible to the public shall comply with the following requirements:

1. Cylinders shall be secured in a lockable, ventilated metal cabinet or other approved enclosure.

2. Cylinders shall be accessible only by authorized personnel or by use of an automated exchange system in accordance with Section 3809.15.1.

3. A sign shall be posted on the entry door of the business operating the cylinder exchange stating "DO NOT BRING LP-GAS CYLINDERS INTO THE BUILDING" or similar approved wording.

4. An emergency contact information sign shall be posted within 10 feet of the cylinder storage cabinet. The content, lettering, size, color and location of the required sign shall be as required by the fire code official.

3809.15.1. Automated Cylinder Exchange Stations. Cylinder exchange stations that include an automated vending system for exchanging cylinders shall comply with the following additional requirements:

1. The vending system shall only permit access to a single cylinder per individual transaction.
2. Cabinets storing cylinders shall be designed such that cylinders can only be placed inside when they are oriented in the upright position.
3. Devices operating door releases for access to stored cylinders shall be permitted to be pneumatic, mechanical or electrically powered.
4. Electrical equipment inside of or within 5 feet of a cabinet storing cylinders, including but not limited to electronics associated with vending operations, shall comply with the requirements for Class 1, Division 2 equipment in accordance with NFPA 70.
5. A manual override control shall be permitted for use by authorized personnel. On newly installed cylinder exchange stations, the vending system shall not be capable of returning to automatic operation after a manual override until the system has been inspected and reset by authorized personnel.
6. Inspections shall be conducted by authorized personnel to verify that all cylinders are secured, access doors are closed and the station has no visible damage or obvious defects that necessitate placing the station out of service. The frequency of inspections shall be as specified by the fire code official.

D. Change Section 3811.2 to read:

3811.2. Unattended parking. The unattended parking of LP-gas tank vehicles shall be in accordance with Sections 3811.2.1 and 3811.2.2.

Exception: The unattended outdoor parking of LP-gas tank vehicles may also be in accordance with Section 9.7.2 of NFPA 58.]

[13VAC5-51-154.5. IFC Chapter 46. Construction Requirements for Existing Buildings.

Delete Chapter 46 in its entirety.]

13VAC5-51-155. IFC Chapter 45 47. Referenced Standards.

Change the referenced standards as follows (standards not shown remain the same):

Standard reference number	Title	Referenced in code section number
CGA C-6 (2001)	Standards for Visual Inspection of Steel Compressed Gas Cylinders	3806.4

NFPA 10-07	Portable Fire Extinguishers	Table 901.6.1, 906.2, 906.3, Table 906.3(1), Table 906.3(2), 2106.3
NFPA 13-07	Installation of Sprinkler Systems	Table 704.1, 903.3.1.1, 903.3.2, 903.3.5.1.1, 903.3.5.2, 904.11, 905.3.4, 907.9, 2301.1, 2304.2, Table 2306.2, 2306.9, 2307.2, 2307.2.1, 2308.2.2, 2308.2.2.1, 2310.1, 2501.1, 2804.1, 2806.5.7, 3404.3.3.9, Table 3404.3.6.3(7), 3404.3.7.5.1, 3404.3.8.4
NFPA 13D-07	Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes	903.3.1.3, 903.3.5.1.1
NFPA 13R-07	Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height	903.3.1.2, 903.3.5.1.1, 903.3.5.1.2, 903.4
NFPA 14-07	Installation of Standpipe and Hose Systems	905.2, 905.3.4, 905.4.2, 905.8
NFPA 20-07	Installation of Stationary Pumps for Fire Protection	913.1, 913.2, 913.5.1
NFPA 24-07	Installation of Private Fire Service Mains and their Appurtenances	508.2.1, 1909.5
NFPA 25-08	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	508.5.3, Table 901.6.1, 904.7.1, 912.6, 913.5

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NFPA 30B-07	Manufacture and Storage of Aerosol Products	2801.1, 2803.1, 2804.1, Table 2804.3.1, Table 2804.3.2, Table 2804.3.2.2, 2804.4.1, 2804.5.2, 2804.6, Table 2806.2, 2806.2.3, 2806.3.2, Table 2806.4, 2806.5.1, 2806.5.6, 2807.1
NFPA 33-07	Spray Application Using Flammable or Combustible Materials	1504.3.2
NFPA 72-07	National Fire Alarm Code	509.1, Table 901.6.1, 903.4.1, 904.3.5, 907.2, 907.2.1.1, 907.2.10, 907.2.10.4, 907.2.11.2, 907.2.11.3, 907.2.12.2.3, 907.2.12.3, 907.3, 907.5, 907.6, 907.10.2, 907.11, 907.15, 907.17, 907.18, 907.20, 907.20.2, 907.20.5
NFPA 704-07	Identification of the Hazards of Materials for Emergency Response	606.7, 1802.1, 2404.2, 2703.2.2.1, 2703.2.2.2, 2703.5, 2703.10.2, 2705.1.10, 2705.2.1.1, 2705.4.4, 3203.4.1, 3404.2.3.2
[<u>UL 1037-99</u>]	<u>Standard for Antitheft Alarms and Devices</u>	<u>506.1</u>
<u>UL 1278-00</u>	<u>Standard for Movable and Wall- or Ceiling-Hung Electric Room Heaters</u>	<u>605.10.1]</u>

DOCUMENTS INCORPORATED BY REFERENCE (13VAC5-51)

The International Fire Code – 2006 2009 Edition, International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070.

~~NFPA 10-07, Portable Fire Extinguishers, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 13-07, Installation of Sprinkler Systems, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 13D-07, Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 13R-07, Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 14-07, Installation of Standpipe and Hose Systems, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 20-07, Installation of Stationary Pumps for Fire Protection, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 24-07, Installation of Private Fire Service Mains and their Appurtenances, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 25-08, Inspection, Testing and Maintenance of Water-based Fire Protection Systems, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 30B-07, Manufacture and Storage of Aerosol Products, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 33-07, Spray Application Using Flammable or Combustible Materials, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

[NFPA 58 – 04, Liquefied Petroleum Gas Code, 2004 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.]

~~NFPA 72, 07, National Fire Alarm Code, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 704-07, Identification of the Hazards of Materials for Emergency Response, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

CGA C-6 – 2001, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Eighth Edition, Compressed Gas Association, 1725 Jefferson Davis Highway, 5th Floor, Arlington, VA 22202-4102.

[NFPA 70–08, National Electrical Code, 2008 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

NFPA 72–07, National Fire Alarm Code, 2007 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

NFPA 1123–06, Code for Fireworks Display, 2006 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

NFPA 1126–06, Standard for the Use of Pyrotechnics Before a Proximate Audience, 2006 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

UL 1037–99, Standard for Antitheft Alarms and Devices, Fifth Edition, February 24, 1999, Underwriters Laboratories, Inc., Northbrook, IL 60062.

UL 1278–00, Standard for Movable and Wall- or Ceiling-Hung Electric Room Heaters, Third Edition, June 21, 2000, Underwriters Laboratories, Inc., Northbrook, IL 60062.]

VA.R. Doc. No. R09-1893; Filed September 2, 2010, 3:42 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4006 A 12 of the Code of Virginia, which excludes regulations adopted by the Board of Housing and Community Development pursuant to the Uniform Statewide Building Code (§ 36-97 et seq. of the Code of Virginia) provided the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (iii) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations.

Additionally, the board is claiming an exclusion from the Administrative Process Act pursuant to § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Housing and Community Development will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **13VAC5-63. Virginia Uniform Statewide Building Code (amending 13VAC5-63-10, 13VAC5-63-20, 13VAC5-63-30, 13VAC5-63-40, 13VAC5-63-50, 13VAC5-63-60, 13VAC5-63-70, 13VAC5-63-80,**

13VAC5-63-150, 13VAC5-63-160, 13VAC5-63-190, 13VAC5-63-200, 13VAC5-63-210, 13VAC5-63-220, 13VAC5-63-230, 13VAC5-63-240, 13VAC5-63-245, 13VAC5-63-250, 13VAC5-63-267, 13VAC5-63-280, 13VAC5-63-290, 13VAC5-63-300, 13VAC5-63-310, 13VAC5-63-320, 13VAC5-63-330, 13VAC5-63-350, 13VAC5-63-360, 13VAC5-63-400, 13VAC5-63-434, 13VAC5-63-440, 13VAC5-63-450, 13VAC5-63-480, 13VAC5-63-490, 13VAC5-63-500, 13VAC5-63-520, 13VAC5-63-530, 13VAC5-63-540; adding 13VAC5-63-264, 13VAC5-63-365; repealing 13VAC5-63-335, 13VAC5-63-436, 13VAC5-63-437).

Statutory Authority: § 36-98 of the Code of Virginia.

Effective Date: January 3, 2011.

Agency Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Main Street Center, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dohcd.virginia.gov.

Summary:

The Virginia Uniform Statewide Building Code (USBC) governs the construction, maintenance, and rehabilitation of new and existing building and structures. The USBC uses nationally recognized model building codes and standards produced by the International Code Council and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newest editions of the model codes into the regulation.

The changes comprising the final regulation are divided into two categories: (i) those changes necessary to match changes in state law where no agency discretion is involved under the exemption in § 2.2-4006 A 4 a of the Code of Virginia, and (ii) those changes based upon proposals or public comment received by the board during the public comment period after the publishing of the proposed regulation. The changes comprising the final regulation are described below:

Changes under the exemption in § 2.2-4006 A 4 a of the Code of Virginia to match changes in state law where no agency discretion is involved.

13VAC5-63-70 D: Chapter 66 of the 2010 Acts of Assembly clarifies that the fee levy collected by local building departments is for all permits issued under the USBC. To implement the legislation, the term building before the term permit was stricken in the final regulation.

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13VAC5-63-80 E: Chapter 341 of the 2010 Acts of Assembly clarifies that a mechanics lien agent may be added or changed after a building permit under the USBC is issued. The final regulation adds a note to the permit provision of the USBC to reference the legislation.

13VAC5-63-190 E and 13VAC5-63-500 E: Chapter 63 of the 2010 Acts of Assembly permits any person aggrieved by a decision of the local building department to appeal to a local board of appeals. The final regulation correlates this legislative change with the appeal provisions of Parts I and III of the USBC.

13VAC5-63-220 N: Chapter 296 of the 2010 Acts of Assembly addresses temporary family health care structures, which are subject to this regulation and the Virginia Industrialized Building Safety Regulations (13VAC5-91). The legislation states that placing the structures on a permanent foundation is not required or permitted. The final regulation adds consistent language to the site work section of the regulation to correlate with the legislative language.

Changes under the exemption in § 2.2-4006 A 12 of the Code of Virginia based on proposals or public comment received.

13VAC5-63-20 D 1: Clarifies that exempt wiring and equipment may be on either right-of-ways or private property as long as the provider has rights of occupancy and entry.

13VAC5-63-20 D 2: Clarifies that while manufacturing and processing machines are exempt from the regulation, any hazardous materials associated with the machines are not exempt.

13VAC5-63-20 D 7: Clarifies that while work on federal property is generally exempt from the regulation, underground storage tank installations are required by federal law to comply.

13VAC5-63-30 C and 13VAC5-63-200 A: Adds a definition of change of occupancy in 13VAC5-63-200 A and correlates the use of the new definition in 13VAC5-63-30 C to require that any change in the purpose or level of activity in a building which results in a change in the application of the regulation is subject to the applicable requirements.

13VAC5-63-30 K 6: Includes the International Residential Code (IRC) in the list of model codes where testing requirements and requirements for the submittal of plans are used as part of the requirements of the regulation.

13VAC5-63-80 B 2: Limits the accessory building permit exemption to only one story buildings while expanding the square footage from 150 to 200 and clarifies that the

exemption does not apply to factory uses with combustible materials or to hazardous uses.

13VAC5-63-80 10: Clarifies the permit exemption for replacement windows which are of a similar size and operation.

13VAC5-63-160 F: Adds language addressing the issuance of a certificate of occupancy for an existing building from the records of the local building department.

13VAC5-63-200 A, 13VAC5-63-220 P, 13VAC5-63-350 Z, and 13VAC5-63-520 S: Adds definitions and requirements for aboveground liquid fertilizer storage tanks with a capacity of 100,000 gallons or more to prevent spills and structural collapse.

13VAC5-63-200 B: Adds a definition of ambulatory health care facility to limit the application of the regulation to only those facilities licensed by the Department of Health as outpatient surgical hospitals.

13VAC5-63-210 C, D, E, G, and H: Rewords the classification requirements for hospice and assisted living facilities and requires new small assisted living facilities to provide a sprinkler system if caring for over five persons not capable of exiting on their own and requires that such residents be located on the ground floor of the facility. Retains the existing requirements for group homes.

13VAC5-63-210 M 3-6, 40, 41, 43, 46-52, 54, and 55: Replaces the existing requirements for wall bracing for wind loads in new single family homes, duplexes, and townhouses with requirements which have been approved for the 2012 edition of the International Residential Code (IRC), including a simplified method of wall bracing for homes of average size and configuration.

13VAC5-63-210 M 7 and 13VAC5-63-230 B and C: Clarifies that decks and open porches close to property lines in single family homes, duplexes, and townhouses constructed under the IRC and the International Building Code (IBC) do not have to have a fire-resistance rating.

13VAC5-63-210 M 8 and 9: Adds sprinkler incentives which permit the reduction of ratings for exterior walls and the common wall between townhouse units when all of the dwellings in a development are sprinklered.

13VAC5-63-210 M 15: Permits the use of a new standard for residential sprinkler systems.

13VAC5-63-210 M 21: Deletes a requirement in the IRC for the central station monitoring of a household fire alarm system serving as the smoke detection system for a house, while requiring the system to otherwise meet all requirements for smoke detectors.

13VAC5-63-210 M 22 and 23: Deletes requirements in the IRC which could be read as requiring the upgrading of existing buildings.

13VAC5-63-210 M 24: Clarifies that carbon monoxide detectors may be plug in, battery powered, or hard wired.

13VAC5-63-210 M 34, 35, and 63 and 13VAC5-63-320 B and C 1 and C 3-6: Adds references for the use of an appendix in both the IRC and the International Plumbing Code (IPC) for gray water and rain water recycling systems. In addition, reclaimed water systems are addressed in the IPC.

13VAC5-63-210 M 36 and 37: Adds a requirement for a fire extinguisher to be provided in all new houses in the kitchen area.

13VAC5-63-210 M 38: Clarifies a requirements in the IRC for drainage on the outside of houses to only include those areas which may affect the foundation of the house.

13VAC5-63-210 M 42: Clarifies the crawl space requirements in the IRC to provide for an inspection gap for termites when a conditioned crawlspace uses insulation on the walls.

13VAC5-63-210 M 56 and 13VAC5-63-264(1): Deletes a requirement in both the IRC energy provisions and the International Energy Conservation Code (IECC) for a energy certificate to be posted on the electrical panel board.

13VAC5-63-210 M 57-59 and 13VAC5-63-264(2-4): Changes the requirement for duct testing in the IRC and the IECC to permit an inspection option as well as a testing option.

13VAC5-63-210 M 68: Deletes a new requirement in the 2009 IRC for wires in a crawlspace to have to be fastened on running boards to maintain the requirements of the 2006 IRC.

13VAC5-63-210 M 69: Deletes a new requirement in the 2009 IRC for most circuits in a house to have arc-fault protection to maintain the requirements of the 2006 IRC for just bedroom circuits to have arc-fault protection.

13VAC5-63-220 A: Deletes a requirement in the IBC for emergency communication equipment in high-rise buildings as it referenced the International Fire Code instead of Section 915 of the IBC, where the emergency communication equipment requirements of this regulation are located.

13VAC5-63-220 D-G and 13VAC5-63-245 M, Q, and U: Updates the requirements of the IBC for stages and platforms to match what will be in the 2012 edition of the IBC.

13VAC5-63-220 M: Clarifies that the skirting requirements for manufactured homes have to meet both the requirements set out in this regulation and in the federal standards.

13VAC5-63-240 E and F: Retains the square footage threshold for when sprinklers are required in educational and mercantile occupancies to that required under the 2006 IBC rather than using lowered thresholds in the 2009 IBC.

13VAC5-63-240 L: Changes the requirements for fire extinguishers to remove an exception in the IBC for the omission of extinguishers in certain new occupancies when quick-response sprinklers are used.

13VAC5-63-240 O and 13VAC5-63-520 L: Adds requirements for carbon monoxide detectors to be installed in new residential buildings and provides criteria for the detectors to comply with.

13VAC5-63-240 Q: Retains the minimum size for a fire command center in a high-rise building to that specified in the 2006 IBC but adds a provision permitting the building official, after consultation with the fire official, to increase the size if necessary.

13VAC5-63-240 S, T, and U: Clarifies the existing requirements for emergency communication equipment to assure only those buildings with construction characteristics which would block communication signals are required to install components necessary for adequate transmission.

13VAC5-63-245 B: Retains the allowance in the 2006 IBC for a reduction in egress width based on the presence of a sprinkler system rather than using the 2009 IBC language which deleted the allowance.

13VAC5-63-245 C, D, and E: Clarifies the existing requirements for accessible exterior areas of rescue assistance using text which has been approved at the national level for the 2012 IBC.

13VAC5-63-245 S: Adds an allowance for the reduction of corridor widths in Group I-2 (nursing homes, hospitals, etc.) in areas where only wheelchairs, walkers, or gurneys are used by persons otherwise capable of exiting.

13VAC5-63-245 V: Adds a requirement that stairways in new four-story or taller buildings be marked with a letter designation.

13VAC5-63-245 W: Changes the requirements in the 2009 IBC for providing illuminating strips along the bottom of stairways in all high-rise buildings to only requiring them in super high-rise buildings (those over 420 feet tall).

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13VAC5-63-250 B: Clarifies the exemption in the proposed regulations from accessibility for raised areas for ceremonies in churches to include lowered areas and to require that the areas be located within an accessible story or mezzanine.

13VAC5-63-290 B: Adds an exception for footing requirements for small accessory buildings located adjacent to commercial buildings to match the footing exception already in the regulation for small accessory buildings adjacent to residential buildings.

13VAC5-63-310 D 1 and 2: Adds a provision and new table to the International Mechanical Code (IMC) to permit ventilation air rates in areas where intermittent smoking takes place to be less than that required for smoking lounges, but greater than in areas where no smoking is permitted.

13VAC5-63-310 D 4: Clarifies the refrigerant port cap locking provision to permit the omission of the locking cap if the area containing the refrigeration equipment is secure.

13VAC5-63-330 B: Provides a reference to the Virginia Statewide Fire Prevention Code (13VAC5-51) for requirements for the standardization of fire service elevator keys.

13VAC5-63-335: Deletes amendments to the IBC to require the use of specialized swimming pool standards in deference to requirements in the IBC itself. The specialized standards were determined to cover many aspects of pool design outside of the scope of the regulation.

13VAC5-63-365: Incorporates additional requirements for accessibility for persons with disabilities contained in an appendix in the IBC as part of the regulation.

13VAC5-63-490 F: Adds a new provision to authorize the enforcing agency to take action to evacuate an unsafe building if necessary, similar to the current provisions for buildings determined to be unfit for human occupancy.

13VAC5-63-520 G, K and M: Removes provisions from the International Property Maintenance Code that fall outside of the scope of the regulation.

Part I Construction

13VAC5-63-10. Chapter 1 Administration; Section 101 General.

A. Section 101.1 Short title. The Virginia Uniform Statewide Building Code, Part I, Construction, may be cited as the Virginia Construction Code. The term "USBC" shall mean the Virginia Construction Code unless the context in which the term is used clearly indicates it to be an

abbreviation for the entire Virginia Uniform Statewide Building Code or for a different part of the Virginia Uniform Statewide Building Code.

[Note: This code is also known as the 2009 edition of the USBC due to the use of the 2009 editions of the model codes.]

B. Section 101.2 Incorporation by reference. Chapters 2 - 35 of the ~~2006~~ 2009 International Building Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the USBC. The term "IBC" means the ~~2006~~ 2009 International Building Code, published by the International Code Council, Inc. Any codes and standards referenced in the IBC are also considered to be part of the incorporation by reference, except that such codes and standards are used only to the prescribed extent of each such reference. In addition, any provisions of the appendices of the IBC specifically identified to be part of the USBC are also considered to be part of the incorporation by reference.

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

~~2006~~ 2009 International Plumbing Code

~~2006~~ 2009 International Mechanical Code

~~2005~~ 2008 [~~National Electrical Code~~ NFPA 70]

~~2006~~ 2009 International Fuel Gas Code

~~2006~~ 2009 International Energy Conservation Code

~~2006~~ 2009 International Residential Code

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

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

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

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

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

F. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supersede any conflicting provisions of Chapters 2 - 35 of the IBC and any conflicting provisions of the codes and standards referenced in the IBC. In addition, the state amendments to the IBC supersede any conflicting provisions of Chapters 2 - 35 of the IBC and any conflicting provisions of the codes and standards referenced in the IBC. Further, the provisions of Chapters 2 - 35 of the IBC supersede any conflicting provisions of the codes and standards referenced in the IBC.

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

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

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

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

13VAC5-63-20. Section 102 Purpose and scope.

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

B. Section 102.2 Scope. This section establishes the scope of the USBC in accordance with § 36-98 of the Code of Virginia. The USBC shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. This code also shall supersede the provisions of local ordinances applicable to single-family residential construction that (i) regulate dwelling foundations or crawl spaces, (ii) require the use of specific building materials or finishes in construction, or (iii) require minimum surface area or numbers of windows; however, this code shall not supersede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, conditions imposed upon a clustering of single-family homes and preservation of open space development through standards, conditions, and criteria established by a locality pursuant to subdivision 8 of § 15.2-2242 of the Code of Virginia or subdivision A 12 of § 15.2-2286 of the Code of Virginia, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to § 15.2-2306 of the Code of Virginia, or local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.

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

C. Section 102.2.1 Invalidity of provisions. To the extent that any provisions of this code are in conflict with Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia or in

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conflict with the scope of the USBC, those provisions are considered to be invalid to the extent of such conflict.

D. Section 102.3 Exemptions. The following are exempt from this code:

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

2. Manufacturing and processing machines [that do not produce or process hazardous materials regulated by this code], including all of the following service equipment associated with the manufacturing or processing machines.

2.1. Electrical equipment connected after the last disconnecting means.

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

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

[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.]

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

4. 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.

5. 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 ~~424~~ 424.

6. 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 § 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (§ 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.

7. 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.]

13VAC5-63-30. Section 103 Application of code.

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

B. Section 103.2 When applicable to new construction. Construction for which a permit application is submitted to the local building department after ~~May 1, 2008~~, [insert the effective date] [~~of the 2009 edition of the code~~] shall comply with the provisions of this code, except for permit applications submitted during a one-year period after ~~May 1, 2008~~ [insert the effective date] [~~of the 2009 edition of the code~~]. The applicant for a permit during such one-year period shall be permitted to choose whether to comply with the provisions of this code or the provisions of the [edition of the] code in effect immediately prior to ~~May 1, 2008~~ [insert effective date] ~~the 2009 edition~~]. This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments. In addition, when a permit has been properly issued under a previous edition of this code, this code shall not require changes to the approved construction documents, design or construction of such a building or structure, provided the permit has not been suspended or revoked.

C. Section 103.3 Change of occupancy. No change [of occupancy] shall be made in [~~the existing occupancy classification of~~] any structure when the current USBC requires a greater degree of accessibility, structural strength, fire protection, means of egress, ventilation or sanitation. When such a greater degree is required, the owner or the owner's agent shall make written application to the local building department for a new certificate of occupancy and shall obtain the new certificate of occupancy prior to the [new] use of the structure [~~under the new occupancy classification~~]. When impractical to achieve compliance with this code for the new occupancy classification, the building official shall consider modifications upon application and as provided for in Section 106.3.

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

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

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

E. Section 103.5 Reconstruction, alteration or repair. The following criteria is applicable to reconstruction, alteration or repair of buildings or structures:

1. Any reconstruction, alteration or repair shall not adversely affect the performance of the building or structure, or cause the building or structure to become unsafe or lower existing levels of health and safety.
2. Parts of the building or structure not being reconstructed, altered or repaired shall not be required to comply with the requirements of this code applicable to newly constructed buildings or structures.
3. The installation of material or equipment, or both, that is neither required nor prohibited shall only be required to comply with the provisions of this code relating to the safe installation of such material or equipment.
4. Material or equipment, or both, may be replaced in the same location with material or equipment of a similar kind or capacity.

Exceptions:

1. This section shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.
2. Reconstructed decks, balconies, porches and similar structures located 30 inches (762 mm) or more above grade shall meet the current code provisions for structural loading capacity, connections and structural attachment. This requirement excludes the configuration and height of handrails and guardrails.

F. Section 103.6. Use of rehabilitation code. Compliance with Part II of the Virginia Uniform Statewide Building Code, also known as the "Virginia Rehabilitation Code," shall be an acceptable alternative to compliance with this code for the rehabilitation of such existing buildings and structures within the scope of that code. For the purposes of this section, the term "rehabilitation" shall be as defined in the Virginia Rehabilitation Code.

G. Section 103.7. Retrofit requirements. The local building department shall enforce the provisions of Section ~~3411~~ 3413, which require certain existing buildings to be retrofitted with fire protection systems and other safety equipment. Retroactive fire protection system requirements contained in the International Fire Code shall not be applicable unless required for compliance with the provisions of Section ~~3411~~ 3413.

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

I. Section 103.8.1 Reduction in function or discontinuance of nonrequired fire protection systems. When a nonrequired fire protection system is to be reduced in function or discontinued, it shall be done in such a manner so as not to create a false sense of protection. Generally, in such cases, any features visible from interior areas shall be removed, such as sprinkler heads, smoke detectors or alarm panels or devices, but any wiring or piping hidden within the construction of the building may remain. Approval of the proposed method of reduction or discontinuance shall be obtained from the building official.

J. Section 103.9 Equipment changes. Upon the replacement or new installation of any fuel-burning appliances or equipment in existing buildings, an inspection or inspections shall be conducted to ensure that the connected vent or chimney systems comply with the following:

1. Vent or chimney systems are sized in accordance with either the International Residential Code, the International Mechanical Code or the International Fuel Gas Code, depending on which is applicable based on the fuel source and the occupancy classification of the structure.
2. Vent or chimney systems are clean, free of any obstruction or blockages, defects or deterioration and are in operable condition.

Where not inspected by the local building department, persons performing such changes or installations shall certify to the building official that the requirements of Items 1 and 2 of this section are met.

K. Section 103.10 Use of certain provisions of referenced codes. The following provisions of the IBC and of other indicated codes or standards are to be considered valid provisions of this code. Where any such provisions have been

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modified by the state amendments to the IBC, then the modified provisions apply.

1. Special inspection requirements in Chapters 2 - 35.
2. Chapter 34, Existing Structures, except that Section ~~3410~~ 3412, Compliance Alternatives, shall not be used to comply with the retrofit requirements identified in Section 103.7 and shall not be construed to permit noncompliance with any applicable flood load or flood-resistant construction requirements of this code.
3. Testing requirements and requirements for the submittal of construction documents in any of the ICC codes referenced in Chapter 35 [and in the IRC].
4. Section R301.2 of the International Residential Code authorizing localities to determine climatic and geographic design criteria.
5. Flood load or flood-resistant construction requirements in the IBC or the International Residential Code, including, but not limited to, any such provisions pertaining to flood elevation certificates that are located in Chapter 1 of those codes. Any required flood elevation certificate pursuant to such provisions shall be prepared by a land surveyor licensed in Virginia or an RDP.

[6. Section R101.2 of the IRC.]

L. Section 103.11 Functional design. The following criteria for functional design is in accordance with § 36-98 of the Code of Virginia. The USBC shall not supersede the regulations of other state agencies that require and govern the functional design and operation of building related activities not covered by the USBC, including but not limited to (i) public water supply systems, (ii) waste water treatment and disposal systems, (iii) solid waste facilities, nor shall state agencies be prohibited from requiring, pursuant to other state law, that buildings and equipment be maintained in accordance with provisions of this code. In addition, as established by this code, the building official may refuse to issue a permit until the applicant has supplied certificates of functional design approval from the appropriate state agency or agencies. For purposes of coordination, the locality may require reports to the building official by other departments or agencies indicating compliance with their regulations applicable to the functional design of a building or structure as a condition for issuance of a building permit or certificate of occupancy. Such reports shall be based upon review of the plans or inspection of the project as determined by the locality. All enforcement of these conditions shall not be the responsibility of the building official, but rather the agency imposing the condition.

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

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

N. Section 103.13 State buildings and structures. This section establishes the application of the USBC to state-owned buildings and structures in accordance with § 36-98.1 of the Code of Virginia. The USBC shall be applicable to all state-owned buildings and structures, with the exception that §§ 2.2-1159, 2.2-1160 and 2.2-1161 of the Code of Virginia shall provide the standards for ready access to and use of state-owned buildings by the physically handicapped.

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

Acting through the Division of Engineering and Buildings, the Virginia Department of General Services shall function as the building official for state-owned buildings. The department shall review and approve plans and specifications, grant modifications, and establish such rules and regulations as may be necessary to implement this section. It shall provide for the inspection of state-owned buildings and enforcement of the USBC and standards for access by the physically handicapped by delegating inspection and USBC enforcement duties to the State Fire Marshal's Office, to other appropriate state agencies having needed expertise, and to local building departments, all of which shall provide such assistance within a reasonable time and in the manner requested. State agencies and institutions occupying buildings shall pay to the local building department the same fees as would be paid by a private citizen for the services rendered when such services are requested by the department. The department may alter or overrule any decision of the local building department after having first considered the local building department's report or other rationale given for its decision. When altering or overruling any decision of a local building department, the department shall provide the local building department with a written summary of its reasons for doing so.

Notwithstanding any provision of this code to the contrary, roadway tunnels and bridges owned by the Virginia Department of Transportation shall be exempt from this code. The Virginia Department of General Services shall not have

jurisdiction over such roadway tunnels, bridges and other limited access highways; provided, however, that the Department of General Services shall have jurisdiction over any occupied buildings within any Department of Transportation rights-of-way that are subject to this code.

Except as provided in § 23-38.109 D of the Code of Virginia, and notwithstanding any provision of this code to the contrary, at the request of a public institution of higher education, the Virginia Department of General Services, as further set forth in this provision, shall authorize that institution of higher education to contract with a building official of the locality in which the construction is taking place to perform any inspection and certifications required for the purpose of complying with this code. The department shall publish administrative procedures that shall be followed in contracting with a building official of the locality. The authority granted to a public institution of higher education under this provision to contract with a building official of the locality shall be subject to the institution meeting the conditions prescribed in § 23-38.88 B of the Code of Virginia.

Note: In accordance with § 36-98.1 of the Code of Virginia, roadway tunnels and bridges shall be designed, constructed and operated to comply with fire safety standards based on nationally recognized model codes and standards to be developed by the Virginia Department of Transportation in consultation with the State Fire Marshal and approved by the Virginia Commonwealth Transportation Board. Emergency response planning and activities related to the standards approved by the Commonwealth Transportation Board shall be developed by the Department of Transportation and coordinated with the appropriate local officials and emergency service providers. On an annual basis, the Department of Transportation shall provide a report on the maintenance and operability of installed fire protection and detection systems in roadway tunnels and bridges to the State Fire Marshal.

O. Section 103.13.1 Certification of state enforcement personnel. State enforcement personnel shall comply with the applicable requirements of Section 105 for certification, periodic maintenance training, and continuing education.

[13VAC5-63-40. Section 104 Enforcement, generally.

A. Section 104.1 Scope of enforcement. This section establishes the requirements for enforcement of the USBC in accordance with § 36-105 of the Code of Virginia. Enforcement of the provisions of the USBC for construction and rehabilitation shall be the responsibility of the local building department. Whenever a county or municipality does not have such a building department, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such enforcement. For the purposes of this section, towns with a

population of less than 3,500 may elect to administer and enforce the USBC; however, where the town does not elect to administer and enforce the code, the county in which the town is situated shall administer and enforce the code for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the USBC for that portion of the town ~~that is~~ situated within their respective boundaries.

Upon a finding by the local building department, following a complaint by a tenant of a residential rental unit that is the subject of such complaint, that there may be a violation of the unsafe structures provisions of Part III of the Virginia Uniform Statewide Building Code, also known as the "Virginia Maintenance Code," the local building department shall enforce such provisions.

If the local building department receives a complaint that a violation of the Virginia Maintenance Code exists that is an immediate and imminent threat to the health or safety of the owner or tenant of a residential dwelling unit or a nearby residential dwelling unit, and the owner or tenant of the residential dwelling unit that is the subject of the complaint has refused to allow the local building official or his agent to have access to the subject dwelling, the local building official or his agent may present sworn testimony to a court of competent jurisdiction and request that the court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject dwelling for the purpose of determining whether violations of the Virginia Maintenance Code exist. The local building official or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

The local governing body shall inspect and enforce the provisions of the Virginia Maintenance Code for elevators except for elevators in single and two-family homes and townhouses. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

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

C. 104.3 Transfer of ownership. If the local building department has initiated an enforcement action against the owner of a building or structure and such owner subsequently transfers the ownership of the building or structure to an entity in which the owner holds an ownership interest greater than 50%, the pending enforcement action shall continue to be enforced against the owner.]

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13VAC5-63-50. Section 105 Local building department.

A. Section 105.1 Appointment of building official. Every local building department shall have a building official as the executive official in charge of the department. The building official shall be appointed in a manner selected by the local governing body. After permanent appointment, the building official shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority. DHCD shall be notified by the appointing authority within 30 days of the appointment or release of a permanent or acting building official.

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

B. Section 105.1.1 Qualifications of building official. The building official shall have at least five years of building experience as a licensed professional engineer or architect, building, fire or trade inspector, contractor, housing inspector or superintendent of building, fire or trade construction or at least five years of building experience after obtaining a degree in architecture or engineering, with at least three years in responsible charge of work. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The building official shall have general knowledge of sound engineering practice in respect to the design and construction of structures, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants and the public. The local governing body may establish additional qualification requirements.

C. Section 105.1.2 Certification of building official. An acting or permanent building official shall be certified as a building official in accordance with the VCS within one year after being appointed as acting or permanent building official.

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

D. Section 105.1.3 Noncertified building official. Except for a building official exempt from certification under the exception to Section 105.1.2, any acting or permanent building official who is not certified as a building official in accordance with the VCS shall attend the core module of the Virginia Building Code Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in Section 105.1.2.

E. Section 105.1.4 Continuing Requirements for periodic maintenance and continuing education requirements. Building

~~officials shall attend 16 hours every two years of continuing education and periodic maintenance training courses approved or required as designated by DHCD. Additional In addition to the periodic maintenance training required above, building officials shall attend 16 hours of continuing education hours shall not be required if more than one every two years as approved by DHCD. If a building official possesses more than one BHCD certificate is held, the 16 hours shall satisfy the continuing education requirement for all BHCD certificates.~~

F. Section 105.2 Technical assistants. The building official, subject to any limitations imposed by the locality, shall be permitted to utilize technical assistants to assist the building official in the enforcement of the USBC. DHCD shall be notified by the building official within 60 days of the employment of, contracting with or termination of all technical assistants.

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

G. Section 105.2.1 Qualifications of technical assistants. A technical assistant shall have at least three years of experience and general knowledge in at least one of the following areas: building construction; building, fire or housing inspections; plumbing, electrical or mechanical trades; or fire protection, elevator or property maintenance work. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The locality may establish additional qualification requirements.

H. Section 105.2.2 Certification of technical assistants. A technical assistant shall be certified in the appropriate subject area within 18 months after becoming a technical assistant. When required by local policy to have two or more certifications, a technical assistant shall obtain the additional certifications within three years from the date of such requirement.

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

I. Section 105.2.3 Continuing Requirements for periodic maintenance and continuing education requirements. ~~Technical assistants shall attend 16 hours every two years of continuing education and periodic maintenance training courses approved or required as designated by DHCD. Additional In addition to the periodic maintenance training required above, technical assistants shall attend 16 hours of continuing education hours shall not be required if more than one every two years as approved by DHCD. If a technical assistant possesses more than one BHCD certificate is held, the 16 hours shall satisfy the continuing education requirement for all BHCD certificates.~~

J. Section 105.3 Conflict of interest. The standards of conduct for building officials and technical assistants shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

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

13VAC5-63-60. Section 106 Powers and duties of the building official.

A. Section 106.1 Powers and duties, generally. The building official shall enforce this code as set out herein and as interpreted by the State Review Board.

B. Section 106.2 Delegation of authority. The building official may delegate powers and duties except where such authority is limited by the local government. However, such limitations of authority by the local government are not applicable to the third-party inspector policy required by Section 113.7.1 nor shall such limitations of authority by the local government have the effect of altering the provisions of this code or creating building regulations. When such delegations are made, the building official shall be responsible for assuring that they are carried out in accordance with the provisions of this code.

C. Section 106.3 Issuance of modifications. Upon written application by an owner or an owner's agent, the building official may approve a modification of any provision of the USBC provided the spirit and functional intent of the code are observed and public health, welfare and safety are assured. The decision of the building official concerning a modification shall be made in writing and the application for a modification and the decision of the building official concerning such modification shall be retained in the permanent records of the local building department.

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

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

E. Section 106.3.2 Use of performance code. Compliance with the provisions of a nationally recognized performance code when approved as a modification shall be considered to

constitute compliance with this code. All documents submitted as part of such consideration shall be retained in the permanent records of the local building department.

13VAC5-63-70. Section 107 Fees.

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

B. Section 107.1.1 Fee schedule. The local governing body shall establish a fee schedule incorporating unit rates, which may be based on square footage, cubic footage, estimated cost of construction or other appropriate criteria. A permit or any amendments to an existing permit shall not be issued until the designated fees have been paid, except that the building official may authorize the delayed payment of fees.

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

D. Section 107.2 Code academy fee levy. In accordance with subdivision 7 of § 36-137 of the Code of Virginia, the local building department shall collect a ~~4.75%~~ 2.0% levy of fees charged for [building] permits issued under this code and transmit it quarterly to DHCD to support training programs of the Virginia Building Code Academy. ~~The foregoing levy shall remain effective until July 1, 2009, after which time the fee levy shall be increased to 2.0%.~~ Localities that maintain individual or regional training academies accredited by DHCD shall retain such levy.

[13VAC5-63-80. Section 108 Application for permit.

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

1. Construction or demolition of a building or structure.
- Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire

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protection system, mechanical systems, or fuel supply systems, or (viii) any equipment regulated by the USBC.

2. For change of occupancy, application for a permit shall be made when a new certificate of occupancy is required under Section 103.3.

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

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

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

1. Installation of wiring and equipment that (i) operates at less than 50 volts, (ii) is for network powered broadband communications systems, or (iii) is exempt under Section 102.3(1), except when any such installations are located in a plenum, penetrate fire rated or smoke protected construction or are a component of any of the following:

- 1.1. Fire alarm system.
- 1.2. Fire detection system.
- 1.3. Fire suppression system.
- 1.4. Smoke control system.
- 1.5. Fire protection supervisory system.
- 1.6. Elevator fire safety control system.
- 1.7. Access or egress control system or delayed egress locking or latching system.
- 1.8. Fire damper.
- 1.9. Door control system.

2. ~~Detached~~ One story detached accessory structures used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed ~~150~~ 200 square feet (~~14 m²~~) (18 m²) and the structures are not ~~accessory to~~ classified as a Group ~~F~~ F-1 or H occupancy.

3. Detached prefabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet (14 m²).

4. Tents or air-supported structures, or both, that cover an area of 900 square feet (84 m²) or less, including within

that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures have an occupant load of 50 or less persons.

5. Fences and privacy walls not part of a building, structure or of the barrier for a swimming pool, provided such fences and privacy walls do not exceed six feet in height above the finished grade. Ornamental post caps shall not be considered to contribute to the height of the fence or privacy wall and shall be permitted to extend above the six feet height measurement.

6. Retaining walls supporting less than two feet of unbalanced fill. This exemption shall not apply to any wall impounding Class I, II or III-A liquids or supporting a surcharge other than ordinary unbalanced fill.

7. Swimming pools that have a surface area not greater than 150 square feet (13.95 m²), do not exceed 5,000 gallons (19 000 L) and are less than 24 inches (610 mm) deep.

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

9. Replacement of above-ground existing LP-gas containers of the same capacity in the same location and associated regulators when installed by the serving gas supplier.

10. Ordinary repairs that include the following:

10.1. Replacement of windows and doors with windows and doors of similar operation and opening dimensions that do not require changes to the existing framed opening and that are not required to be fire rated in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5.

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

10.3. Replacement of general use snap switches, dimmer and control switches, 125 volt-15 or 20 ampere receptacles, luminaries (lighting fixtures) and ceiling (paddle) fans in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5.

10.4. Replacement of mechanical appliances provided such equipment is not fueled by gas or oil in Group R-2 where serving a single family dwelling and in Groups R-3, R-4 and R-5.

10.5. Replacement of an unlimited amount of roof covering or siding in Groups R-3, R-4 or R-5 provided the building or structure is not in an area where the design (3 second gust) wind speed is greater than 100 miles per hour (160 km/hr) and replacement of 100 square feet (9.29 m²) or less of roof covering in all groups and all wind zones.

10.6. Replacement of 100 square feet (9.29 m²) or less of roof decking in Groups R-3, R-4 or R-5 unless the decking to be replaced was required at the time or original construction to be fire-retardant-treated or protected in some other way to form a fire-rated wall termination.

10.7. Installation or replacement of floor finishes in all occupancies.

10.8. Replacement of Class C interior wall or ceiling finishes installed in Groups A, E and I and replacement of all classes of interior wall or ceiling finishes in other groups.

10.9. Installation of replacement cabinetry or trim.

10.10. Application of paint or wallpaper.

10.11. Other repair work deemed by the building official to be minor and ordinary which does not adversely affect public health or general safety.

Exception: Application for a permit may be required by the building official for the installation of replacement siding, roofing and windows in buildings within a historic district designated by a locality pursuant to § 15.2-2306 of the Code of Virginia.

C. Section 108.3 Applicant information, processing by mail. Application for a permit shall be made by the owner or lessee of the relevant property or the agent of either or by the RDP, contractor or subcontractor associated with the work or any of their agents. The full name and address of the owner, lessee and applicant shall be provided in the application. If the owner or lessee is a corporate body, when and to the extent determined necessary by the building official, the full name and address of the responsible officers shall also be provided.

A permit application may be submitted by mail and such permit applications shall be processed by mail, unless the permit applicant voluntarily chooses otherwise. In no case shall an applicant be required to appear in person.

The building official may accept applications for a permit through electronic submissions provided the information required by this section is obtained.

D. Section 108.4 Prerequisites to obtaining permit. In accordance with § 54.1-1111 of the Code of Virginia, any person applying to the building department for the construction, removal or improvement of any structure shall furnish prior to the issuance of the permit either (i) satisfactory proof to the building official that he is duly licensed or certified under the terms or Chapter 11 (§ 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same or (ii) file a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Chapter 11 of Title 54.1 of the Code of Virginia. The

applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

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

Note: In accordance with § 43-4.01A of the Code of Virginia, a permit may be amended after it has been initially issued to name a mechanics' lien agent or a new mechanics' lien agent.

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

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

H. Section 108.8 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been pursued in good faith or a permit has been issued, except that the building official is authorized to grant one or more extensions of time if a justifiable cause is demonstrated.]

13VAC5-63-150. Section 115 Violations.

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

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

B. Section 115.2 Notice of violation. The building official shall issue a written notice of violation to the responsible party if any violations of this code or any directives or orders of the building official have not been corrected or complied with in a reasonable time. The notice shall reference the code section upon which the notice is based and direct the discontinuance and abatement of the violation or the compliance with such directive or order. The notice shall be issued by either delivering a copy to the responsible party by mail to the last known address or delivering the notice in person or by leaving it in the possession of any person in charge of the premises, or by posting the notice in a conspicuous place if the person in charge of the premises cannot be found. The notice of violation shall indicate the right of appeal by referencing the appeals section. When the owner of the building or structure, or the permit holder for the construction in question, or the tenants of such building or structure, are not the responsible party to whom the notice of violation is issued, then a copy of the notice shall also be delivered to the such owner, permit holder or tenants.

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

D. Section 115.3 Further action when violation not corrected. If the responsible party has not complied with the notice of violation, the building official shall submit a written request to the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved. In cases where the locality so authorizes, the building official may issue or obtain a summons or warrant. Compliance with a notice of violation notwithstanding, the building official may request legal proceedings be instituted for prosecution when a person, firm or corporation is served with three or more notices of violation within one calendar year for failure to obtain a required construction permit prior to commencement of work subject to this code.

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

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

F. Section 115.5 Transfer of ownership. In accordance with § 36-105 of the Code of Virginia, if the local building department has initiated an enforcement action against the owner of a building or structure and such owner subsequently transfers the ownership of the building or structure to an entity in which the owner holds an ownership interest greater than 50%, the pending enforcement action shall continue to be enforced against the owner.

[13VAC5-63-160. Section 116 Certificates of occupancy.

A. Section 116.1 General; when to be issued. A certificate of occupancy indicating completion of the work for which a permit was issued shall be obtained prior to the occupancy of any building or structure, except as provided for in this section generally and as specifically provided for in Section 113.8 for additions or alterations. The certificate shall be issued after completion of the final inspection and when the building or structure is in compliance with this code and any pertinent laws or ordinances, or when otherwise entitled. The building official shall, however, issue a certificate of occupancy within five working days after being requested to do so, provided the building or structure meets all of the requirements for a certificate.

Exception: A certificate of occupancy is not required for an accessory structure as defined in the International Residential Code.

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

C. Section 116.2 Contents of certificate. A certificate of occupancy shall specify the following:

1. The edition of the USBC under which the permit is issued.
2. The group classification and occupancy in accordance with the provisions of Chapter 3.
3. The type of construction as defined in Chapter 6.
4. If an automatic sprinkler system is provided and whether or not such system was required.
5. Any special stipulations and conditions of the building permit and if any modifications were issued under the permit, there shall be a notation on the certificate that modifications were issued.

D. Section 116.3 Suspension or revocation of certificate. A certificate of occupancy may be revoked or suspended whenever the building official discovers that such certificate was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC after the certificate has been issued or when requested by the code official under Section 105.7 of the Virginia Maintenance Code. The revocation or suspension shall be in writing and shall state the necessary corrections or conditions for the certificate to be reissued or reinstated in accordance with Section 116.3.1.

E. Section 116.3.1 Reissuance of reinstatement of certificate of occupancy. When a certificate of occupancy has been revoked or suspended, it shall be reissued or reinstated upon correction of the specific condition or conditions cited as the cause of the revocation or suspension and the revocation or suspension of a certificate of occupancy shall not be used as justification for requiring a building or structure to be subject to a later edition of the code than that under which such building or structure was initially constructed.

F. Section 116.4 Issuance of certificate for ~~existing pre-USBC buildings or structures. Upon written request from the owner or the owner's agent, or as otherwise determined necessary by the building official, a certificate of occupancy shall be issued for an existing building or structure provided~~ When a building or structure was constructed prior to being subject to the initial edition of the USBC and the local building department does not have a certificate of occupancy for the building or structure, the owner or owner's agent may submit a written request for a certificate to be created. The building official, after receipt of the request, shall issue a certificate provided a determination is made that there are no current violations of the Virginia Maintenance Code or the Virginia Statewide Fire Prevention Code (13VAC5-51) and the occupancy classification of the building or structure has not changed. ~~An inspection shall be performed prior to the issuance of the certificate and such~~ Such buildings and structures shall not be prevented from continued use.

Exception: When no certificate exists, but the local building department has records indicating that a certificate did exist, then the building official may either verify in writing that a certificate did exist or issue a certificate based upon the records.]

13VAC5-63-190. Section 119 Appeals.

A. Section 119.1 Establishment of appeals board. In accordance with § 36-105 of the Code of Virginia, there shall be established within each local building department a LBBCA. Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such appeals resulting therefrom. Fees may be levied by the local governing body in order to

defray the cost of such appeals. In addition, as an authorization in this code, separate LBBCA's may be established to hear appeals of different enforcement areas such as electrical, plumbing or mechanical requirements. Each such LBBCA shall comply with the requirements of this section.

B. Section 119.2 Membership of board. The LBBCA shall consist of at least five members appointed by the locality for a specific term of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the locality. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any one-year period. The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary, and receive such training on the code as may be appropriate or necessary from staff of the locality.

C. Section 119.3 Officers and qualifications of members. The LBBCA shall annually select one of its regular members to serve as chairman. When the chairman is not present at an appeal hearing, the members present shall select an acting chairman. The locality or the chief executive officer of the locality shall appoint a secretary to the LBBCA to maintain a detailed record of all proceedings. Members of the LBBCA shall be selected by the locality on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be an RDP, and at least one member should be an experienced property manager. Employees or officials of the locality shall not serve as members of the LBBCA.

D. Section 119.4 Conduct of members. No member shall hear an appeal in which that member has a conflict of interest in accordance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq. of the Code of Virginia). Members shall not discuss the substance of an appeal with any other party or their representatives prior to any hearings.

E. Section 119.5 Right of appeal; filing of appeal application. ~~[The owner of a building or structure, the owner's agent or any other person involved in the design or construction of a building or structure may appeal a decision of the building official concerning the~~ Any person aggrieved by the local building department's] application of the USBC ~~[to such building or structure and may also appeal a or the]~~ refusal ~~[by the building official]~~ to grant a modification to the provisions of the USBC ~~[pertaining to such building or structure may appeal to the LBBCA]~~. The applicant shall

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submit a written request for appeal to the LBBCA within 30 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the building official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

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

F. Section 119.6 Meetings and postponements. The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal. A notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBBCA is not present at a hearing to hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBBCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

G. Section 119.7 Hearings and decision. All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the building official's decision in question shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings. The LBBCA shall have the power to uphold, reverse or modify the decision of the official by a concurring vote of a majority of those present. Decisions of the LBBCA shall be final if no further appeal is made. The decision of the LBBCA shall be by resolution signed by the chairman and retained as part of the record of the appeal. Copies of the resolution shall be sent to all parties by certified mail. In addition, the resolution shall contain the following wording:

"Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, 501 North Second 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150."

H. Section 119.8 Appeals to the State Review Board. After final determination by the LBBCA in an appeal, any person who was a party to the appeal may further appeal to the State Review Board. In accordance with § 36-98.2 of the Code of Virginia for state-owned buildings and structures, appeals by an involved state agency from the decision of the building official for state-owned buildings or structures shall be made directly to the State Review Board. The application for appeal shall be made to the State Review Board within 21 calendar days of the receipt of the decision to be appealed. Failure to submit an application within that time limit shall constitute an acceptance of the building official's decision. For appeals from a LBBCA, a copy of the building official's decision and the resolution of the LBBCA shall be submitted with the application for appeal to the State Review Board. Upon request by the office of the State Review Board, the LBBCA shall submit a copy of all pertinent information from the record of the appeal. In the case of appeals involving state-owned buildings or structures, the involved state agency shall submit a copy of the building official's decision and other relevant information with the application for appeal to the State Review Board. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no further appeal is made.

13VAC5-63-200. Chapter 2 Definitions: Section 202 Definitions.

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

[Aboveground liquid fertilizer storage tank (ALFST). A device that contains an accumulation of liquid fertilizer (i) constructed of nonearthen materials, such as concrete, steel or plastic, that provide structural support; (ii) having a capacity of 100,000 gallons (378 500 L) or greater; and (iii) the volume of which is more than 90% above the surface of the ground. The term does not include any wastewater treatment or wastewater storage tank, utility or industry pollution control equipment.]

Building regulations. Any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions, or other agencies thereof, relating to construction, reconstruction, alteration, conversion, repair, maintenance, or use of structures and buildings and installation of equipment therein. The term does not include zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

[Change of occupancy. A change in the use or occupancy of any building or structure which would place the building or structure in a different division of the same group of

occupancies or in a different group of occupancies; or a change in the purpose or level of activity within a building or structure that involves a change in application of the requirements of this code.]

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

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

DHCD. The Virginia Department of Housing and Community Development.

Emergency communication equipment. See Section 902.1.

Emergency public safety personnel. See Section 902.1.

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

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

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations.

Industrialized building. A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes shall not be considered industrialized buildings for the purpose of this code.

[Hospice facility. See Section 308.3.1.]

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

[Liquid fertilizer. A fluid in which a fertilizer is in true solution. This term does not include anhydrous ammonia or a solution used in pollution control.]

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

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

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

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

Night club. Any building in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing.

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

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

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

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

Technical assistant. Any person employed by or under an extended contract to a local building department or local enforcing agency for enforcing the USBC, including but not limited to inspectors and plans reviewers. For the purpose of this definition, an extended contract shall be a contract with an aggregate term of 18 months or longer.

[Technical production area. See Section 410.2.]

VADR. The Virginia Amusement Device Regulations (13VAC5-31).

VCS. The Virginia Certification Standards (13VAC5-21).

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

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

[Ambulatory health care facility. Buildings or portions thereof that are licensed by the Virginia Department of Health as outpatient surgical hospitals.]

Building. A combination of materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Building" shall not include roadway tunnels and bridges owned by the Virginia Department of Transportation, which shall be governed by construction and design standards approved by the Virginia Commonwealth Transportation Board.

For application of this code, each portion of a building that is completely separated from other portions by fire walls complying with Section ~~705~~ 706 shall be considered as a separate building (see ~~IBC~~ Section 503.1).

~~Canopy. A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration and may be structurally independent or supported by attachment to a building on one end by not less than one stanchion on the outer end.~~

Owner. The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee or lessee in control of a building or structure.

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

Structure. An assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, storage tanks (underground and aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells. The word "structure" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Structure" shall not include roadway tunnels and bridges owned by the Virginia Department of Transportation, which shall be governed by construction and design standards approved by the Virginia Commonwealth Transportation Board.

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

Agricultural_ building.

Existing ~~building~~ structure.

[Fly gallery.

Gridiron.]

13VAC5-63-210. Chapter 3 Use and occupancy classification.

A. Change exception ~~45~~ 13 of Section 307.1 of the IBC to read:

~~45- 13.~~ 13. The storage of black powder, smokeless propellant and small arms primers in Groups M, R-3 and R-5 and special industrial explosive devices in Groups B, F, M and S, provided such storage conforms to the quantity limits and requirements prescribed in the International Fire Code, as amended in Section 307.9.

B. Add Section 307.9 to the IBC to read:

307.9 Amendments. The following changes shall be made to the International Fire Code for the use of Exception ~~45~~ 13 in Section 307.1:

1. Change Section 314.1 of the IFC to read as follows:

314.1 General. Indoor displays constructed within any building or structure shall comply with Sections 314.2 through 314.5.

2. Add new Section 314.5 to the IFC to read as follows:

314.5 Smokeless powder and small arms primers. Vendors shall not store, display or sell smokeless powder or small arms primers during trade shows inside exhibition halls except as follows:

1. The amount of smokeless powder each vender may store is limited to the storage arrangements and storage amounts established in Section 3306.5.2.1.

2. Smokeless powder shall remain in the manufacturer's original sealed container and the container shall remain sealed while inside the building. The repackaging of smokeless powder shall not be performed inside the building. Damaged containers shall not be repackaged inside the building and shall be immediately removed from the building in such manner to avoid spilling any powder.

3. There shall be at least 50 feet separation between vendors and 20 feet from any exit.

4. Small arms primers shall be displayed and stored in the manufacturer's original packaging and in accordance with the requirements of Section 3306.5.2.3.

3. Change Exception 4 and add Exceptions 10 and 11 to Section 3301.1 of the IFC as follows:

4. The possession, storage and use of not more than 15 pounds (6.75 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and any amount of small arms primers for hand loading of small arms ammunition for personal consumption.

10. The display of small arms primers in Group M when in the original manufacturer's packaging.

11. The possession, storage and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or R-5.

4. Change the definition of Smokeless Propellants in Section 3302.1 of the IFC as follows:

SMOKELESS PROPELLANTS. Solid propellants, commonly referred to as smokeless powders, or any propellants classified by DOTn as smokeless propellants in accordance with NA3178 (Smokeless Powder for Small Arms), used in small arms ammunition, firearms, cannons, rockets, propellant-actuated devices and similar articles.

5. Change Section 3306.4 of the IFC to read as follows:

3306.4 Storage in residences. Propellants for personal use in quantities not exceeding 50 pounds (23 kg) of black powder or 100 pounds (45 kg) of smokeless powder shall be stored in original containers in occupancies limited to Group R-3 and R-5 or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or R-5. In other than Group R-3 or R-5, smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) shall be kept in a wooden box or cabinet having walls of at least one inch (25 mm) nominal thickness or equivalent.

6. Delete Sections 3306.4.1 and 3306.4.2 of the IFC.

7. Change Section 3306.5.1.1 of the IFC to read as follows:

3306.5.1.1 Smokeless propellant. No more than 100 pounds (45 kg) of smokeless propellants in containers of eight pounds (3.6 kg) or less capacity shall be displayed in Group M occupancies.

8. Delete Section 3306.5.1.3 of the IFC.

9. Change Section 3306.5.2.1 of the IFC as follows:

3306.5.2.1 Smokeless propellant. Commercial stocks of smokeless propellants shall be stored as follows:

1. Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg) shall be stored in portable wooden boxes having walls of at least one inch (25 mm) nominal thickness or equivalent.

2. Quantities exceeding 100 pounds (45 kg), but not exceeding 800 pounds (363 kg), shall be stored in storage cabinets having walls at least one inch (25 mm) nominal thickness or equivalent. Not more than 400 pounds (182 kg) shall be stored in any one cabinet, and cabinets shall be separated by a distance of at least 25 feet (7620 mm) or by a fire partition having a fire-resistance rating of at least one hour.

3. Storage of quantities exceeding 800 pounds (363 kg), but not exceeding 5,000 pounds (2270 kg) in a building shall comply with all of the following:

3.1. The storage is inaccessible to unauthorized personnel.

3.2. Smokeless propellant shall be stored in nonportable storage cabinets having wood walls at least one inch (25 mm) nominal thickness or equivalent and having shelves with no more than 3 feet (914 mm) of vertical separation between shelves.

3.3. No more than 400 pounds (182 kg) is stored in any one cabinet.

3.4. Cabinets shall be located against walls with at least 40 feet (12 192 mm) between cabinets. The minimum required separation between cabinets may be reduced to 20 feet (6096 mm) provided that barricades twice the height of the cabinets are attached to the wall, midway between each cabinet. The barricades must extend a minimum of 10 feet (3048 mm) outward, be firmly attached to the wall, and be constructed of steel not less than 0.25 inch thick (6.4 mm), 2-inch (51 mm) nominal thickness wood, brick, or concrete block.

3.5. Smokeless propellant shall be separated from materials classified as combustible liquids, flammable liquids, flammable solids, or oxidizing materials by a distance of 25 feet (7620 mm) or by a fire partition having a fire-resistance rating of 1 hour.

3.6. The building shall be equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

4. Smokeless propellants not stored according to Item 1, 2, or 3 above shall be stored in a Type 2 or 4 magazine in accordance with Section 3304 and NFPA 495.

~~D. C.~~ [Change Section 308.2 of the IBC to read:

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308.2 Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living facilities

Congregate care facilities

Group homes

Halfway houses

Residential board and care facilities

Social rehabilitation facilities

Exception: In Group I-1 occupancies, not more than five of the residents may require physical assistance from staff to respond to an emergency situation when all residents that may require the physical assistance reside on a single level of exit discharge.

A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.

D. Change Section 308.3 of the IBC to read:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care for persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

Child care facilities

Convalescent facilities

Detoxification facilities

Hospice facilities

Hospitals

Mental hospitals

Nursing homes

Exception: Hospice facilities occupied by 16 or less occupants, excluding staff, are permitted to be classified as Group R-4.

E. Add the following definition to Section 308.3.1 of the IBC:

Hospice facility. An institution, place, or building owned or operated by a hospice provider and licensed by the

Virginia Department of Health as a hospice facility to provide room, board, and palliative and supportive medical and other health services to terminally ill patients and their families, including respite and symptom management, on a 24-hour basis to individuals requiring such care pursuant to the orders of a physician.

E.] Change Section 308.5.2 of the IBC to read:

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

Exception: A child day care facility that provides care for more than five but no more than 100 children 2-1/2 years or less of age, ~~when~~ where the rooms ~~where such~~ in which the children are cared for are located on ~~the~~ a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

~~E.]~~ D. G.] Change occupancy classifications "R-1" and "R-4" and add new occupancy classification "R-5" to Section 310 of the IBC to read:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses (transient)

Hotels (transient)

Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

Exceptions:

1. Nonproprietor occupied bed and breakfast and other transient boarding facilities not more than three stories above grade plane in height with a maximum of 10 occupants total are permitted to be classified as either Group R-3 or Group R-5 provided that smoke alarms are installed in compliance with Section 907.2.10.1.2 for Group R-3 or Section 313.1 of the International Residential Code for Group R-5.

2. Proprietor occupied bed and breakfast and other transient boarding facilities not more than three stories above grade plane in height, that are also occupied as the residence of the proprietor, with a maximum of five guest room sleeping units provided for the transient occupants are permitted to be classified as either Group R-3 or R-5 provided that smoke alarms are installed in compliance with Section 907.2.10.1.2 for Group R-3 or Section 313.1 of the International Residential Code for Group R-5.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff [and buildings arranged for occupancy as hospice facilities with not more than 16 occupants, excluding staff].

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code, or shall comply with the ~~International Residential Code with the additional requirement to provide~~ IRC provided the building is protected by an automatic sprinkler system installed in accordance with Section 903.2.7.

[~~Exception~~ Exceptions]:

[1.] Group homes licensed by the Virginia Department of ~~Mental Health, Mental Retardation and Substance Abuse~~ Behavioral Health and Developmental Services [~~or the Virginia Department of Social Services~~] that house no more than eight persons with one or more resident counselors shall be classified as Group R-2, R-3, R-4 or R-5. Not more than five of the persons may require physical assistance from staff to respond to an emergency situation.

[2. In Group R-4 occupancies, not more than five of the residents may require physical assistance from staff to respond to an emergency situation when all residents who may require the physical assistance from staff reside on a single level of exit discharge and other than using a ramp, a change of elevation using steps or stairs is not within the path of egress to an exit door.

3. Assisted living facilities licensed by the Virginia Department of Social Services that house no more than eight persons, with one or more resident counselors, and all of the residents are capable of responding to an emergency situation without physical assistance from staff, may be classified as Group R-2, R-3 or R-5.

4. Assisted living facilities licensed by the Virginia Department of Social Services that house no more than eight persons, with one or more resident counselors, may be classified as Group R-5 when in compliance with all of the following:

4.1. The building is protected by an automatic sprinkler system installed in accordance with Section 903.3 or Section P2904 of the IRC.

4.2. Not more than five of the residents may require physical assistance from staff to respond to an emergency situation.

4.3. All residents who may require physical assistance from staff to respond to an emergency situation reside on a single level of exit discharge and other than using a

ramp, a change in elevation using steps or stairs is not within the path of egress to an exit door.

5. Hospice facilities with five or fewer occupants are permitted to comply with the IRC provided the building is protected by an automatic sprinkler system in accordance with IRC Section P2904 or IBC Section 903.3.]

R-5 Residential occupancies in detached one- and two-family dwellings, townhouses and accessory structures within the scope of the International Residential Code, also referred to as the "IRC."

[H. Change the definition of "Residential care/assisted living facilities" in Section 310.2 of the IBC to read:

Residential care/assisted living facilities. Any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision and assistance for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, and provides for the protection, general supervision and oversight of the physical and mental well-being of aged, infirmed or disabled individuals. Residents are capable of self-evacuation.]

~~F.~~ [E. I.] Add Section 310.3 to the IBC to read:

310.3 Group R-5. The construction of Group R-5 structures shall comply with the IRC. The amendments to the IRC set out in Section 310.6 shall be made to the IRC for its use as part of this code. In addition, all references to Section 101.2 in the IBC relating to the construction of such structures subject to the IRC shall be considered to be references to this section.

~~G.~~ [F. J.] Add Section 310.3.1 to the IBC to read:

310.3.1 Additional requirements. Methods of construction, materials, systems, equipment or components for Group R-5 structures not addressed by prescriptive or performance provisions of the IRC shall comply with applicable IBC requirements.

~~H.~~ [G. K.] Add Section 310.4 to the IBC to read:

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

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

~~I.~~ [H. L.] Add Section 310.5 to the IBC to read:

310.5 Radon-resistant construction in Group R-3 and R-4 structures. Group R-3 and R-4 structures shall be subject to the radon-resistant construction requirements in Appendix

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F in localities enforcing such requirements pursuant to Section R325 of the IRC.

2. [~~F. M.~~] Add Section 310.6 to the IBC to read:

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

1. ~~Add the following definitions to Section R202 to read:~~

~~Air impermeable insulation. An insulation having an air permeance equal to or less than 0.02 L/s m² at 75 Pa pressure differential tested according to ASTM E2178 or E283.~~

~~Subsoil drain. A drain that collects subsurface water or seepage water and conveys such water to a place of disposal.~~

2. ~~Change the definition of "Story above grade" in Section R202 to read:~~

~~Story above grade. Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement meets any one of the following:~~

- ~~1. Is more than 6 feet (1829 mm) above the grade plane.~~
- ~~2. Is more than 6 feet (1829 mm) above the finished ground level for more than 50% of the total building perimeter.~~
- ~~3. Is more than 12 feet (3658 mm) above the finished ground level at any point.~~

3. ~~1.~~ Change Section R301.2.1 to read:

R301.2.1 Wind limitations. Buildings and portions thereof shall be limited by wind speed, as defined in [~~Figure Table~~] R301.2(1), and construction methods in accordance with this code. Basic wind speeds shall be determined from [~~Table Figure~~] R301.2(4). Where different construction methods and structural materials are used for various portions of a building, the applicable requirements of this section for each portion shall apply. Where loads for wall coverings, curtain walls, roof coverings, exterior windows, skylights, garage doors and exterior doors are not otherwise specified, the loads listed in Table R301.2(2) adjusted for height and exposure using Table R301.2(3) shall be used to determine design load performance requirements for wall coverings, curtain walls, roof coverings, exterior windows, skylights, garage doors and exterior doors. Asphalt shingles shall be designed for wind speeds in accordance with Section R905.2.6. Wind speeds for localities in special wind regions, near mountainous terrain, and near gorges shall be based on elevation. Areas at 4,000 feet in elevation or higher shall use 110 V mph (48.4 m/s) and areas under 4,000 feet in elevation shall use 90 V mph

(39.6 m/s). Gorge areas shall be based on the highest recorded speed per locality or in accordance with local jurisdiction requirements determined in accordance with Section 6.5.4 of ASCE 7.

4. ~~2.~~ Change Section R301.2.1.1 to read:

R301.2.1.1 Design criteria. Construction in regions where the basic wind speeds from Figure R301.2(4) equal or exceed 110 miles per hour (49 m/s) shall be designed in accordance with one of the following: methods. The elements of design not addressed by those documents in items 1 through 4 shall be in accordance with this code.

1. American Forest and Paper Association (AF&PA) Wood Frame Construction Manual for One- and Two-Family Dwellings (WFCM); or

2. ~~Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD-10)~~ International Code Council (ICC) [Standards Standard] for Residential Construction in High Wind Regions (ICC-600); or

3. Minimum Design Loads for Buildings and Other Structures (ASCE-7); or

4. American Iron and Steel Institute (AISI), Standard for Cold-Formed Steel Framing-Prescriptive Method for One- and Two-Family Dwellings (~~COFS/PM~~) with Supplement to Standard for Cold-Formed Steel Framing-Prescriptive Method for One and Two-Family Dwellings (AISI S230).

5. Concrete construction shall be designed in accordance with the provisions of this code.

6. Structural insulated panel (SIP) walls shall be designed in accordance with the provisions of this code.

5. ~~Change Table R301.7 to read:~~

Table R301.7 Allowable Deflection of Structural Members ^{a,b,c,d}	
Structural Member	Allowable Deflection
Rafters having slopes greater than 3/12 with no finished ceiling attached to rafters	L/180
Interior walls and partitions	H/180
Floors and plastered ceilings	L/360
All other structural members	L/240

Exterior walls with plaster or stucco finish	H/360
Exterior walls wind loads ^a with brittle finishes	H/240
Exterior walls wind loads ^a with flexible finishes	H/120 ^d
Veneer masonry walls	L/600
<p>Note: L = span length, H = span height.</p> <p>^aThe wind load shall be permitted to be taken as 0.7 times the Component and Cladding loads for the purpose of determining deflection limits herein.</p> <p>^bFor cantilever members, L shall be taken as twice the length of the cantilever.</p> <p>^cFor aluminum structural members or panels used in roofs or walls of sunroom additions or patio covers, not supporting edge of glass or sandwich panels, the total load deflection shall not exceed L/60. For sandwich panels used in roofs or walls of sunroom additions or patio covers, the total load deflection shall not exceed L/120.</p> <p>^dDeflection for exterior walls with interior gypsum board finish shall be limited to an allowable deflection of H/180.</p>	

6. Change Section R302.1 to read:

R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1.

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
2. Walls of dwellings and accessory structures located on the same lot.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
4. Detached garages accessory to a dwelling located within two feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding four inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.

3. [Change Section R301.2.2.1.1 to read:

R301.2.2.1.1 Alternate determination of seismic design category. The Seismic Design Categories and

corresponding Short Period Design Spectral Response Accelerations, S_{DS} shown in Figure R301.2(2) are based on soil Site Class D, as defined in Section 1613.5.2 of the International Building Code. If soil conditions are other than Site Class D, the Short Period Design Spectral Response Accelerations, S_{DS} , for a site can be determined according to Section 1613.5 of the International Building Code. The value of S_{DS} determined according to Section 1613.5 of the International Building Code is permitted to be used to set the seismic design category according to Table R301.2.2.1.1, and to interpolate between values in Tables R602.10.3(3), R603.7 and other seismic design requirements of this code.

4. Delete Section R301.2.2.3 and all subsections.

5. Delete Section R301.2.2.4.

6. Change the exception to Item 1 of Section R301.3 to read:

Exception: For wood framed wall buildings with bracing in accordance with Section R602.10, the wall stud clear height used to determine the maximum permitted story height may be increased to 12 feet (3658 mm) without requiring an engineered design for the building wind and seismic force resisting systems.

7. Add Exception 6 to Section R302.1 to read:

6. Decks and open porches.

8. Change the last column and add footnote "a" to Table R302.1 as shown:

Minimum Fire Separation Distance
<5 feet ^a
≥5 feet ^a
>2 feet to 5 feet ^a
5 feet ^a
<3 feet
3 feet
5 feet ^a
<5 feet ^a
5 feet ^a

^aThe minimum fire separation distance shall be reduced to three feet in developments which are fully sprinklered as provided for in Sections R313.1 or R313.2.

9.] Change the exception in Section R302.2 to require a common two-hour fire-resistance-rated wall instead of a one-hour fire-resistance-rated wall [, unless the townhouse development is fully sprinklered as provided for in Section

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R313.1, in which case a common one-hour fire-resistive-rated wall shall be permitted between townhouses].

[4. 10.] Add the following sentence to the end of Section R302.3 to read:

Dwelling unit separation wall assemblies that are constructed on a lot line shall be constructed as required in Section R302.2 for townhouses.

~~7.~~ [~~5. 11.~~] Add an exception to Section R303.8 to read:

Exception: Seasonal structures not used as a primary residence for more than 90 days per year, unless rented, leased or let on terms expressed or implied to furnish heat, shall not be required to comply with this section.

~~8.~~ [~~6. 12.~~] Add Section R303.8.1 to read:

R303.8.1 Nonowner occupied required heating. Every dwelling unit or portion thereof which is to be rented, leased or let on terms either expressed or implied to furnish heat to the occupants thereof shall be provided with facilities in accordance with Section R303.8 during the period from October 15 to May 1.

~~9.~~ [~~7. 13.~~] Add Section R303.9 to read:

R303.9 Insect screens. Every door, window and other outside opening required for ventilation purposes shall be supplied with approved tightly fitted screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device.

~~10.~~ [~~8. 14.~~] Add Section R306.5 to read:

R306.5 Water supply sources and sewage disposal systems. The water and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public or private water supply and a public or private sewer system. As provided for in Section 103.11 for functional design, water supply sources and sewage disposal systems are regulated and approved by the Virginia Department of Health and the Virginia Department of Environmental Quality.

Note: See also the Memorandums of Agreement in the "Related Laws Package," which is available from the Virginia Department of Housing and Community Development.

~~11.~~ [~~9. 15.~~] Change Section R310.1 to read:

R310.1 Emergency escape and rescue required. Basements and each sleeping room designated on the construction documents shall have at least one openable emergency escape and rescue opening. Such opening shall be directly to the exterior of the building or to a deck, screen porch or egress court, all of which shall provide access to a public street, public alley or yard. Where emergency escape and rescue openings are

provided, they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside, except that tilt-out or removable sash designed windows shall be permitted to be used. Emergency escape and rescue openings with a finished height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

Exceptions:

1. Dwelling units equipped throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, 13R [~~or~~] 13D [or Section P2904].
2. Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).

~~12.~~ [~~10. 16.~~] Change Section R310.1.1 to read:

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

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

~~13.~~ [~~11. 17.~~] Change Section ~~R311.5.3.1~~ R311.7.4.1 to read:

~~R311.5.3.1~~ R311.7.4.1 Riser height. The maximum riser height shall be 8-1/4 inches (210 mm). The riser shall be measured vertically between the leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

~~14.~~ [~~12. 18.~~] Change Section ~~R311.5.3.2~~ R311.7.4.2 to read:

~~R311.5.3.2~~ R311.7.4.2 Tread depth. The minimum tread depth shall be 9 inches (229 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth. Winder treads shall have a minimum tread depth of 10

inches (254 mm) measured ~~as above at a point 12 inches (305 mm) from the side where the treads are narrower between the vertical planes of the foremost projection of adjacent treads at the intersection with the walkline.~~ Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of ~~the stair.~~ Within any flight of stairs, the ~~greatest largest~~ winder tread depth at the ~~12-inch (305 mm) walk line walkline~~ shall not exceed the smallest ~~winder tread~~ by more than 3/8 inch (9.5 mm).

15. [~~13- 19.~~] Change Section ~~R311.5.5~~ R311.7.6 to read:

~~R311.5.5~~ R311.7.6 Stairway walking surface. The walking surface of treads and landings of stairways shall be level or sloped no steeper than one unit vertical in 48 inches horizontal (two-percent slope).

16. Change Section R317.1 to read:

~~R317.1 Two family dwellings. Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than a 1-hour fire resistance rating when tested in accordance with ASTM E119. Fire resistance rated floor ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to and be tight against the underside of the roof sheathing. Dwelling unit separation wall assemblies, which are constructed on a lot line, shall be constructed as required in Section R317.1 for townhouses.~~

Exceptions:

~~1. A fire resistance rating of 1/2 hour shall be permitted in buildings located entirely on the same lot and equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13.~~

~~2. For two family dwellings located on the same lot, wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8 inch (15.9 mm) Type X gypsum board and an attic draft stop constructed as specified in Section R502.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than 1/2 inch (12.7 mm) gypsum board or equivalent.~~

[~~14- 20.~~] Replace Section R313 with the following:

Section R313.

Automatic Fire Sprinkler Systems.

R313.1 Townhouse automatic fire sprinkler systems. Notwithstanding the requirements of Section 103.8, where installed, an automatic residential fire sprinkler system for townhouses shall be designed and installed in accordance with NFPA 13D or Section P2904.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.2 One- and two-family dwellings automatic fire sprinkler systems. Notwithstanding the requirements of Section 103.8, where installed, an automatic residential fire sprinkler system shall be designed and installed in accordance with NFPA 13D or Section P2904.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential fire sprinkler system.

[21. Change Section R314.2 to read:

R314.2 Smoke detection systems. Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detector and audible notification device installed as required by this section for smoke alarms, shall be permitted. The household fire alarm system shall provide the same level of smoke detection and alarm as required by this section for smoke alarms. Where a household fire warning system is installed using a combination of smoke detector and audible notification device(s), the system shall become a permanent fixture of the dwelling unit.

Exception: Where smoke alarms are provided meeting the requirements of Section R314.4.

22. Delete Section R314.3.1.

23. Delete Section R315.2.

24. Change Section R315.2 to read:

R315.3 Alarm requirements. Single station carbon monoxide alarms shall be hard wired, plug-in or battery type; listed as complying with UL 2034; and installed in accordance with this code and the manufacturer's installation instructions.]

17. [~~15- 25.~~] Add Section ~~R325~~ R324 Radon-Resistant Construction.

18. [~~16- 26.~~] Add Section ~~R325.1~~ R324.1 to read:

~~R325.1~~ R324.1 Local enforcement of radon requirements. Following official action under Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia by a locality in areas of high radon potential, as indicated by Zone 1 on the U.S. EPA Map of Radon Zones (IRC Figure AF101), such locality shall enforce the provisions contained in Appendix F.

[~~Exemption~~ Exception]: Buildings or portions thereof with crawl space foundations which are ventilated to the

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exterior, shall not be required to provide radon-resistant construction.

19. [~~17. 27.~~] Add Section ~~R326~~ R325 Swimming Pools, Spas and Hot Tubs.

20. [~~18. 28.~~] Add Section ~~R326.1~~ R325.1 to read:

~~R326.1~~ R325.1 Use of Appendix G for swimming pools, spas and hot tubs. In addition to other applicable provisions of this code, swimming pools, spas and hot tubs shall comply with the provisions in Appendix G.

21. [~~19. 29.~~] Add Section ~~R327~~ R326 Patio Covers.

22. [~~20. 30.~~] Add Section ~~R327.1~~ R326.1 to read:

~~R327.1~~ R326.1 Use of Appendix H for patio covers. Patio covers shall comply with the provisions in Appendix H.

23. [~~21. 31.~~] Add Section ~~R328~~ R327 Sound Transmission.

24. [~~22. 32.~~] Add Section ~~R328.1~~ R327.1 to read:

~~R328.1~~ R327.1 Sound transmission between dwelling units. Construction assemblies separating dwelling units shall provide airborne sound insulation as required in Appendix K.

25. [~~23. 33.~~] Add Section ~~R328.2~~ R327.2 to read:

~~R328.2~~ R327.2 Airport noise attenuation. This section applies to the construction of the exterior envelope of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means or egress within airport noise zones when enforced by a locality pursuant to § 15.2-2295 of the Code of Virginia. The exterior envelope of such structures shall comply with Section 1207.4 of the state amendments to the IBC.

26. ~~Change Section R401.4 to read:~~

~~R401.4 Soil tests. Where quantifiable data created by sound soil science methodologies indicate expansive, compressible, shifting or unknown soil characteristics are likely to be present, the building official shall determine whether to require a soil test to determine the soil's characteristics at a particular location. This test shall be made by an approved agency using an approved method.~~

[34. Add Section R328 Gray Water and Rain Water Recycling Systems.

35. Add Section R328.1 to read:

R328.1 Use of Appendix O for gray water and rain water recycling systems. In addition to other applicable provisions of this code, gray water recycling systems and rain water recycling systems shall comply with the provisions in Appendix O. In the use of Appendix O for

rain water recycling systems, the term "rain water" shall be substituted for the term "gray water." Gray water recycling systems and rain water recycling systems shall be separate systems and shall not be interconnected.

36. Add Section R329 Fire Extinguishers.

37. Add Section R329.1 to read:

R329.1 Kitchen areas. Other than where the dwelling is equipped with an approved sprinkler system in accordance with Section R313, a fire extinguisher having a rating of 2-A:10-B:C or an approved equivalent type of fire extinguisher shall be installed in the kitchen area.

38. Change Section R401.3 to read:

R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard to the dwelling unit. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of six inches (152 mm) within the first 10 feet (3048 mm).

Exception: Where lot lines, walls, slopes or other physical barriers prohibit six inches (152 mm) of fall within 10 feet (3048 mm), drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2.0% away from the building.]

27. [~~24. 39.~~] Change Section R403.1 to read:

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

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

1. The building eave height is 10 feet or less.
2. The maximum height from the finished floor level to grade does not exceed 18 inches.
3. The supporting structural elements in direct contact with the ground shall be placed level on firm soil and when such elements are wood they shall be approved pressure preservative treated suitable for ground contact use.
4. The structure is anchored to withstand wind loads as required by this code.

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

28. Change Section R404.1 to read as follows and delete Tables R404.1(1), R404.1(2) and R404.1(3):

~~R404.1 Concrete and masonry foundation walls. Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404 or in accordance with ACI 318, ACI 332, NCMA TR68 A or ACI 530/ASCE 5/TMS 402 or other approved structural standards.~~

29. Change Section R408.1 to read:

~~R408.1 Ventilation. The under floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. The minimum net area of ventilation openings shall not be less than one square foot (0.0929 m²) for each 150 square feet (14 m²) of under floor space area. One such ventilating opening shall be within three feet (914 mm) of each corner of the building.~~

~~Exception: When the exposed earth is covered with a continuous vapor barrier, the minimum net area of ventilation openings shall be not less than one square foot (0.0929 m²) for each 1,500 square feet (139 m²) of under floor space area. Joints of the vapor retarder shall overlap by six inches (152 mm).~~

30. Change Section R408.2 to read:

~~R408.2 Openings for under floor ventilation. Ventilation openings shall be covered for their height and width with any of the following materials provided that the least dimension of the covering shall not exceed 1/4 inch (6.4 mm):~~

- ~~1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.~~
- ~~2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.~~
- ~~3. Cast iron grill or grating.~~
- ~~4. Extruded load bearing brick vents.~~
- ~~5. Hardware cloth of 0.035 inch (0.89 mm) wire or heavier.~~
- ~~6. Corrosion resistant wire mesh, with the least dimension being 1/8 inch (3.2 mm).~~

31. Add Section R502.2.2.1 to read:

~~R502.2.2.1 Deck ledger connection to band joist. For residential applications and a total design load of 50 psf, the connection between a pressure preservative treated southern pine (or approved decay resistant species) deck ledger and a two inch nominal band joist bearing on a sill plate or wall plate shall be constructed with 1/2 inch lag screws or bolts with washers per Table R502.2.2.1.~~

32. Add Table R502.2.2.1 to read:

Table R502.2.2.1 Fastener Spacing for a Residential Southern Pine Deck Ledger and a 2 inch Nominal Solid Sawn Band Joist (50 psf total load) ^e							
Joist Span (ft)	6' and less	6'-1" to 8'	8'-1" to 10'	10'-1" to 12'	12'-1" to 14'	14'-1" to 16'	16'-1" to 18'
On Center Spacing of Fasteners ^{d,e}							
1/2" x 4" Lag Screw ^{a,b}	30	23	18	15	13	11	10
1/2" Bolt with washers	36	36	34	29	24	21	19

^aThe maximum gap between the face of the ledger board and face of the house band joist shall be 1/2 inch.
^bThe tip of the lag screw shall fully extend beyond the inside face of the band joist.
^cLedgers shall be flashed to prevent water from contacting the house band joist.
^dLag screws and bolts shall be staggered as set out in Section R502.2.2.1.1.
^eDeck ledger shall be 2x8 PPT No. 2 Southern Pine (minimum) or other approved method and material as established by standard engineering practice.

33. Add Section R502.2.2.1.1 to read:

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~~R502.2.2.1.1 Placement of lag screws or bolts in residential deck ledgers. The lag screws or bolts shall be placed two inches in from the bottom or top of the deck ledgers and two inches in from the ends. The lag screws or bolts shall be staggered from the top to the bottom along the horizontal run of the deck ledger.~~

[40. Change Exceptions 2 and 3 in Section R403.1.6 to read:

2. Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section.

3. Connection of walls 12 inches (305 mm) total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted.

41. Delete Item 5 of Section R403.1.6.1.

42. Add Section R408.3.1 to read:

R408.3.1 Termite inspection. Where an unvented crawl space is installed and meets the criteria in Section R408, the vertical face of the sill plate shall be clear and unobstructed and an inspection gap shall be provided below the sill plate along the top of any interior foundation wall covering. The gap shall be a minimum of one inch (25.4 mm) and a maximum of two inches (50.8 mm) in width and shall extend throughout all parts of any foundation that is enclosed. Joints between the sill plate and the top of any interior wall covering may be sealed.

Exceptions:

1. In areas not subject to damage by termites as indicated by Table R301.2(1).

2. Where other approved means are provided to inspect for potential damage.

Where pier and curtain foundations are installed as depicted in Figure R404.1.5(1), the inside face of the rim joist and sill plate shall be clear and unobstructed except for construction joints which may be sealed.

Exception: Fiberglass or similar insulation may be installed if easily removable.

43. Change Section R502.2.1 to read:

R502.2.1 Framing at braced wall panels. A load path for lateral forces shall be provided between floor framing and braced wall panels located above or below a floor, as specified in Sections R602.3.5 and R602.10.8.]

34. [~~25. 44.~~] Change Section R506.2.1 to read:

R506.2.1 Fill. Fill material shall be free of vegetation and foreign material and shall be natural nonorganic material that is not susceptible to swelling when exposed to moisture. The fill shall be compacted to assure uniform

support of the slab, and except where approved, the fill depth shall not exceed 24 inches (610 mm) for clean sand or gravel and 8 inches (203 mm) for earth.

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

~~35. [26. 45.]~~ Change Section R506.2.2 to read:

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

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

[46. Modify Table R602.3(1) to change and add items as shown:

<u>7</u>	<u>Built-up studs, face nail</u>	<u>10d (3"x0.128")</u>	<u>24" o.c.</u>
<u>7a</u>	<u>Abutting studs at intersecting wall corners, face nail</u>	<u>16d (3½"x0.135")</u>	<u>12" o.c.</u>
<u>26a</u>	<u>Rim joist or blocking to sill plate, toe nail</u>	<u>8d (2½"x0.113")</u>	<u>6" o.c.</u>

47. Add Section R602.3.5 to read:

R602.3.5 Braced wall panel uplift load path. Braced wall panels located at exterior walls that support roof rafters or trusses (including stories below top story) shall have the framing members connected in accordance with one of the following:

1. Fastening in accordance with Table R602.3(1) where:

1.1. The basic wind speed does not exceed 90 mph (40 m/s), the wind exposure category is B, the roof pitch is 5:12 or greater, and the roof span is 32 feet (9754 mm) or less, or

1.2. The net uplift value at the top of a wall does not exceed 100 plf (146 N/mm). The net uplift value shall be determined in accordance with Section R802.11 and shall be permitted to be reduced by 60 plf (57 N/mm) for each full wall above.

2. Where the net uplift value at the top of a wall exceeds 100 plf (146 N/mm), installing approved uplift framing connectors to provide a continuous load path from the

top of the wall to the foundation or to a point where the uplift force is 100 plf (146 N/mm) or less. The net uplift value shall be as determined in Item 1.2 above.

3. Wall sheathing and fasteners designed in accordance with accepted engineering practice to resist combined uplift and shear forces.

48. Change Section R602.9 to read:

R602.9 Cripple walls. Foundation cripple walls shall be framed of studs not smaller than the studding above. When exceeding four feet (1219 mm) in height, such walls shall be framed of studs having the size required for an additional story.

Cripple walls with a stud height less than 14 inches (356 mm) shall be continuously sheathed on one side with wood structural panels fastened to both the top and bottom plates in accordance with Table R602.3(1), or the cripple walls shall be constructed of solid blocking. Cripple walls shall be supported on continuous foundations.]

36. [~~27~~, 49.] Replace Section R602.10, including all subsections, with the following:

[R602.10 Wall bracing. The use of this section is subject to the following clarification of cross references:

1. In Sections R301.2.2.1.1 and R301.2.2.4.1, delete the references to Table R602.10.1.

2. In Section R301.3, delete the exception to Item 1.

3. References to Table R602.10.1 in all other provisions of the IRC except those in Items 1 and 2 above shall be references to Table R602.10.1.5 of this section.

4. In Section R403.1.6, delete the sentence that reads, "In Seismic Design Categories D₀, D₁ and D₂, anchor bolts

shall be spaced at 6 feet (1829 mm) on center and located within 12 inches (304 mm) of the ends of each plate section at interior braced wall lines when required by Section R602.10.9 to be supported on a continuous foundation." In addition, all references to Figure R602.10.5 in Section R403.1.6 shall be references to Figure R602.10.3.3(1) of this section.

5. Change the reference in Section R502.2.1 from Section R602.10.8 to Section R602.10.5 of this section.

All new buildings, additions and conversions shall be braced in accordance with this section. Where a building, or portion thereof, does not comply with one or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with the International Building Code. For structures in areas where the wind speed from Table R301.2(1) is 110 mph or greater, an engineered design is required.

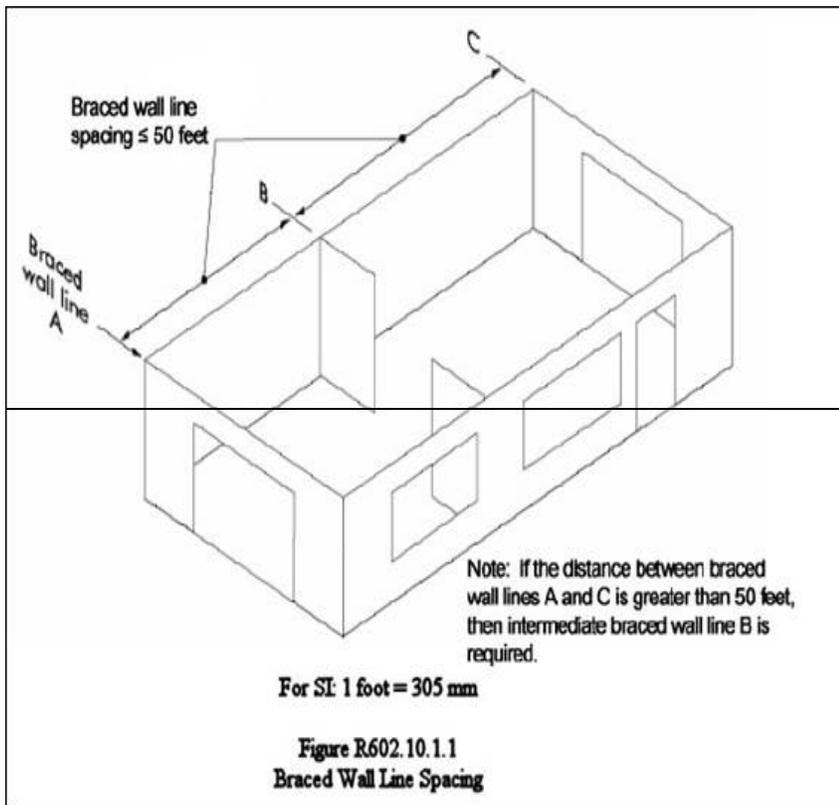
The building official may require the permit applicant to identify and locate on the construction documents bracing methods utilized.

R602.10.1 Braced wall lines. Braced wall lines shall be straight lines through the building plan at each level provided with braced wall panels to resist lateral load. The percentage, location and construction of braced wall panels shall be as specified in this section.

R602.10.1.1 Spacing of braced wall lines. In each story, spacing of parallel braced wall lines shall not exceed 50 feet (15 240 mm) as shown in Figure R602.10.1.1. When braced wall lines exceed a spacing of 50 feet (15 240 mm), intermediate braced wall line(s) shall be provided. Each end of a braced wall line shall intersect perpendicularly with other braced wall lines or their projections.

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[Editor's Note - Figures R602.10.1.1, R602.10.1.3(1), R602.10.1.3(2), R602.10.1.4, R602.10.2.1(1), R602.10.2.1(2), R602.10.3.1, R602.10.3.3(1), R602.10.3.3(2), R602.10.3.3(3), R602.10.3.3(4), R602.10.3.3(5), R602.10.5(1), R602.10.5(2) and R602.10.6 in this section shown below this note are being stricken in the final action.]

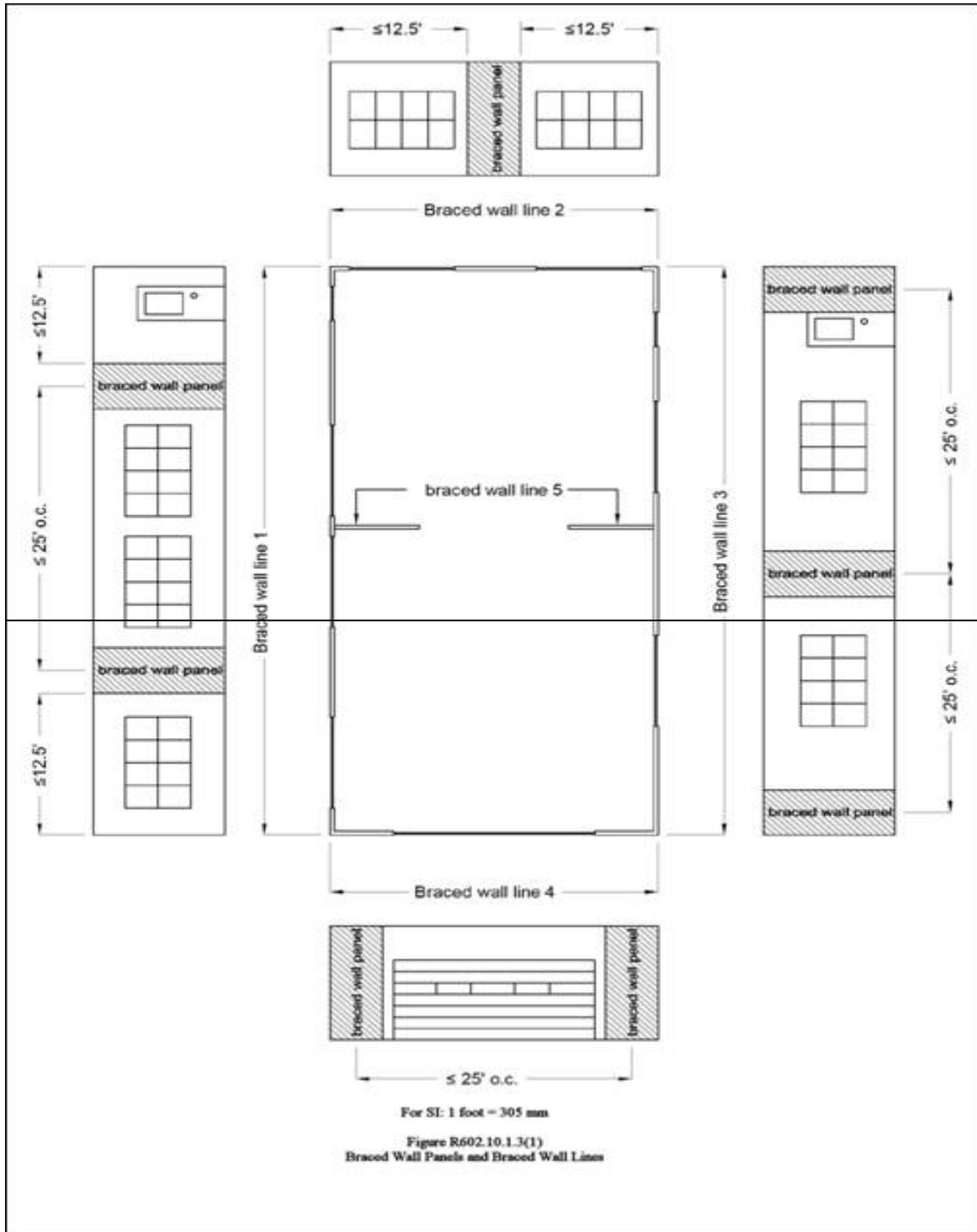


R602.10.1.2 Braced wall panels. Braced wall panels shall be full height sections of wall constructed along a braced wall line to resist lateral loads in accordance with the intermittent bracing methods specified in Section R602.10.2 or the continuous sheathing methods specified in Section R602.10.3. Mixing of bracing methods shall be permitted as follows:

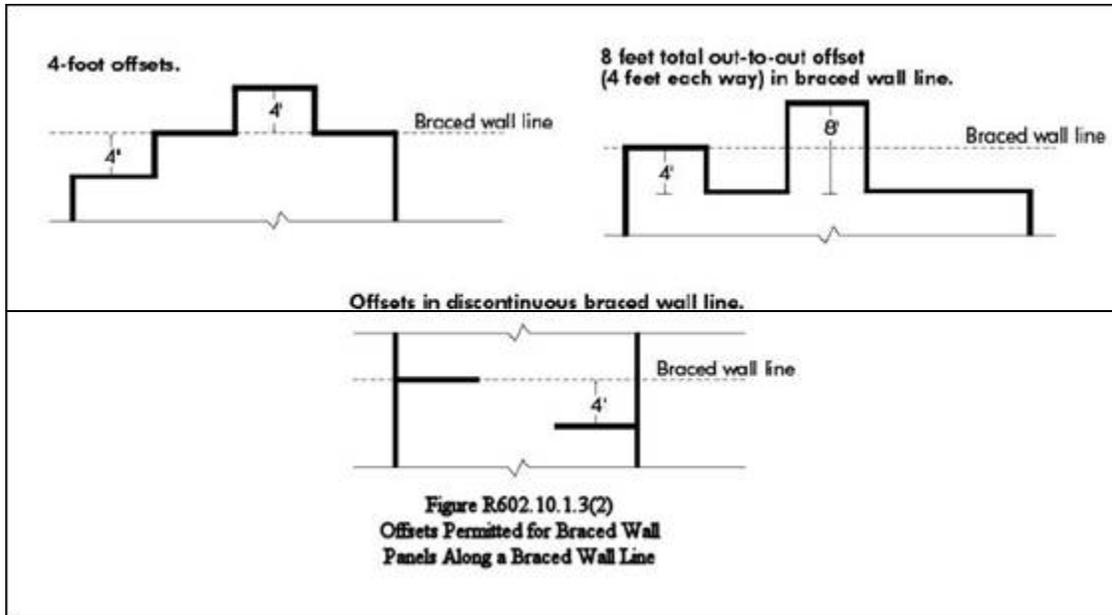
1. Mixing bracing methods from story to story shall be permitted.
2. Mixing bracing methods from braced wall line to braced wall line within a story shall be permitted, except that continuous sheathing methods shall conform to the additional requirements of Section R602.10.3.
3. Mixing intermittent bracing methods along a braced wall line shall be permitted for single family dwellings in Seismic Design Categories A, B and C and townhouses in Seismic Design Categories A and B. The required percentage of bracing for the braced wall line with mixed methods shall use the higher bracing percentage, per Table R602.10.1.5, of all methods used.

R602.10.1.3 Braced wall panel location. Braced wall panels shall be located at least every 25 feet (7620 mm) on center and shall begin no more than 12.5 feet (3810 mm) from each end of a braced wall line or its projection as shown in Figure R602.10.1.3(1) and Figure R602.10.4, but not less than the percentages given in Table R602.10.1.5. Braced wall lines with continuous sheathing shall conform to the additional requirements of Section R602.10.3.3.

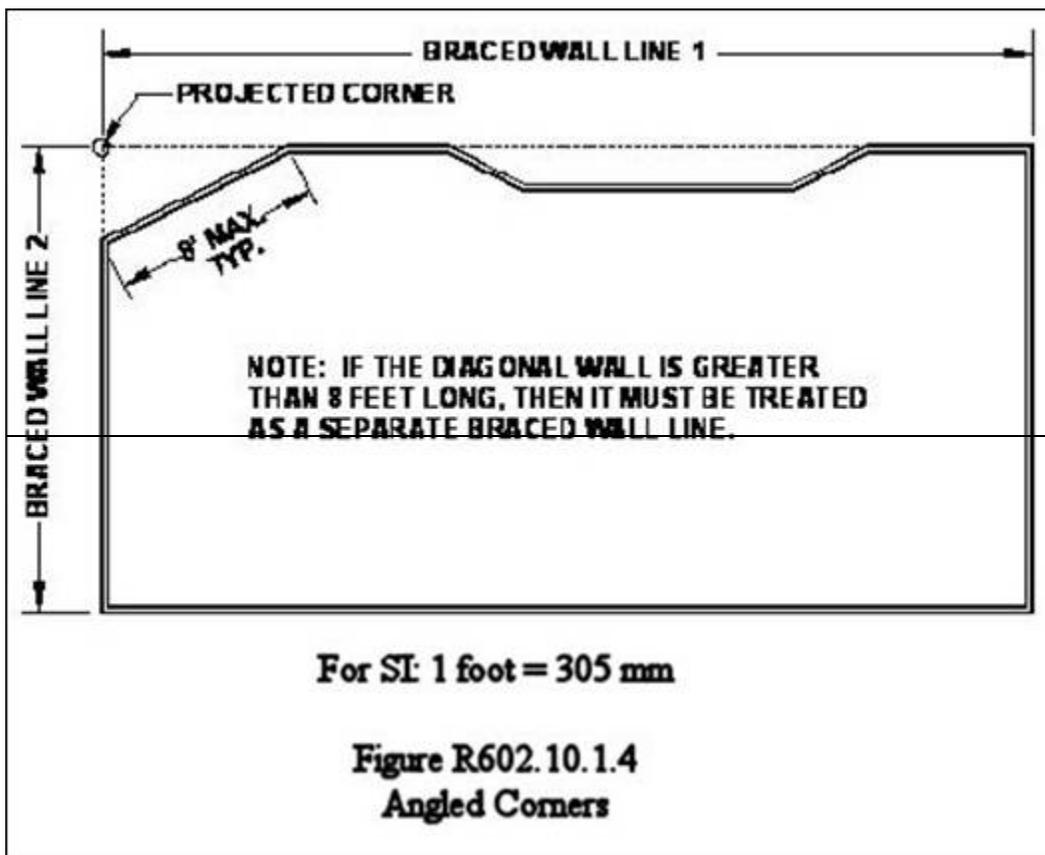
All braced wall panels shall be permitted to be offset out of plane from the designated braced wall line up to 4 feet (1219 mm) provided the total out to out offset in any braced wall line is not more than 8 feet (2438 mm) as shown in Figure R602.10.1.3(2).



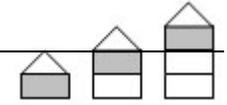
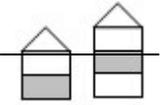
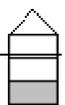
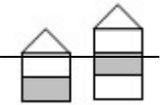
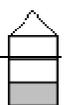
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R602.10.1.4 Angled walls. The walls of a braced wall line shall be permitted to angle out of plane for a maximum diagonal length of 8 feet (2438 mm). Where the angled wall occurs at a corner, the length of the braced wall line shall be measured from the projected corner as shown in Figure R602.10.1.4. Where the diagonal length is greater than 8 feet (2438 mm), it shall be considered its own braced wall line.



R602.10.1.5 Minimum required percentage of bracing. The minimum required percentage of bracing along each braced wall line shall be in accordance with Table R602.10.1.5 and shall be the greater of that required by the Seismic Design Category or the design wind speed.

Table R602.10.1.5 ^{a,b,c} Minimum Required Percentage of Wall Bracing						
Seismic Design Category (SDC) or Wind Speed	Floor		Minimum Required Percentage of Full-height Bracing per Wall Line			
			Braced wall line spacing less than or equal to 35'		Braced wall line spacing greater than 35' and less than or equal to 50'	
			Methods WSP, CS-WSP, CS-G, CS-PF	All other methods ^d	Methods WSP, CS-WSP, CS-G, CS-PF	All other methods ^d
SDC A, B or wind speed ≤ 100 mph		One-story house or top floor of a two- or three-story house.	16%	16%	23%	23%
		First floor of a two-story or second floor of a three-story house.	16%	25%	23%	36%
		First floor of a three-story house.	25%	35%	36%	50%
SDC C or wind speed < 110 mph		One-story house or top floor of a two- or three-story house.	16%	25%	23%	36%
		First floor of a two-story or second floor of a three-story house.	30%	45%	43%	64%
		First floor of a three-story house.	45%	60%	64%	86%

For SI: 1 foot = 305 mm

^aFoundation cripple wall panels shall be braced in accordance with Section R602.10.8.

^bMethods of bracing shall be as described in Sections R602.10.2 and R602.10.3.

^cThe total amount of bracing required for a given braced wall line shall be the product of the minimum required percentage and all the applicable adjustment factors described in Sections R602.10.4, R602.10.7 and R602.10.8.

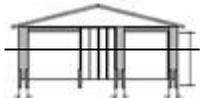
^dFor Method GB, the percentage required shall be doubled for one-sided applications.

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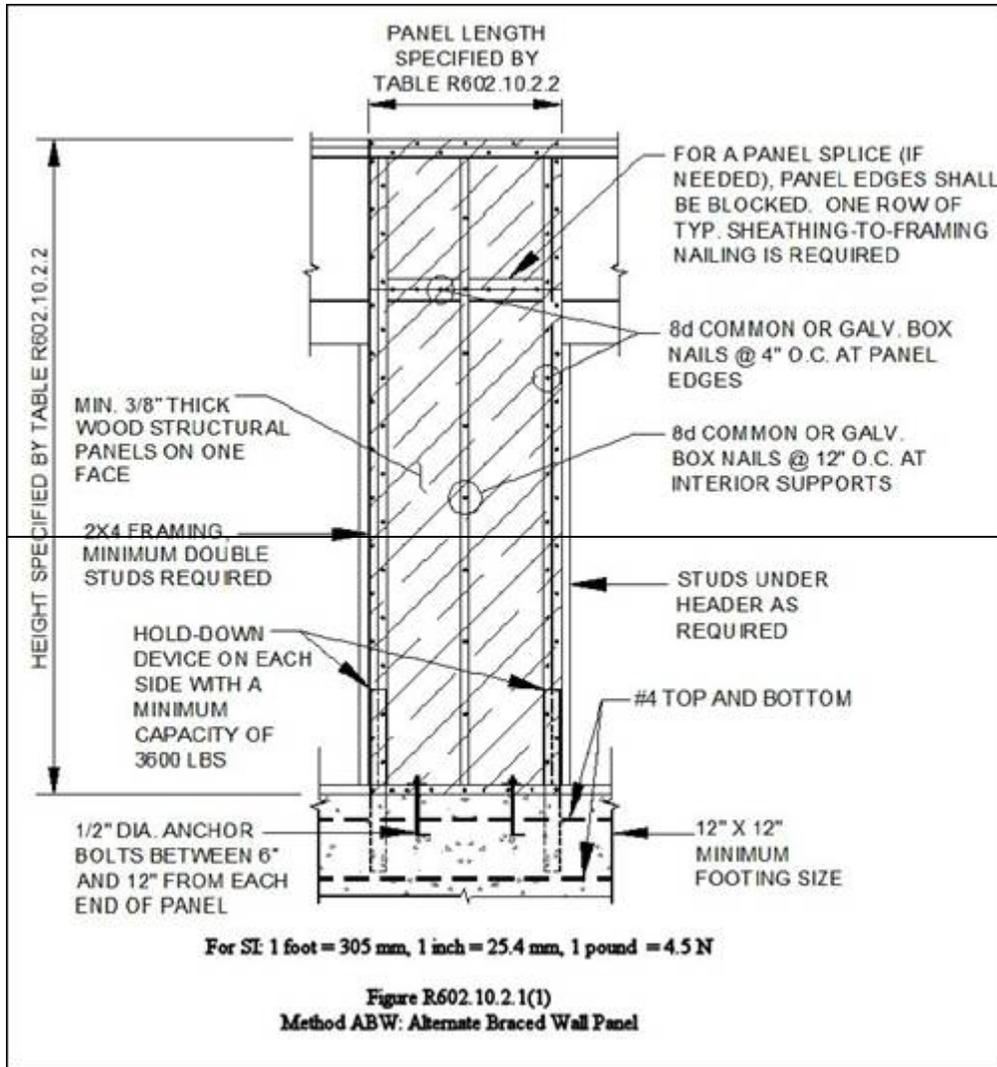
R602.10.2 Intermittent bracing methods. Intermittent braced wall panels shall comply with this section. The location of each panel shall be identified on the construction documents.

R602.10.2.1 Intermittent braced wall panels. Intermittent braced wall panels shall be constructed in accordance with one of the methods listed in Table R602.10.2.1.

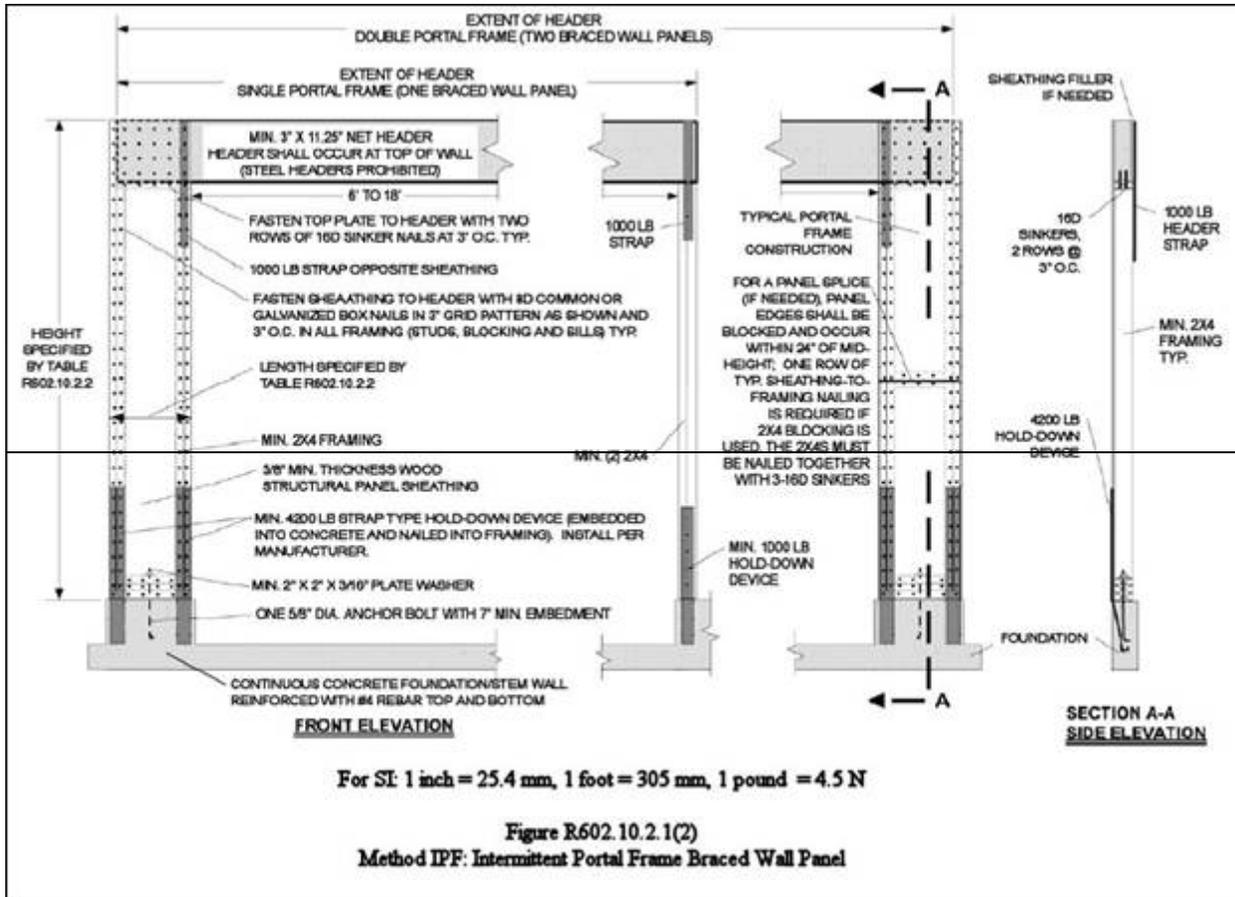
Table R602.10.2.1 Intermittent Bracing Methods				
Method	Material	Minimum Thickness	Figure	Connection Criteria
LIB	Let in bracing	1x4 wood or approved metal straps at 45° to 60° angles		Wood: 2 8d nail per stud Metal: per manufacturer
DWB	Diagonal wood board at 24" spacing	5/8"		2 8d (2 1/2" x 0.113") nails or 2 staples, 1-3/4" per stud
WSP	Wood structural panel	3/8"		6d common (2" x 0.113" nails at 6" spacing (panel edges) and at 12" spacing (intermediate supports) or 16 ga. x 1 3/4" staples: at 3" spacing (panel edges) at 6" spacing (intermediate supports)
SFB	Structural fiberboard sheathing	1/2" or 25/32" for 16" stud spacing only		1-1/2" galvanized roofing nails or 8d common (2 1/2" x 0.113") nails at 3" spacing (panel edges) at 6" spacing (intermediate supports)
GB	Gypsum board	1/2"		Nails at 7" spacing at panel edges including top and bottom plates: for exterior sheathing nail size, see Table R602.3(1); for interior gypsum board nail size, see Table R702.3.5
PBS	Particleboard sheathing	3/8" or 1/2" for 16" stud spacing only		1 1/2" galvanized roofing nails or 8d common (2 1/2" x 0.113") nails at 3" spacing (panel edges) at 6" spacing (intermediate supports)
PCP	Portland cement plaster	See Section R703.6		1 1/2", 11 gage, 7/16" head nails at 16" spacing or 7/16", 16 gage staples at 6" spacing
HPS	Hardboard panel siding	7/16"		0.092" dia., 0.225" head nails with length to accommodate 1-1/2" penetration into studs at 4"
ABW	Alternate braced wall	See Figure R602.10.1(1)		See Figure R602.10.1(1)

IPF	Intermittent portal frame	See Figure R602.10.1(2)		See Figure R602.10.1(2)
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For SI: 1 inch = 25.4 mm, 1 foot = 305 mm



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R602.10.2.2 Minimum length of intermittent braced wall panels. The minimum length of each intermittent braced wall panel shall comply with Table R602.10.2.2. For Methods DWB, WSP, SFB, GB, PBS, PCP and HPS, each panel shall cover at least three studs where studs are spaced 16 inches (406 mm) on center or at least two studs where studs are spaced 24 inches (610 mm) on center. Only those full height braced wall panels complying with the length requirements of Table R602.10.2.2(1) shall be permitted to contribute towards the minimum required percentage of bracing.

Exception: For Methods DWB, WSP, SFB, PBS, PCP and HPS, panel lengths less than the dimensions shown in Table R602.10.2.2 shall be permitted provided the effective lengths in accordance with Table R602.10.2(2) are used in place of actual lengths when determining compliance with the percentage of bracing required by Table R602.10.1.5.

Table R602.10.2.2(1)
Minimum Length of Intermittent Braced Wall Panels^{a,b}

Bracing Method	Floor	Height of Intermittent Braced Wall Panel				
		8'	9'	10'	11'	12'
DWB, WSP, SFB, GB ^c , PBS, PCP, HPS	All	48"	48"	48"	53"	58"
ABW	All	28"	32"	34"	38"	42"
IPF	 One-story house	16"	16"	16"	18"	20"
	 First floor of a two-story house	24"	24"	24"	27"	29"

For SI: 1 foot = 305 mm, 1 inch = 25.4 mm

^aInterpolation shall be permitted.

^bWhen determining compliance with the percentage of bracing required by Table R602.10.1.5, the effective length of Method L1B shall be equivalent to 48" (1219 mm) provided it complies with the Table R602.10.2.1.

^cGypsum board applied to both sides of the braced wall panel; where the gypsum board is applied to one side, the required length shall be doubled.

Table R602.10.2(2)
Effective Lengths for Brace Wall Panels When Determining Percentage of Bracing^a

Actual Length of Braced Wall Panel	Wall Height		
	8'	9'	10'
48"	48"	48"	48"
42"	36"	N/A	N/A
36"	27"	N/A	N/A

For SI: 1 inch = 25.4 mm

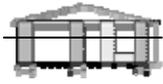
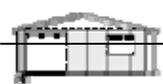
^aInterpolation is permitted.

R602.10.2.3 Adhesive attachment of sheathing in Seismic Design Category C. Adhesive attachment of wall sheathing shall not be permitted in Seismic Design Category C.

R602.10.3 Continuous sheathing methods. Braced wall lines with continuous sheathing constructed in accordance with this section shall be permitted.

R602.10.3.1 Continuous sheathing braced wall panels. Continuous sheathing methods require structural panel sheathing to be used on all sheathable surfaces of a braced wall line including areas above and below openings and gable end walls. Braced wall panels shall be constructed in accordance with one of the methods listed in Table R602.10.3.1.

Table R602.10.3.1
Continuous Sheathing Methods

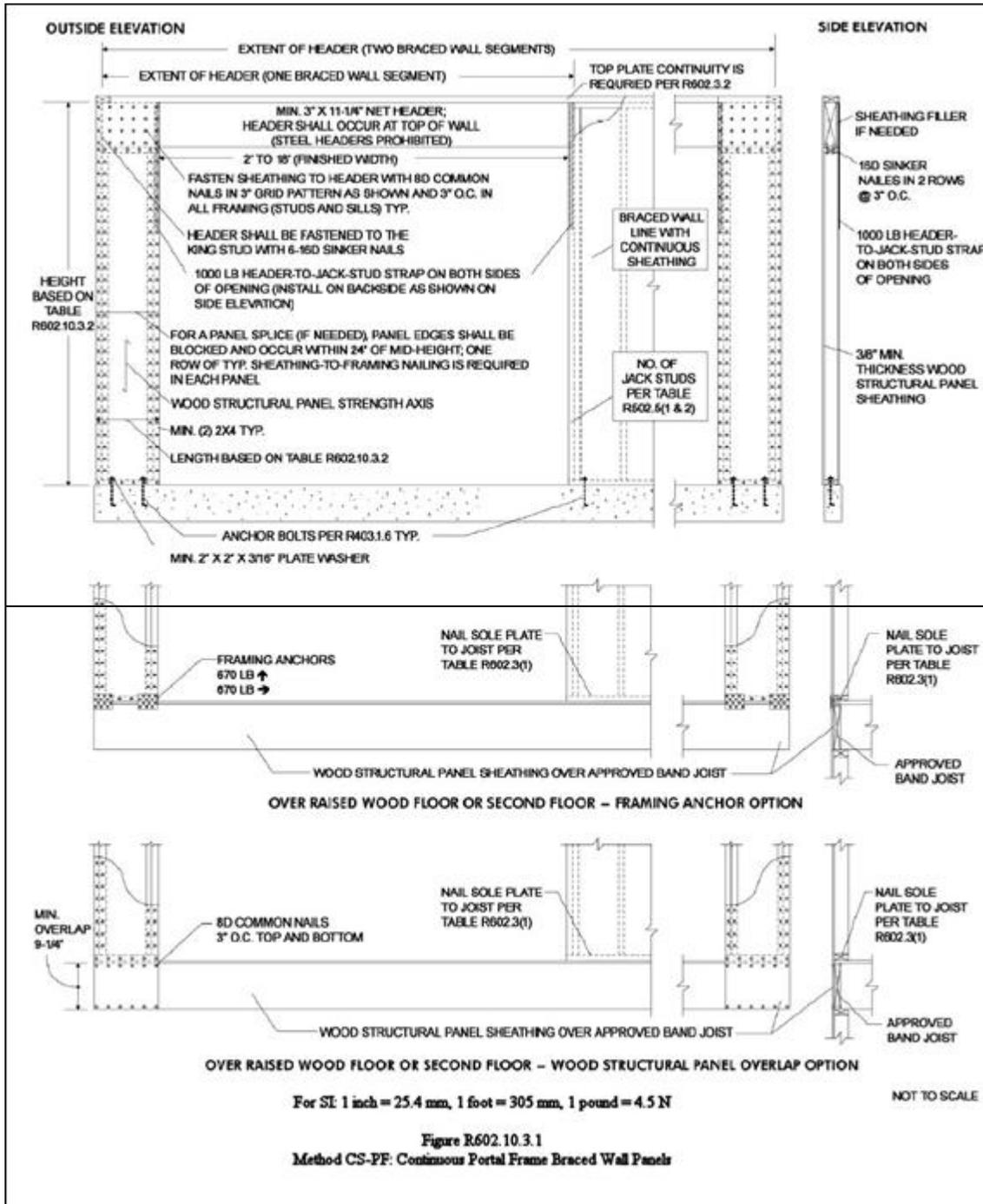
Method	Material	Minimum Thickness	Figure	Connection Criteria
CS-WSP	Wood structural panel	3/8"		6d common (2" x 0.113") nails at 6" spacing (panel edges) and at 12" spacing (intermediate supports) or 16 ga. x 1 3/4" staples: at 3" spacing (panel edges) and 6" spacing (intermediate supports)
CS-G ^a	Wood structural panel supporting roof load only adjacent garage openings	3/8"		See Method CS-WSP
CS-PF ^b	Continuous portal frame	See Figure R602.10.3.1		See Figure R602.10.3.1

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For SI: 1 inch = 25.4 mm

^aApplies to one wall of a garage only.

^bThe number of continuous portal frame panels in a braced wall line shall not exceed four. Continuous portal frame panels shall not be stacked vertically in multi-story buildings.



R602.10.3.2 Length of braced wall panels with continuous sheathing. Braced wall panels along a braced wall line with continuous sheathing shall be full height with a length based on the adjacent clear opening height in accordance with Table R602.10.3.2. Where a panel has an opening on either side of differing heights, the taller opening shall govern when

determining the panel length from Table R602.10.3.2. Only those full height braced wall panels complying with the length requirements of Table R602.10.3.2 shall be permitted to contribute towards the minimum required percentage of bracing per Table R602.10.1.5. For Method CS-PF, wall height shall be measured from the top of the header to the bottom of the bottom plate as shown in Figure R602.10.4.3.1.

Table R602.10.3.2
Length Requirements for Braced Wall Panels In a Braced Wall Line with Continuous Sheathing^a

Method	Adjacent Clear Opening Height	Wall Height				
		8'	9'	10'	11'	12'
CS-WSP	64"	24"	27"	30"	33"	36"
	68"	26"	27"	30"	33"	36"
	72"	28"	27"	30"	33"	36"
	76"	29"	30"	30"	33"	36"
	80"	31"	33"	30"	33"	36"
	84"	35"	36"	33"	36"	36"
	88"	39"	39"	36"	38"	36"
	92"	44"	42"	39"	41"	36"
	96"	48"	45"	42"	43"	39"
	100"	-	48"	45"	47"	42"
	104"	-	51"	48"	48"	44"
	108"	-	54"	51"	51"	47"
	112"	-	-	54"	53"	50"
	116"	-	-	57"	56"	53"
	120"	-	-	60"	58"	55"
	124"	-	-	-	61"	58"
	128"	-	-	-	63"	61"
	132"	-	-	-	66"	64"
	136"	-	-	-	-	66"
140"	-	-	-	-	69"	
144"	-	-	-	-	72"	
CS-G	≤120"	-	-	-	-	36"
CS-PF	≤120"	-	-	-	-	24"

For SI: 1 inch = 25.4 mm, 1 foot = 305 mm
^aInterpolation is permitted.

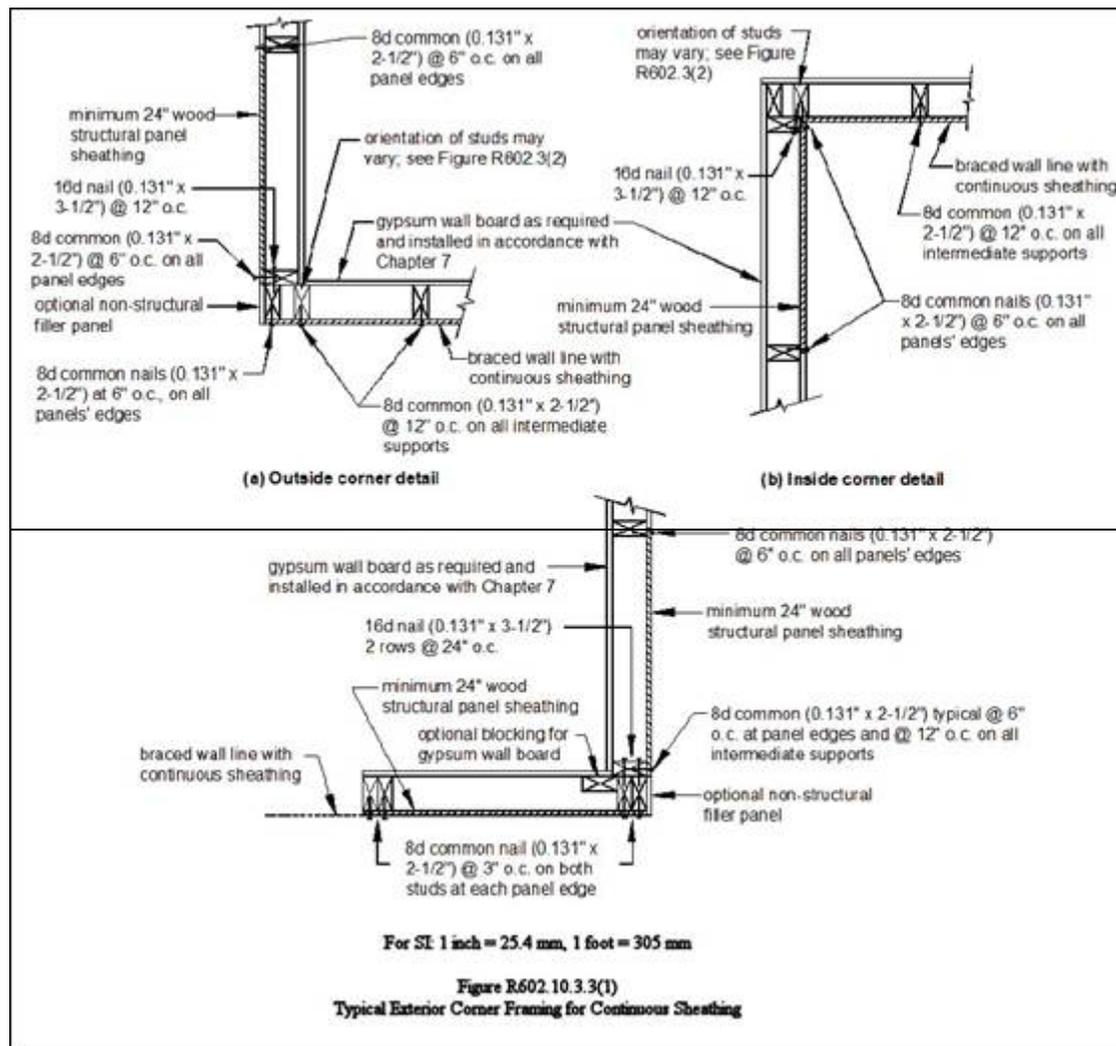
R602.10.3.3 Braced wall panel location and corner construction. Full height wall panels complying with the length requirements of Table R602.10.3.2 shall be located at each end of a braced wall line with continuous sheathing and at least every 25 feet (7620 mm) on center.

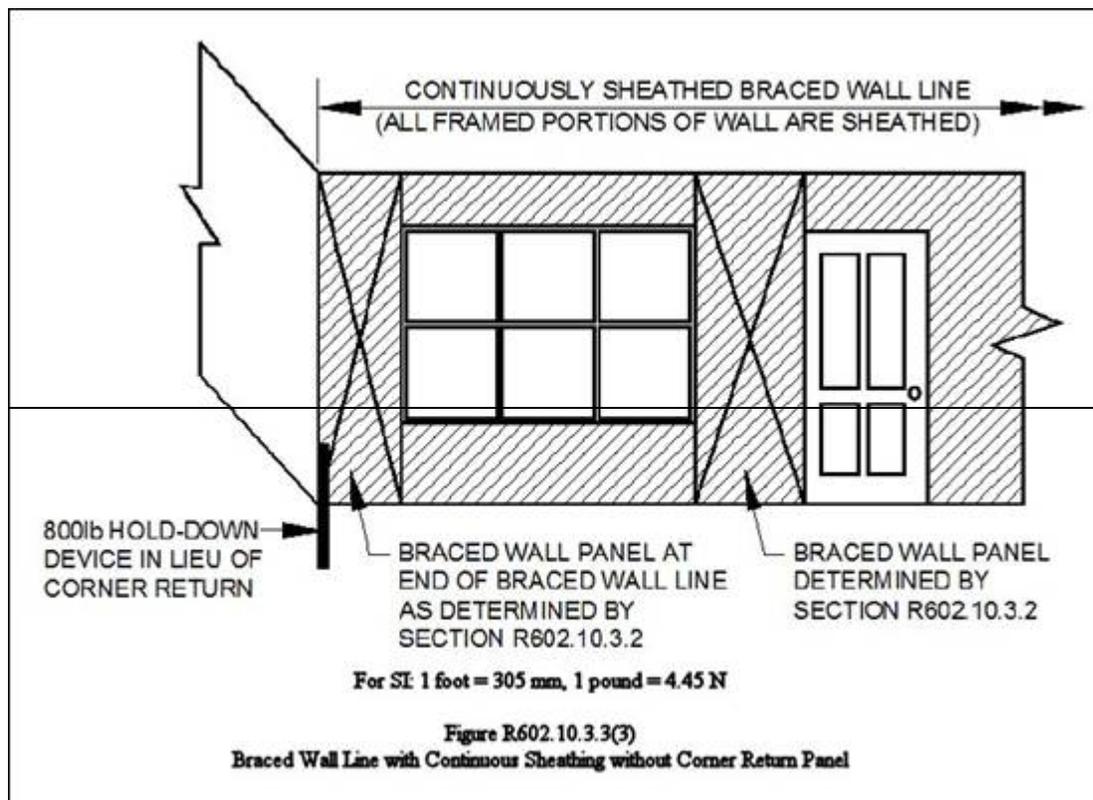
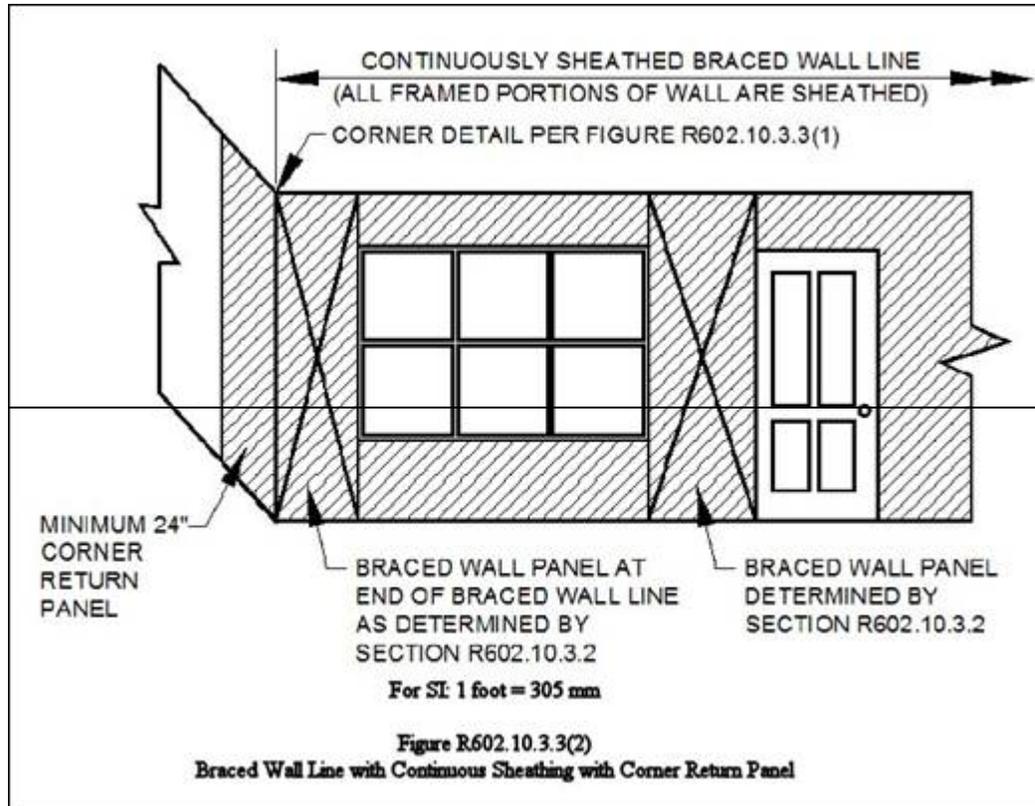
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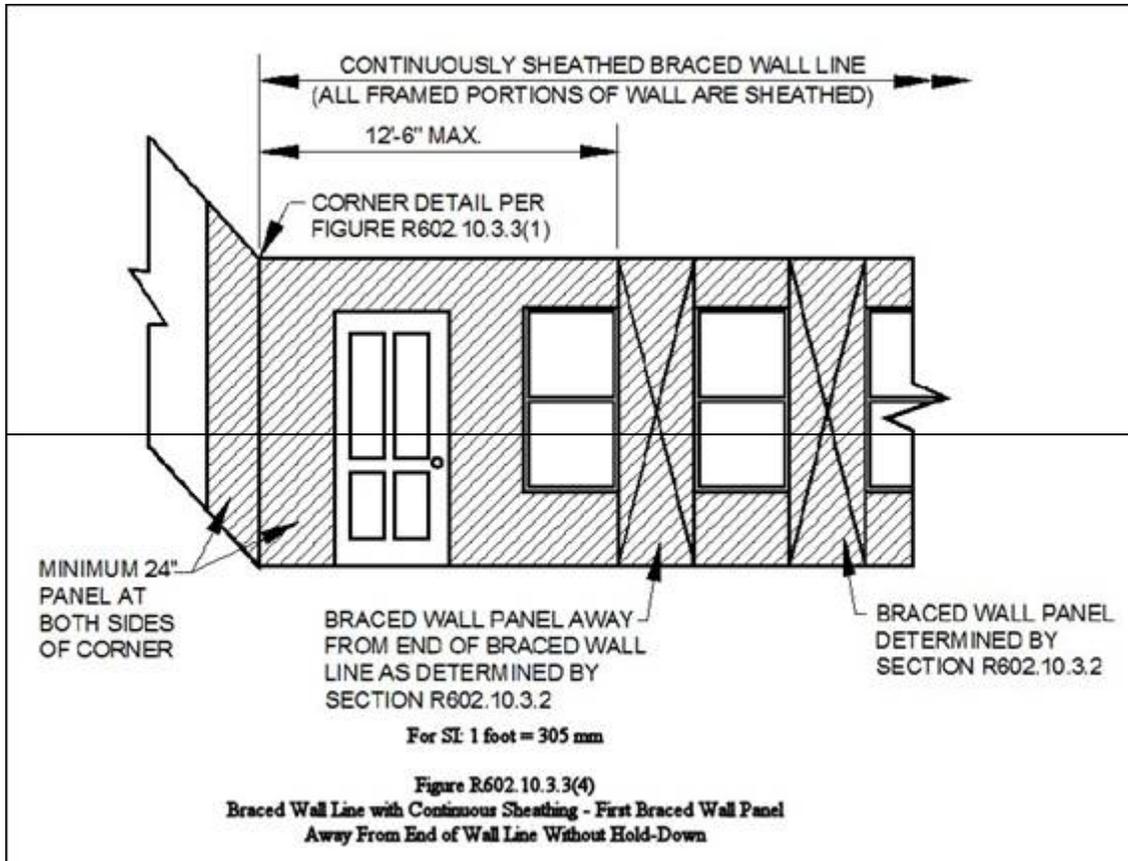
A minimum 24 inch (610 mm) wood structural panel corner return shall be provided at both ends of a braced wall line with continuous sheathing in accordance with Figures R602.10.3.3(1) and R602.10.3.3(2). In lieu of the corner return, a hold-down device with a minimum uplift design value of 800 lb (3560 N) shall be fastened to the corner stud and to the foundation or framing below in accordance with Figure R602.10.3.3(3).

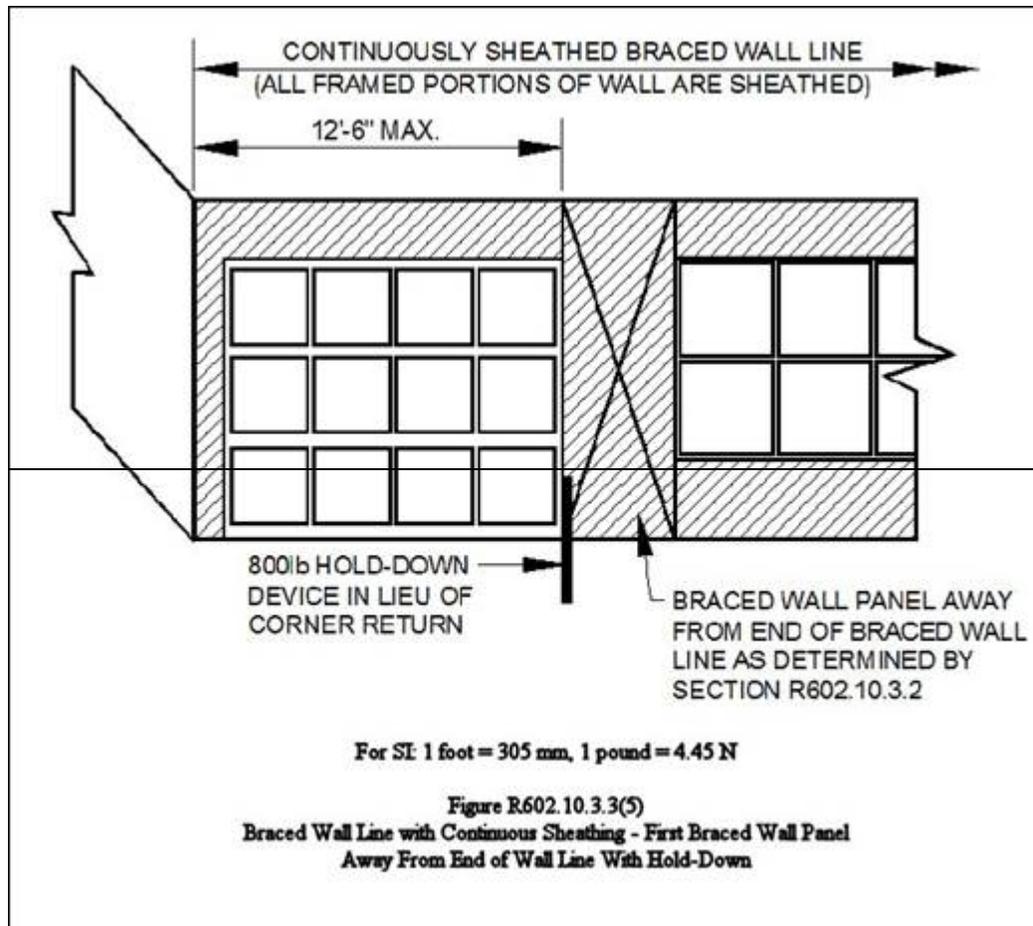
Exception: The first braced wall panel shall be permitted to begin 12.5 feet (3810 mm) from each end of the braced wall line provided one of the following is satisfied:

1. A minimum 24 inch (610 mm) long, full height wood structural panel is provided at both sides of a corner constructed in accordance with Figures R602.10.3.3(1) and R602.10.3.3(4); or
2. The braced wall panel closest to the corner shall have a hold-down device with a minimum uplift design value of 800 lb (3560 N) fastened to the stud at the edge of the braced wall panel closest to the corner and to the foundation or framing below in accordance with Figure R602.10.3.3(5).









R602.10.4 Braced wall panel finish material. Braced wall panels shall have 1/2-inch thick gypsum board installed on the side of the wall opposite the bracing material and fastened in accordance with Table R702.3.5.

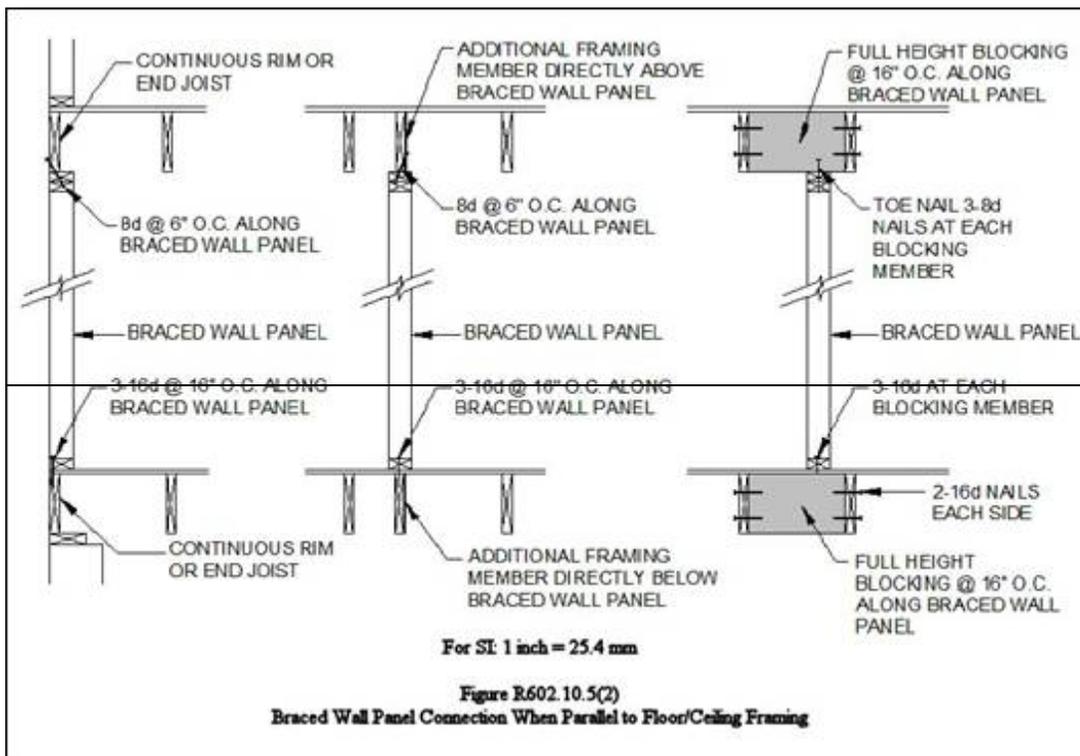
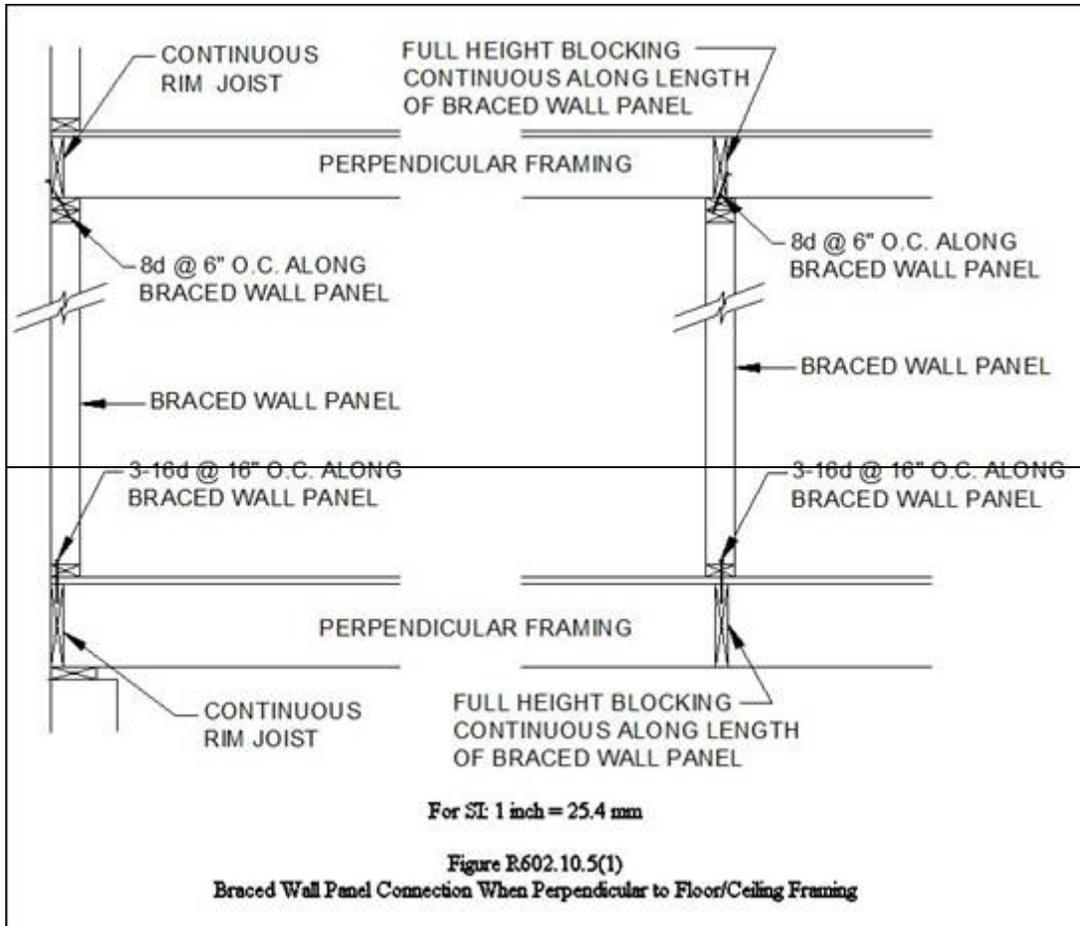
Exceptions:

1. Braced wall panels that are constructed in accordance with Methods GB, ABW, IPF and CS-PF.
2. When an approved interior finish material with an in-plane shear resistance equivalent to gypsum board is installed.
3. For Methods DWB, WSP, SFB, PBS, PCP, and HPS, interior gypsum board may be partially or entirely omitted provided the minimum required percentage of bracing in Table R602.10.1.5 is multiplied by an adjustment factor of 1.5.

R602.10.5 Braced wall panel connections. Braced wall panels shall be connected to floor/ceiling framing or foundations as follows:

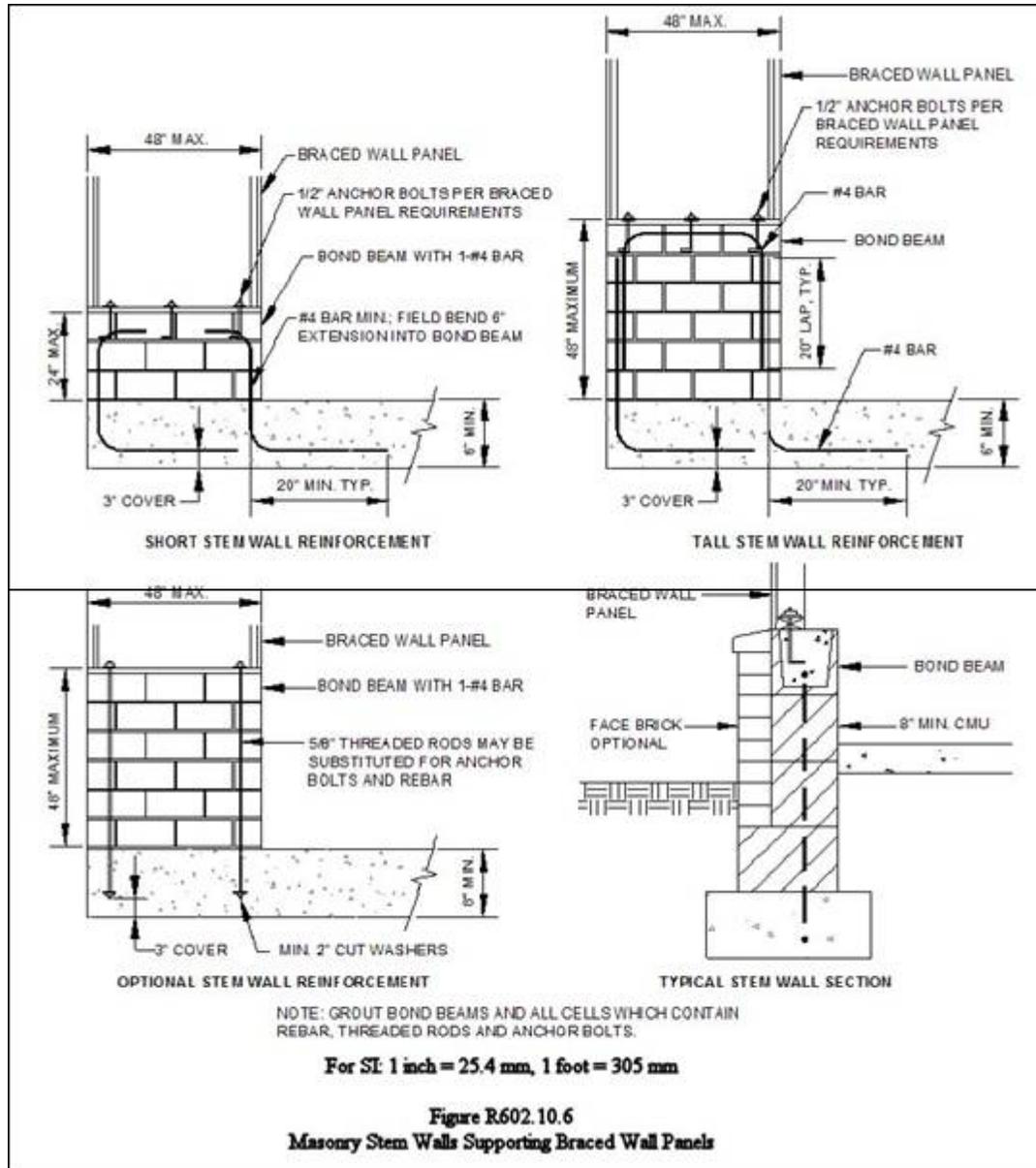
1. Where framing is perpendicular to a braced wall panel above or below, a rim joist or blocking shall be provided along the entire length of the braced wall panel in accordance with Figure R602.10.5(1). Fastening of wall plates to framing, rim joist or blocking shall be in accordance with Table R602.3(1).
2. Where framing is parallel to a braced wall panel above or below, a rim joist, end joist or other parallel framing member shall be provided directly above and below the panel in accordance with Figure R602.10.5(2). Where a parallel framing member cannot be located directly above and below the panel, full depth blocking at 16 inch (406 mm) spacing shall be provided between the parallel framing members to each side of the braced wall panel in accordance with Figure R602.10.5(2). Fastening of blocking and wall plates shall be in accordance with Table R602.3(1).
3. Connections of braced wall panels to concrete or masonry shall be in accordance with Section R403.1.6.

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R602.10.6 Braced wall panel support. Braced wall panels shall be supported as follows:

1. Braced wall panels shall be permitted to be supported on cantilevered floor joists meeting the cantilever limits of Section R502.3.3 provided joists are blocked at the nearest bearing wall location.
2. Elevated post or pier foundations supporting braced wall panels shall be designed in accordance with accepted engineering practice.
3. Masonry stem walls supporting braced wall panels with a length of 48 inches (1220 mm) or less shall be reinforced in accordance with Figure R602.10.6. Masonry stem walls supporting braced wall panels with a length greater than 48 inches (1220 mm) shall be constructed in accordance with Section R403.1. Braced wall panels constructed in accordance with Methods ABW and IPF shall not be permitted to attach to masonry stem walls.



R602.10.7 Panel joints. All vertical joints of braced wall panel sheathing shall occur over and be fastened to common studs. Horizontal joints in braced wall panels shall occur over and be fastened to common blocking of a minimum 1 1/2 inch (38 mm) thickness. Panel joints for Method IPF shall be constructed in accordance with Figure R602.10.2.1(2). Panel joints for Method CS-PF shall be constructed in accordance with Figure R602.10.3.1.

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Exception: Blocking at horizontal joints shall not be required in braced wall panels constructed using Methods WSP, SFB, GB, PBS or HPS where the percentage of bracing required by Table R602.10.1.5 is multiplied by an adjustment factor of 2.0.

R602.10.8 Cripple wall bracing. Cripple walls shall be braced with a percentage and type of bracing as required for the wall above in accordance with Table R602.10.1.5 with the following modifications for cripple wall bracing:

1. The bracing percentage as determined from Table R602.10.1.5 shall be multiplied by an adjustment factor of 1.15, and
2. The wall panel spacing shall be decreased from 25 feet (7620 mm) to 18 feet (5486 mm).

Cripple walls shall be permitted to be redesignated as the first story walls for purposes of determining wall bracing requirements. If the cripple walls are redesignated, the stories above the redesignated story shall be counted as the second and third stories respectively.

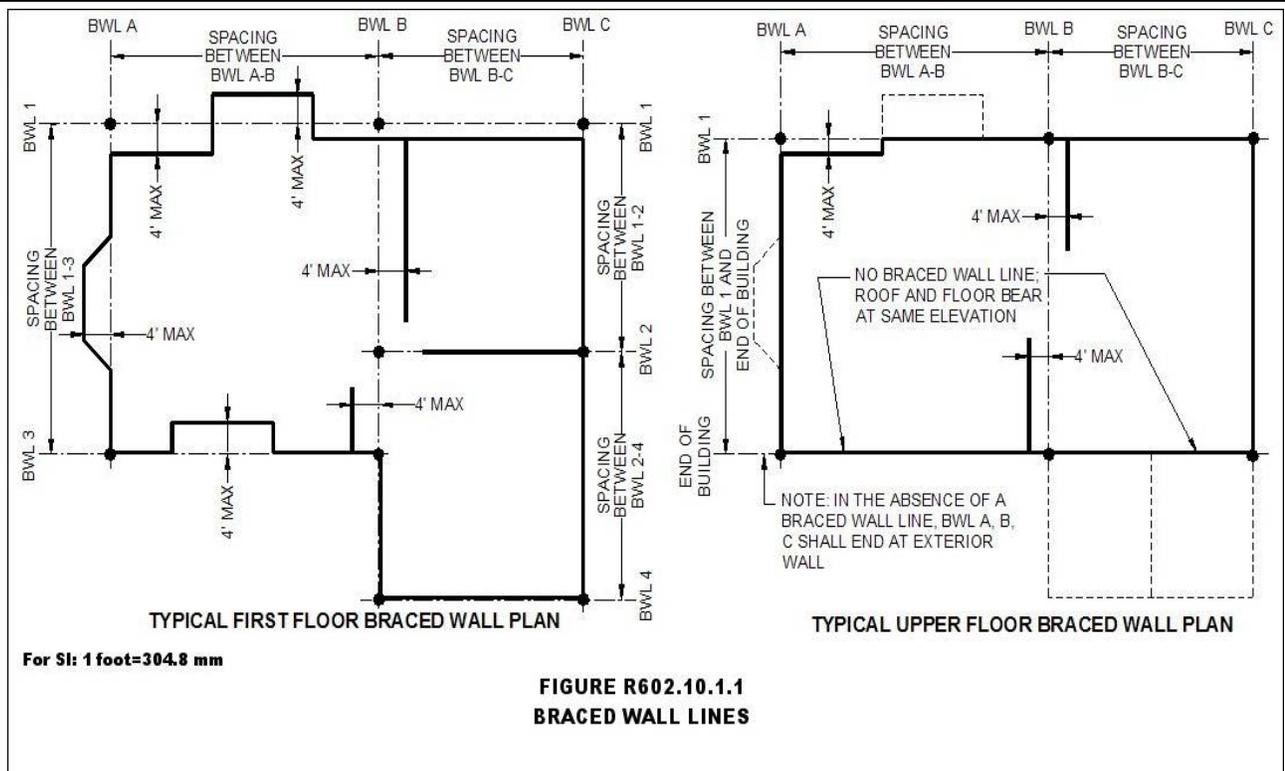
R602.10 Wall bracing. Buildings shall be braced in accordance with this section or, when applicable, Section R602.12. Where a building, or portion thereof, does not comply with one or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with Section R301.1.

The building official may require the permit applicant to identify and locate on the construction documents braced wall lines and braced wall panels as described herein.

R602.10.1 Braced wall lines. For the purpose of determining the amount and location of bracing required in each story level of a building, braced wall lines shall be designated as straight lines in the building plan placed in accordance with this section.

R602.10.1.1 Length of a braced wall line. The length of a braced wall line shall be the distance between its ends. The end of a braced wall line shall be the intersection with a perpendicular braced wall line, an angled braced wall line as permitted in Section R602.10.1.4 or an exterior wall as shown in Figure R602.10.1.1.

[Editor's Note - Figures R602.10.1.1, R602.10.1.4, R602.10.2.2, R602.10.5, R602.10.6.1, R602.10.6.2, R602.10.6.3, R602.10.6.4, R602.10.7, R602.10.8(1), R602.10.8(2), R602.10.8.1(1), R602.10.8.1(2), R602.10.8.1(3), R602.10.9, R602.12.1 and R602.12.5 in this section shown below this note are new text.]

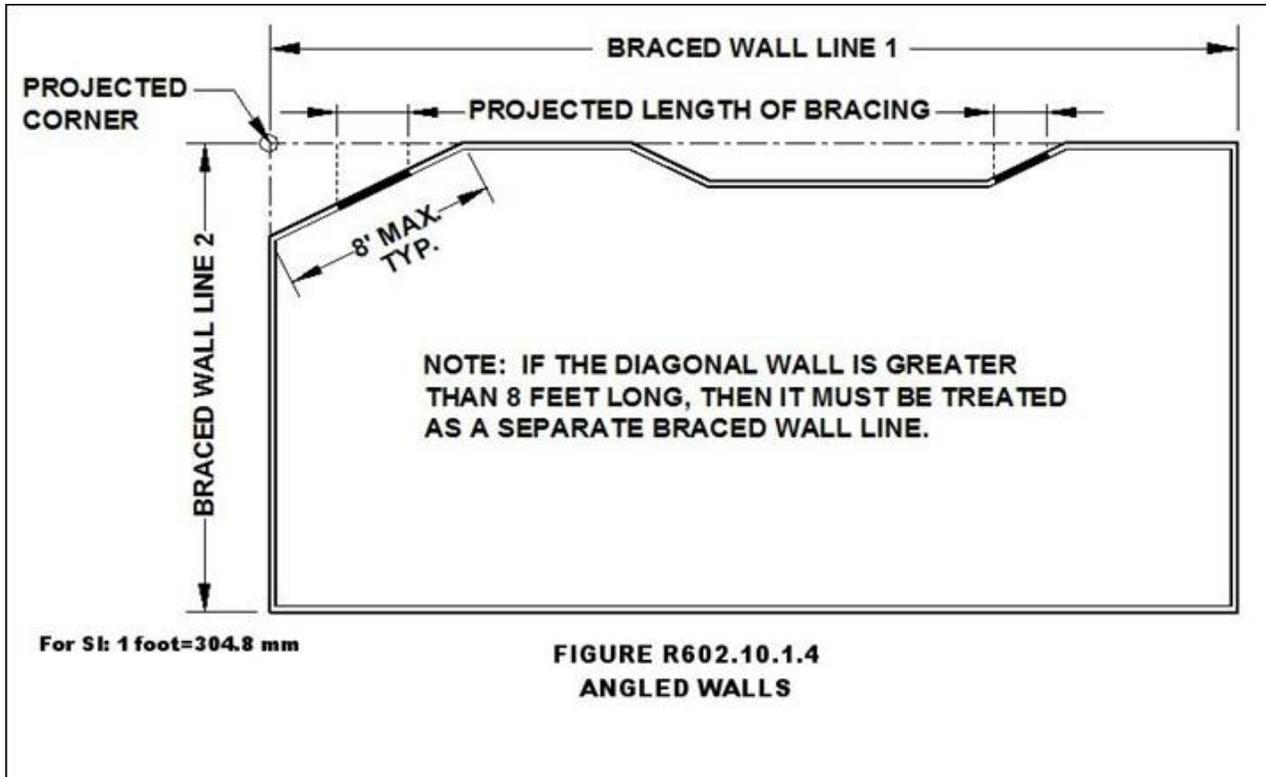


R602.10.1.2 Offsets along a braced wall line. All exterior walls parallel to a braced wall line shall be permitted to offset up to four feet (1219 mm) from the designated braced wall line location as shown Figure R602.10.1.1. Interior walls used as bracing shall be permitted to offset up to four feet (1219 mm) from a braced wall line through the interior of the building as shown in Figure R602.10.1.1.

R602.10.1.3 Spacing of braced wall lines. There shall be a minimum of two braced wall lines in both the longitudinal and transverse direction as shown in Figure R602.10.1.1. Intermediate braced wall lines through the interior of the building shall be permitted. The spacing between parallel braced wall lines shall be in accordance with Table R602.10.1.3.

<u>Table R602.10.1.3</u> <u>Braced Wall Line Spacing</u>				
<u>APPLICATION</u>	<u>CONDITION</u>	<u>BUILDING TYPE</u>	<u>BRACED WALL LINE SPACING CRITERIA</u>	
			<u>Maximum Spacing</u>	<u>Exception to Maximum Spacing</u>
<u>Wind bracing</u>	<u>85 mph to <110 mph</u>	<u>Detached, townhouse</u>	<u>60 feet</u>	<u>None</u>
<u>Seismic bracing</u>	<u>SDC A - C</u>	<u>Detached</u>	<u>Use wind bracing</u>	
	<u>SDC A - B</u>	<u>Townhouse</u>	<u>Use wind bracing</u>	
	<u>SDC C</u>	<u>Townhouse</u>	<u>35 feet</u>	<u>Up to 50 feet when length of required bracing per Table R602.10.3(3) is adjusted in accordance with Table R602.10.3(4)</u>
<u>For SI: 1 foot=304.8 mm</u>				

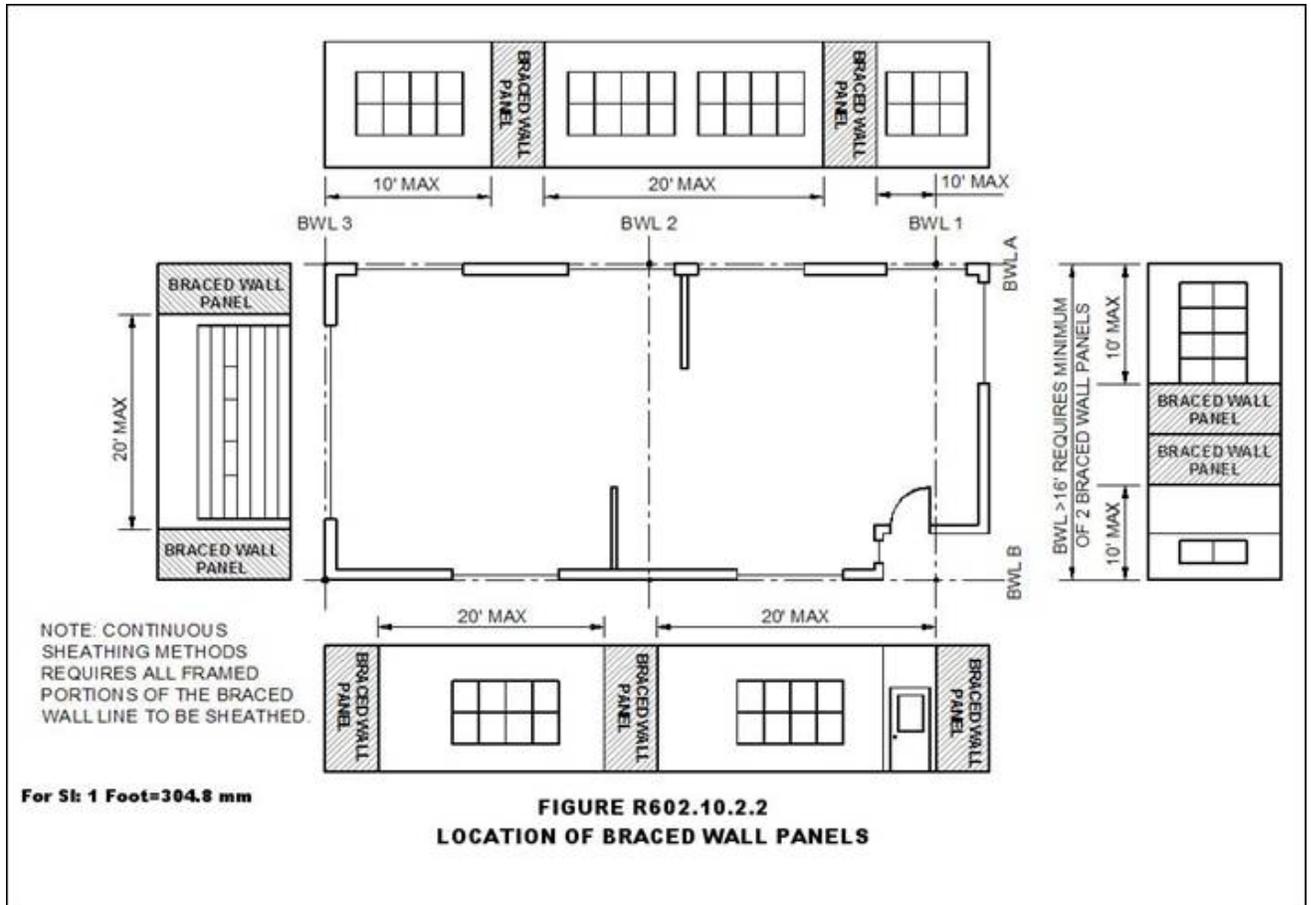
R602.10.1.4 Angled walls. Any portion of a wall along a braced wall line shall be permitted to angle out of plane for a maximum diagonal length of eight feet (2438 mm). Where the angled wall occurs at a corner, the length of the braced wall line shall be measured from the projected corner as shown in Figure R602.10.1.4. Where the diagonal length is greater than eight feet (2438 mm), it shall be considered a separate braced wall line and shall be braced in accordance with Section R602.10.1.



R602.10.2 Braced wall panels. Braced wall panels shall be full-height sections of wall that shall have no vertical or horizontal offsets. Braced wall panels shall be constructed and placed along a braced wall line in accordance with this section and the bracing methods specified in Section R602.10.4.

R602.10.2.1 Braced wall panel uplift load path. The bracing lengths in Table R602.10.3(1) apply only when uplift loads are resisted per Section R602.3.5.

R602.10.2.2 Locations of braced wall panels. A braced wall panel shall begin within 10 feet (3810 mm) from each end of a braced wall line as determined in accordance with Section R602.10.1.1. The distance between adjacent edges of braced wall panels along a braced wall line shall be no greater than 20 feet (6096 mm) as shown in Figure R602.10.2.2.



R602.10.2.3 Minimum number of braced wall panels. Braced wall lines with a length of 16 feet (4877 mm) or less shall have a minimum of two braced wall panels of any length or one braced wall panel equal to 48 inches (1219 mm) or more. Braced wall lines greater than 16 feet (4877 mm) shall have a minimum of two braced wall panels.

R602.10.3 Required length of bracing. The required length of bracing along each braced wall line shall be determined as follows.

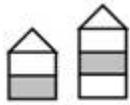
1. All buildings in Seismic Design Categories A and B shall use Table R602.10.3(1) and the applicable adjustment factors in Table R602.10.3(2).
2. Detached buildings in Seismic Design Category C shall use Table R602.10.3(1) and the applicable adjustment factors in Table R602.10.3(2).
3. Townhouses in Seismic Design Category C shall use the greater value determined from Table R602.10.3(1) or R602.10.3(3) and the applicable adjustment factors in Table R602.10.3(2) or R602.10.3(4) respectively.

Only braced wall panels parallel to the braced wall line within the four foot (1219 mm) offset permitted by Section R602.10.1.2 shall contribute towards the required length of bracing of that braced wall line. If a braced wall panel is located along an angled wall and meets the minimum length requirements of Tables R602.10.5 or R602.10.5.2, it shall be permitted to contribute its projected length towards the minimum required length of bracing for the braced wall line as shown in Figure R602.10.1.4. If a braced wall panel is located along an angled wall at the end of a braced wall line, it shall contribute its projected length for only one of the braced wall lines at the projected corner.

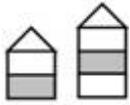
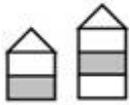
Regulations

Table R602.10.3(1)

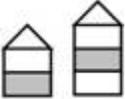
Bracing Requirements Based on Wind Speed

<u>EXPOSURE CATEGORY B</u>		<u>MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE^a</u>				
<u>30 FT MEAN ROOF HEIGHT</u>						
<u>10 FT EAVE TO RIDGE HEIGHT</u>						
<u>10 FT WALL HEIGHT</u>						
<u>2 BRACED WALL LINES</u>						
<u>Basic Wind Speed (mph)</u>	<u>Story Location</u>	<u>Braced Wall Line Spacing (feet)</u>	<u>Method LIB^b</u>	<u>Method GB</u>	<u>Methods DWB, WSP, SFB, PBS, PCP, HPS, CS-SFB^c</u>	<u>Methods CS-WSP, CS-G, CS-PF</u>
<u>≤ 85</u>		<u>10</u>	<u>3.5</u>	<u>3.5</u>	<u>2.0</u>	<u>1.5</u>
		<u>20</u>	<u>6.0</u>	<u>6.0</u>	<u>3.5</u>	<u>3.0</u>
		<u>30</u>	<u>8.5</u>	<u>8.5</u>	<u>5.0</u>	<u>4.5</u>
		<u>40</u>	<u>11.5</u>	<u>11.5</u>	<u>6.5</u>	<u>5.5</u>
		<u>50</u>	<u>14.0</u>	<u>14.0</u>	<u>8.0</u>	<u>7.0</u>
		<u>60</u>	<u>16.5</u>	<u>16.5</u>	<u>9.5</u>	<u>8.0</u>
		<u>10</u>	<u>6.5</u>	<u>6.5</u>	<u>3.5</u>	<u>3.0</u>
		<u>20</u>	<u>11.5</u>	<u>11.5</u>	<u>6.5</u>	<u>5.5</u>
		<u>30</u>	<u>16.5</u>	<u>16.5</u>	<u>9.5</u>	<u>8.0</u>
		<u>40</u>	<u>21.5</u>	<u>21.5</u>	<u>12.5</u>	<u>10.5</u>
		<u>50</u>	<u>26.5</u>	<u>26.5</u>	<u>15.0</u>	<u>13.0</u>
		<u>60</u>	<u>31.5</u>	<u>31.5</u>	<u>18.0</u>	<u>15.5</u>
		<u>10</u>	<u>NP</u>	<u>9.0</u>	<u>5.5</u>	<u>4.5</u>
		<u>20</u>	<u>NP</u>	<u>17.0</u>	<u>10.0</u>	<u>8.5</u>
		<u>30</u>	<u>NP</u>	<u>24.5</u>	<u>14.0</u>	<u>12.0</u>
		<u>40</u>	<u>NP</u>	<u>32.0</u>	<u>18.0</u>	<u>15.5</u>
		<u>50</u>	<u>NP</u>	<u>39.0</u>	<u>22.5</u>	<u>19.0</u>
		<u>60</u>	<u>NP</u>	<u>46.5</u>	<u>26.5</u>	<u>22.5</u>
<u>≤ 90</u>		<u>10</u>	<u>3.5</u>	<u>3.5</u>	<u>2.0</u>	<u>2.0</u>
		<u>20</u>	<u>7.0</u>	<u>7.0</u>	<u>4.0</u>	<u>3.5</u>
		<u>30</u>	<u>9.5</u>	<u>9.5</u>	<u>5.5</u>	<u>5.0</u>
		<u>40</u>	<u>12.5</u>	<u>12.5</u>	<u>7.5</u>	<u>6.0</u>
		<u>50</u>	<u>15.5</u>	<u>15.5</u>	<u>9.0</u>	<u>7.5</u>
		<u>60</u>	<u>18.5</u>	<u>18.5</u>	<u>10.5</u>	<u>9.0</u>

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		<u>10</u>	<u>7.0</u>	<u>7.0</u>	<u>4.0</u>	<u>3.5</u>
		<u>20</u>	<u>13.0</u>	<u>13.0</u>	<u>7.5</u>	<u>6.5</u>
		<u>30</u>	<u>18.5</u>	<u>18.5</u>	<u>10.5</u>	<u>9.0</u>
		<u>40</u>	<u>24.0</u>	<u>24.0</u>	<u>14.0</u>	<u>12.0</u>
		<u>50</u>	<u>29.5</u>	<u>29.5</u>	<u>17.0</u>	<u>14.5</u>
		<u>60</u>	<u>35.0</u>	<u>35.0</u>	<u>20.0</u>	<u>17.0</u>
		<u>10</u>	<u>NP</u>	<u>10.5</u>	<u>6.0</u>	<u>5.0</u>
		<u>20</u>	<u>NP</u>	<u>19.0</u>	<u>11.0</u>	<u>9.5</u>
		<u>30</u>	<u>NP</u>	<u>27.5</u>	<u>15.5</u>	<u>13.5</u>
		<u>40</u>	<u>NP</u>	<u>35.5</u>	<u>20.5</u>	<u>17.5</u>
		<u>50</u>	<u>NP</u>	<u>44.0</u>	<u>25.0</u>	<u>21.5</u>
		<u>60</u>	<u>NP</u>	<u>52.0</u>	<u>30.0</u>	<u>25.5</u>
<u>< 100</u>		<u>10</u>	<u>4.5</u>	<u>4.5</u>	<u>2.5</u>	<u>2.5</u>
		<u>20</u>	<u>8.5</u>	<u>8.5</u>	<u>5.0</u>	<u>4.0</u>
		<u>30</u>	<u>12.0</u>	<u>12.0</u>	<u>7.0</u>	<u>6.0</u>
		<u>40</u>	<u>15.5</u>	<u>15.5</u>	<u>9.0</u>	<u>7.5</u>
		<u>50</u>	<u>19.0</u>	<u>19.0</u>	<u>11.0</u>	<u>9.5</u>
		<u>60</u>	<u>22.5</u>	<u>22.5</u>	<u>13.0</u>	<u>11.0</u>
		<u>10</u>	<u>8.5</u>	<u>8.5</u>	<u>5.0</u>	<u>4.5</u>
		<u>20</u>	<u>16.0</u>	<u>16.0</u>	<u>9.0</u>	<u>8.0</u>
		<u>30</u>	<u>23.0</u>	<u>23.0</u>	<u>13.0</u>	<u>11.0</u>
		<u>40</u>	<u>29.5</u>	<u>29.5</u>	<u>17.0</u>	<u>14.5</u>
		<u>50</u>	<u>36.5</u>	<u>36.5</u>	<u>21.0</u>	<u>18.0</u>
		<u>60</u>	<u>43.5</u>	<u>43.5</u>	<u>25.0</u>	<u>21.0</u>
		<u>10</u>	<u>NP</u>	<u>12.5</u>	<u>7.5</u>	<u>6.0</u>
		<u>20</u>	<u>NP</u>	<u>23.5</u>	<u>13.5</u>	<u>11.5</u>
		<u>30</u>	<u>NP</u>	<u>34.0</u>	<u>19.5</u>	<u>16.5</u>
		<u>40</u>	<u>NP</u>	<u>44.0</u>	<u>25.0</u>	<u>21.5</u>
		<u>50</u>	<u>NP</u>	<u>54.0</u>	<u>31.0</u>	<u>26.5</u>
		<u>60</u>	<u>NP</u>	<u>64.0</u>	<u>36.5</u>	<u>31.0</u>
<u>< 110</u>		<u>10</u>	<u>5.5</u>	<u>5.5</u>	<u>3.0</u>	<u>3.0</u>
<u>20</u>		<u>10.0</u>	<u>10.0</u>	<u>6.0</u>	<u>5.0</u>	
<u>30</u>		<u>14.5</u>	<u>14.5</u>	<u>8.5</u>	<u>7.0</u>	
<u>40</u>		<u>18.5</u>	<u>18.5</u>	<u>11.0</u>	<u>9.0</u>	

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		<u>50</u>	<u>23.0</u>	<u>23.0</u>	<u>13.0</u>	<u>11.5</u>
		<u>60</u>	<u>27.5</u>	<u>27.5</u>	<u>15.5</u>	<u>13.5</u>
		<u>10</u>	<u>10.5</u>	<u>10.5</u>	<u>6.0</u>	<u>5.0</u>
		<u>20</u>	<u>19.0</u>	<u>19.0</u>	<u>11.0</u>	<u>9.5</u>
		<u>30</u>	<u>27.5</u>	<u>27.5</u>	<u>16.0</u>	<u>13.5</u>
		<u>40</u>	<u>36.0</u>	<u>36.0</u>	<u>20.5</u>	<u>17.5</u>
		<u>50</u>	<u>44.0</u>	<u>44.0</u>	<u>25.5</u>	<u>21.5</u>
		<u>60</u>	<u>52.5</u>	<u>52.5</u>	<u>30.0</u>	<u>25.5</u>
			<u>10</u>	<u>0</u>	<u>15.5</u>	<u>9.0</u>
		<u>20</u>	<u>NP</u>	<u>28.5</u>	<u>16.5</u>	<u>14.0</u>
		<u>30</u>	<u>NP</u>	<u>41.0</u>	<u>23.5</u>	<u>20.0</u>
		<u>40</u>	<u>NP</u>	<u>53.0</u>	<u>30.5</u>	<u>26.0</u>
		<u>50</u>	<u>NP</u>	<u>65.5</u>	<u>37.5</u>	<u>32.0</u>
		<u>60</u>	<u>NP</u>	<u>77.5</u>	<u>44.5</u>	<u>37.5</u>

For SI: 1 inch=25.4 mm, 1 foot=305 mm.

^aLinear interpolation shall be permitted.

^bMethod LIB shall have gypsum board fastened to at least one side with nails or screws per Table R602.3(1) for exterior sheathing or Table R702.3.5 for interior gypsum board. Spacing of fasteners at panel edges shall not exceed eight inches (203 mm).

^cMethod CS-SFB does not apply where the wind speed is greater than 100 mph.

Table R602.10.3(2)				
Wind Adjustment Factors to the Required Length of Wall Bracing				
<u>ADJUSTMENT BASED ON</u>	<u>STORY/ SUPPORTING</u>	<u>CONDITION</u>	<u>ADJUSTMENT FACTOR^{a,b}</u> (multiply length from Table R602.10.3(1) by this factor)	<u>APPLICABLE METHODS</u>
<u>Exposure category</u>	<u>One story structure</u>	<u>B</u>	<u>1.00</u>	<u>All methods</u>
		<u>C</u>	<u>1.20</u>	
		<u>D</u>	<u>1.50</u>	
	<u>Two-story structure</u>	<u>B</u>	<u>1.00</u>	
		<u>C</u>	<u>1.30</u>	
		<u>D</u>	<u>1.60</u>	

	<u>Three-story structure</u>	<u>B</u>	<u>1.00</u>	
		<u>C</u>	<u>1.40</u>	
		<u>D</u>	<u>1.70</u>	
<u>Roof eave-to-ridge height</u>	<u>Roof only</u>	<u>≤5 ft</u>	<u>0.70</u>	
		<u>10 ft</u>	<u>1.00</u>	
		<u>15 ft</u>	<u>1.30</u>	
		<u>20 ft</u>	<u>1.60</u>	
	<u>Roof + 1 floor</u>	<u>≤5 ft</u>	<u>0.85</u>	
		<u>10 ft</u>	<u>1.00</u>	
		<u>15 ft</u>	<u>1.15</u>	
		<u>20 ft</u>	<u>1.30</u>	
	<u>Roof + 2 floors</u>	<u>≤5 ft</u>	<u>0.90</u>	
		<u>10 ft</u>	<u>1.00</u>	
		<u>15 ft</u>	<u>1.10</u>	
		<u>20 ft</u>	<u>Not permitted</u>	
<u>Wall height adjustment</u>	<u>Any story</u>	<u>8 ft</u>	<u>0.90</u>	
		<u>9 ft</u>	<u>0.95</u>	
		<u>10 ft</u>	<u>1.00</u>	
		<u>11 ft</u>	<u>1.05</u>	
		<u>12 ft</u>	<u>1.10</u>	
<u>Number of braced wall lines (per plan direction)^C</u>	<u>Any story</u>	<u>2</u>	<u>1.00</u>	
		<u>3</u>	<u>1.30</u>	
		<u>4</u>	<u>1.45</u>	
		<u>≥5</u>	<u>1.60</u>	
<u>Additional 800 lb hold-down device</u>	<u>Top story only</u>	<u>Fastened to the end studs of each braced wall panel and to the foundation or framing below</u>	<u>0.80</u>	<u>DWB, WSP, SFB, PBS, PCP, HPS</u>
<u>Interior gypsum board finish (or equivalent)</u>	<u>Any story</u>	<u>Omitted from inside face of braced wall panels</u>	<u>1.40</u>	<u>DWB, WSP, SFB, PBS, PCP, HPS, CS-WSP, CS-G, CS-SFB</u>
<u>Gypsum board fastening</u>	<u>Any story</u>	<u>4 in. o.c. at panel edges, including top and bottom plates, and all horizontal joints blocked</u>	<u>0.7</u>	<u>GB</u>

For SI: 1 foot=305 mm, 1 lb=4.48 N.

^aLinear interpolation shall be permitted.

^bThe total adjustment factor is the product of all applicable adjustment factors.

Regulations

^cThe adjustment factor is permitted to be 1.0 when determining bracing amounts of intermediate braced wall lines provided the bracing amounts on adjacent braced wall lines are based on a spacing and number that neglects the intermediate braced wall line.

Table R602.10.3(3)

Bracing Requirements Based on Seismic Design Category

SOIL CLASS D^b

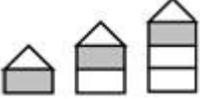
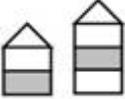
WALL HEIGHT = 10 FT

10 PSF FLOOR DEAD LOAD

15 PSF ROOF/CEILING DEAD LOAD

BRACED WALL LINE SPACING < 25 FT

MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS
REQUIRED ALONG EACH BRACED WALL LINE^a

Seismic Design Category	Story Location	Braced Wall Line Length (ft)	Method LIB ^c	Method GB	Methods DWB, SFB, PBS, PCP, HPS, CS-SFB	Method WSP	Methods CS-WSP, CS-G
C (townhouses only)		10	2.5	2.5	2.5	1.6	1.4
		20	5.0	5.0	5.0	3.2	2.7
		30	7.5	7.5	7.5	4.8	4.1
		40	10.0	10.0	10.0	6.4	5.4
		50	12.5	12.5	12.5	8.0	6.8
		10	NP	4.5	4.5	3.0	2.6
		20	NP	9.0	9.0	6.0	5.1
		30	NP	13.5	13.5	9.0	7.7
		40	NP	18.0	18.0	12.0	10.2
		50	NP	22.5	22.5	15.0	12.8
		10	NP	6.0	6.0	4.5	3.8
		20	NP	12.0	12.0	9.0	7.7
		30	NP	18.0	18.0	13.5	11.5
		40	NP	24.0	24.0	18.0	15.3
		50	NP	30.0	30.0	22.5	19.1

For SI: 1 foot=305 mm

^aLinear interpolation shall be permitted.

^bWall bracing lengths are based on a soil site class "D." Interpolation of bracing length between the S_{ds} values associated with the Seismic Design Categories shall be permitted when a site-specific S_{ds} value is determined in accordance with Section 1613.5 of the International Building Code.

^cMethod LIB shall have gypsum board fastened to at least one side with nails or screws per Table R602.3(1) for exterior sheathing or Table R702.3.5 for interior gypsum board. Spacing of fasteners at panel edges shall not exceed eight inches (203 mm).

Table R602.10.3(4) Seismic Adjustment Factors to the Required Length of Wall Bracing				
<u>ADJUSTMENT BASED ON:</u>	<u>STORY/SUPPORTING</u>	<u>CONDITION</u>	<u>ADJUSTMENT FACTOR^{a,b}</u> (multiply length from Table R602.10.3(3) by this factor)	<u>APPLICABLE METHODS</u>
<u>Story height</u> (Section 301.3)	<u>Any story</u>	<u>≤10 ft</u>	<u>1.0</u>	<u>All methods</u>
		<u>>10 ft < 12 ft</u>	<u>1.2</u>	
<u>Braced wall line spacing</u>	<u>Any story</u>	<u>≤35 ft</u>	<u>1.0</u>	
		<u>>35 ft ≤ 50 ft</u>	<u>1.43</u>	
<u>Wall dead load</u>	<u>Any story</u>	<u>≥ 8 psf < 15 psf</u>	<u>1.0</u>	
		<u><8 psf</u>	<u>0.85</u>	
<u>Roof/ceiling dead load for wall supporting</u>	<u>Any story</u>	<u>≤15 psf</u>	<u>1.0</u>	
	<u>Roof plus one or two stories</u>	<u>>15 psf < 25 psf</u>	<u>1.1</u>	
	<u>Roof only</u>	<u>>15 psf < 25 psf</u>	<u>1.2</u>	
<u>Walls with stone or masonry veneer^c</u>		<u>1.0</u>		
		<u>1.5</u>		
		<u>1.5</u>		
<u>Interior gypsum board finish (or equivalent)</u>	<u>Any story</u>	<u>Omitted from inside face of braced wall panels</u>	<u>1.5</u>	<u>DWB, WSP, SFB, PBS, PCP, HPS, CS-WSP, CS-G, CS-SFB</u>

For SI: 1 psf=47.8 N/m².

^aLinear interpolation shall be permitted.

^bThe total length of bracing required for a given wall line is the product of all applicable adjustment factors.

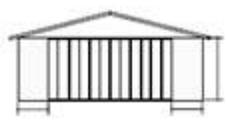
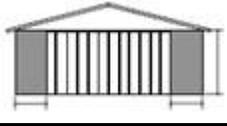
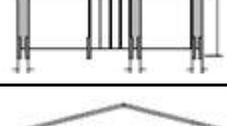
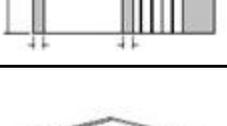
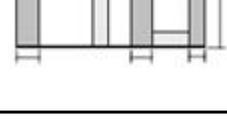
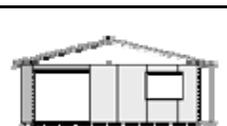
^cThe length-to-width ratio for the floor/roof diaphragm shall not exceed 3:1. The top plate lap splice nailing shall be a minimum of 12-16d nails on each side of the splice.

R602.10.4 Bracing methods for braced wall panels. Braced wall panels shall be constructed in accordance with this section and the methods listed in Table R602.10.4.

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Table R602.10.4
Bracing Methods

METHODS, MATERIAL		MINIMUM THICKNESS	FIGURE	CONNECTION CRITERIA ^a	
				Fasteners	Spacing
Intermittent Bracing Methods	LIB <u>Let-in-bracing</u>	1x4 wood or approved metal straps at 45° to 60° angles for maximum 16" stud spacing		Wood: 2-8d common nails or 3-8d (2 1/2" long x 0.113" dia.) nails	Wood: per stud and top and bottom plates
				Metal: per manufacturer	Metal: per manufacturer
	DWB <u>Diagonal wood boards</u>	3/4" (1" nominal) for maximum 24" stud spacing		2-8d (2 1/2" long x 0.113" dia.) nails or 2 - 1 3/4" long staples	Per stud
	WSP <u>Wood structural panel</u> (See Section R604)	3/8"		Exterior sheathing per Table R602.3(3)	6" edges 12" field
				Interior sheathing per Table R602.3(1) or R602.3(2)	Varies by fastener
	SFB <u>Structural fiberboard sheathing</u>	1/2" or 25/32" for maximum 16" stud spacing		1 1/2" long x 0.12" dia. (for 1/2" thick sheathing) 1 3/4" long x 0.12" dia. (for 25/32" thick sheathing) galvanized roofing nails or 8d common (2 1/2" long x 0.131" dia.) nails	3" edges 6" field
	GB <u>Gypsum board</u>	1/2"		Nails or screws per Table R602.3(1) for exterior locations	For all braced wall panel locations: 7" edges (including top and bottom plates) 7" field
Nails or screws per Table R702.3.5 for interior locations					
PBS <u>Particleboard sheathing</u> (See Section R605)	3/8" or 1/2" For maximum 16" stud spacing		For 3/8", 6d common (2" long x 0.113" dia.) nails For 1/2", 8d common (2 1/2" long x 0.131" dia.) nails	3" edges 6" field	

	<u>PCP</u> <u>Portland cement plaster</u>	See Section R703.6 for maximum 16" stud spacing		<u>1½" long, 11 gage, 7/16" dia. head nails</u> or <u>7/8" long, 16 gage staples</u>	<u>6" o.c. on all framing members</u>
	<u>HPS</u> <u>Hardboard panel siding</u>	<u>7/16"</u> for maximum 16" stud spacing		<u>0.092" dia., 0.225" dia. head nails with length to accommodate 1½" penetration into studs</u>	<u>4" edges</u> <u>8" field</u>
	<u>ABW</u> <u>Alternate braced wall</u>	<u>3/8"</u>		See Section R602.10.6.1	See Section R602.10.6.1
	<u>PFH</u> <u>Portal frame with hold-downs</u>	<u>3/8"</u>		See Section R602.10.6.2	See Section R602.10.6.2
	<u>PFG</u> <u>Portal frame at garage</u>	<u>7/16"</u>		See Section R602.10.6.3	See Section R602.10.6.3
<u>Continuous Sheathing Methods</u>	<u>CS-WSP</u> <u>Continuously sheathed wood structural panel</u>	<u>3/8"</u>		<u>Exterior sheathing per Table R602.3(3)</u> <u>Interior sheathing per Table R602.3(1) or R602.3(2)</u>	<u>6" edges</u> <u>12" field</u> <u>Varies by fastener</u>
	<u>CS-G^{b,c}</u> <u>Continuously sheathed wood structural panel adjacent to garage openings</u>	<u>3/8"</u>		See Method CS-WSP	See Method CS-WSP
	<u>CS-PF</u> <u>Continuously sheathed portal frame</u>	<u>7/16"</u>		See Section R602.10.6.4	See Section R602.10.6.4
	<u>CS-SFB^d</u> <u>Continuously sheathed structural fiberboard</u>	<u>1/2" or 25/32"</u> for maximum 16" stud spacing		<u>1½" long x 0.12" dia. (for ½" thick sheathing)</u> <u>1¾" long x 0.12" dia. (for 25/32" thick sheathing)</u> <u>galvanized roofing nails</u> or <u>8d common (2½" long x 0.131 dia.) nails</u>	<u>3" edges</u> <u>6" field</u>

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For SI: 1 inch = 25.4 mm, 1 foot = 305 mm.

^aAdhesive attachment of wall sheathing, including Method GB, shall not be permitted in townhouses in Seismic Design Category C.

^bApplies to panels next to garage door opening when supporting gable end wall or roof load only. May only be used on one wall of the garage.

^cGarage openings adjacent to a Method CS-G panel shall be provided with a header in accordance with Table R502.5(1). A full height clear opening shall not be permitted adjacent to a Method CS-G panel.

^dMethod CS-SFB does not apply in areas where the wind speed exceeds 100 mph.

R602.10.4.1 Mixing methods. Mixing of bracing methods shall be permitted as follows:

1. Mixing intermittent bracing and continuous sheathing methods from story to story shall be permitted.
2. Mixing intermittent bracing methods from braced wall line to braced wall line within a story shall be permitted. In regions where the basic wind speed is less than or equal to 100 mph, mixing of intermittent bracing and continuous sheathing methods from braced wall line to braced wall line within a story shall be permitted.
3. Mixing intermittent bracing methods along a braced wall line shall be permitted in Seismic Design Categories A and B, and detached dwellings in Seismic Design Category C provided the length of required bracing in accordance with Table R602.10.3(1) or R602.10.3(3) is the highest value of all intermittent bracing methods used.
4. Mixing of continuous sheathing methods CS-WSP, CS-G and CS-PF along a braced wall line shall be permitted.
5. In Seismic Design Categories A and B, and for detached one-family and two-family dwellings in Seismic Design Category C, mixing of intermittent bracing methods along the interior portion of a braced wall line with continuous sheathing methods CS-WSP, CS-G and CS-PF along the exterior portion of the same braced wall line shall be permitted. The length of required bracing shall be the highest value of all intermittent bracing methods used in accordance with Table R602.10.3(1) or R602.10.3(3) as adjusted by Tables R602.10.3(2) and R602.10.3(4), respectively. The requirements of Section R602.10.7 shall apply to each end of the continuously sheathed portion of the braced wall line.

R602.10.4.2 Continuous sheathing methods. Continuous sheathing methods require structural panel sheathing to be used on all sheathable surfaces on one side of a braced wall line including areas above and below openings and gable end walls and shall meet the requirements of Section R602.10.7.

R602.10.4.3 Braced wall panel interior finish material. Braced wall panels shall have gypsum wall board installed on the side of the wall opposite the bracing material. Gypsum wall board shall be not less than 1/2 inch (12.7 mm) in thickness and be fastened with nails or screws in accordance with Table R602.3(1) for exterior sheathing or Table R702.3.5 for interior gypsum wall board. Spacing of fasteners at panel edges for gypsum wall board opposite Method LIB bracing shall not exceed eight inches (203 mm). Interior finish material shall not be glued in townhouses in Seismic Category C.

Exceptions:

1. Interior finish material is not required opposite wall panels that are braced in accordance with Method GB, ABW, PFH, PFG and CS-PF, unless otherwise required by Section R302.6.
2. An approved interior finish material with an in-plane shear resistance equivalent to gypsum board shall be permitted to be substituted, unless otherwise required by Section R302.6.
3. Except for Method LIB, gypsum wall board is permitted to be omitted provided the required length of bracing in Tables R602.10.3(1) and R602.10.3(3) is multiplied by the appropriate adjustment factor in Tables R602.10.3(2) and R602.10.3(4) respectively, unless otherwise required by Section R302.6.

R602.10.5 Minimum length of a braced wall panel. The minimum length of a braced wall panel shall comply with Table R602.10.5. For Methods CS-WSP and CS-SFB, the minimum panel length shall be based on the vertical dimension of the adjacent opening in accordance with Table R602.10.5 and Figure R602.10.5. When a panel has openings on either side of differing heights, the larger vertical dimension shall be used to determine the minimum braced wall panel length.

R602.10.5.1 Contributing length. For purposes of complying with the required length of bracing in Tables R602.10.3(1) and R602.10.3(3), the contributing length of each braced wall panel to the total length of bracing shall be as specified in Table R602.10.5.

Table R602.10.5 Minimum Length of Braced Wall Panels							
METHOD (See Table R602.10.4)	MINIMUM LENGTH ^a (in)					CONTRIBUTING LENGTH (in)	
	Wall Height						
	8 ft	9 ft	10 ft	11 ft	12 ft		
<u>DWG, WSP, SFB, PBS, PCP, HPS</u>	<u>48</u>	<u>48</u>	<u>48</u>	<u>53</u>	<u>58</u>	<u>Actual^b</u>	
<u>GB</u>	<u>48</u>	<u>48</u>	<u>48</u>	<u>53</u>	<u>58</u>	<u>Double sided = Actual</u> <u>Single sided = 0.5 x Actual</u>	
<u>LIB</u>	<u>55</u>	<u>62</u>	<u>69</u>	<u>NP</u>	<u>NP</u>	<u>Actual^b</u>	
<u>ABW</u>	<u>28</u>	<u>32</u>	<u>34</u>	<u>38</u>	<u>42</u>	<u>48</u>	
<u>PFH</u>	<u>Supporting roof only</u>	<u>16</u>	<u>16</u>	<u>16</u>	<u>18^c</u>	<u>20^c</u>	<u>48</u>
	<u>Supporting one story and roof</u>	<u>24</u>	<u>24</u>	<u>24</u>	<u>27^c</u>	<u>29^c</u>	<u>48</u>
<u>PFG</u>	<u>24</u>	<u>27</u>	<u>30</u>	<u>33^c</u>	<u>36^c</u>	<u>1.5 x Actual^b</u>	
<u>CS-G</u>	<u>24</u>	<u>27</u>	<u>30</u>	<u>33</u>	<u>36</u>	<u>Actual^b</u>	
<u>CS-PF</u>	<u>16</u>	<u>18</u>	<u>20</u>	<u>22^c</u>	<u>24^c</u>	<u>Actual^b</u>	
<u>CS-WSP, CS-SFB</u>	<u>Adjacent opening vertical dimension (in)</u>						
	<u>< 64</u>	<u>24</u>	<u>27</u>	<u>30</u>	<u>33</u>	<u>36</u>	<u>Actual^b</u>
	<u>68</u>	<u>26</u>	<u>27</u>	<u>30</u>	<u>33</u>	<u>36</u>	
	<u>72</u>	<u>27</u>	<u>27</u>	<u>30</u>	<u>33</u>	<u>36</u>	
	<u>76</u>	<u>30</u>	<u>29</u>	<u>30</u>	<u>33</u>	<u>36</u>	
	<u>80</u>	<u>32</u>	<u>30</u>	<u>30</u>	<u>33</u>	<u>36</u>	
	<u>84</u>	<u>35</u>	<u>32</u>	<u>32</u>	<u>33</u>	<u>36</u>	
	<u>88</u>	<u>38</u>	<u>35</u>	<u>33</u>	<u>33</u>	<u>36</u>	
	<u>92</u>	<u>43</u>	<u>37</u>	<u>35</u>	<u>35</u>	<u>36</u>	
	<u>96</u>	<u>48</u>	<u>41</u>	<u>38</u>	<u>36</u>	<u>36</u>	
	<u>100</u>		<u>44</u>	<u>40</u>	<u>38</u>	<u>38</u>	
	<u>104</u>		<u>49</u>	<u>43</u>	<u>40</u>	<u>39</u>	
	<u>108</u>		<u>54</u>	<u>46</u>	<u>43</u>	<u>41</u>	
	<u>112</u>			<u>50</u>	<u>45</u>	<u>43</u>	
<u>116</u>			<u>55</u>	<u>48</u>	<u>45</u>		

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<u>120</u>			<u>60</u>	<u>52</u>	<u>48</u>
<u>124</u>				<u>56</u>	<u>51</u>
<u>128</u>				<u>61</u>	<u>54</u>
<u>132</u>				<u>66</u>	<u>58</u>
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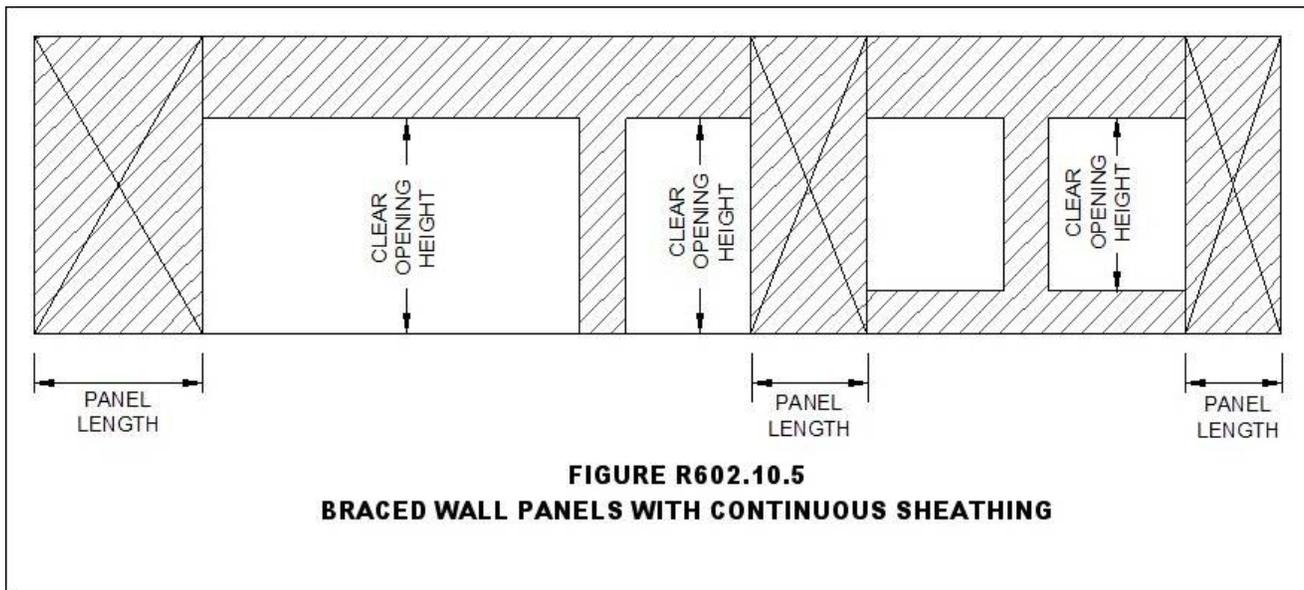
For SI: 1 inch=25.4 mm

NP=Not permitted

^aLinear interpolation shall be permitted.

^bUse the actual length provided it is greater than or equal to the minimum length.

^cMaximum header height for is 10'; however, wall height may be increased to 12' with a pony wall per Table R602.10.6.4.



R602.10.5.2 Partial credit. For Methods DWB, WSP, SFB, PBS, PCP and HPS panels between 36 inches and 48 inches in length shall be considered a braced wall panel and shall be permitted to partially contribute towards the required length of bracing in Table R602.10.3(1) and R602.10.3(3), and the contributing length shall be determined from Table R602.10.5.2.

Table R602.10.5.2

Partial Credit for Braced Wall Panels Less than 48 Inches in Actual Length

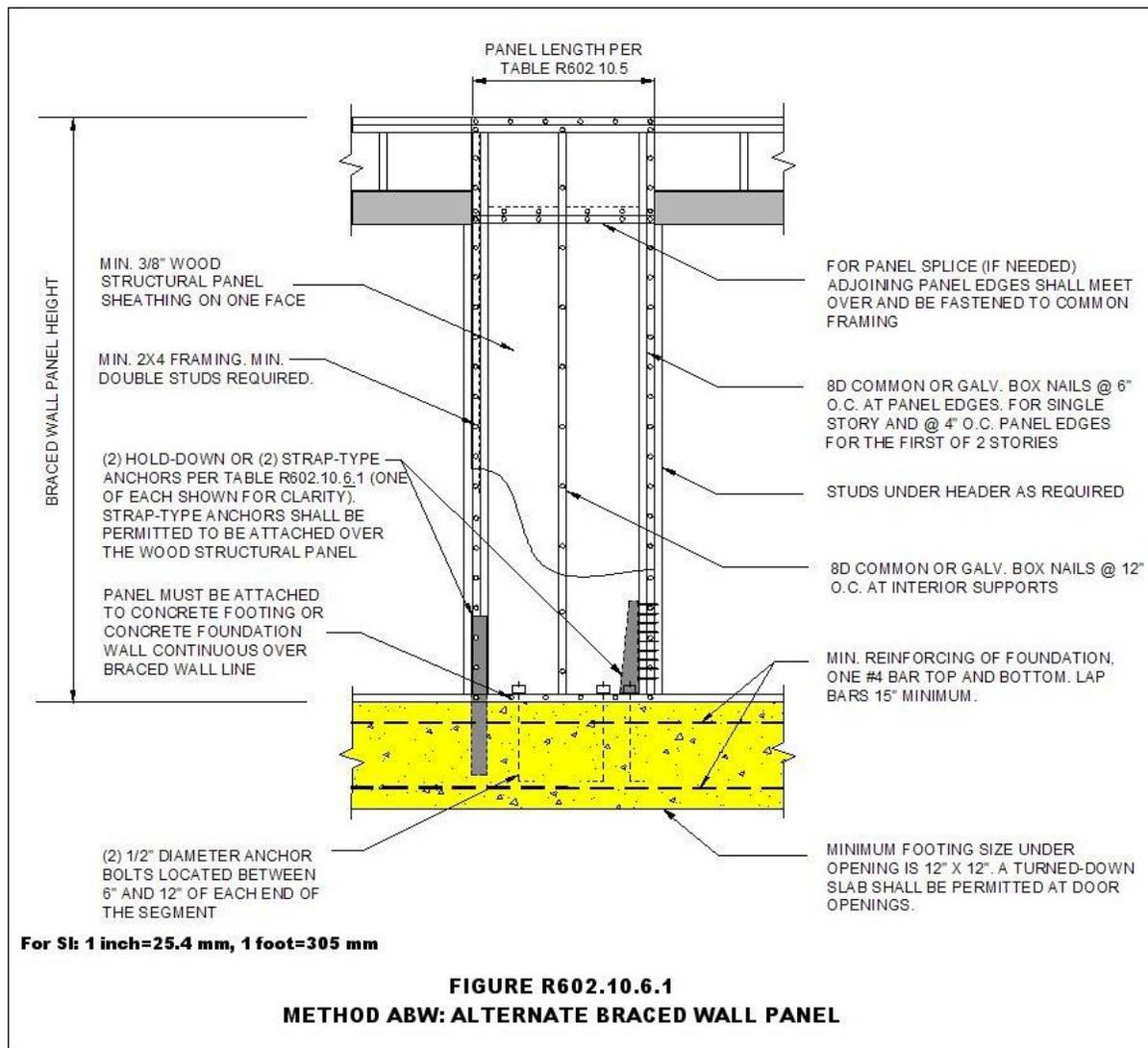
Actual Length of Braced Wall Panel (in)	Contributing Length of Braced Wall Panel (in) ^a	
	8 ft Wall Height	9 ft Wall Height
48	48	48
42	36	36
36	27	N/A

For SI: 1 inch=25.4mm

^aLinear interpolation shall be permitted.

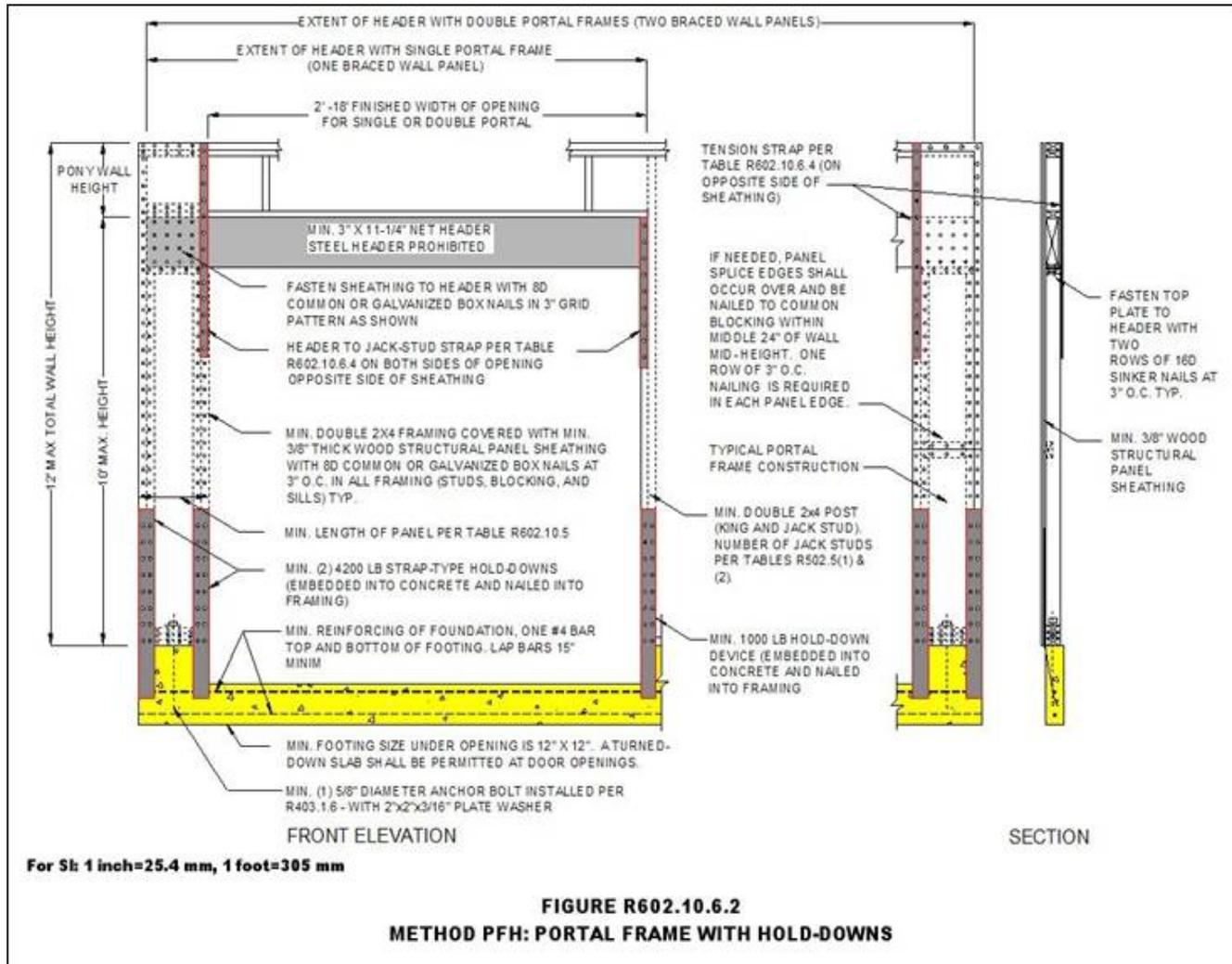
R602.10.6 Construction of Methods ABW, PFH, PFG and CS-PF. Methods ABW, PFH, PFG and CS-PF shall be constructed as specified in Sections R602.10.6.1 through R602.10.6.4.

R602.10.6.1 Method ABW: Alternate braced wall panels. Method ABW braced wall panels shall be constructed in accordance with Figure R602.10.6.1.

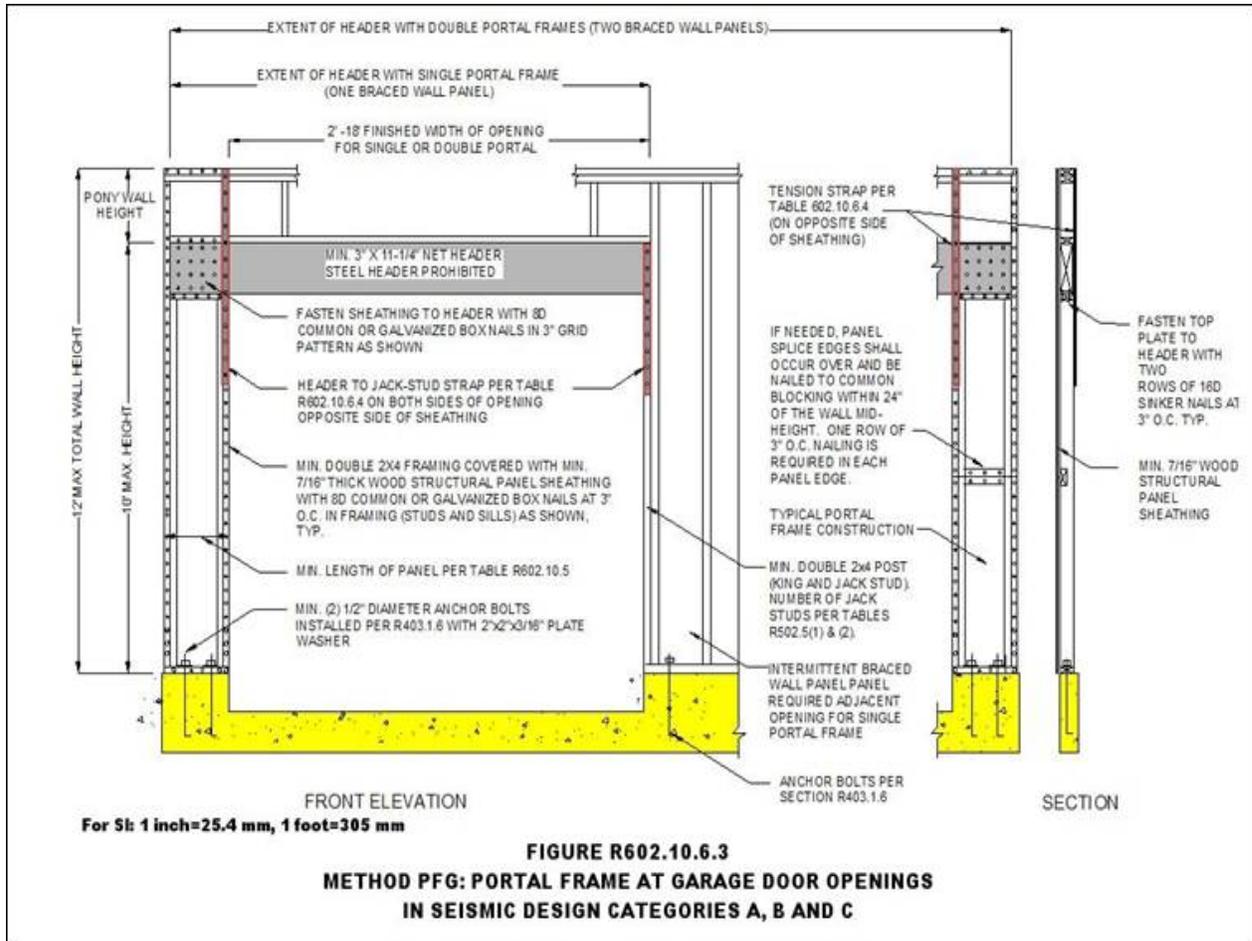


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R602.10.6.2 Method PFH: Portal frame with hold-downs. Method PFH braced wall panels shall be constructed in accordance with Figure R602.10.6.2.



R602.10.6.3 Method PFG: Portal frame at garage door openings. Where supporting a roof or one story and a roof, a Method PFG braced wall panel constructed in accordance with Figure R602.10.6.3 shall be permitted on either side of garage door openings.



R602.10.6.4 Method CS-PF: Continuously sheathed portal frame. Continuously sheathed portal frame braced wall panels shall be constructed in accordance with Figure R602.10.6.4 and Table R602.10.6.4. The number of continuously sheathed portal frame panels in a single braced wall line shall not exceed four.

Table R602.10.6.4									
Tension Strap Capacity Required for Resisting Wind Pressures									
Perpendicular to Method PFH, PFG and CS-PF Braced Wall Panels									
MINIMUM WALL STUD FRAMING NOMINAL SIZE AND GRADE	MAXIMUM PONY WALL HEIGHT (ft)	MAXIMUM TOTAL WALL HEIGHT (ft)	MAXIMUM OPENING WIDTH (ft)	TENSION STRAP CAPACITY REQUIRED (lb) ^a					
				Basic Wind Speed (mph)					
				85	90	100	85	90	100
				Exposure B			Exposure C		
2x4 No. 2 Grade	0	10	18	1000	1000	1000	1000	1000	1000
	1	10	9	1000	1000	1000	1000	1000	1275
			16	1000	1000	1750	1800	2325	3500
			18	1000	1200	2100	2175	2725	DR
2	10	9	1000	1000	1025	1075	1550	2500	

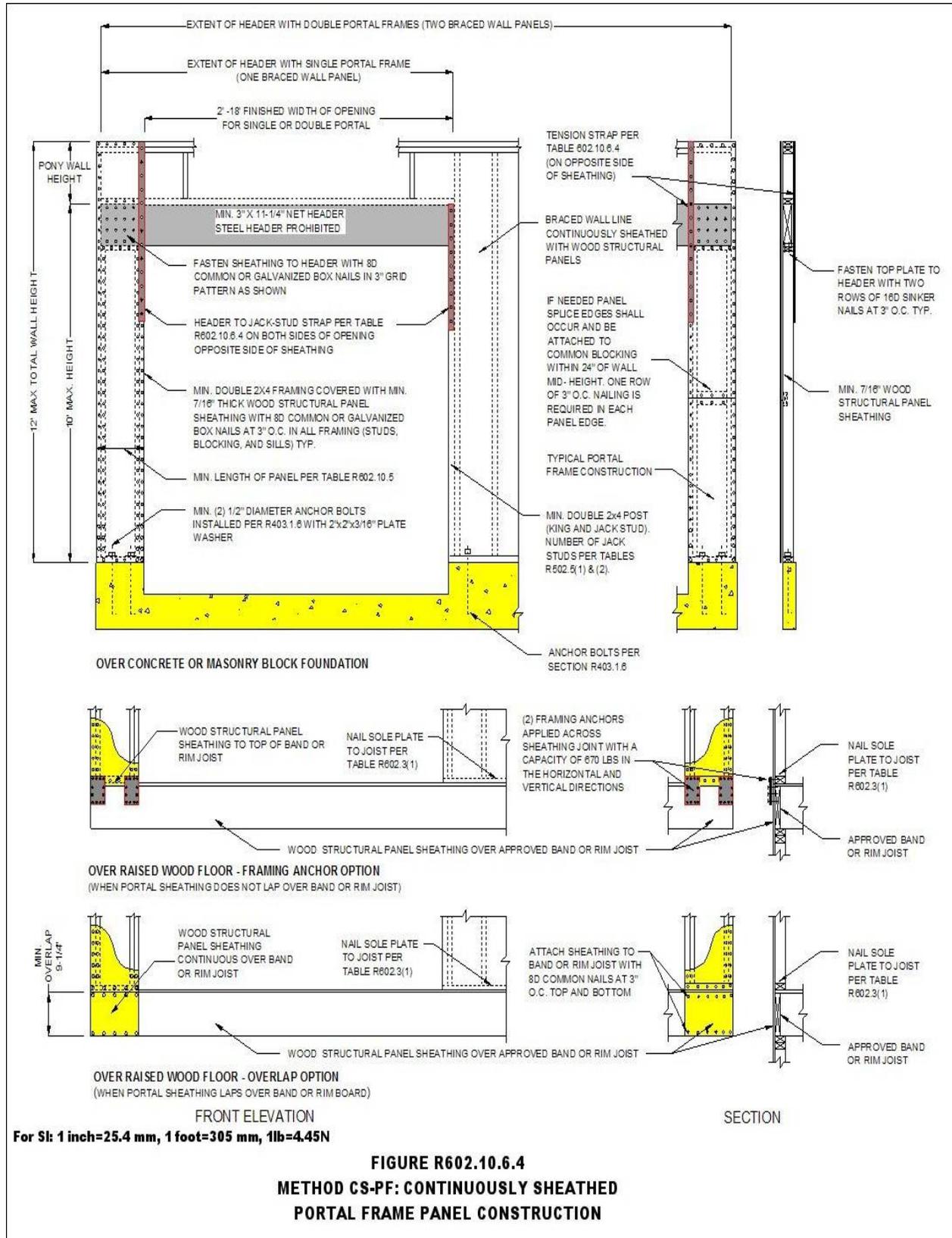
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			<u>16</u>	<u>1525</u>	<u>2025</u>	<u>3125</u>	<u>3200</u>	<u>3900</u>	<u>DR</u>
			<u>18</u>	<u>1875</u>	<u>2400</u>	<u>3575</u>	<u>3700</u>	<u>DR</u>	<u>DR</u>
			<u>9</u>	<u>1000</u>	<u>1200</u>	<u>2075</u>	<u>2125</u>	<u>2750</u>	<u>4000</u>
	<u>2</u>	<u>12</u>	<u>16</u>	<u>2600</u>	<u>3200</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>
			<u>18</u>	<u>3175</u>	<u>3850</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>
	<u>4</u>	<u>12</u>	<u>9</u>	<u>1775</u>	<u>2350</u>	<u>3500</u>	<u>3550</u>	<u>DR</u>	<u>DR</u>
<u>16</u>			<u>4175</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>	
<u>2x6 Stud Grade</u>	<u>2</u>	<u>12</u>	<u>9</u>	<u>1000</u>	<u>1000</u>	<u>1325</u>	<u>1375</u>	<u>1750</u>	<u>2550</u>
			<u>16</u>	<u>1650</u>	<u>2050</u>	<u>2925</u>	<u>3000</u>	<u>3550</u>	<u>DR</u>
			<u>18</u>	<u>2025</u>	<u>2450</u>	<u>3425</u>	<u>3500</u>	<u>4100</u>	<u>DR</u>
	<u>4</u>	<u>12</u>	<u>9</u>	<u>1125</u>	<u>1500</u>	<u>2225</u>	<u>2275</u>	<u>2775</u>	<u>3800</u>
			<u>16</u>	<u>2650</u>	<u>3150</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>
			<u>18</u>	<u>3125</u>	<u>3675</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>	<u>DR</u>

For SI: 1 inch=25.4 mm, 1 foot=305 mm, 1 lb=4.45 N

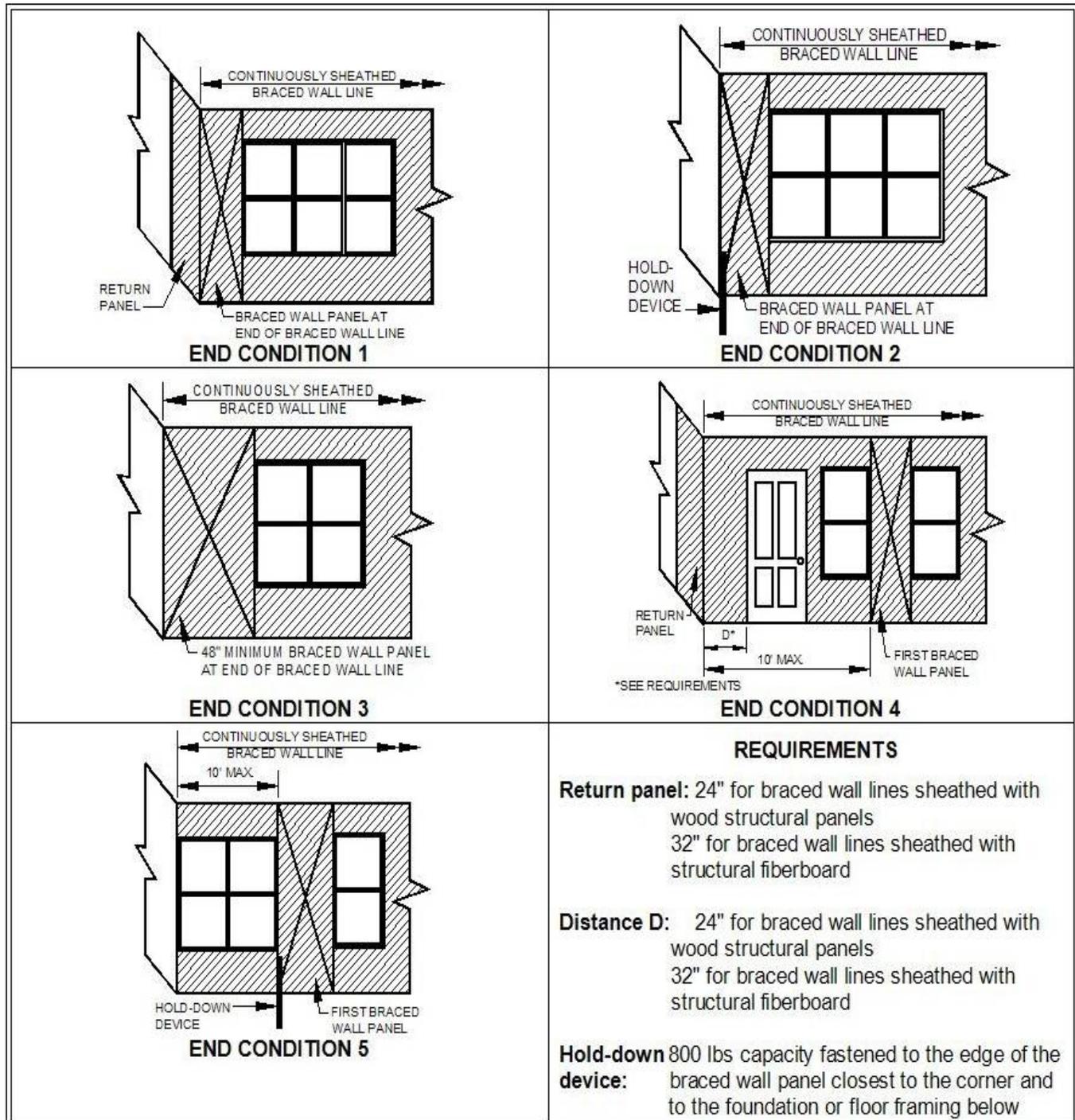
DR = design required

^aStrap shall be installed in accordance with manufacturer's recommendations.



Regulations

R602.10.7 Ends of braced wall lines with continuous sheathing. Each end of a braced wall line with continuous sheathing shall be in accordance with one of the end conditions shown in Figure R602.10.7.

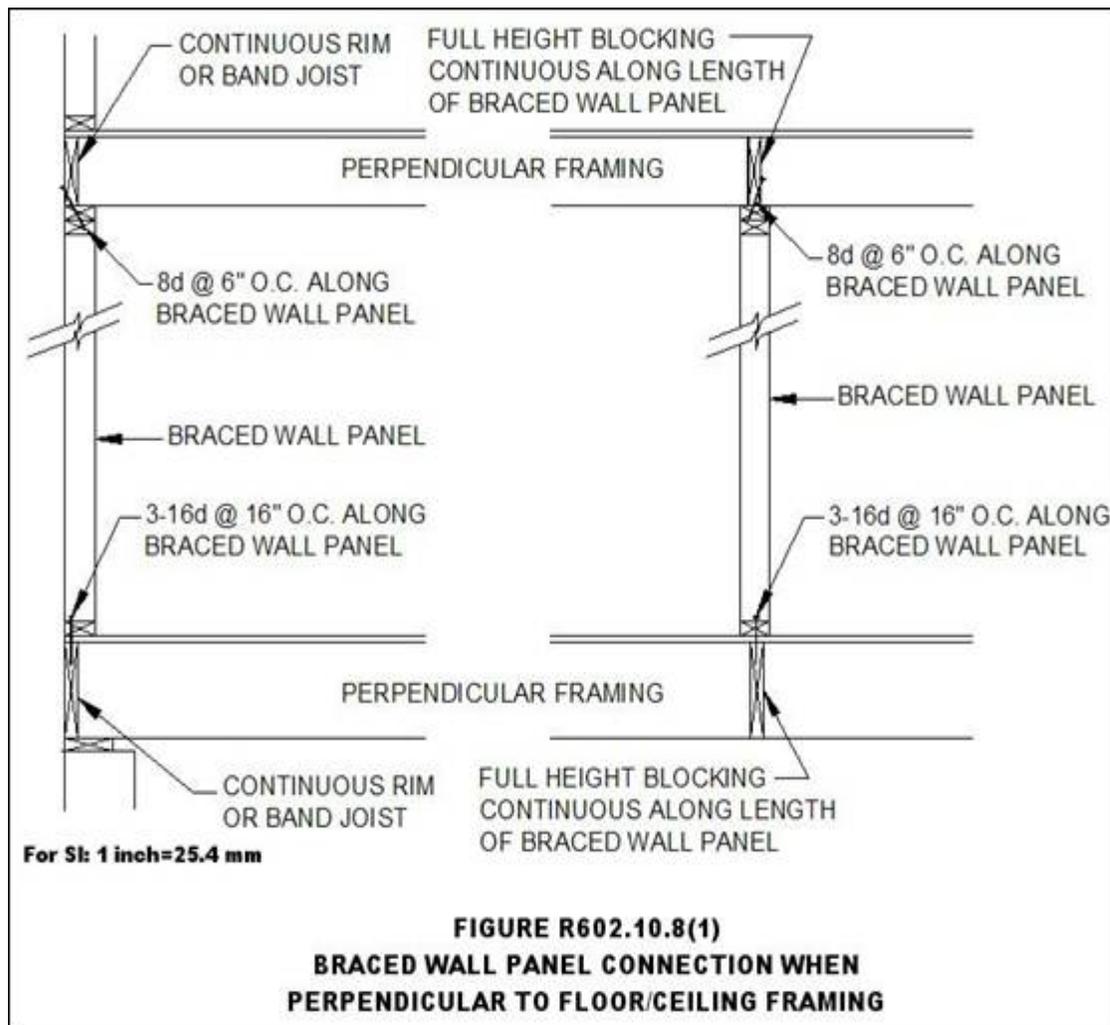


For SI: 1 inch=25.4 mm, 1 foot=305 mm, 1lb=4.45N

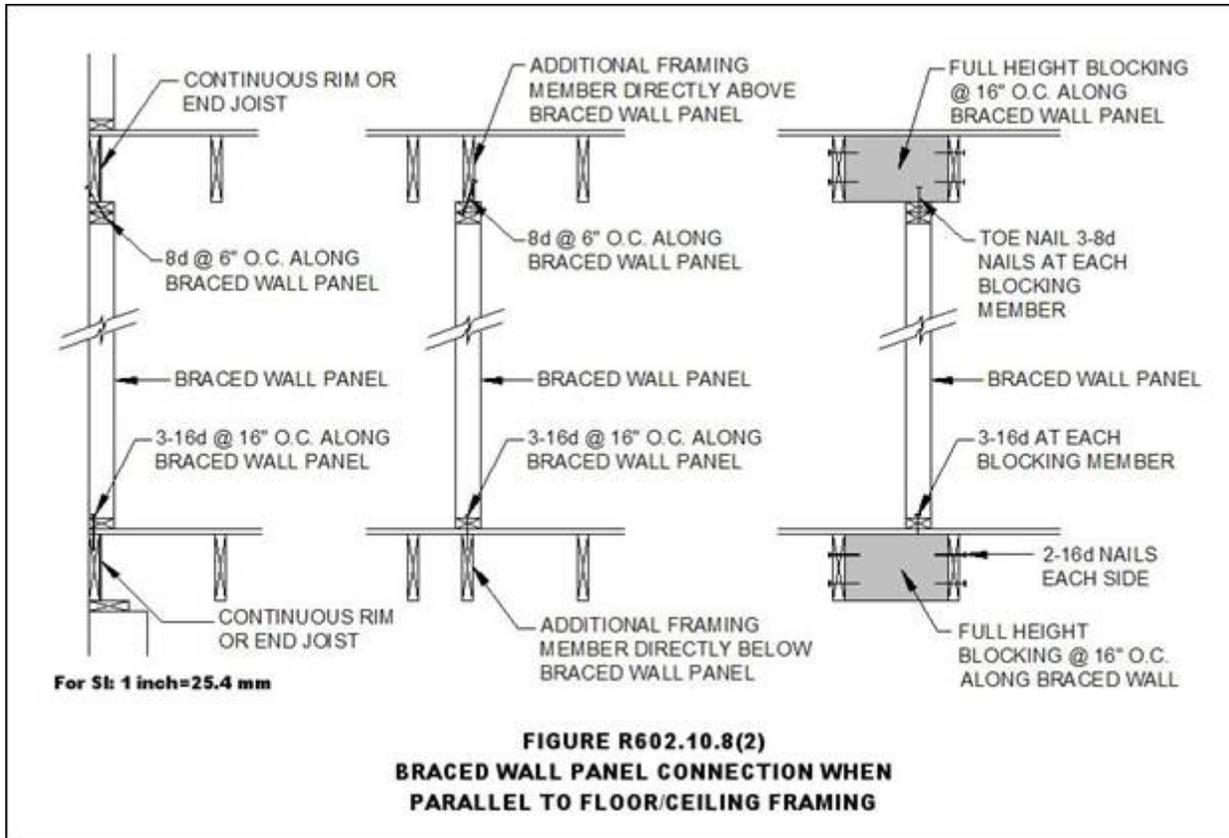
FIGURE R602.10.7
END CONDITIONS FOR BRACED WALL LINES
WITH CONTINUOUS SHEATHING

R602.10.8 Braced wall panel connections. Braced wall panels shall be connected to floor framing or foundations as follows:

1. Where joists are perpendicular to a braced wall panel above or below, a rim joist, band joist or blocking shall be provided along the entire length of the braced wall panel in accordance with Figure R602.10.8(1). Fastening of top and bottom wall plates to framing, rim joist, band joist and/or blocking shall be in accordance with Table R602.3(1).
2. Where joists are parallel to a braced wall panel above or below, a rim joist, end joist or other parallel framing member shall be provided directly above and below the braced wall panel in accordance with Figure R602.10.8(2). Where a parallel framing member cannot be located directly above and below the panel, full-depth blocking at 16 inch (406 mm) spacing shall be provided between the parallel framing members to each side of the braced wall panel in accordance with Figure R602.10.8(2). Fastening of blocking and wall plates shall be in accordance with Table R602.3(1) and Figure R602.10.8(2).
3. Connections of braced wall panels to concrete or masonry shall be in accordance with Section R403.1.6.



Regulations



R602.10.8.1 Connections to roof framing. Top plates of exterior braced wall panels shall be attached to rafters or roof trusses above in accordance with Table R602.3(1) and this section. Where required by this section, blocking between rafters or roof trusses shall be attached to top plates of braced wall panels and to rafters and roof trusses in accordance with Table R602.3(1). A continuous band, rim, or header joist or roof truss parallel to the braced wall panels shall be permitted to replace the blocking required by this section. Blocking shall not be required over openings in continuously-sheathed braced wall lines. In addition to the requirements of this section, lateral support shall be provided for rafters and ceiling joists in accordance with Section R802.8 and for trusses in accordance with Section R802.10.3. Roof ventilation shall be provided in accordance with R806.1.

1. For wind speeds less than 100 mph (45 m/s):

1.1. Where the distance from the top of the braced wall panel to the top of the rafters or roof trusses above is 9.25 inches (235 mm) or less, blocking between rafters or roof trusses shall not be required.

1.2. Where the distance from the top of the braced wall panel to the top of the rafters or roof trusses above is between 9.25 inches (235 mm) and 15.25 inches (387 mm) blocking between rafters or roof trusses shall be provided above the braced wall panel in accordance with Figure R602.10.8.1(1).

2. For wind speeds of 100 mph (45 m/s) or greater, where the distance from the top of the braced wall panel to the top of the rafters or roof trusses is 15.25 inches (387 mm) or less, blocking between rafters or roof trusses shall be provided above the braced wall panel in accordance with Figure R602.10.8.1(1).

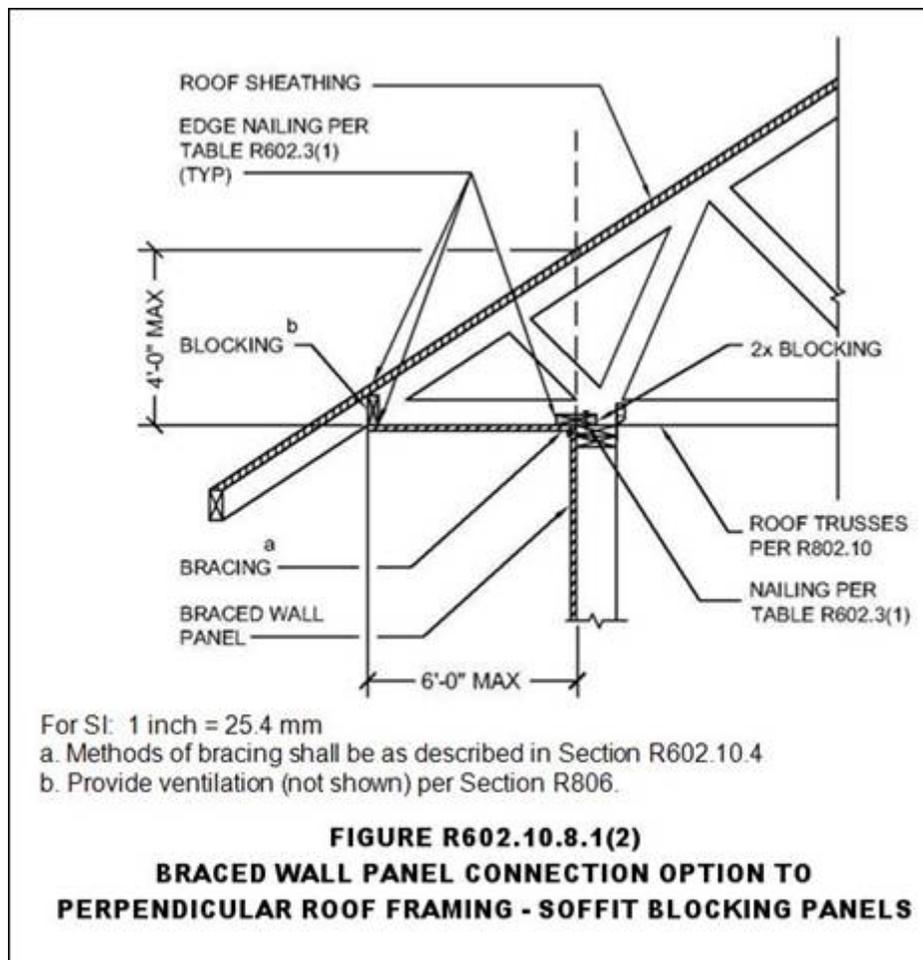
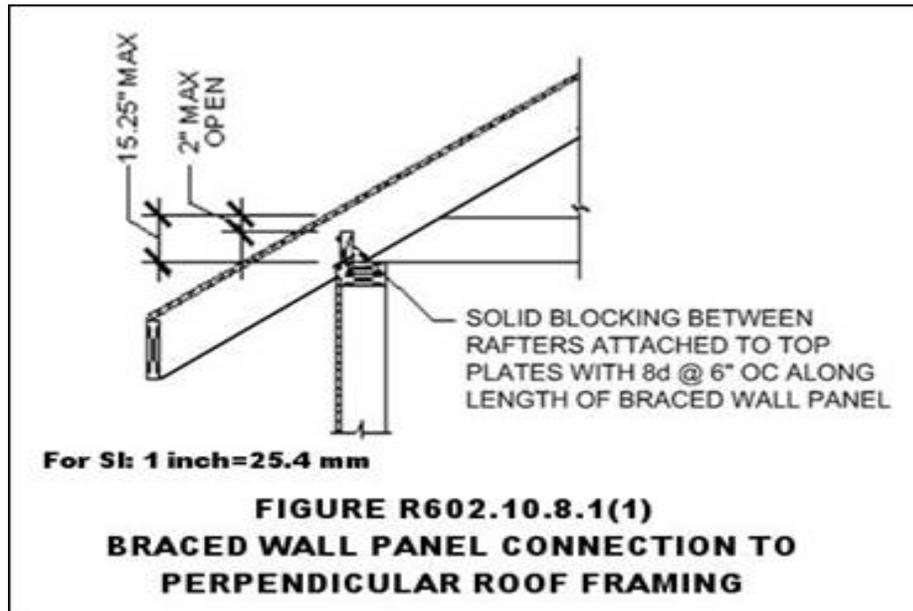
3. Where the distance from the top of the braced wall panel to the top of the rafters or roof trusses exceeds 15.25 inches (387 mm), the top plate of the braced wall panel shall be connected to perpendicular rafters or roof trusses above in accordance with one or more of the following methods:

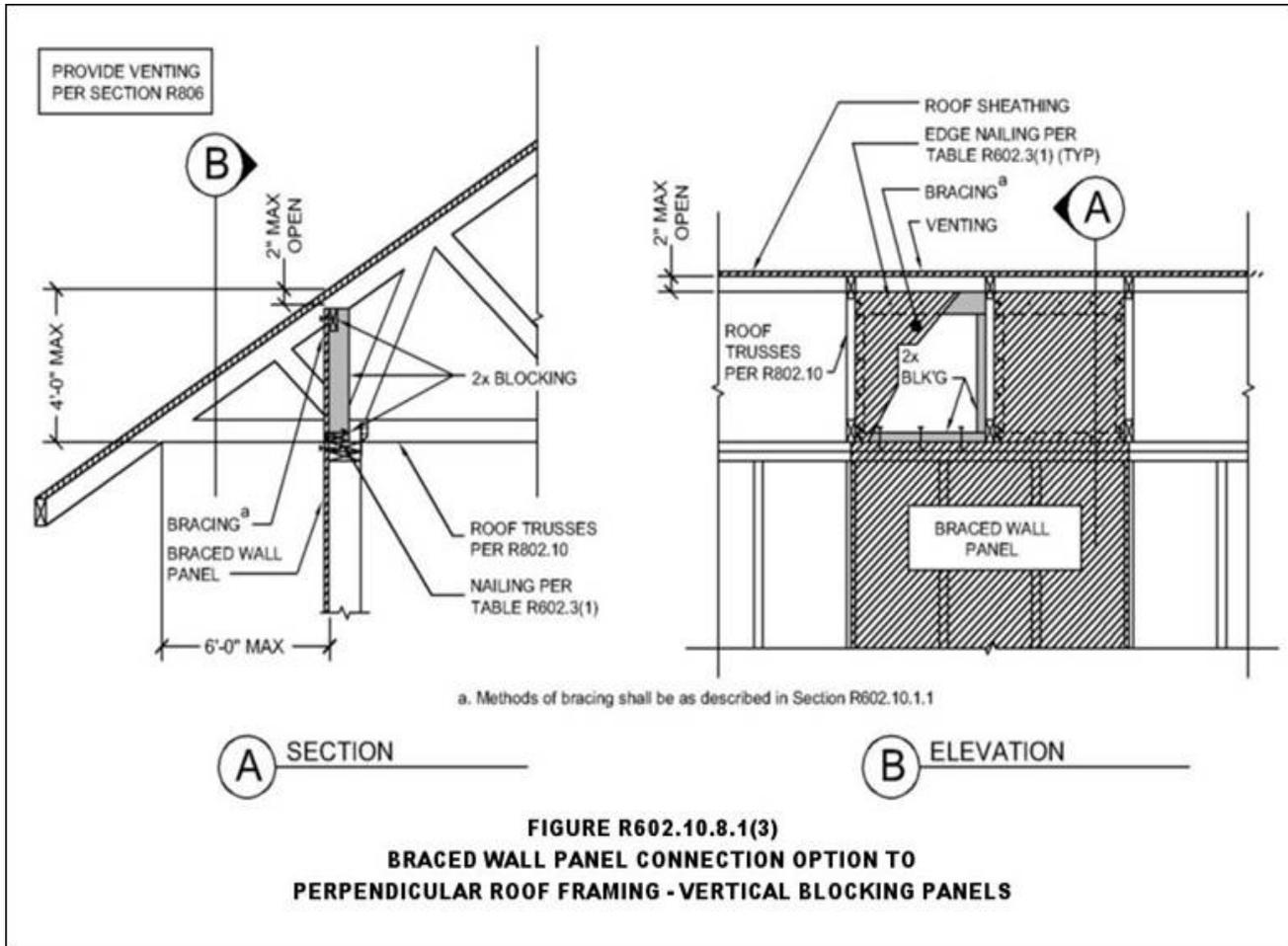
3.1. Soffit blocking panels constructed per Figure R602.10.8.1(2).

3.2. Vertical blocking panels constructed per Figure R602.10.8.1(3).

3.3. Full-height engineered blocking panels designed per the AF&PA WFCM.

3.4. Blocking, blocking panels, or other methods of lateral load transfer designed in accordance with accepted engineering practice.





R602.10.9 Braced wall panel support. Braced wall panel support shall be provided as follows:

1. Cantilevered floor joists complying with Section R502.3.3 shall be permitted to support braced wall panels.
2. Elevated post or pier foundations supporting braced wall panels shall be designed in accordance with accepted engineering practice.
3. Masonry stem walls less than 48 inches (1220 mm) in length that support braced wall panels shall be reinforced in accordance with Figure R602.10.9. Masonry stem walls with a length greater than or equal to 48 inches (1220 mm) supporting braced wall panels shall be constructed in accordance with Section R403.1 Methods ABW and PFH shall not be permitted to attach to masonry stem walls.
4. Concrete stem walls less than 48 inches (1220 mm) in length, greater than 12 inches (305 mm) tall and less than six inches (152 mm) thick shall have reinforcement sized and located in accordance with Figure R602.10.9.

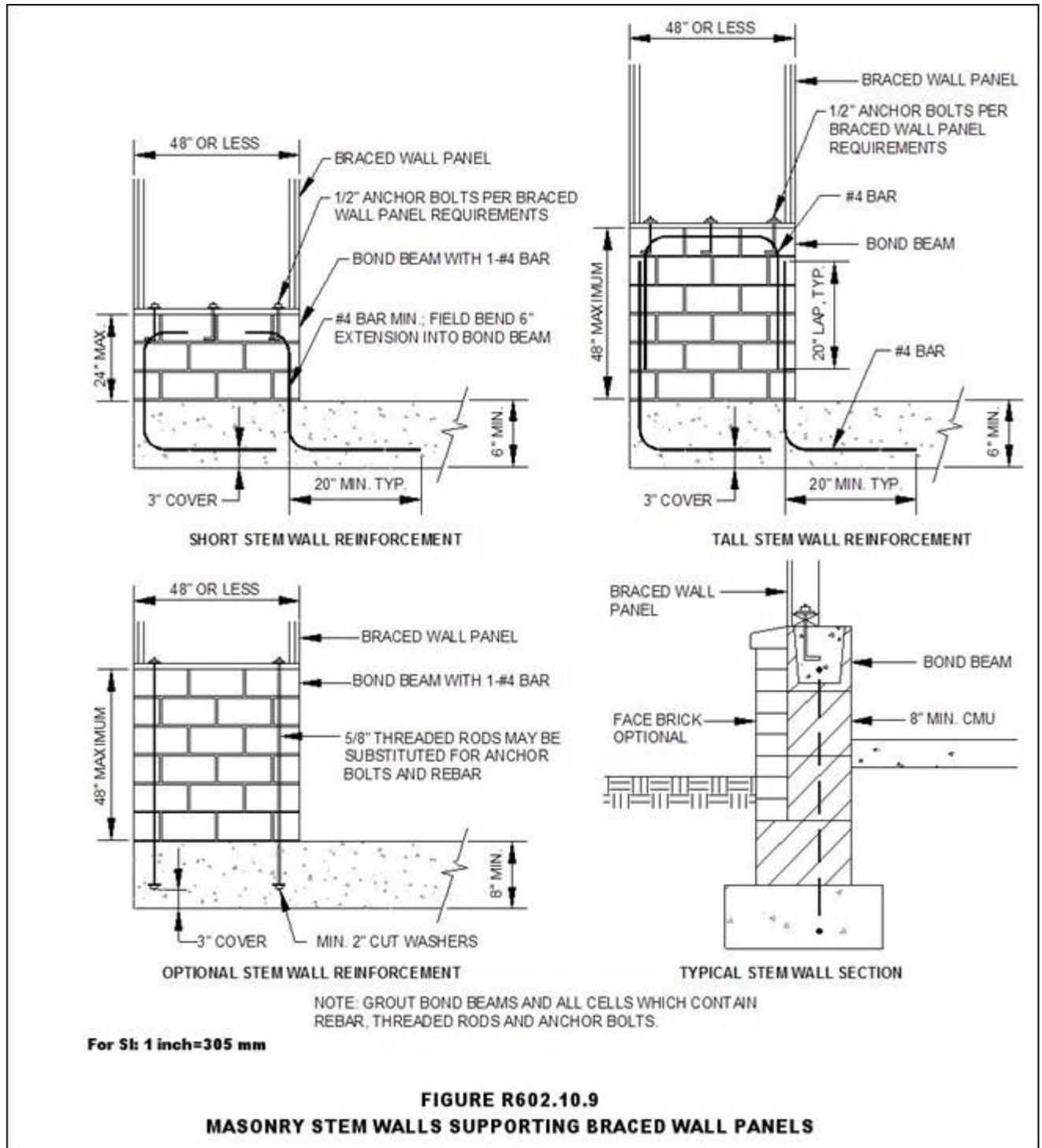
Exception: As an alternative to the Optional Stem Wall Reinforcement in Fig. R602.10.9, an approved post-installed adhesive anchoring system shall be permitted. A minimum of two anchors shall be installed as indicated in Figure R602.10.9. Anchors shall be located not more than four inches (102 mm) from each end of the stem wall. Anchors shall be installed into the concrete footing as follows:

1. 5/8 inch (16 mm) threaded rod – 3/4 inch (19 mm) diameter hole with a minimum embedment of six inches (152 mm).
2. No. 4 reinforcing bar – 5/8 inch (16 mm) diameter hole with a minimum embedment of 4-1/2 inches (114 mm).

A minimum footing thickness of eight inches (203 mm) is required and the minimum distance from each anchor to the edge of the footing shall be 3-3/4 (95 mm).

The anchoring adhesive and anchors shall be installed in accordance with the manufactures instructions and have a minimum tensile capacity of 5,000 lbs (22 kN).

The reinforcement of the masonry stem wall and attachment of the braced wall panel to the stem wall shall be as shown in Figure R602.10.9.



Regulations

R602.10.10 Panel joints. All vertical joints of panel sheathing shall occur over and be fastened to common studs. Horizontal joints in braced wall panels shall occur over and be fastened to common blocking of a minimum 1-1/2 inch (38 mm) thickness.

Exceptions:

1. Vertical joints of panel sheathing shall be permitted to occur over double studs where adjoining panel edges are attached to separate studs with the required panel edge fastening schedule and the adjacent studs are attached together with two rows of 10d box nails (3 inches long x 0.128 inch diameter) at 10 inches (254 mm) o.c.

2. Blocking at horizontal joints shall not be required in wall segments that are not counted as braced wall panels.

3. Where the length of bracing provided is at least twice the required length of bracing from Tables R602.10.3(1) and R602.10.3(3) blocking at horizontal joints shall not be required in braced wall panels constructed using Methods WSP, SFB, GB, PBS or HPS.

4. When Method GB panels are installed horizontally, blocking of horizontal joints is not required.

R602.10.11 Cripple wall bracing. Cripple walls shall be constructed in accordance with Section R602.9 and braced in accordance with this section. Cripple walls shall be braced with the length and method of bracing used for the wall above in accordance with Tables R602.10.3(1) and R602.10.3(3), except that the length of cripple wall bracing shall be multiplied by a factor of 1.15.

R602.10.11.1 Cripple wall bracing for townhouses in Seismic Design Category C. In addition to the requirements in Section R602.10.11, the distance between adjacent edges of braced wall panels shall be 14 feet (4267 mm) maximum.

Where braced wall lines at interior walls are not supported on a continuous foundation below, the adjacent parallel cripple walls, where provided, shall be braced with Method WSP or CS-WSP per Section R602.10.4. The length of bracing required per Table R602.10.3(3) for the cripple walls shall be multiplied by 1.5. Where the cripple walls do not have sufficient length to provide the required bracing, the spacing of panel edge fasteners shall be reduced to four inches (102 mm) on center and the required bracing length adjusted by 0.7. If the required length can still not be provided, the cripple wall shall be designed in accordance with accepted engineering practice.

R602.10.11.2 Redesignation of cripple walls. Where all cripple wall segments along a braced wall line do not exceed 48 inches (1220 mm) in height, the cripple wall shall be permitted to be redesignated as a first story wall for purposes of determining wall bracing requirements. Where any cripple wall segment in a braced wall line exceeds 48 inches (1220 mm) in height, the entire cripple wall shall be counted as an additional story. If the cripple walls are redesignated, the stories above the redesignated story shall be counted as the second and third stories respectively.

50. Change Section R602.11.1 to read:

602.11.1 Wall anchorage for townhouses in Seismic Design Category C. Plate washers, a minimum of 0.229 inch by 3 inches by 3 inches (5.8 mm by 76 mm by 76 mm) in size, shall be provided between the foundation sill plate and the nut except where approved anchor straps are used. The hole in the plate washer is permitted to be diagonally slotted with a width of up to 3/16 inch (5 mm) larger than the bolt diameter and a slot length not to exceed 1-3/4 inches (44 mm), provided a standard cut washer is placed between the plate washer and the nut.

51. Delete Section R602.11.2.

52. Replace Section R602.12, including all subsections, with the following:

R602.12 Simplified wall bracing. Buildings meeting all of the conditions listed below shall be permitted to be braced in accordance with this section as an alternate to the requirements of Section R602.10. The entire building shall be braced in accordance with this section; the use of other bracing provisions of R602.10, except as specified herein, shall not be permitted.

1. There shall be no more than two stories above the top of a concrete or masonry foundation or basement wall. Permanent wood foundations shall not be permitted.

2. Floors shall not cantilever more than 24 inches (607 mm) beyond the foundation or bearing wall below.

3. Wall height shall not be greater than 10 feet (2743 mm).

4. The building shall have a roof eave-to-ridge height of 15 feet (4572 mm) or less.

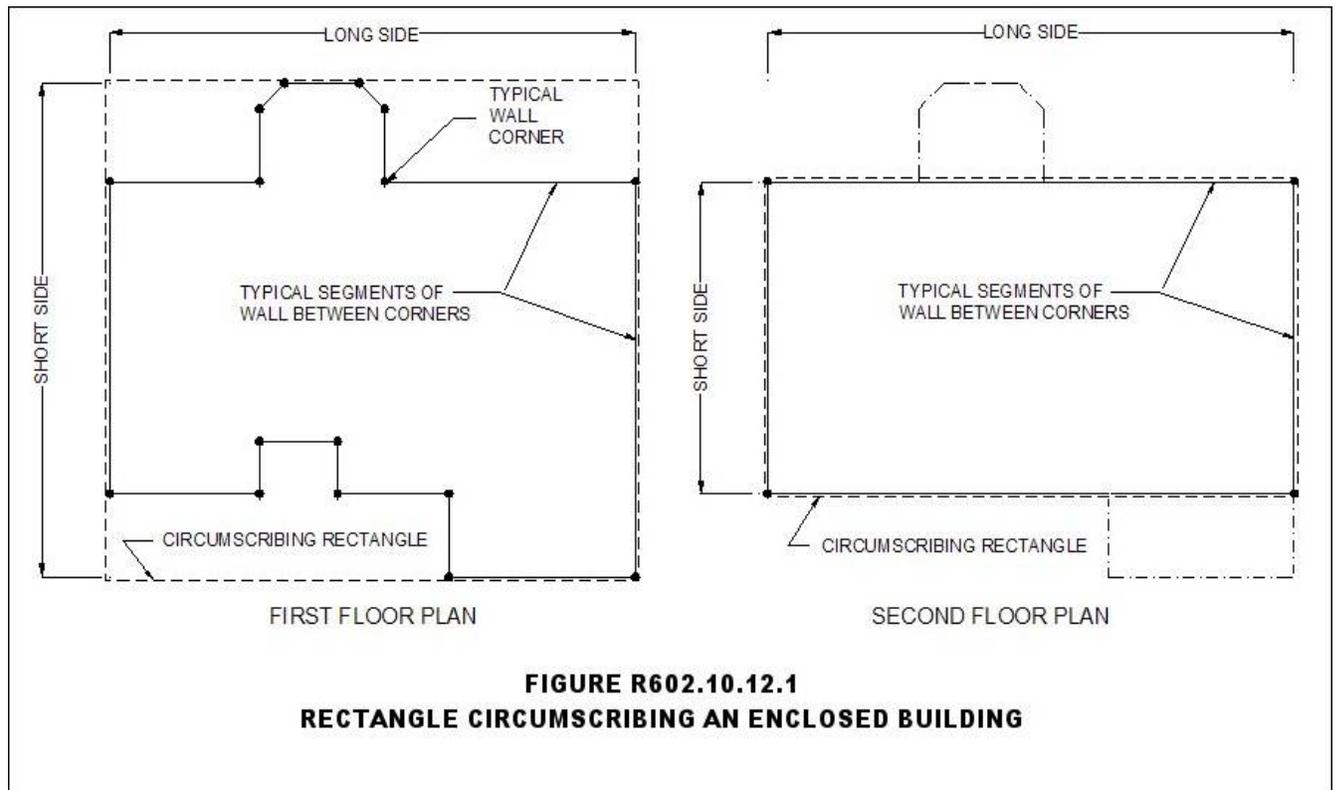
5. All exterior walls shall have gypsum board with a minimum thickness of 1/2 inch (12.7 mm) installed on the interior side fastened in accordance with Table R702.3.5.

6. The structure shall be located where the basic wind speed is less than or equal to 90 mph (40 m/s) and the Exposure Category is A or B.

7. The structure shall be located in Seismic Design Category of A, B or C for detached one-family and two-family dwellings or Seismic Design Category A or B for townhouses.

8. Cripple walls shall not be permitted in two-story buildings.

R602.12.1 Circumscribed rectangle. Required bracing shall be determined by circumscribing a rectangle around the entire building on each floor as shown in Figure R602.12.1. The rectangle shall surround all enclosed offsets and projections such as sunrooms and attached garages. Open structures such as carports and decks shall be permitted to be excluded. The rectangle shall have no side greater than 60 feet (18 288 mm), and the ratio between the long side and short side shall be a maximum of 3:1.



**FIGURE R602.10.12.1
RECTANGLE CIRCUMSCRIBING AN ENCLOSED BUILDING**

R602.12.2 Sheathing materials. The following sheathing materials installed on the exterior side of exterior walls shall be used to construct a bracing unit as defined in Section R602.12.3. Mixing materials is prohibited.

1. Wood structural panels with a minimum thickness of 3/8 inch (9.5 mm) fastened in accordance with Table R602.3(3).
2. Structural fiberboard sheathing with a minimum thickness of 1/2 inch (12.7 mm) fastened in accordance with Table R602.3(1).

R602.12.3 Bracing unit. A bracing unit shall be a full-height sheathed segment of the exterior wall with no openings or vertical or horizontal offsets and a minimum length as specified below. Interior walls shall not contribute toward the amount of required bracing. Mixing of Items 1 and 2 below is prohibited on the same story.

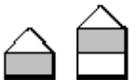
1. Where all framed portions of all exterior walls are sheathed in accordance with Section R602.12.2, including wall areas between bracing units, above and below openings and on gable end walls, the minimum length of a bracing unit shall be three feet (914 mm).

Regulations

2. Where the exterior walls are braced with sheathing panels in accordance with Section R602.12.2 and areas between bracing units are covered with other materials, the minimum length of a bracing unit shall be four feet (1219 mm).

R602.12.3.1 Multiple bracing units. Segments of wall compliant with Section R602.12.3 and longer than the minimum bracing unit length shall be considered as multiple bracing units. The number of bracing units shall be determined by dividing the wall segment length by the minimum bracing unit length. Full-height sheathed segments of wall narrower than the minimum bracing unit length shall not contribute toward a bracing unit except as specified in Section R602.12.6.

R602.12.4 Number of bracing units. Each side of the circumscribed rectangle, as shown in Figure R602.12.1, shall have, at a minimum, the number of bracing units per Table R602.12.4 placed on the parallel exterior walls facing the side of the rectangle. Bracing units shall then be placed using the distribution requirements specified in Section R602.12.5.

Table R602.12.4													
Minimum Number of Bracing Units on Each Side of the Circumscribed Rectangle													
Story Level	Eave-to ridge height (feet)	Minimum number of bracing units on each long side ^{a,b}						Minimum number of bracing units on each short side ^{a,b}					
		Length of short side (ft) ^c						Length of long side (ft) ^c					
		10	20	30	40	50	60	10	20	30	40	50	60
	10	1	2	2	2	3	3	1	2	2	2	3	3
			2	3	3	4	5	6	2	3	3	4	5
	15	1	2	3	3	4	4	1	2	3	3	4	4
			2	3	4	5	6	7	2	3	4	5	6

For SI: 1 ft=304.8 mm

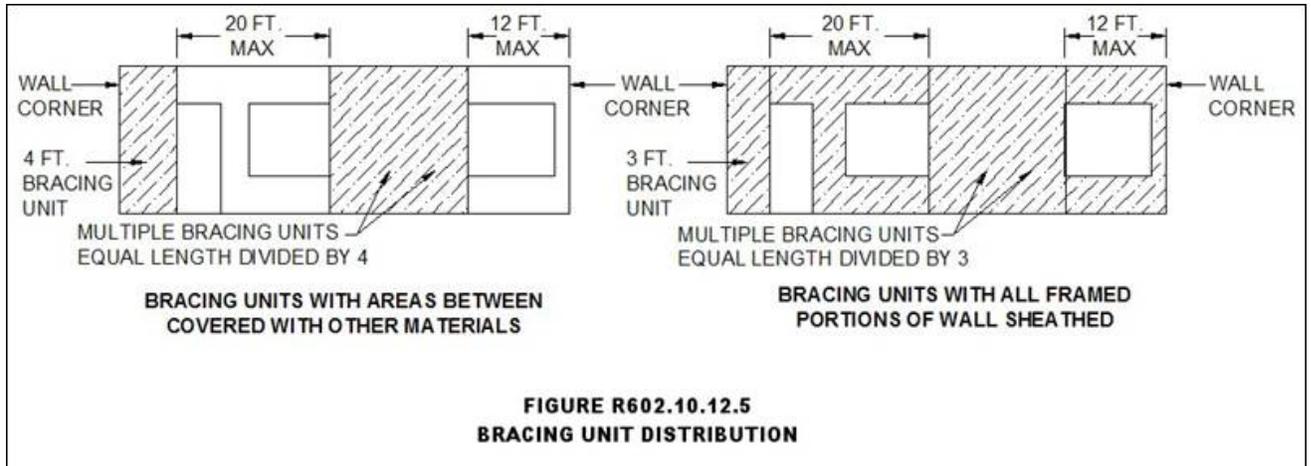
^aInterpolation shall not be permitted.

^bCripple walls or wood-framed basement walls in a walk-out condition of a one-story structure shall be designed as the first floor of a two-story house.

^cActual lengths of the sides of the circumscribed rectangle shall be rounded to the next highest unit of 10 when using this table.

R602.12.5 Distribution of bracing units. The placement of bracing units on exterior walls shall meet all of the following requirements as shown in Figure R602.12.5.

1. A bracing unit shall begin no more than 12 feet (3658 mm) from any wall corner.
2. The distance between adjacent edges of bracing units shall be no greater than 20 feet (6096 mm).
3. Segments of wall greater than eight feet (2438 mm) in length shall have a minimum of one bracing unit.



R602.12.6 Narrow panels. The bracing methods referenced in Section R602.10 and specified in Sections R602.12.6.1 through R602.12.6.3 shall be permitted when using simplified wall bracing.

R602.12.6.1 Method CS-G. Braced wall panels constructed as Method CS-G in accordance with Tables R602.10.4.1 and R602.10.5 shall be permitted for one-story garages when all framed portions of all exterior walls are sheathed with wood structural panels. Each CS-G panel shall be equivalent to 0.5 bracing units.

R602.12.6.2 Method CS-PF. Braced wall panels constructed as Method CS-PF in accordance with Section R602.10.6.4 shall be permitted when all framed portions of all exterior walls are sheathed with wood structural panels. Each CS-PF panel shall equal 0.5 bracing units. A maximum of four CS-PF panels shall be permitted on all the segments of walls parallel to each side of the circumscribed rectangle.

R602.12.6.3 Methods PFH and PFG. Braced wall panels constructed as Method PFH, in accordance with Section R602.10.6.2, and PFG, in accordance with Section R602.10.6.3, shall be permitted when bracing units are constructed using wood structural panels. Each PFH panel shall equal one bracing unit, and each PFG shall equal 0.75 bracing units.

R602.12.7 Lateral support. For bracing units located along the eaves, the vertical distance from the outside edge of the top wall plate to the roof sheathing above shall not exceed 9.25 inches (235 mm) at the location of a bracing unit unless lateral support is provided in accordance with Section R602.10.8.1.

R602.12.8 Stem walls. Masonry stem walls with a height and length of 48 inches (1219 mm) or less supporting a bracing unit or a Method CS-G, CS-PF or PFG braced wall panel shall be constructed in accordance with Figure R602.10.9. Concrete stem walls greater than 12 inches (305 mm) tall and less than six inches (152 mm) thick

shall have reinforcement sized and located in accordance with Figure R602.10.9.]

37. [~~28.~~ 53.] Change Section ~~R613.2~~ R612.2 to read:

~~R613.2~~ R612.2 Window sills. In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 18 inches (457 mm) above the finished floor of the room in which the window is located. ~~Glazing between the floor and 18 inches (457 mm) shall be fixed or have openings through which Operable sections of windows shall not permit openings that allow passage of a 4-inch-diameter (102 mm) sphere cannot pass where such openings are located within 18 inches (457 mm) of the finished floor.~~

Exceptions:

1. Windows whose openings will not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the opening is in its largest opened position.
2. Openings that are provided with window fall prevention devices that comply with Section R612.3.
- ~~2.~~ 3. Openings that are provided with window guards fall protection devices that comply with ASTM F-2006 ~~or~~ F 2090.
4. Windows that are provided with opening limiting devices that comply with Section R612.4.

38. Change Section R806.4 and add Table R806.4 to read:

~~R806.4 Unvented attic assemblies.~~ Unvented attic assemblies (spaces between the ceiling joists of the top story and the roof rafters) shall be permitted if all the following conditions are met:

1. ~~The unvented attic space is completely contained within the building thermal envelope.~~

Regulations

2. No interior vapor retarders are installed on the ceiling side (attic floor) of the unvented attic assembly.

3. Where wood shingles or shakes are used, a minimum 1/4 inch (6 mm) vented air space separates the shingles or shakes and the roofing underlayment above the structural sheathing.

4. In climate zones 5, 6, 7 and 8, any air impermeable insulation shall be a vapor retarder, or shall have a vapor retarder coating or covering in direct contact with the underside of the insulation.

5. Either Items a, b or c shall be met, depending on the air permeability of the insulation directly under the structural roof sheathing.

a. Air impermeable insulation only. Insulation shall be applied in direct contact to the underside of the structural roof sheathing.

b. Air permeable insulation only. In addition to the air permeable installed directly below the structural sheathing, rigid board or sheet insulation shall be installed directly above the structural roof sheathing as specified in Table R806.4 for condensation control.

c. Air impermeable and air permeable insulation. The air impermeable insulation shall be applied in direct contact to the underside of the structural roof sheathing as specified in Table R806.4 for condensation control. The air permeable insulation shall be installed directly under the air impermeable insulation.

chapter, Table R703.4 and Figure R703.7. These veneers installed over a backing of wood or cold-formed steel shall be limited to the first story above-grade and shall not exceed five inches (127 mm) in thickness. See Tables R602.10.3(3) and R602.10.3(4) for wall bracing requirements for masonry veneer for wood framed construction and Section R603.9.5 for wall bracing requirements for masonry veneer for cold-formed steel construction.

Exceptions:

1. For all buildings in Seismic Design Categories A, B and C, exterior stone or masonry veneer, as specified in Table R703.7(1), with a backing of wood or steel framing shall be permitted to the height specified in Table R703.7(1) above a noncombustible foundation.

2. For detached one-family or two-family dwellings in Seismic Design Categories D₀, D₁ and D₂, exterior stone or masonry veneer, as specified in Table R703.7(2), with a backing of wood framing shall be permitted to the height specified in Table R703.7(2) above a noncombustible foundation.

55. Delete the reference to footnote "f" and the footnote itself in Figure R802.11.

56. Delete Section N1101.9.

57. Change Section N1103.2.2 to read:

N1103.2.2 Sealing. All ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4.1 of the International Residential Code. Verification of compliance with this section shall be in accordance with either Section N1103.2.2.1 or Section N1103.2.2.2.

58. Add Section N1103.2.2.1 to read:

N1103.2.2.1 Testing option. Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to eight cfm (3.78 L/s) per 100 ft² (9.29 m²) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft² (9.29m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to six cfm (2.83 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total

Climate Zone	Minimum Rigid Board or Air impermeable Insulation R-value ^a
2B and 3B tile roof only	0 (none required)
1, 2A, 2B, 3A, 3B, 3C	R-5
4C	R-10
4A, 4B	R-15
5	R-20
6	R-25
7	R-30
8	R-35

^aContributes to but does not supersede Chapter 11 energy requirements.

39. [29; 54. Change Section R703.7 to read:

R703.7 Stone and masonry veneer, general. Stone and masonry veneer shall be installed in accordance with this

leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft² (9.29 m²) of conditioned floor area.

Exception: Duct tightness test is not required if the air handler and all ducts are located within conditioned space.

When this option is chosen, testing shall be performed by approved qualified individuals, testing agencies or contractors. Testing and results shall be as prescribed in Section N1103.2.2 and approved recognized industry standards.

59. Add Section N1103.2.2.2 to read:

N1103.2.2.2 Visual inspection option. In addition to the inspection of ducts otherwise required by this code, when the air handler and all ducts are not within conditioned space and this option is chosen to verify duct tightness, duct tightness shall be considered acceptable when the requirements of Section N1103.2.2 are field verified.

60.] Change Section ~~M1502.6~~ M1502.4.4.1 to read:

~~M1502.6~~ M1502.4.4.1 Duct Specified length. The maximum length of a clothes dryer the exhaust duct shall not exceed be 35 feet (10 668 mm) from the dryer location to the wall or roof termination connection to the transition duct from the dryer to the outlet terminal. The maximum length of the duct shall be reduced 2.5 feet (762 mm) for each 45-degree (0.8 rad) bend and five feet (1524 mm) for each 90-degree (1.6 rad) bend. The Where fittings are used the maximum length of the exhaust duct does not include the transition duct shall be reduced in accordance with Table M1502.4.4.1.

Exceptions:

1. ~~Where the make and model of the clothes dryer to be installed is known and the manufacturer's installation instructions for the dryer are provided to the building official, the maximum length of the exhaust duct, including any transition duct, shall be permitted to be in accordance with the dryer manufacturer's installation instructions.~~

2. ~~Where large radius 45-degree (0.8 rad) and 90-degree (1.6 rad) bends are installed, determination of the equivalent length of clothes dryer exhaust duct for each bend by engineering calculation in accordance with the ASHRAE Fundamentals Handbook shall be permitted.~~

40. Change Section M1701.1 to read as follows and delete the remainder of Chapter 17:

~~M1701.1 Scope. Solid fuel burning appliances shall be provided with combustion air, in accordance with the appliance manufacturer's installation instructions. Oil-fired appliances shall be provided with combustion air in accordance with NFPA 31. The methods of providing combustion air in this chapter do not apply to fireplaces,~~

~~fireplace stoves and direct vent appliances. The requirements for combustion and dilution air for gas-fired appliances shall be in accordance with Chapter 24.~~

41. [~~30- 61.~~] Add Section M1801.1.1 to read:

M1801.1.1 Equipment changes. Upon the replacement or new installation of any fuel-burning appliances or equipment in existing buildings, an inspection or inspections shall be conducted to ensure that the connected vent or chimney systems comply with the following:

1. Vent or chimney systems are sized in accordance with this code.
2. Vent or chimney systems are clean, free of any obstruction or blockages, defects or deterioration and are in operable condition.

Where not inspected by the local building department, persons performing such changes or installations shall certify to the building official that the requirements of Items 1 and 2 of this section are met.

42. Change Section G2411.1 to read:

~~G2411.1 Gas pipe bonding. Each above ground portion of a gas piping system that is likely to become energized shall be electrically continuous and bonded to an effective ground fault current path. Gas piping shall be considered to be bonded where it is connected to appliances that are connected to the equipment grounding conductor of the circuit supplying that appliance.~~

~~CSST gas piping systems shall be bonded to the electrical service grounding electrode system at the point where the gas service piping enters the building. The bonding conductor size shall be not less than #6 AWG copper wire or equivalent.~~

43. Add Section G2415.17 to read:

404.17 Isolation. Metallic piping and metallic tubing that conveys fuel gas from an LP gas storage container shall be provided with an approved dielectric fitting to electrically isolate the underground portion of the pipe or tube from the above ground portion that enters a building. Such dielectric fitting shall be installed above ground, outdoors.

[~~31- 62.~~] Add Section G2425.1.1 to read:

G2425.1.1 Equipment changes. Upon the replacement or new installation of any fuel-burning appliances or equipment in existing buildings, an inspection or inspections shall be conducted to ensure that the connected vent or chimney systems comply with the following:

1. Vent or chimney systems are sized in accordance with this code.

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2. Vent or chimney systems are clean, free of any obstruction or blockages, defects, or deterioration and are in operable condition.

Where not inspected by the local building department, persons performing such changes or installations shall certify to the building official that the requirements of Items 1 and 2 of this section are met.

44. [~~32~~. 63.] Change Section P2601.2 to read:

P2601.2 Connections. Plumbing fixtures, drains and appliances used to receive or discharge liquid wastes or sewage shall be directly connected to the sanitary drainage system of the building or premises, in accordance with the requirements of this code. This section shall not be construed to prevent indirect waste systems.

Exception: Bathtubs, showers, lavatories, clothes washers and laundry trays are not required to discharge to the sanitary drainage system where those fixtures discharge to an approved gray water or rain water recycling system.

64.] Change Section P2602.1 to read:

P2602.1 General. The water and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public or private water supply and a public or private sewer system. As provided for in Section 103.11 of Part I of the Virginia Uniform Statewide Building Code (13VAC5-63) for functional design, water supply sources and sewage disposal systems are regulated and approved by the Virginia Department of Health and the Virginia Department of Environmental Quality.

Note: See also the Memorandums of Agreement in the "Related Laws Package," which is available from the Virginia Department of Housing and Community Development.

45. [~~33~~. 65.] Change Section P2903.5 to read:

P2903.5 Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. A water-hammer arrestor shall be installed where quick-closing valves are utilized, unless otherwise approved. Water hammer arrestors shall be installed in accordance with manufacturer's specifications. Water hammer arrestors shall conform to ASSE 1010.

46. [~~34~~. 66.] Add Section P3002.2.1 to read:

P3002.2.1 Tracer wire. Nonmetallic sanitary sewer piping that discharges to public systems shall be locatable. An insulated copper tracer wire, 18 AWG minimum in size and suitable for direct burial or an equivalent product, shall be utilized. The wire shall be installed in the same trench as the sewer within 12 inches

(305 mm) of the pipe and shall be installed from within five feet of the building wall to the point where the building sewer intersects with the public system. At a minimum, one end of the wire shall terminate above grade in an accessible location that is resistant to physical damage, such as with a cleanout or at the building wall.

47. Replace Section P3007, Sumps and Ejectors, with the following:

~~Section P3007.~~

~~Sumps and Ejectors.~~

~~P3007.1 Building subdrains. Building subdrains that cannot be discharged to the sewer by gravity flow shall be discharged into a tightly covered and vented sump from which the liquid shall be lifted and discharged into the building gravity drainage system by automatic pumping equipment or other approved method. In other than existing structures, the sump shall not receive drainage from any piping within the building capable of being discharged by gravity to the building sewer.~~

~~P3007.2 Valves required. A check valve and a full open valve located on the discharge side of the check valve shall be installed in the pump or ejector discharge piping between the pump or ejector and the gravity drainage system. Access shall be provided to such valves. Such valves shall be located above the sump cover required by Section P3007.3.2 or, where the discharge pipe from the ejector is below grade, the valves shall be accessibly located outside the sump below grade in an access pit with a removable access cover.~~

~~P3007.3 Sump design. The sump pump, pit and discharge piping shall conform to the requirements of Sections P3007.3.1 through P3007.3.5.~~

~~P3007.3.1 Sump pump. The sump pump capacity and head shall be appropriate to anticipated use requirements.~~

~~P3007.3.2 Sump pit. The sump pit shall be not less than 18 inches (457 mm) in diameter and 24 inches (610 mm) deep, unless otherwise approved. The pit shall be accessible and located such that all drainage flows into the pit by gravity. The sump pit shall be constructed of tile, concrete, steel, plastic or other approved materials. The pit bottom shall be solid and provide permanent support for the pump. The sump pit shall be fitted with a gastight removable cover adequate to support anticipated loads in the area of use. The sump pit shall be vented in accordance with Chapter 31.~~

~~P3007.3.3 Discharge piping. Discharge piping shall meet the requirements of Section P3007.2.~~

~~P3007.3.4 Maximum effluent level. The effluent level control shall be adjusted and maintained to at all times prevent the effluent in the sump from rising to within 2~~

inches (51 mm) of the invert of the gravity drain inlet into the sump.

~~P3007.3.5 Ejector connection to the drainage system. Pumps connected to the drainage system shall connect to the building sewer or shall connect to a wye fitting in the building drain a minimum of 10 feet (3048 mm) from the base of any soil stack, waste stack or fixture drain. Where the discharge line connects into horizontal drainage piping, the connection shall be made through a wye fitting into the top of the drainage piping.~~

~~P3007.4 Sewage pumps and sewage ejectors. A sewage pump or sewage ejector shall automatically discharge the contents of the sump to the building drainage system.~~

~~P3007.5 Macerating toilet systems. Macerating toilet systems shall comply with CSA B45.9 or ASME A112.3.4 and shall be installed in accordance with the manufacturer's installation instructions.~~

~~P3007.6 Capacity. A sewage pump or sewage ejector shall have the capacity and head for the application requirements. Pumps or ejectors that receive the discharge of water closets shall be capable of handling spherical solids with a diameter of up to and including 2 inches (51 mm). Other pumps or ejectors shall be capable of handling spherical solids with a diameter of up to and including one inch (25.4 mm). The minimum capacity of a pump or ejector based on the diameter of the discharge pipe shall be in accordance with Table 3007.6.~~

~~Exceptions:~~

- ~~1. Grinder pumps or grinder ejectors that receive the discharge of water closets shall have a minimum discharge opening of 1.25 inches (32 mm).~~
- ~~2. Macerating toilet assemblies that serve single water closets shall have a minimum discharge opening of 0.75 inch (19 mm).~~

Diameter of Discharge Pipe (inches)	Capacity of Pump or Ejector (gpm)
2	21
2 1/2	30
3	46
For SI: 1 inch = 25.4 mm, 1 gallon per minute = 3.785 L/m	

48. Change the title of Chapter 32 to read:

Chapter 32.

Traps and Storm Drainage.

49. Add Section P3202, Storm Drainage, to read:

Section P3202.

Storm Drainage.

~~P3202.1 Scope. The provisions of this section shall govern the materials, design, construction and installation of storm drainage.~~

~~P3202.2 Subsoil drains. Subsoil drains shall be open-jointed, horizontally split or perforated pipe conforming to one of the standards listed in Table P3202.2. Such drains shall not be less than 4 inches (102 mm) in diameter. Where the building is subject to backwater, the subsoil drain shall be protected by an accessibly located backwater valve. Subsoil drains shall not be required to have either a gas tight cover or vent. The sump and pumping system shall comply with Section P3202.3.~~

Material	Standard
Asbestos cement pipe	ASTM C 508
Cast iron pipe	ASTM A 74; ASTM A 888; CISPI 301
Polyethylene (PE) plastic pipe	ASTM F 405; CSA B182.1; CSA B182.6; CSA B182.8
Polyvinyl chloride (PVC) plastic pipe (type sewer pipe, PS25, PS50 or PS100)	ASTM D 2729; ASTM F 891; CSA B182.2; CSA B182.4
Stainless steel drainage systems, Type 316L	ASME A112.3.1
Vitrified clay pipe	ASTM C 4; ASTM C 700

~~P3202.3 Pumping system. The sump pump, pit and discharge piping shall conform to Section P3202.3.1 through P3202.3.4.~~

~~P3202.3.1 Pump capacity and head. The sump pump shall be of a capacity and head appropriate to anticipated use requirements.~~

~~P3202.3.2 Sump pit. The sump pit shall not be less than 18 inches (457 mm) in diameter and 24 inches (610 mm) deep, unless otherwise approved. The pit shall be accessible and located such that all drainage flows into the pit by gravity. The sump pit shall be constructed of tile, steel, plastic, cast iron, concrete or other approved material, with a removable cover adequate to support anticipated loads in the area of use. The pit floor shall be solid and provide permanent support for the pump.~~

~~P3202.3.3 Electrical. Electrical outlets shall meet the requirements of Chapters 33 through 42.~~

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~~P3202.3.4 Piping. Discharge piping shall meet the requirements of Sections P3002.1, P3002.2, P3002.3 and P3003. Discharge piping shall include an accessible full flow check valve. Pipe and fittings shall be the same size as, or larger than, pump discharge tapping.~~

50. Add Section G2425.1.1 to read:

~~G2425.1.1 Equipment changes. Upon the replacement or new installation of any fuel burning appliances or equipment in existing buildings, an inspection or inspections shall be conducted to ensure that the connected vent or chimney systems comply with the following:~~

- ~~1. Vent or chimney systems are sized in accordance with this code.~~
- ~~2. Vent or chimney systems are clean, free of any obstruction or blockages, defects or deterioration and are in operable condition.~~

~~Where not inspected by the local building department, persons performing such changes or installations shall certify to the building official that the requirements of Items 1 and 2 of this section are met.~~

51. [~~35, 67.~~] Add Section ~~E3501.8~~ E3601.8 to read:

~~E3501.8~~ E3601.8 Energizing service equipment. The building official shall give permission to energize the electrical service equipment of a one- or two-family dwelling unit when all of the following requirements have been approved:

1. The service wiring and equipment, including the meter socket enclosure, shall be installed and the service wiring terminated.
2. The grounding electrode system shall be installed and terminated.
3. At least one receptacle outlet on a ground fault protected circuit shall be installed and the circuit wiring terminated.
4. Service equipment covers shall be installed.
5. The building roof covering shall be installed.
6. Temporary electrical service equipment shall be suitable for wet locations unless the interior is dry and protected from the weather.

52. Add the following referenced standards to Chapter 43:

Standard reference number	Title	Referenced in code section number
ASTM C4 03	Specification for Clay Drain Tile and Perforated Clay Drain Tile	P3202.3
ASTM C508-00	Specification for Asbestos-Cement Underdrain Pipe	P3202.3
ASTM D2729-96a	Specification for Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings	P3202.3
ASTM E2178-03	Standard Test Method for Air Permeance of Building Materials	R202
ASTM F405-97	Specification for Corrugated Polyethylene (PE) Tubing and Fittings	P3202.3
CSA B182.1-02	Plastic Drain and Sewer Pipe and Pipe Fittings	P3202.3
CSA B182.6-02	Profile Polyethylene Sewer Pipe and Fittings for Leak-Proof Sewer Applications	P3202.3
CSA B182.8-02	Profile Polyethylene Storm Sewer and Drainage Pipe and Fittings	P3202.3

[~~68.~~ Change Section E3802.4 to read:

E3802.4 In unfinished basements. Where type SE or NM cable is run at angles with joists in unfinished basements, cable assemblies containing two or more conductors of sizes 6 AWG and larger and assemblies containing three or more conductors of sizes 8 AWG and larger shall not require additional protection where attached directly to the bottom of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. NM cable installed on the wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with Table E3802.1. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the where cable enters the raceway. The NM or SE cable

sheath shall extend through the conduit or tubing and into the outlet or device box not less than 1/4 inch (6.4 mm). The cable shall be secured within 12 inches (305 mm) of the point where the cable enters the conduit or tubing. Metal conduit, tubing, and metal outlet boxes shall be connected to an equipment grounding conductor.

69. Change Section E3902.11 to read:

E3902.11 Arc-fault protection of bedroom outlets. All branch circuits that supply 120-volt, single phase, 15-ampere and 20-ampere outlets installed in bedrooms shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the branch circuit.

Exceptions:

1. Where a combination AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch-circuit overcurrent device and such outlet shall be wired with metal outlet and junction boxes and RMC, IMC, EMT or steel armored cable, Type AC meeting the requirements of Section E3908.8.

2. AFCI protection is not required for a branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT or steel armored cable Type AC meeting the requirements of Section E3908.8.]

13VAC5-63-220. Chapter 4 Special detailed requirements based on use and occupancy.

A. [Delete Section 403.4.4 of the IBC.

B.] Add Section 407-8 [407-9 407.10] to the IBC to read:

407-8 [407-9 407.10] Special locking arrangement. Means of egress doors shall be permitted to contain locking devices restricting the means of egress in areas in which the clinical needs of the patients require restraint of movement, where all of the following conditions are met:

1. The locks release upon activation of the fire alarm system or the loss of power.
2. The building is equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1.
3. A manual release device is provided at a nursing station responsible for the area.
4. A key-operated switch or other manual device is provided adjacent to each door equipped with the locking device. Such switch or other device, when operated, shall result in direct interruption of power to the lock -- independent of the control system electronics.

5. All staff shall have keys or other means to unlock the switch or other device or each door provided with the locking device.

[~~B. C.~~] Add Section 407-9 [407.10 407.11] to the IBC to read:

407-9 [407.10 407.11] Emergency power systems. Emergency power shall be provided for medical life support equipment, operating, recovery, intensive care, emergency rooms, fire detection and alarm systems in any Group I-2 occupancy licensed by the Virginia Department of Health as a hospital, nursing home or hospice facility.

C. Change Section 408.2 of the IBC to read:

~~408.2 Other occupancies. Buildings or portions of buildings in Group I-3 occupancies where security operations necessitate the locking of required means of egress shall be permitted to be classified as a different occupancy. Occupancies classified as other than Group I-3 shall meet the applicable requirements of this code for that occupancy provided provisions are made for the release of occupants at all times. Where the provisions of this code for occupancies other than Group I-3 are more restrictive than the provisions for Group I-3 occupancies, the Group I-3 occupancy provisions shall be permitted to be used.~~

~~Means of egress from detention and correctional occupancies that traverse other use areas shall, as a minimum, conform to requirements for detention and correctional occupancies.~~

~~Exception: It is permissible to exit through a horizontal exit into other contiguous occupancies that do not conform to detention and correctional occupancy egress provisions but that do comply with requirements set forth in the appropriate occupancy, as long as the occupancy is not a high hazard use.~~

~~D. Add a new Section 408.3.4 to the IBC to read as follows and renumber existing Sections 408.3.4, 408.3.5 and 408.3.6 to become Sections 408.3.5, 408.3.6 and 408.3.7 respectively:~~

~~408.3.4 Ships ladders. Ships ladders in accordance with Section 1009.12 shall be permitted from facility observation or control rooms.~~

E. Change Section 408.3.6 of the IBC to read:

~~408.3.6 Sallyports. A sallyport shall be permitted in a means of egress where there are provisions for continuous and unobstructed passage through the sallyport during an emergency egress condition. A sallyport is a security vestibule with two or more doors where the intended purpose is to prevent continuous and unobstructed passage by allowing the release of only one door at a time.~~

F. Add Section 408.3.8 to the IBC to read:

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408.3.8 Guard tower doors. A hatch or trap door not less than 16 square feet (.929 m²) in area through the floor and having minimum dimensions of not less than two feet (609.6 mm) in any direction shall be permitted to be used to access guard towers.

G. Add Section 408.5.1 to the IBC to read:

408.5.1 Noncombustible shaft openings in communicating floor levels. Where vertical openings are permitted without enclosure protection in accordance with Section 408.5, noncombustible shafts such as plumbing chases shall also be permitted without enclosure protection. Where additional stories are located above or below, the shaft shall be permitted to continue with fire and smoke damper protection provided at the fire resistance rated floor/ceiling assembly between the noncommunicating stories.

H. Change Section 408.8 of the IBC to read:

408.8 Windowless buildings. For the purposes of this section, a windowless building or portion of a building is one with nonopenable windows, windows not readily breakable or without windows. Windowless buildings shall be provided with an engineered smoke control system to provide a tenable environment for exiting from the smoke compartment in the area of fire origin in accordance with Section 909 for each windowless smoke compartment.

[D. Change the title of IBC Section 410 to read:

Stages, Platforms and Technical Production Areas.

E. Delete the following definitions in IBC Section 410.2:

Fly gallery.

Gridiron.

F. Add the following definition to IBC Section 410.2 to read:

Technical production area. Open elevated areas or spaces intended for entertainment technicians to walk on and occupy for servicing and operating entertainment technology systems and equipment. Galleries, including fly and lighting galleries, gridirons, catwalks and similar areas are designed for these purposes.

G.] Delete Section 410.5.3 of the IBC, add new Section 410.6 to the IBC and renumber Sections 410.6 and 410.7 of the IBC to Sections 410.7 and 410.8 respectively.

410.6 Means of egress. Except as modified or as provided for in this section, the provisions of Chapter 10 shall apply.

410.6.1 Arrangement. Where two or more exits or exit access doorways are required per Section 1015.1 from the stage [~~or area beneath the stage~~], at least one exit or exit access doorway shall be provided on each side of the stage [~~or area beneath the stage~~].

410.6.2 Stairway and ramp enclosure. Stairways and ramps [~~servicing the stage~~ provided from stages, platforms and technical production areas] are not required to be enclosed.

410.6.3 [~~Fly gallery~~ Technical production areas. Technical production areas shall be provided with means of egress and means of escape in accordance with Section 410.6.3.1 through 410.6.3.5.

410.6.3.1 Means of egress.] At least one [~~exit or exit access~~ means of egress] shall be provided from [~~fly galleries and the~~ technical production areas.

410.6.3.2 Travel distance. The] maximum length of exit access travel shall not exceed 300 feet (91 440 mm) for buildings without a sprinkler system and 400 feet (121 920 mm) for buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

[410.6.3.3 Two means of egress. Where two means of egress are required, the common path of travel shall not exceed 100 feet (30 480 mm).

Exception: A means of egress to a roof in place of a second means of egress is permitted.

410.6.3.4 Path of egress travel.] The following exit access components are permitted when servicing [~~only the fly gallery~~ technical production areas]:

1. [~~Unenclosed interior stairs~~ Stairways].

2. [Ramps.

3.] Spiral [~~stairs~~ stairways].

[~~3. Stairways with a minimum width of 22 inches (559 mm)~~ 4. Catwalks].

[~~4. 5.] Alternating tread devices.~~

[~~5. Permanently installed~~ 6. Permanent] ladders.

[410.6.3.5 Width. The path of egress travel within and from technical production areas shall be a minimum of 22 inches (559 mm).]

I. [~~D. H.] Add Section 415.1.1 to the IBC to read:~~

415.1.1 Flammable and combustible liquids. Notwithstanding the provisions of this chapter, the storage, handling, processing, and transporting of flammable and combustible liquids shall be in accordance with the mechanical code and the fire code listed in Chapter 35 of this code. Regulations governing the installation, repair, upgrade, and closure of underground and aboveground storage tanks under the Virginia State Water Control Board regulations 9VAC25-91 and 9VAC25-580 are adopted and incorporated by reference to be an enforceable part of this code. Where differences occur between the provisions of this code and the incorporated provisions of the State

Water Control Board regulations, the provisions of the State Water Control Board regulations shall apply.

J. [~~E. I.~~] Add IBC Section ~~421~~ 424 Manufactured Homes and Industrialized Buildings.

K. [~~F. J.~~] Add Section ~~421.1~~ 424.1 to the IBC to read:

~~421.1~~ 424.1 General. The provisions of this section shall apply to the installation or erection of manufactured homes subject to the Virginia Manufactured Home Safety Regulations (13VAC5-95) and industrialized buildings subject to the Virginia Industrialized Building Safety Regulations (13VAC5-91).

L. [~~G. K.~~] Add Section ~~421.2~~ 424.2 to the IBC to read:

~~421.2~~ 424.2 Site work for manufactured homes. The aspects for the installation and set up of a new manufactured home is generally subject to the requirements of covered by this code rather than the Virginia Manufactured Home Safety Regulations (13VAC5-95) include, but are not limited to, footings, foundations systems, anchoring of the home, exterior, interior close-up, and additions and alterations done during initial installation. Under those regulations, the building official is responsible for assuring that the installation complies. Such aspects shall be subject to and shall comply with the manufacturer's installation instructions and any special conditions or limitations of use stipulated by the label provided by the manufacturer of the home. To the extent that any aspect of the installation is not provided for in the manufacturer's installation instructions, then the installation shall comply with 24 CFR Part 3285 – Model Manufactured Home Installation Standards. In the case where do not address any aspect enumerated above or when the manufacturer's installation instructions for a manufactured home are not available, such aspects shall be subject to and comply with 24 CFR Part 3285 – Model Manufactured Home Installation Standards shall be substituted for the manufacturer's installation instructions. To the extent that the manufacturer's installation instructions and 24 CFR Part 3285 do not address any aspect enumerated above, the installer must first attempt to obtain Design Approval Primary Inspection Agency (DAPIA) as defined in 24 CFR Part 3285.5, approved designs and instructions prepared by the manufacturer; or if designs and instructions are not available from the manufacturer, obtain an alternate design prepared and certified by an RDP that is consistent with the manufactured home design, conforms to the requirements of the Manufactured Housing Consensus Committee (MHCCS) as defined in 24 CFR Part 3285.5, and has been approved by the manufacturer and the DAPIA. Foundations, stoops Stoops, decks, porches, alterations and additions associated with and used manufactured homes are subject to the requirements shall comply with the provisions of this code and all administrative requirements

~~of this code for permits, inspections and certificates of occupancy are also applicable. The requirements of, which shall include the option of using the IRC shall be permitted to be used for the technical requirements for such construction work. In addition, the installation and set up of the home and the use of Appendix E of the IRC entitled, "Manufactured Housing used as Dwellings," shall be an acceptable alternative to this code for construction work associated with the installation of manufactured homes and for additions, alterations and repairs to manufactured homes the home. Additionally, all applicable provisions of Chapter 1 of this code, including but not limited to requirements for permits, inspections, certificates of occupancy and requiring compliance, are applicable to the installation and set up of a manufactured home. Where the installation or erection of a manufactured home utilizes components that are to be concealed, the installer shall notify the building official that an inspection is necessary and assure that an inspection is performed and approved prior to concealment of such components, unless the building official has agreed to an alternative method of verification.~~

M. [~~H. L.~~] Add Section ~~421.3~~ 424.3 to the IBC to read:

~~421.3~~ 424.3 Wind load requirements for manufactured homes. Manufactured homes shall be anchored to withstand the wind loads established by the federal regulation for the area in which the manufactured home is installed. For the purpose of this code, Wind Zone II of the federal regulation shall include the cities of Chesapeake, Norfolk, Portsmouth, and Virginia Beach.

N. [~~I. M.~~] Add Section ~~421.4~~ 424.4 to the IBC to read:

~~421.4~~ 424.4 Skirting requirements for manufactured homes. As used in this section, "skirting" means a weather-resistant material used to enclose the space from the bottom of the manufactured home to grade. [~~Manufactured~~ In accordance with § 36-99.8 of the Code of Virginia, manufactured] homes installed or relocated shall have skirting installed within 60 days of occupancy of the home. Skirting materials shall be durable, suitable for exterior exposures and installed in accordance with the manufacturer's installation instructions. Skirting shall be secured as necessary to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage and to compensate for possible frost heave. Each manufactured home shall have a minimum of one opening in the skirting providing access to any water supply or sewer drain connections under the home. Such openings shall be a minimum of 18 inches (457 mm) in any dimension and not less than three square feet (.28 m²) in area. The access panel or door shall not be fastened in a manner requiring the use of a special tool to open or remove the panel or door. On-site fabrication of the skirting by the owner or installer of the home shall be acceptable, provided that the

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material meets the requirements of this code. [In addition, as a requirement of this code, skirting for the installation and set-up of a new manufactured home shall also comply with the requirements of 24 CFR Part 3285 – Model Manufactured Home Installation Standards.]

Ø. [J. N.] Add Section ~~421.5~~ 424.5 to the IBC to read:

~~421.5~~ 424.5 Site work for industrialized buildings. Site work for the erection and installation of an industrialized building ~~is generally subject to the requirements of the Virginia Industrialized Building Safety Regulations (13VAC5-91) and the building official has certain enforcement responsibilities under those regulations shall~~ comply with the manufacturer's installation instructions. To the extent that any aspect of the erection or installation of an industrialized building is not covered by ~~these regulations~~ the manufacturer's installation instructions, this code shall be applicable. ~~In addition, all administrative requirements of this code for permits, inspections and certificates of occupancy are also applicable. The requirements, including the use of the IRC shall be permitted to be used for any construction work that is subject to this code where the industrialized building would be classified as a Group R-5 building. In addition, all administrative requirements of this code for permits, inspections, and certificates of occupancy are also applicable. Further, the building official may require the submission of plans and specifications for details of items needed to comprise the finished building that are not included or specified in the manufacturer's instructions, including, but not limited to, footings, foundations, supporting structures, proper anchorage, and the completion of the plumbing, mechanical, and electrical systems. Where the installation or erection of an industrialized building utilizes components that are to be concealed, the installer shall notify the building official that an inspection is necessary and assure that an inspection is performed and approved prior to concealment of such components, unless the building official has agreed to an alternative method of verification.~~

[Exception: Temporary family health care structures installed pursuant to § 15.2-2292.1 of the Code of Virginia shall not be required or permitted to be placed on a permanent foundation, but shall otherwise remain subject to all pertinent provisions of this section.]

P. [K. O.] Add Section ~~421.6~~ 424.6 to the IBC to read:

~~421.6~~ 424.6 Relocated industrialized buildings; alterations and additions. Industrialized buildings constructed prior to January 1, 1972, shall be subject to Section 117 when relocated. Alterations and additions to any existing industrialized buildings shall be subject to pertinent provisions of this code. Building officials shall be permitted to require the submission of plans and specifications for the model to aid in the evaluation of the

proposed alteration or addition. Such plans and specifications shall be permitted to be submitted in electronic or other available format acceptable to the building official.

[P. Add IBC Section 425 Aboveground Liquid Fertilizer Tanks.

Q. Add Sections 425.1 through 425.6 to the IBC to read:

425.1 General. This section shall apply to the construction of ALFSTs and shall supersede any conflicting requirements in other provisions of this code. ALFSTs shall also comply with any applicable non-conflicting requirements of this code.

425.1.1 When change of occupancy rules apply. A change of occupancy to use a tank as an ALFST occurs when there is a change in the use of a tank from storing liquids other than liquid fertilizers to a use of storing liquid fertilizer and when the type of liquid fertilizer being stored has a difference of at least 20% of the specific gravity or operating temperature, or both, or a significant change in the material's compatibility.

425.2 Standards. Newly constructed welded steel ALFSTs shall comply with API 650 and TFI RMIP, as applicable. Newly constructed ALFSTs constructed of materials other than welded steel shall be constructed in accordance with accepted engineering practice to prevent the discharge of liquid fertilizer and shall be constructed of materials that are resistant to corrosion, puncture or cracking. In addition, newly constructed ALFSTs constructed of materials other than welded steel shall comply with TFI RMIP, as applicable. For the purposes of this code, the use of TFI RMIP shall be construed as mandatory and any language in TFI RMIP, such as, but not limited to, the terms "should" or "may" which indicate that a provision is only a recommendation or a guideline shall be taken as a requirement. ALFSTs shall be placarded in accordance with NFPA 704.

Exception: Sections 4.1.4, 4.2.5, 5.1.2, 5.2.8, 5.3 and 8.1(d)(i) of TFI RMIP shall not be construed as mandatory.

425.3 Secondary containment. When ALFSTs are newly constructed and when there is a change of occupancy to use a tank as an ALFST, a secondary containment system designed and constructed to prevent any liquid fertilizer from reaching the surface water, groundwater or adjacent land before cleanup occurs shall be provided. The secondary containment system may include dikes, berms or retaining walls, curbing, diversion ponds, holding tanks, sumps, vaults, double-walled tanks, liners external to the tank, or other approved means and shall be capable of holding up to 110% of the capacity of the ALFST as certified by an RDP.

425.4 Repair, alteration and reconstruction of ALFSTs. Repair, alteration and reconstruction of ALFSTs shall comply with applicable provisions of API 653 and TFI RMIP.

425.5 Inspection. Applicable inspections as required by and in accordance with API 653 and TFI RMIP shall be performed for repairs and alterations to ALFSTs, the reconstruction of ALFSTs and when there is a change of occupancy to use a tank as an ALFST. When required by API 653 or TFI RMIP, such inspections shall occur prior to the use of the ALFST.

425.6 Abandoned ALFSTs. Abandoned ALFSTs shall comply with applicable provisions of Section 3404.2.13.2 of the IFC.]

13VAC5-63-230. Chapter 7 Fire-resistant-rated construction.

A. ~~Add~~ Change Section ~~701.2 to~~ 703.6 of the IBC to read:

701.2 703.6 Fire-resistance assembly marking. Concealed fire walls, vertical fire separation assemblies, fire barriers, fire partitions and smoke barriers shall be designated above ceilings and on the inside of all ceiling access doors which provide access to such fire rated assemblies by signage having letters no smaller than one inch (25.4 mm) in height. Such signage shall indicate the fire-resistance rating of the assembly and the type of assembly and be provided at horizontal intervals of no more than eight feet (2438 mm).

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

B. [Change Section 705.2 of the IBC to read:

705.2 Projections. Except for decks and open porches of buildings in Groups R-3 and R-4, cornices, eave overhangs, exterior balconies and similar projections extending beyond the exterior wall shall conform to the requirements of this section and Section 1406. Exterior egress balconies and exterior exit stairways shall also comply with Sections 1019 and 1026, respectively. Projections shall not extend beyond the distance determined by the following three methods, whichever results in the lesser projection:

1. A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected and unprotected openings are required in the exterior wall.

2. A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system installed under the provisions of Section 705.8.2.

3. More than 12 inches (305 mm) into areas where openings are prohibited.

Buildings on the same lot and considered as portions of one building in accordance with Section 705.3 are not required to comply with this section.

C. Add Exception 4 to Section 706.5.2 of the IBC to read:

4. Decks and open porches of buildings in Groups R-3 and R-4.

~~D.] Delete Sections 707.14.1 and 707.14.2 of the IBC, including all subsections of Section 707.14.2 708.14.1 through 708.14.2.11.~~

C. Add exception 4 to Section 715.4.3 of the IBC to read:

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

D. Add an exception to Section 715.5.4 of the IBC to read:

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

E. [~~C. E.] Change Section 716.5.3 of the IBC to read:~~

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

Exceptions:

1. Fire and smoke dampers are not required where steel exhaust subducts extend at least 22 inches (559 mm) vertically in exhaust shafts provided there is a continuous airflow upward to the outside.
2. Fire dampers are not required where penetrations are tested in accordance with ASTM E 119 as part of the fire-resistance rated assembly.
3. Fire and smoke dampers are not required where ducts are used as part of an approved smoke-control system in accordance with Section 909.
4. Fire and smoke dampers are not required where the penetrations are in parking garage exhaust or supply shafts that are separated from other building shafts by not less than two-hour fire-resistance-rated construction.

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

13VAC5-63-240. Chapter 9 Fire protection systems.

A. Add the following definitions to Section 902 of the IBC to read:

Emergency communication equipment. Emergency communication equipment, includes, but is not limited to, two-way radio communications, signal booster, bi-directional amplifiers, radiating cable systems or internal multiple antenna, or a combination of the foregoing.

Emergency public safety personnel. Emergency public safety personnel includes firefighters, emergency medical personnel, law-enforcement officers and other emergency public safety personnel routinely called upon to provide emergency assistance to members of the public in a wide variety of emergency situations, including, but not limited to, fires, medical emergencies, violent crimes and terrorist attacks.

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

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

C. Change Section 903.2.1.2 of the IBC to read:

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (~~465 m²~~) (464.5m²);
2. The fire area has an occupant load of 100 or more in night clubs or 300 or more in other Group A-2 occupancies; or
3. The fire area is located on a floor other than ~~the a~~ a level of exit discharge servicing such occupancies.

D. Change Item 2 of Section 903.2.1.3 of the IBC to read:

2. In Group A-3 occupancies other than churches, the fire area has an occupant load of 300 or more; ~~;~~ or

E. [Change Section 903.2.3 of the IBC to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m²) in area.

2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

F. Change Section 903.2.7 of the IBC to read:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 12,000 square feet (1115 m²).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

G.] Change Section ~~903.2.7~~ 903.2.8 of the IBC to read:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area, except in the following Group R-2 occupancies when the necessary water pressure or volume, or both, for the system is not available:

Exceptions:

1. Buildings which do not exceed two stories, including basements which are not considered as a story above grade, and with a maximum of 16 dwelling units per fire area. Each dwelling unit shall have at least one door opening to an exterior exit access that leads directly to the exits required to serve that dwelling unit.
2. Buildings where all dwelling units are not more than two stories above the lowest level of exit discharge and not more than one story below the highest level of exit discharge of exits serving the dwelling unit and a two-hour fire barrier is provided between each pair of dwelling units. Each bedroom of a dormitory or boarding house shall be considered a dwelling unit under this exception.

[~~F. H.~~] Add Item 6 to Section 903.3.1.1.1 of the IBC to read:

6. Elevator machine rooms and elevator machine spaces for occupant evacuation elevators.

F. [~~G. I.~~] Add Section 903.3.1.2.2 to the IBC to read:

903.3.1.2.2 Attics. Sprinkler protection shall be provided for attics in buildings of Type III, IV or V construction in Group R-2 occupancies that are designed or developed and marketed to senior citizens 55 years of age or older and in

Group I-1 occupancies in accordance with Section 6.7.2 of NFPA 13R.

G. [~~H. J.~~] Change Section 903.4.2 of the IBC to read:

903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Group R-2 occupancies that contain 16 or more dwelling units or sleeping units, any dwelling unit or sleeping unit two or more stories above the lowest level of exit discharge, or any dwelling unit or sleeping unit more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit shall provide a manual fire alarm box at an approved location to activate the suppression system alarm.

H. [~~I. K.~~] Add an exception to Section 905.2 of the IBC to read:

Exception: The residual pressure of 100 psi for 2-1/2 inch hose connection and 65 psi for 1-1/2 inch hose connection is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and where the highest floor level is not more than 150 feet above the lowest level of fire department vehicle access.

I. [~~J. L.~~] Change Item 1 of Section 906.1 of the IBC to read:

~~906.1 General. Portable fire extinguishers shall be provided in occupancies and locations as required by the International Fire Code.~~

~~1. In Group A, B, E, F, H, I, M, R-1, R-4, and S occupancies.~~

[~~Exceptions~~ Exception]:

~~[1.] Group R-2 occupancies [In Group A, B, and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.~~

~~2.] In Group I-3 occupancies, portable fire extinguishers shall be permitted to be located at staff locations and the access to such extinguishers shall be permitted to be locked.~~

J. [~~K. M.~~] Change Section 907.2.1.1 of the IBC to read:

907.2.1.1 System initiation in Group A occupancies with a occupant load of 1,000 or more and in certain night clubs. Activation of the fire alarm in Group A occupancies with

an occupant load of 1,000 or more and in night clubs with an occupant load of 300 or more shall initiate a signal using an emergency voice and alarm communications system in accordance with ~~NFPA 72~~ Section 907.5.2.2.

Exception: Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed three minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

~~K. Change Section 907.2.9 of the IBC to read:~~

~~907.2.9 Group R-2. A manual fire alarm system shall be installed in Group R-2 occupancies.~~

~~Exceptions:~~

~~1. A fire alarm system is not required in buildings not over two stories in height where all dwelling units or sleeping rooms and contiguous attic and crawl spaces are separated from each other and public or common areas by at least one hour fire partitions and each dwelling unit or sleeping room has an exit directly to a public way, exit court or yard.~~

~~2. Manual fire alarm boxes are not required throughout the building when the following conditions are met:~~

~~2.1. The building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 ; and~~

~~2.2. The notification appliances will activate upon sprinkler flow.~~

[~~I. N.~~] Change Add an exception to Section 907.9.2 907.5.2.1.1 of the IBC to read:

~~907.9.2 Audible alarms. Audible alarm notification appliances shall be provided and shall sound a distinctive sound that is not to be used for any purpose other than that of a fire alarm. The audible alarm notification appliances shall provide a sound pressure level of 15 decibels (dBA) above the average ambient sound level or 5 dBA above the maximum sound level having a duration of at least 60 seconds, whichever is greater, in every occupied space within the building. The minimum sound pressure levels shall be: 70 dBA in occupancies in Groups R and I 1; 90 dBA in mechanical equipment rooms and 60 dBA in other occupancies. The maximum sound pressure level for audible alarm notification appliances shall be 120 dBA at the minimum hearing distance from the audible appliance. Where the average ambient noise is greater than 105 dBA, visible alarm notification appliances shall be provided in accordance with NFPA 72 and audible alarm notification appliances shall not be required.~~

~~Exceptions~~ Exception:

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~~1. Visible alarm notification appliances shall be allowed in lieu of audible alarm notification appliances in critical-care areas of Group I-2 occupancies.~~

~~2. Sound pressure levels in Group I-3 occupancies shall be permitted to be limited to only the notification of occupants in the affected smoke compartment.~~

[O. Add Sections 908.7, 908.7.1 and 908.7.2 to the IBC to read:

908.7 Carbon monoxide alarms. Carbon monoxide alarms shall be provided in new buildings and structures in accordance with this section.

908.7.1 Alarm requirements. Carbon monoxide alarms shall be single station, hard wired, plug-in or battery type, listed as complying with UL 2034, and shall be installed in accordance with this code and the manufacturer's installation instructions.

908.7.2 Where required. Carbon monoxide alarms shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units and outside of, but in the immediate vicinity of, each sleeping unit in all Group R occupancies located within buildings containing fuel-fired appliances or where a dwelling unit or sleeping unit in a Group R occupancy is attached to a Group U private garage.

~~M. P.~~] Change Section 909.6 of the IBC to read:

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

[Q. Change Section 911.1.3 of the IBC to read:

911.1.3 Size. The fire command center shall be a minimum of 96 square feet (9 m²) in area with a minimum dimension of eight feet (2438 mm).

Exception: Where it is determined by the building official, after consultation with the fire chief, that specific building characteristics require a larger fire command center, the building official may increase the minimum required size of the fire command center up to 200 square feet (19 m²) in area with a minimum dimension of up to 10 feet (3048 mm).

~~N. R.~~] Add Change the title of IBC Section ~~913~~ 915 to read:

In-Building Emergency Communications Coverage.

[O. S.] Add Change Section ~~913.1~~ to 915.1 of the IBC to read:

~~913.1~~ 915.1 General. [~~In-building~~ For localities utilizing public safety wireless communications, dedicated infrastructure to accommodate and perpetuate continuous

~~in-building~~] emergency communication equipment to allow emergency public safety personnel to send and receive emergency communications shall be provided in new buildings and structures in accordance with this section.

Exceptions:

1. Buildings of Use Groups A-5, I-4, within dwelling units of R-2, R-3, R-4, R-5, and U.

2. Buildings of Type IV and V construction without basements [~~that are not considered unlimited area buildings in accordance with Section 507~~].

3. Above grade single story buildings of less than 20,000 square feet.

4. Buildings or leased spaces occupied by federal, state, or local governments, or the contractors thereof, with security requirements where the building official has approved an alternative method to provide emergency communication equipment for emergency public safety personnel.

5. Where the owner provides technological documentation from a qualified individual that the structure or portion thereof does not impede emergency communication signals.

[P. T.] Add Sections ~~913.2, 913.2.1, 913.2.2 and 913.2.3~~ [~~915.2, 915.2.1, 915.2.2, 915.1.1, 915.1.2~~] and [~~915.2.3~~ 915.1.3] to the IBC to read:

~~913.2~~ [915.2 ~~Where required. For localities utilizing public safety wireless communications, new buildings and structures shall be equipped throughout with dedicated infrastructure to accommodate and perpetuate continuous emergency communication.~~]

~~913.2.1~~ [915.2.1 915.1.1] Installation. [~~Radiating~~ The building owner shall install radiating] cable [~~systems~~], such as coaxial cable or equivalent [~~;~~ The radiating cable] shall be installed in dedicated conduits, raceways, plenums, attics, or roofs, compatible for these specific installations as well as other applicable provisions of this code. [The locality shall be responsible for the installation of any additional communication equipment required for the operation of the system.]

~~913.2.2~~ [915.2.2 915.1.2] Operations. The locality will assume all responsibilities for the [~~installation operation~~] and maintenance of [~~additional the~~] emergency communication equipment. [~~To allow the locality access to and the ability to operate such equipment,~~ The building owner shall provide] sufficient [operational] space within the building [~~shall be provided to allow the locality access to and the ability to operate in-building emergency communication equipment~~].

~~913.2.3~~ [~~915.2.3~~ 915.1.3] Inspection. In accordance with Section 113.3, all installations shall be inspected prior to concealment.

[~~Q. U.~~] Add Section ~~913.3~~ [~~915.3~~ 915.2] to the IBC to read:

~~913.3~~ [~~915.3~~ 915.2] Acceptance test. Upon completion of installation, after providing reasonable notice to the owner or their representative, emergency public safety personnel shall have the right during normal business hours, or other mutually agreed upon time, to enter onto the property to conduct field tests to verify that the required level of radio coverage is present at no cost to the owner. Any noted deficiencies [in the installation of the radiating cable or operational space] shall be provided in an inspection report to the owner or the owner's representative.

13VAC5-63-245. Chapter 10 Means of egress.

A. Change Section 1004.3 of the IBC to read:

1004.3 Posting of occupant load. Every room or space that is an assembly occupancy and where the occupant load of that room or space is 50 or more shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.

B. Change Exception 3 of Section 1007.3 of the IBC to read:

~~3. The clear width of 48 inches (1219 mm) between handrails and the area of refuge is not required at exit stairways in buildings or facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~

C. Change Section 1007.4 of the IBC to read:

~~1007.4 Elevators. In order to be considered part of an accessible means of egress, an elevator shall comply with the emergency operation and signaling device requirements of Section 2.27 of ASME A17.1. Standby power shall be provided in accordance with Sections 2702 and 3003. The elevator shall be accessed from either an area of refuge complying with Section 1007.6 or a horizontal exit.~~

Exceptions:

- ~~1. Elevators are not required to be accessed from an area of refuge or horizontal exit in open parking garages.~~
- ~~2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings and facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~

~~D. B.~~ [Change Section 1005.1 of the IBC to read:

1005.1 Minimum required egress width. The means of egress width shall not be less than required by this section. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by 0.3 inches (7.62 mm) per occupant for stairways and by 0.2 inches (5.08 mm) per occupant for other egress components. The width shall not be less than specified elsewhere in this code. Multiple means of egress shall be sized such that the loss of any one means of egress shall not reduce the available capacity to less than 50% of the required capacity. The maximum capacity required from any story of a building shall be maintained to the termination of the means of egress.

Exceptions:

1. Means of egress complying with Section 1028.
2. For occupancies other than Groups H-1, H-2, H-3, H-4 and I-2, in buildings equipped with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by 0.2 inches (5.08 mm) per occupant for stairways and by 0.15 inches (3.81 mm) per occupant for other egress components.

C. Change Section 1007.2 of the IBC to read:

1007.2 Continuity and components. Each required accessible means of egress shall be continuous to a public way and shall consist of one or more of the following components:

1. Accessible routes complying with Section 1104.
2. Interior exit stairways complying with Sections 1007.3 and 1022.
3. Exterior exit stairways complying with Sections 1007.3 and 1026 and serving levels other than the level of exit discharge.
4. Elevators complying with Section 1007.4.
5. Platform lifts complying with Section 1007.5.
6. Horizontal exits complying with Section 1025.
7. Ramps complying with Section 1010.
8. Areas of refuge complying with Section 1007.6.
9. Exterior area for assisted rescue complying with Section 1007.7 serving exits at the level of exit discharge.

~~D.]~~ Change Section 1007.6.2 of the IBC to read:

1007.6.2 Separation. Each area of refuge shall be separated from the remainder of the story by a smoke barrier complying with Section 709 or a horizontal exit complying

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with Section [~~4024~~ 1025]. Each area of refuge shall be designed to minimize the intrusion of smoke.

Exceptions:

1. Areas of refuge located within [~~a vertical~~ an] exit enclosure.
2. Areas of refuge where the area of refuge and areas served by the area of refuge are equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

F. [~~C~~ E. Change Section 1007.7, including subsections, of the IBC to read:

1007.7 Exterior area for assisted rescue. The exterior area for assisted rescue shall be an area provided on the exterior landing serving an exit door on an accessible route. The exterior area of assisted rescue shall meet the size and access requirements of Section 1007.6.1.

1007.7.1 Separation. Exterior walls separating the exterior area of assisted rescue from the interior of the building shall have a minimum fire resistance rating of one hour, rated for exposure to fire from the inside. The fire resistance rated exterior wall construction shall extend horizontally 10 feet (3048 mm) beyond the landing on either side of the landing or equivalent fire resistance rated construction is permitted to extend out perpendicular to the exterior wall four feet (1220 mm) minimum on the side of the landing. The fire resistance rated construction shall extend vertically from the ground to a point 10 feet (3048 mm) above the floor level of the area for assisted rescue or to the roof line, whichever is lower. Openings within such fire resistance rated exterior walls shall be protected in accordance with Section 715.

1007.7.2 Openness. The exterior area for assisted rescue shall be at least 50% open, and the open area above the guards shall be so distributed as to minimize the accumulation of smoke or toxic gases.

1007.7.3 Exterior stairway. Exterior stairways that are part of the means of egress for the exterior area for assisted rescue shall provide a clear width of 48 inches (1219 mm) between handrails.

F.] Change Item 2 of Section ~~1008.1.8.3~~ 1008.1.9.3 of the IBC to read:

2. In buildings in occupancy Groups B, F, M and S, the main exterior door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:

- 2.1. The locking device is readily distinguishable as locked.
- 2.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO

REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. The sign shall be in letters one inch (25 mm) high on a contrasting background.

2.3. The use of the key-operated locking device is revokable by the building official for due cause.

[~~D~~ G.] Delete Section 1008.1.9.6 of the IBC.

F. [~~E~~ H.] Change Section ~~1008.1.8.6~~ 1008.1.9.7 of the IBC to read:

~~1008.1.8.6~~ 1008.1.9.7 Delayed egress locks. Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy including Group A-3, airport facilities, except Group A, E and H occupancies in buildings which are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors unlock in accordance with Items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
2. The doors unlock upon loss of power controlling the lock or lock mechanism.
3. The door locks shall have the capability of being unlocked by a signal from the fire command center.
4. The initiation of an irreversible process which will release the latch in not more than 15 seconds when a force of not more than 15 pounds (67 N) is applied for 1 second to the release device. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.

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

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

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

6. Emergency lighting shall be provided at the door.

G. Add Section ~~1008.1.8.8~~ to the IBC to read:

~~1008.1.8.8 Locking arrangements in correctional facilities. In occupancies in Groups A 3, A 4, B, E, F, I, M and S within penal facilities, doors in means of egress serving~~

rooms or spaces occupied by persons whose movements must be controlled for security reasons shall be permitted to be locked if equipped with egress control devices which shall unlock manually and by at least one of the following means:

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

[~~F. I.~~] Delete the exception in Section 1008.1.10 of the IBC.

H. [~~G. J.~~] Add Section ~~1008.1.10~~ 1008.1.11 to the IBC to read:

~~1008.1.10~~ 1008.1.11 Locking certain residential sliding doors. In dwelling units of Group R-2 buildings, exterior sliding doors which are one story or less above grade, or shared by two dwelling units, or are otherwise accessible from the outside, shall be equipped with locks. The mounting screws for the lock case shall be inaccessible from the outside. The lock bolt shall engage the strike in a manner that will prevent it from being disengaged by movement of the door.

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

I. [~~H. K.~~] Add Section ~~1008.1.11~~ 1008.1.12 to the IBC to read:

~~1008.1.11~~ 1008.1.12 Door viewers in certain residential buildings. Entrance doors to dwelling units of Group R-2 buildings shall be equipped with door viewers with a field of vision of not less than 180 degrees.

Exception: Entrance doors having a vision panel or side vision panels.

J. [~~I. L.~~] Change Exception 4 ~~5~~ of Section [~~1009.3~~ 1009.4.2] of the IBC to read:

4. ~~5.~~ In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be 8.25 inches (210 mm); the minimum tread depth shall be 9 inches (229 mm); the minimum winder tread depth at the walk line shall be 10 inches (254 mm); and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

K. Add exception 6 to Section 1009.3 of the IBC to read:

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

L. Change Exception 2 of Section 1009.3.3 of the IBC to read:

2. Solid risers are not required for occupancies in Group I-3. There are no restrictions on size of the opening in the riser.

M. Add Section 1009.12 to the IBC to read:

1009.12 Ships ladders. Ships ladders are permitted as an element of a means of egress to and from facility observation or control rooms not more than 250 square feet (23 m²) in area that serves not more than three occupants and for access to unoccupied roofs.

Ships ladders shall have a maximum projected tread of five inches (127 mm), a minimum tread depth of 8.5 inches (216 mm), a minimum tread width of 15 inches (612 mm) and a maximum riser height of 9.5 inches (241 mm).

Handrails shall be provided on both sides of ships ladders.

N. Change Exception 4 of Section 1011.1 of the IBC to read:

4. Exit signs are not required in dayrooms, sleeping rooms or dormitory spaces in occupancies in Group I-3.

O. [~~J. M.~~] Add Exception 3 to Section 1009.7 of the IBC to read:

3. Spiral stairways used as a means of egress from technical production areas.

N.] Add Exception ~~5~~ 3 to Item ~~2~~ 4 of Section 1014.2 of the IBC to read:

- ~~5.~~ 3. A maximum of one exit access is permitted to pass through kitchens, store rooms, closets or spaces used for similar purposes provided such a space is not the only means of exit access.

P. [~~K. O.~~] Change Table 1015.1 of the IBC to read:

Table 1015.1 Spaces With One Means of Egress Exit or Exit Access Doorway	
Occupancy	Maximum Occupant Load
A, B, E ^a , F, M, U	50
H-1, H-2, H-3	3
H-4, H-5, I-1, I-3, I-4, R	10
S	29
^a Day care maximum occupant load is 10.	

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~~Q.~~ [~~L. P.~~] Change ~~exception~~ Exception 2 of Section 1015.2.1 of the IBC to read:

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

[~~M. Q.~~] Delete Sections 1015.6 and 1015.6.1 of the IBC.

~~R.~~ [~~N. R.~~] Change ~~Table 1017.1~~ 1018.1 of the IBC to read:

Table 1017.1 <u>1018.1</u> Corridor Fire-Resistance Rating-			
Occupancy	Occupant Load Served By Corridor	Required Fire-Resistance Rating (hours)	
		Without sprinkler system	With sprinkler system ^b
H-1, H-2, H-3	All	[+ <u>Not Permitted</u>]	1
H-4, H-5	Greater than 30	[+ <u>Not Permitted</u>]	1
A, B, E, F, M, S, U	Greater than 30	1	0
R	Greater than 10	1	0.5
I-2 ^a , I-4	All	Not Permitted	0
I-1, I-3	All	Not Permitted	0

^a a. For requirements for occupancies in Group I-2, see ~~Section~~ Sections 407.2 and 407.3.

^b b. Buildings equipped throughout with an automatic sprinkler system in accordance with Sections 903.3.1.1 or 903.3.1.2 where allowed.

[~~Q.~~ S. Add Exception 7 to Section 1018.2 of the IBC to read:

7. Forty-four inches (1118 mm) – In corridors of Group I-2 assisted living facilities serving areas with wheelchair, walker and gurney traffic where residents are capable of self-preservation or where resident rooms have a means of egress door leading directly to the outside.

T.] Change Table 1021.2 to read:

Table 1021.2 Stories With One Exit		
Story	Occupancy	Maximum Occupants (or Dwelling Units) Per Floor and Travel Distance
First story or basement	<u>A, B^d, E^c, F^d, M, U, S^d</u>	<u>50 occupants and 75 feet travel distance</u>
	<u>H-2, H-3</u>	<u>3 occupants and 25 feet travel distance</u>
	<u>H-4, H-5, I, R</u>	<u>10 occupants and 75 feet travel distance</u>
	<u>S^a</u>	<u>29 occupants and 100 feet travel distance</u>
Second story	<u>B^b, F, M, S^a</u>	<u>29 occupants and 75 feet travel distance</u>
	<u>R-2</u>	<u>4 dwelling units and 50 feet travel distance</u>
Third story	<u>R-2^c</u>	<u>4 dwelling units and 50 feet travel distance</u>

For SI: 1 foot = 304.8 mm

a. For the required number of exits for parking structures, see Section 1021.1.2.

b. For the required number of exits for air traffic control towers, see Section 412.3.

c. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1029.

d. Group B, F and S occupancies in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 shall have a maximum travel distance of 100 feet.

e. Day care occupancies shall have a maximum occupant load of 10.

[U. Change Exception 6 of Section 1022.1 of the IBC to read:

6. Means of egress stairways as provided for in Section 410.6.2 are not required to be enclosed.

V. Change Section 1022.8 of the IBC to read:

1022.8 Floor identification signs. A sign shall be provided at each floor landing in exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the exit enclosure and the identification of the stair or ramp by designation with a letter of the alphabet. The signage shall also state the story of, and the direction to, the exit discharge and the availability of roof access from the enclosure for the fire department. The sign shall be located five feet (1524 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions. Floor level identification signs in tactile characters complying with ICC A117.1 shall be located at each floor level landing adjacent to the door leading from the enclosure into the corridor to identify the floor level.

W. Change Section 1024.1 of the IBC to read:

1024.1 General. Approved luminous egress path markings delineating the exit path shall be provided in buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than 420 feet (128 016 mm) above the lowest level of fire department vehicle access in accordance with Sections 1024.1 through 1024.5.

Exceptions:

1. Luminous egress path markings shall not be required on the level of exit discharge in lobbies that serve as part of the exit path in accordance with Section 1027.1, Exception 1.
2. Luminous egress path markings shall not be required in areas of open parking garages that serve as part of the exit path in accordance with Section 1027.1, Exception 3.

13VAC5-63-250. Chapter 11 Accessibility.

A. Add an exception to Section 1101.2 of the IBC to read:

Exception: Wall-mounted visible alarm notification appliances in Group I-3 occupancies shall be permitted to be a maximum of 120 inches (3048 mm) above the floor or ground, measured to the bottom of the appliance. Such appliances shall otherwise comply with all applicable requirements.

B. [~~Change~~ Add] Section [~~1103.2.7~~ of 1103.2.16 to] the IBC to read:

[~~1103.2.7~~ 1103.2.16] Raised [and lowered] areas [in places of religious worship]. Raised [or lowered] areas [used primarily for purposes of security, life safety or fire safety including, but not limited to, observation galleries, prison guard towers, fire towers or lifeguard stands, and raised areas used primarily for religious ceremonies in a place in places] of religious worship are not required to be accessible or to be served by an accessible route [provided such areas are used exclusively for the performance of

religious ceremonies and are located within an accessible story or mezzanine].

B. C. Add Section 1106.8 to the IBC to read:

1106.8 Identification of accessible parking spaces. In addition to complying with applicable provisions of this chapter, all accessible parking spaces shall be identified by above grade signs. A sign or symbol painted or otherwise displayed on the pavement of a parking space shall not constitute an above grade sign. All above grade parking space signs shall have the bottom edge of the sign no lower than four feet (1219 mm) nor higher than seven feet (2133 mm) above the parking surface. All disabled parking signs shall include the following language: PENALTY, \$100-500 Fine, TOW-AWAY ZONE. Such language may be placed on a separate sign and attached below existing above grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.

C. D. Change Item 1 of Section 1110.1 of the IBC to read:

1. Accessible parking spaces required by Section 1106.1.

[13VAC5-63-264. Chapter 13 Energy efficiency.

Add Section 1301.1.1.1 to the IBC to read:

1301.1.1.1 Changes to the International Energy Conservation Code (IECC). The following change shall be made to the IECC:

1. Delete Section 401.3.

2. Change Section 403.2.2 to read:

403.2.2 Sealing (Mandatory). All ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4.1 of the International Residential Code. Verification of compliance with this section shall be in accordance with either Section 403.2.2.1 or Section 403.2.2.2.

3. Add Section 403.2.2.1 to read:

403.2.2.1 Testing option. Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft² (9.29 m²) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft² (9.29m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1

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inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft² (9.29 m²) of conditioned floor area.

Exception: Duct tightness test is not required if the air handler and all ducts are located within conditioned space.

When this option is chosen, testing shall be performed by approved qualified individuals, testing agencies or contractors. Testing and results shall be as prescribed in Section 403.2.2 and approved recognized industry standards.

4. Add Section 403.2.2.2 to read:

403.2.2.2 Visual inspection option. In addition to the inspection of ducts otherwise required by this code, when the air handler and all ducts are not within conditioned space and this option is chosen to verify duct tightness, duct tightness shall be considered acceptable when the requirements of Section 403.2.2 are field verified.]

13VAC5-63-267. Chapter 14 Exterior walls.

Change Section ~~4405.12.2~~ 1405.13.2 of the IBC to read:

~~4405.12.2~~ 1405.13.2 Window sills. In Occupancy Groups R-2 and R-3, one- and two-family and multiple-family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be a ~~minimum of~~ at a height [~~of not~~] less than 18 inches (457 mm) above the finished floor surface of the room in which the window is located. Glazing between the floor and a height of 18 inches (457 mm) shall be fixed or have openings ~~such that~~ through which a 4-inch (102 mm) diameter sphere cannot pass ~~through~~.

Exception: Openings that are provided with window guards that comply with ASTM F2006 or F2090.

[13VAC5-63-280. Chapter 17 Structural tests and special inspections.

A. Change Section 1703.1 of the IBC to read:

1703.1 Approved agency. An approved agency responsible for laboratory testing or special inspections, or both, must comply with the qualification, certification and experience requirements of ASTM E329 or the alternatives listed herein.

B. Change Section 1703.1.1 of the IBC to read:

1703.1.1 Independent. An approved agency shall be objective and competent. The agency shall also disclose possible conflicts of interest so that objectivity can be confirmed. The special inspector and their agents shall be

independent from the person, persons or contractor responsible for the physical construction of the project requiring special inspections.

C. Change Section 1703.1.3 of the IBC to read:

1703.1.3 Personnel. An approved agency shall employ experienced personnel educated in conducting, supervising and evaluating tests or inspections, or both. Upon request by the building official, documentation shall be provided demonstrating the applicable agency's accreditation as noted in ASTM E329 and individuals' resumes indicating pertinent training, certifications and other qualifications for special inspection personnel associated with the proposed construction requiring special inspections. The building official may prescribe the manner of qualification documentation and frequency of updating information regarding agency or individual inspector approval.

Firms providing special inspection services or individual inspectors seeking approval of alternative certifications or qualifications, or both, listed in ASTM E329 may submit documentation demonstrating equivalency. This documentation may include evidence of meeting other recognized standards or alternative certifications to demonstrate that the minimum qualifications, certification and experience intended by ASTM E329 have been met. The building official may, if satisfied that equivalency has been demonstrated, approve the credentials of the firm or individual.

D. Change Section 1704.1 of the IBC to read:

1704.1. General. Where application is made for construction as described in this section, the owner shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Section 1704. All individuals or agents performing special inspection functions shall operate under the direct supervision of an RDP in responsible charge of special inspection activities, also known as the "special inspector." The special inspector shall ensure that the individuals under their charge are performing only those special inspections or laboratory testing that are consistent with their knowledge, training and certification for the specified inspection or laboratory testing.

Exceptions:

1. Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official.
2. Special inspections are not required for building components unless the design involves the practice of professional engineering or architecture as defined by the laws of this Commonwealth and regulations governing the professional registration and certification of engineers and architects.

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

E. Change Section 1704.1.1 of the IBC to read:

1704.1.1 Statement of special inspections. The permit applicant shall submit a statement of special inspections prepared by the RDP in responsible charge in accordance with Section 111.1. This statement shall be in accordance with Section 1705.

Exceptions:

1. A statement of special inspections is not required for structures designed and constructed in accordance with the conventional construction provisions of Section 2308.
2. The statement of special inspections is permitted to be prepared by a qualified person approved by the building official for construction not designed by a registered design professional.

F. Change category "~~11~~" to "12" of Table 1704.4 of the IBC to read:

Verification and inspection	Continuous	Periodic	Referenced Standard	IBC Reference
11 . 12. Inspect formwork for shape, location and dimensions of the concrete member being formed, shoring and reshoring.	--	X	ACI 318: 6.1, 6.2	1906]

13VAC5-63-290. Chapter 18 Soils and foundations.

[A.] Change the exception to Section ~~1803.5~~ 1804.5 of the IBC to read:

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

[B. Add an exception to Section 1808.1 of the IBC to read:

Exception: One-story detached accessory structures not exceeding 256 square feet (23.78m²) of building area, provided all of the following conditions are met:

1. The building eave height is 10 feet (3048 mm) or less.
2. The maximum height from the finished floor level to grade does not exceed 18 inches (457.2 mm).
3. The supporting structural elements in direct contact with the ground shall be placed level on firm soil and when such elements are wood they shall be approved pressure preservative treated suitable for ground contact use.
4. The structure is anchored to withstand wind loads as required by this code.
5. The structure shall be of light-frame construction with walls and roof of light weight material, not slate, tile, brick or masonry.]

13VAC5-63-300. Chapter 27 Electrical.

A. Change Section 2701.1 of the IBC to read:

2701.1 Scope. This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of this code and NFPA 70. [~~Any references in this code to the ICC Electrical Code shall be considered to be references to NFPA 70.~~]

B. Add Section 2701.1.1 to the IBC to read:

2701.1.1 Changes to NFPA 70. The following change shall be made to NFPA 70:

1. Change Sections 334.10(2) and 334.10(3) of NFPA 70 to read:
 - (2) Multifamily dwellings not exceeding four floors above grade and multifamily dwellings of any height permitted to be of Types III, IV and V construction except in any case as prohibited in 334.12.
 - (3) Other structures not exceeding four floors above grade and other structures of any height permitted to be of Types III, IV and V construction except in any case as prohibited in 334.12. In structures exceeding four floors above grade, cables shall be concealed within walls, floors or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.

For the purpose of Items 2 and 3 above, the first floor of a building shall be that floor that has 50% or more of the exterior wall surface area level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage or similar use shall be permitted.

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C. Add Section 2701.1.2 to the IBC to read:

2701.1.2 Temporary connection to dwelling units. The building official shall give permission to energize the electrical service equipment of a one- or two-family dwelling unit when all of the following requirements have been approved:

1. The service wiring and equipment, including the meter socket enclosure, shall be installed and the service wiring terminated.
2. The grounding electrode system shall be installed and terminated.
3. At least one receptacle outlet on a ground fault protected circuit shall be installed and the circuit wiring terminated.
4. Service equipment covers shall be installed.
5. The building roof covering shall be installed.
6. Temporary electrical service equipment shall be suitable for wet locations unless the interior is dry and protected from the weather.

D. Add Section 2701.1.3 to the IBC to read:

2701.1.3 Assisted living facility generator requirements. Generators installed to comply with regulations for assisted living facilities licensed by the Virginia Department of Social Services shall be permitted to be optional standby systems.

E. Change Section 2702.2.17 of the IBC to read:

2702.2.17 Group I-2 and I-3 occupancies. Emergency power shall be provided in accordance with Section 407.8 [~~407.10~~ 407.11] for Group I-2 occupancies licensed by the Virginia Department of Health as a hospital, nursing or hospice facility. Emergency power shall be provided for doors in Group I-3 occupancies in accordance with Section 408.4.2.

13VAC5-63-310. Chapter 28 Mechanical systems.

A. Change Section 2801.1 of the IBC to read:

2801.1 Scope. Mechanical appliances, equipment and systems shall be constructed and installed in accordance with this chapter, the International Mechanical Code and the International Fuel Gas Code. Masonry chimneys, fireplaces and barbecues shall comply with the International Mechanical Code and Chapter 21 of this code.

Exception: This code shall not govern the construction of water heaters, boilers and pressure vessels to the extent which they are regulated by the Virginia Boiler and Pressure Vessel Regulations (16VAC25-50). However, the building official may require the owner of a structure to

submit documentation to substantiate compliance with those regulations.

~~B. Add IBC Section 2802 Heating Facilities.~~

~~C. B. Add Section ~~2802.1~~ 2801.1.1 to the IBC to read:~~

~~2802.1~~ 2801.1.1 Required heating in dwelling units. Heating facilities shall be required in every dwelling unit or portion thereof which is to be rented, leased or let on terms, either expressed or implied, to furnish heat to the occupants thereof. The heating facilities shall be capable of maintaining the room temperature at 65°F (18°C) during the period from October 15 to May 1 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60°F (16°C) during other hours when measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls. The capability of the heating system shall be based on the outside design temperature required for the locality by this code.

~~D. C. Add Section ~~2802.2~~ 2801.1.2 to the IBC to read:~~

~~2802.2~~ 2801.1.2 Required heating in nonresidential structures. Heating facilities shall be required in every enclosed occupied space in nonresidential structures. The heating facilities shall be capable of producing sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during all working hours. The required room temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls.

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

~~E. D. Add Section ~~2803.1~~ 2801.1.3 to the IBC to read:~~

~~2803.1~~ 2801.1.3 Changes to the International Mechanical Code [IMC]. The following changes [change changes] shall be made to the [~~International Mechanical Code~~ IMC]:

~~1. Add the following definitions to Section 202 of the International Mechanical Code:~~

~~Breathing zone. The region within an occupied space between planes three and 72 inches (75 and 1800 mm) above the floor and more than two feet (600 mm) from the walls of the space or from fixed air conditioning equipment.~~

~~Net occupiable floor area. The floor area of an occupiable space defined by the inside surfaces of its walls, but excluding shafts, column enclosures and other permanently enclosed, inaccessible and unoccupiable areas. Obstructions in the space such as furnishings, display or storage racks and other obstructions, whether~~

temporary or permanent, shall not be deducted from the space area.

~~Occupiable space. An enclosed space intended for human activities, excluding those spaces intended primarily for other purposes, such as storage rooms and equipment rooms, that are only intended to be occupied occasionally and for short periods of time.~~

~~Zone. One occupiable space or several occupiable spaces with similar occupancy classification (see Table 403.3), occupant density, zone air distribution effectiveness and zone primary airflow rate per unit area.~~

2. Replace Section 403 of the International Mechanical Code to read:

Section 403.

Mechanical Ventilation.

~~403.1 Ventilation system. Mechanical ventilation shall be provided by a method of supply air and return or exhaust air. The amount of supply air shall be approximately equal to the amount of return and exhaust air. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.~~

~~403.2 Outdoor air required. The minimum outdoor airflow rate shall be determined in accordance with Section 403.3. Ventilation supply systems shall be designed to deliver the required rate of outdoor airflow to the breathing zone within each occupiable space.~~

~~Exception: Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outdoor air shall be reduced in accordance with such engineered system design.~~

~~403.2.1 Recirculation of air. The outdoor air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:~~

~~1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.~~

~~2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of~~

~~the resulting supply airstream consists of air recirculated from these spaces.~~

~~3. Where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.~~

~~4. Where mechanical exhaust is required by Note h in Table 403.3, mechanical exhaust is required and recirculation is prohibited where 10 percent or more of the resulting supply airstream consists of air recirculated from these spaces.~~

~~403.2.2 Transfer air. Except where recirculation from such spaces is prohibited by Table 403.3, air transferred from occupiable spaces is not prohibited from serving as makeup air for required exhaust systems in such spaces as kitchens, baths, toilet rooms, elevators and smoking lounges. The amount of transfer air and exhaust air shall be sufficient to provide the flow rates as specified in Section 403.3. The required outdoor airflow rates specified in Table 403.3 shall be introduced directly into such spaces or into the occupied spaces from which air is transferred or a combination of both.~~

~~403.3 Outdoor airflow rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be those for a listed occupancy classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.~~

~~With the exception of smoking lounges, the ventilation rates in Table 403.3 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3 in accordance with accepted engineering practice.~~

~~Exception: The occupant load is not required to be determined, based on the estimated maximum occupant load rate indicated in Table 403.3 where approved statistical data document the accuracy of an alternate anticipated occupant density.~~

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Table 403.3
Minimum Ventilation Rates

Occupancy Classification	People Outdoor Airflow Rate in Breathing Zone Cfm/person	Area Outdoor Airflow Rate in Breathing Zone R_a cfm/ft ^{2a}	Default Occupant Density #/1000 ft ^{2a}	Exhaust Airflow Rate Cfm/ft ^{2a}
Correctional Facilities				
Cells				
without plumbing fixtures	5	0.12	25	-
with plumbing fixtures ^e	5	0.12	25	-
Dining halls (See Food and Beverage Service)	-	-	-	-
Guard stations	5	0.06	15	-
Day room	5	0.06	50	-
Booking/waiting	7.5	0.06	50	-
Dry cleaners, laundries				
Coin-operated dry cleaner	15	-	20	-
Coin-operated laundries	7.5	0.06	20	-
Commercial dry cleaner	30	-	30	-
Commercial laundry	25	-	10	-
Storage pick-up	7.5	0.12	30	-
Education				
Auditoriums	5	0.06	150	-
Corridors (See Public Spaces)	-	-	-	-
Media center	10	0.12	25	-
Sports locker rooms ^e	-	-	-	0.5
Music/theater/dance	10	0.06	35	-
Smoking lounges ^b	60	-	70	-
Daycare (through age 4)	10	0.18	25	-
Classrooms (ages 5-8)	10	0.12	25	-
Classrooms (age 9 plus)	10	0.12	35	-
Lecture classroom	7.5	0.06	65	-
Lecture hall (fixed seats)	7.5	0.06	150	-
Art classroom ^e	10	0.18	20	0.7
Science laboratories ^e	10	0.18	25	1.0
Wood/metal shop	10	0.18	20	0.5
Computer lab	10	0.12	25	-

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Locker/dressing rooms ^e	-	-	-	0.25
Food and beverage service				
Bars, cocktail lounges	7.5	0.18	100	-
Cafeteria, fast food	7.5	0.18	100	-
Dining rooms	7.5	0.18	70	-
Kitchens (cooking) ^b	-	-	-	0.7
Hospitals, nursing and convalescent homes				
Autopsy rooms ^b	-	-	-	0.5
Medical procedure rooms	15	-	20	-
Operating rooms	30	-	20	-
Patient rooms	25	-	10	-
Physical recovery	15	-	20	-
Recovery and ICU	15	-	20	-
Hotels, motels, resorts and dormitories				
Multi-purpose assembly	5	0.06	120	-
Bathroom/Toilet private ^e	-	-	-	25/50 ^f
Bedroom/living room	5	0.06	10	-
Conference/meeting	5	0.06	50	-
Dormitory sleeping areas	5	0.06	20	-
Gambling casinos	7.5	0.18	120	-
Lobbies/pre-function	7.5	0.06	30	-
Offices				
Conference rooms	5	0.06	50	-
Office spaces	5	0.06	5	-
Reception areas	5	0.06	30	-
Telephone/data entry	5	0.06	60	-
Main entry lobbies	5	0.06	10	-
Private dwellings, single and multiple				
Garages, common for multiple units ^b	-	-	-	0.75
Garages, separate for each dwelling ^b	-	-	-	100 cfm/ear
Kitchens ^b	-	-	-	25/100 ^f
Living areas ^e	0.35 ACH but not less than 15 cfm/person	-	Based upon number of bedrooms, first bedroom 2; each additional bedroom: +	-

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Toilet rooms and bathrooms ^e	-	-	-	20/50 ^f
Public spaces				
Corridors	-	0.06	-	-
Elevator car	-	-	-	1.0
Shower room (per shower head) ^e	-	-	-	50/20 ^f
Smoking lounges ^b	60	-	70	-
Toilet rooms - public ^e	-	-	-	50/70 ^e
Places of religious worship	5	0.06	120	-
Courtrooms	5	0.06	70	-
Legislative chambers	5	0.06	50	-
Libraries	5	0.12	10	-
Museums (children's)	7.5	0.12	40	-
Museums/galleries	7.5	0.12	40	-
Retail stores, sales floors and showroom floors				
Sales (except as below)	7.5	0.12	15	-
Dressing rooms	-	-	-	0.25
Mall common areas	7.5	0.06	40	-
Shipping and receiving	-	0.12	-	-
Smoking lounges ^b	60	-	70	-
Storage rooms	-	0.12	-	-
Warehouses (See Storage)	-	-	-	-
Specialty shops				
Automotive motor fuel dispensing stations ^b	-	-	-	1.5
Barber	7.5	0.06	25	0.5
Beauty and nail salons ^{b,h}	20	0.12	25	0.6
Embalming room ^b	-	-	-	2.0
Pet shops (animal areas) ^b	7.5	0.18	10	0.9
Supermarkets	7.5	0.06	8	-
Sports and amusement				
Disco/dance floors	20	0.06	100	-
Bowling alleys (seating areas)	10	0.12	40	-
Game arcades	7.5	0.18	20	-
Ice arenas without combustion engines	-	0.30	-	0.5
Gym, stadium, arena (play area)	-	0.30	-	-

Spectator areas	7.5	0.06	150	-
Swimming pools (pool and deck area)	-	0.48	-	-
Health club/aerobics room	20	0.06	40	-
Health club/weight room	20	0.06	10	-
Storage				
Repair garages, enclosed parking garages ^{b,d}	-	-	-	0.75
Warehouses	-	0.06	-	-
Theaters				
Auditoriums (See Education)	-	-	-	-
Lobbies	5	0.06	150	-
Stages, studios	10	0.06	70	-
Ticket booths	5	0.06	60	-
Transportation				
Platforms	7.5	0.06	100	-
Transportation waiting	7.5	0.06	100	-
Workrooms				
Bank vaults/safe deposit	5	0.06	5	-
Darkrooms	-	-	-	1.0
Copy, printing rooms	5	0.06	4	0.5
Meat processing ^e	15	-	10	-
Pharmacy (prep. area)	5	0.18	10	-
Photo studios	5	0.12	10	-
Computer (without printing)	5	0.06	4	-

For SI: 1 cubic foot per minute = 0.0004719 m³/s, 1 ton = 908 kg, 1 cubic foot per minute per square foot = 0.00508 m³/(s·m²), C = ((F) - 32)/1.8, 1 square foot = 0.0929 m².

^aBased upon net occupiable floor area.

^bMechanical exhaust required and the recirculation of air from such spaces is prohibited (see Section 403.2.1, Item 3).

^cSpaces unheated or maintained below 500°F are not covered by these requirements unless the occupancy is continuous.

^dVentilation systems in enclosed parking garages shall comply with Section 404.

^eRates are per water closet or urinal. The higher rate shall be provided where periods of heavy use are expected to occur, such as, toilets in theaters, schools, and sports facilities. The lower rate shall be permitted where periods of heavy use are not expected.

^fRates are per room unless otherwise indicated. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted where the exhaust system is designed to operate continuously during normal hours of use.

^gMechanical exhaust is required and recirculation is prohibited except that recirculation shall be permitted where the resulting supply airstream consists of not more than 10 percent air recirculated from these spaces (see Section 403.2.1, Items 2 and 4).

^hFor nail salons, the required exhaust shall include ventilation tables or other systems that capture the contaminants and odors at their source and are capable of exhausting a minimum of 50 cfm per station.

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403.3.1 Zone outdoor airflow. The minimum outdoor airflow required to be supplied to each zone shall be determined as a function of occupancy classification and space air distribution effectiveness in accordance with Sections 403.3.1.1 through 403.3.1.3.

403.3.1.1 Breathing zone outdoor airflow. The outdoor airflow rate required in the breathing zone (V_{bz}) of the occupiable space or spaces in a zone shall be determined in accordance with Equation 4-1.

$$V_{bz} = R_p P_z + R_a A_z \text{ (Equation 4-1)}$$

where:

A_z = zone floor area: the net occupiable floor area of the space or spaces in the zone.

P_z = zone population: the number of people in the space or spaces in the zone.

R_p = people outdoor air rate: the outdoor airflow rate required per person from Table 403.3.

R_a = area outdoor air rate: the outdoor airflow rate required per unit area from Table 403.3.

403.3.1.2 Zone air distribution effectiveness. The zone air distribution effectiveness (E_z) shall be determined using Table 403.3.1.2.

replace air removed from the zone by exhaust or return systems:

^fZone air distribution effectiveness of 1.2 shall be permitted for systems with a floor supply of cool air and ceiling return, provided that low-velocity displacement achieves unidirectional flow and thermal stratification.

^eZone air distribution effectiveness of 1.0 shall be permitted for systems with a ceiling supply of warm air, provided that supply air temperature is less than 150 F above space temperature and provided that the 150 foot per minute supply air jet reaches to within 4.5 feet of floor level.

403.3.1.3 Zone outdoor airflow. The zone outdoor airflow rate (V_{oz}), shall be determined in accordance with Equation 4-2.

$$V_{oz} = V_{bz} / E_z \text{ (Equation 4.2)}$$

403.3.2 System outdoor airflow. The outdoor air required to be supplied by each ventilation system shall be determined in accordance with Sections 403.3.2.1 through 403.2.3 as a function of system type and zone outdoor airflow rates.

403.3.2.1 Single zone systems. Where one air handler supplies a mixture of outdoor air and recirculated return air to only one zone, the system outdoor air intake flow rate (V_{ot}) shall be determined in accordance with Equation 4-3.

$$V_{ot} = V_{oz} \text{ (Equation 4-3)}$$

403.3.2.2 100 percent outdoor air systems. Where one air handler supplies only outdoor air to one or more zones, the system outdoor air intake flow rate (V_{ot}) shall be determined using Equation 4-4.

$$V_{ot} = \sum_{\text{all zones}} V_{oz} \text{ (Equation 4-4)}$$

403.3.2.3 Multiple zone recirculating systems. Where one air handler supplies a mixture of outdoor air and recirculated return air to more than one zone, the system outdoor air intake flow rate (V_{ot}) shall be determined in accordance with Sections 403.3.2.3.1 through 403.3.2.3.4.

403.3.2.3.1 Primary Outdoor Air Fraction. The primary outdoor air fraction (Z_p) shall be determined for each zone in accordance with Equation 4-5.

$$Z_p = V_{oz} / V_{pz} \text{ (Equation 4-5)}$$

where:

V_{pz} = Primary airflow: The airflow rate supplied to the zone from the air handling unit at which the outdoor air intake is located. It includes outdoor intake air and recirculated air from that air handling unit but does not include air transferred or air recirculated to the zone by

Table 403.3.1.2

Zone Air Distribution Effectiveness^{a,b,c,d,e}

Air Distribution Configuration	E_z
Ceiling or floor supply of cool air	1.0 ^f
Ceiling or floor supply of warm air and floor return	1.0
Ceiling supply of warm air and ceiling return	0.8 ^e
Floor supply of warm air and ceiling return	0.7
Makeup air drawn in on the opposite side of the room from the exhaust or return, or both	0.8
Makeup air drawn in near to the exhaust or return location, or both	0.5

For SI: 1 foot = 304.8 mm, 1 foot per minute = 0.00506 m/s, °C = ((°F) - 32)/1.8.

^a"Cool air" is air cooler than space temperature.

^b"Warm air" is air warmer than space temperature.

^c"Ceiling" includes any point above the breathing zone.

^d"Floor" includes any point below the breathing zone.

^e"Makeup air" is air supplied or transferred to a zone to

other means. For design purposes, V_{pz} shall be the zone design primary airflow rate, except for zones with variable air volume supply and V_{pz} shall be the lowest expected primary airflow rate to the zone when it is fully occupied.

403.3.2.3.2 System ventilation efficiency. The system ventilation efficiency (E_v) shall be determined using Table 403.3.2.3.2 or Appendix A of ASHRAE 62.1.

Table 403.3.2.3.2 System Ventilation Efficiency	
Max(Z_p)	E_v
0.15	1.0
0.25	0.9
0.35	0.8
0.45	0.7
0.55	0.6
0.65	0.5
0.75	0.4
<0.75	0.3

^aMax(Z_p) is the largest value of Z_p calculated using Equation 4-5 among all the zones served by the system.

^bInterpolating between table values shall be permitted.

403.3.2.3.3 Uncorrected outdoor air intake. The uncorrected outdoor air intake flow rate (V_{ou}) shall be determined in accordance with Equation 4-7.

$$V_{ou} = D \sum_{\text{all zones}} R_p P_z + \sum_{\text{all zones}} R_a A_z \text{ (Equation 4-7)}$$

where:

D = Occupant diversity: the ratio of the system population to the sum of the zone populations, determined in accordance with Equation 4-8.

$$D = P_s / \sum_{\text{all zones}} P_z \text{ (Equation 4-8)}$$

where:

P_s = System population: The total number of occupants in the area served by the system. For design purposes, P_s shall be the maximum number of occupants expected to be concurrently in all zones served by the system.

403.3.2.3.4 Outdoor air intake flow rate. The outdoor air intake flow rate (V_{ot}) shall be determined in accordance with Equation 4-9.

$$V_{ot} = V_{ou} / E_v \text{ (Equation 4-9)}$$

403.4 Exhaust Ventilation. Exhaust airflow rate shall be provided in accordance with the requirements in Table 403.3. Exhaust makeup air shall be permitted to be any

combination of outdoor air, recirculated air and transfer air, except as limited in accordance with Section 403.2.

403.5 System operation. The minimum flow rate of outdoor air that the ventilation system must be capable of supplying during its operation shall be permitted to be based on the rate per person indicated in Table 403.3 and the actual number of occupants present.

403.6 Variable air volume system control. Variable air volume air distribution systems, other than those designed to supply only 100 percent outdoor air, shall be provided with controls to regulate the flow of outdoor air. Such control system shall be designed to maintain the flow rate of outdoor air at a rate of not less than that required by Section 403.3 over the entire range of supply air operating rates.

403.7 Balancing. The ventilation air distribution system shall be provided with means to adjust the system to achieve at least the minimum ventilation airflow rate as required by Sections 403.3 and 403.4. Ventilation systems shall be balanced by an approved method. Such balancing shall verify that the ventilation system is capable of supplying and exhausting the airflow rates required by Sections 403.3 and 403.4.

3. Change Section 404.2 of the International Mechanical Code to read:

404.2 Minimum ventilation. Automatic operation of the system shall not reduce the ventilation airflow rate below 0.05 cfm per square foot (0.00025 m³/s·m²) of the floor area and the system shall be capable of producing a ventilation rate of 0.75 cfm per square foot (0.0035 m³/s·m²) of floor area.

4. Change Section 504.6.1 of the International Mechanical Code to read:

504.6.1 Maximum length. The maximum length of a clothes dryer exhaust duct shall not exceed 35 feet (10668 mm) from the dryer location to the outlet terminal. The maximum length of the duct shall be reduced 2-1/2 feet (762 mm) for each 45 degree (0.79 rad) bend and five feet (1524 mm) for each 90 degree (1.6 rad) bend. The maximum length of the exhaust duct does not include the transition duct.

Exception: Where the make and model of the clothes dryer to be installed is known and the manufacturer's installation instructions for such dryer are provided to the code official, the maximum length of the exhaust duct, including any transition duct, shall be permitted to be in accordance with the dryer manufacturer's installation instructions.

5. Change Section 507.2.2 of the International Mechanical Code to read:

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507.2.2. Type II hoods. Type II hoods shall be installed where cooking or dishwashing appliances produce heat, steam, or products of combustion and do not produce grease or smoke, such as steamers, kettles, pasta cookers and dishwashing machines.

Exceptions:

1. ~~Under counter type commercial dishwashing machines.~~
2. ~~A Type II hood is not required for dishwashers and potwashers that are provided with heat and water vapor exhaust systems that are supplied by the appliance manufacturer and are installed in accordance with the manufacturer's instructions.~~
3. ~~A single light duty electric convection, bread, retherm, steamer or microwave oven designed for countertop installation. The additional heat and moisture loads generated by such appliances shall be accounted for in the design of the HVAC system.~~
4. ~~A Type II hood is not required for the following electrically heated appliances: toasters, steam tables, popcorn poppers, hot dog cookers, coffee makers, rice cookers, egg cookers, holding/warming ovens. The additional heat and moisture loads generated by such appliances shall be accounted for in the design of the HVAC system.~~
6. ~~Change Section 701.1 of the International Mechanical Code to read as follows and delete the remainder of Chapter 7:~~

~~701.1 Scope. Solid fuel burning appliances shall be provided with combustion air in accordance with the appliance manufacturer's installation instructions. Oil-fired appliances shall be provided with combustion air in~~

~~accordance with NFPA 31. The methods of providing combustion air in this chapter do not apply to fireplaces, fireplace stoves and direct vent appliances. The requirements for combustion and dilution air for gas-fired appliances shall be in accordance with the International Fuel Gas Code.~~

7. 1. [Change Section 403.3 of the IMC to read:

403.3 Outdoor airflow rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be those for a listed occupancy classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges and other designated areas where smoking is permitted, the ventilation rates in Table 403.3 are based on the absence of smoking in occupiable spaces.

Exception: The occupant load is not required to be determined based on the estimated maximum occupant load rate indicated in Table 403.3 where approved statistical data document the accuracy of an alternate anticipated occupant density.

2. Add the following areas to Table 403.3 of the IMC in the occupancy classifications shown:

<u>OCCUPANCY CLASSIFICATION</u>	<u>People Outdoor Airflow Rate in Breathing Zone</u> <u>Cfm/person</u>	<u>Area Outdoor Airflow Rate in Breathing Zone</u> <u>R_a cfm/ft^{2a}</u>	<u>Default Occupant Density</u> <u>#/1000 ft^{2a}</u>	<u>Exhaust Airflow Rate</u> <u>Cfm/ft^{2a}</u>
<u>Food and beverage service</u>	-			
<u>Bars or cocktail lounges designated as an area when smoking is permitted^b</u>	<u>30</u>	-	<u>100</u>	-
<u>Cafeteria or fast food designated as an area when smoking is permitted^b</u>				
<u>Dining rooms designated as an area when smoking is permitted^b</u>	<u>20</u>	-	<u>100</u>	-
	<u>20</u>	-	<u>70</u>	-
<u>Public spaces</u>				
<u>Lounges designated as an area where smoking is permitted^b</u>	<u>30</u>	-	<u>100</u>	-

~~3.~~] Add Section 801.1.1 to the [~~International Mechanical Code IMC~~] to read:

801.1.1 Equipment changes. Upon the replacement or new installation of any fuel-burning appliances or equipment in existing buildings, an inspection or inspections shall be conducted to ensure that the connected vent or chimney systems comply with the following:

1. Vent or chimney systems are sized in accordance with this code.
2. Vent or chimney systems are clean, free of any obstruction or blockages, defects or deterioration and are in operable condition.

Where not inspected by the local building department, persons performing such changes or installations shall certify to the building official that the requirements of Items 1 and 2 of this section are met.

[~~4. Change Section 1101.10 of the IMC to read:~~

~~1101.10 Locking access port caps. Refrigerant circuit access ports located outdoors shall be fitted with locking-type tamper-resistant caps or shall be otherwise secured to prevent unauthorized access.]~~

~~F. E.~~ Add Section ~~2804.1~~ 2801.1.4 to the IBC to read:

~~2804.1~~ 2801.1.4 Changes to the International Fuel Gas Code. The following changes shall be made to the International Fuel Gas Code:

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

301.1 Scope. This code shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, and related accessories as follows:

1. Coverage of piping systems shall extend from the point of delivery to the connections with gas utilization equipment. (See "point of delivery.")
2. Systems with an operating pressure of 125 psig (862 kPa gauge) or less.

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

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

3. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing and inspection.
4. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air and venting.

This code shall not apply to the following:

1. Portable LP-Gas equipment of all types that are not connected to a fixed fuel piping system.
2. Installation of farm equipment such as brooders, dehydrators, dryers, and irrigation equipment.
3. Raw material (feedstock) applications except for piping to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen, and nitrogen.
6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms, and natural gas processing plants.
7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.
8. LP-Gas installations at utility gas plants.
9. Liquefied natural gas (LNG) installations.
10. Fuel gas piping in power and atomic energy plants.
11. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors, and calorimeters.
12. LP-Gas equipment for vaporization, gas mixing, and gas manufacturing.
13. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
14. Installation of LP-Gas systems for railroad switch heating.
15. Installation of LP-Gas and compressed natural gas (CNG) systems on vehicles.
16. Except as provided in Section 401.1.1, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-Gas.
17. Building design and construction, except as specified herein.

~~2. Change Section 310.1 of the International Fuel Gas Code to read:~~

~~310.1 Gas pipe bonding. Each aboveground portion of a gas piping system that is likely to become energized shall be electrically continuous and bonded to an effective ground-fault current path. Gas piping shall be considered to be bonded where it is connected to appliances that are~~

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~~connected to the equipment grounding conductor of the circuit supplying that appliance.~~

~~CSST gas piping systems shall be bonded to the electrical service grounding electrode system at the point where the gas service piping enters the building. The bonding conductor size shall be not less than #6 AWG copper wire or equivalent.~~

~~3- 2.~~ Add Section ~~404.8.3~~ 404.9.3 to the International Fuel Gas Code to read:

~~404.8.3~~ 404.9.3 Coating application. Joints in gas piping systems shall not be coated prior to testing and approval.

~~4.~~ Add Section ~~404.17~~ to the International Fuel Gas Code to read:

~~404.17 Isolation. Metallic piping and metallic tubing that conveys fuel gas from an LP gas storage container shall be provided with an approved dielectric fitting to electrically isolate the underground portion of the pipe or tube from the aboveground portion that enters a building. Such dielectric fitting shall be installed above ground, outdoors.~~

~~5- 3.~~ Add Section 501.1.1 to the International Fuel Gas Code to read:

501.1.1 Equipment changes. Upon the replacement or new installation of any fuel-burning appliances or equipment in existing buildings, an inspection or inspections shall be conducted to ensure that the connected vent or chimney systems comply with the following:

1. Vent or chimney systems are sized in accordance with this code.
2. Vent or chimney systems are clean, free of any obstruction or blockages, defects or deterioration and are in operable condition.

Where not inspected by the local building department, persons performing such changes or installations shall certify to the building official that the requirements of Items 1 and 2 of this section are met.

13VAC5-63-320. Chapter 29 Plumbing systems.

A. Change Section 2901.1 of the IBC to read:

2901.1 Scope. The provisions of this chapter and the International Plumbing Code [(IPC)] shall govern the design and installation of all plumbing systems and equipment, except that as provided for in Section 103.11 for functional design, water supply sources and sewage disposal systems are regulated and approved by the Virginia Department of Health and the Virginia Department of Environmental Quality. The approval of pumping and electrical equipment associated with such

water supply sources and sewage disposal systems shall, however, be the responsibility of the building official.

Note: See also the Memorandum of Agreement in the "Related Laws Package," which is available from DHCD.

B. Add Section 2901.1.1 to the IBC to read:

2901.1.1 [Use of Appendix C of the IPC for gray water and rain water recycling systems. In addition to other applicable provisions of the IPC, gray water recycling systems and rain water recycling systems shall comply with the provisions in Appendix C of the IPC. In the use of Appendix C of the IPC for rain water recycling systems, the term "rain water" shall be substituted for the term "gray water." Gray water recycling systems and rain water recycling systems shall be separate systems and shall not be interconnected.

C. Add Section 2901.1.2 to the IBC to read:

2901.1.2] Changes to the [International Plumbing Code IPC]. The following changes shall be made to the [International Plumbing Code IPC]:

1. Change Section 310.4 to read:

~~310.4 Water closet compartment. Each water closet utilized by the public or employees shall occupy a separate compartment with walls or partitions and a door enclosing the fixtures to ensure privacy.~~

~~Exceptions:~~

- ~~1. Water closet compartments shall not be required in a single-occupant toilet room with a lockable door.~~
- ~~2. Toilet rooms located in day care and child care facilities and containing two or more water closets shall be permitted to have one water closet without an enclosing compartment.~~
- ~~3. Water closet compartments or partitions shall not be required in toilet facilities for inmates in I-3 occupancies.~~

~~2- 1. [Change Section 301.3 of the IPC to read:~~

~~301.3 Connections to drainage system. All plumbing fixtures, drains, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be directly connected to the sanitary drainage system of the building or premises, in accordance with the requirements of this code. This section shall not be construed to prevent indirect waste systems required by Chapter 8.~~

~~Exception: Bathtubs, showers, lavatories, clothes washers and laundry trays shall not be required to discharge to the sanitary drainage system where such fixtures discharge to an approved gray water system or rain water system for flushing of water closets and urinals or for subsurface landscape irrigation.~~

2.] Delete Sections 311 and 311.1 [of the IPC].

3. Change Category 5 of Table 403.1 to read:

No.	Classification	Occupancy	Description	Water Closets (Urinals see Section 419.2)		Lavatories		Bathtubs/ Showers	Drinking Fountain (see Section 410.1)	Other
				Male	Female	Male	Female			
5	Institutional	I-3	Prisons ^b	1 per cell		1 per cell		1 per 15	1 per 100	-
		I-3	Reformatories, detention centers, and correctional centers ^b	1 per 15		1 per 15		1 per 15	1 per 100	-
		I-3	Employees	1 per 25		1 per 35		-	1 per 100	-

4. [~~2.~~ 3. Change Section 602.1 of the IPC to read:

602.1 General. Every structure equipped with plumbing fixtures and utilized for human occupancy or habitation shall be provided with a potable supply of water in the amounts and at the pressures specified in this chapter. This shall not prohibit the use of reclaimed water distribution systems installed in accordance with this code and the Virginia Water Reclamation and Reuse Regulation (9VAC25-740).

4. Change Section 604.1 of the IPC to read:

604.1 General. The design of the water distribution system, including any reclaimed water distribution systems governed by the Virginia Water Reclamation and Reuse Regulation (9VAC25-740), shall conform to accepted engineering practice. Methods utilized to determine pipe sizes shall be approved.

5. Add an exception to Section 608.8 of the IPC to read:

Exception: Reclaimed water supply systems shall be identified in accordance with the provisions of the Virginia Water Reclamation and Reuse Regulation (9VAC25-740).

6. Change Section 608.8.2 of the IPC to read:

608.8.2 Color. The color of the pipe identification shall be discernable and consistent throughout the building. The color purple shall be used to identify rain and gray water distribution systems.

7.] Delete Section 701.9 [of the IPC].

5. [~~3.~~ 8.] Add Section 703.6 [of the IPC] to read:

703.6 Nonmetallic building sewer location Tracer wire. Nonmetallic sanitary sewer piping installed and located within six feet (1829 mm) of finished grade that discharges to public systems shall be locatable. An

insulated copper tracer wire, 18 AWG minimum in size and suitable for direct burial or an equivalent product, shall be utilized. The wire shall be installed in the same trench as the sewer within 12 inches (305 mm) of the pipe and shall be installed to within five feet (1524 mm) of the building wall to the point where the building sewer intersects with the public system. ~~The ends~~ At a minimum, one end of the wire shall terminate above grade in an accessible location that is ~~not subject~~ resistant to physical damage, such as with a cleanout or at the building wall. Only one accessible location is required to be provided for the wire terminations on either end of each sewer installation.

13VAC5-63-330. Chapter 30 Elevators and conveying [equipment systems].

A. Change Section 3002.4 of the IBC to read:

3002.4 Elevator car to accommodate ambulance stretcher. Where elevators are provided in buildings four or more stories above ~~grade plane~~, or four or more stories below [] grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate ~~a 24-inch~~ an ambulance stretcher 24 inches by 84-inch ~~84 inches (610 mm by 2134 mm) ambulance stretcher~~ with not less than five-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than three inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame on the designated and alternate landing floors required to be established by ASME A17.1.

Exception: Elevators in multistory dwelling units or guest rooms.

B. [Add Section 3003.2.1 to the IBC to read:

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3003.2.1 Standardized fire service elevator keys. Where a key is required to operate the emergency function of an elevator, the key shall be a standardized fire service key in accordance with the Virginia Statewide Fire Prevention Code (13VAC5-51).

C.] Change Section 3006.4 of the IBC to read:

3006.4 Machine rooms and machinery spaces. Elevator machine rooms, rooms housing elevator controllers, and machinery spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 712, or both. The fire-resistance rating shall not be less than the required rating of the hoistway enclosure served by the machinery. Openings in the fire barriers shall be protected with assemblies having a fire protection rating not less than that required for the hoistway enclosure doors.

Exceptions:

1. Where machine rooms, rooms housing elevator controllers, and machinery spaces do not abut and have no openings to the hoistway enclosure they serve, the fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 712, or both, shall be permitted to be reduced to a one-hour fire-resistance rating.

2. In buildings four stories or less above grade plane when machine rooms, rooms housing elevator controllers, and machinery rooms do not abut and have no openings to the hoistway enclosure they serve, the machine room, room housing elevator controllers, and machinery spaces are not required to be fire-resistance rated.

B. [~~C. D.~~] Add Section 3006.7 to the IBC to read:

3006.7 Machine-room-less designs. Where machine-room-less designs are utilized they shall comply with the provisions of ASME A17.1 and incorporate the following:

1. Where the elevator car-top will be used as a work platform, it shall be equipped with permanently installed guards on all open sides. Guards shall be permitted to be of collapsible design, but otherwise must conform to all applicable requirements of this code for guards.

2. Where the equipment manufacturer's procedures for machinery removal and replacement depend on overhead structural support or lifting points, such supports or lifting points shall be permanently installed at the time of initial equipment installation.

3. Where the structure that the elevator will be located in is required to be fully sprinklered by this code, the hoistway that the elevator machine is located in shall be equipped with a fire suppression system as a machine room in accordance with NFPA 13. Smoke detectors for

the automatic initiation of Phase I Emergency Recall Operation, and heat detectors or other approved devices that automatically disconnect the main line power supply to the elevators, shall be installed within the hoistway.

[E. Change Section 3008.1 of the IBC to read:

3008.1 General. Where elevators in buildings greater than 420 feet (128 016 mm) in building height are to be used for occupant self-evacuation during fires, all passenger elevators for general public use shall comply with this section.]

[13VAC5-63-335. ~~Chapter 31 Special construction. (Repealed.)~~

A. Change Section 3109 to read:

~~Section 3109. Swimming Pools, Swimming Pool Enclosures and Safety Devices~~

B. Change Section 3109.3 to read:

~~3109.3 Public swimming pools. Public swimming pools shall be designed and constructed in conformance with ANSI/NSPI 1 or ANSI/NSPI 2, as applicable, and shall be completely enclosed by a fence at least four feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.]~~

13VAC5-63-350. Chapter 34 Existing structures.

A. Change Section 3401.1 of the IBC to read:

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

B. Delete IBC Sections 3401.2 ~~and~~, 3401.3, 3401.4, and 3401.5.

C. Delete IBC ~~Section~~ Sections 3403, 3404, 3405, and 3406.

D. Change Section ~~3405.1~~ 3407.1 of the IBC to read:

~~3405.1~~ 3407.1 Standards for replacement glass. In accordance with § 36-99.2 of the Code of Virginia, any replacement glass installed in buildings constructed prior to the first edition of the USBC shall meet the quality and installation standards for glass installed in new buildings as are in effect at the time of installation. In addition, as a requirement of this code, the installation or replacement of glass in buildings constructed under any edition of the USBC shall be as required for new installations.

E. Delete IBC Section ~~3406~~ 3408.

F. Delete IBC Section ~~3408~~ 3410.

G. Change Section ~~3410.2~~ 3412.2 of the IBC to read:

~~3410.2~~ 3412.2 Applicability. When specifically requested by an owner or an owner's agent in structures where there is work involving additions, alterations or changes of occupancy, the provisions in Sections ~~3410.2.1~~ 3412.2.1 through ~~3410.2.5~~ 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

H. Add an exception to Section ~~3410.2.1~~ 3412.2.1 of the IBC to read:

Exception: Plumbing, mechanical and electrical systems in buildings undergoing a change of occupancy shall be subject to any applicable requirements of Section 103.3 of this code.

I. Change Section 3412.2.5 of the IBC to read:

3412.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy and all alterations to existing buildings shall conform to the applicable accessibility provisions of Section 3411.

~~J.~~ J. Add IBC Section ~~3411~~ 3413 Retrofit Requirements.

~~J.~~ K. Add Section ~~3411.1~~ 3413.1 to the IBC to read:

~~3411.1~~ 3413.1 Scope. In accordance with Section 103.7 and as set out herein, the following buildings are required to be provided with certain fire protection equipment or systems or other retrofitted components.

~~K.~~ L. Add Section ~~3411.2~~ 3413.2 to the IBC to read:

~~3411.2~~ 3413.2 Smoke detectors in colleges and universities. In accordance with Section 36-99.3 of the Code of Virginia, college and university buildings containing dormitories for sleeping purposes shall be provided with battery-powered or AC-powered smoke detector devices installed therein in accordance with this code in effect on July 1, 1982. All public and private college and university dormitories shall have installed such detectors regardless of when the building was constructed. The chief administrative office of the college or university shall obtain a certificate of compliance with the provisions of this subsection from the building official of the locality in which the college or university is located or in the case of state-owned buildings, from the Director of the Virginia Department of General Services. The provisions of this section shall not apply to any dormitory at a state-supported military college or university which is patrolled 24 hours a day by military guards.

~~L.~~ M. Add Section ~~3411.3~~ 3413.3 to the IBC to read:

~~3411.3~~ 3413.3 Smoke detectors in certain juvenile care facilities. In accordance with § 36-99.4 of the Code of Virginia, battery-powered or AC-powered smoke detectors shall be installed in all local and regional detention homes,

group homes, and other residential care facilities for children and juveniles which are operated by or under the auspices of the Virginia Department of Juvenile Justice, regardless of when the building was constructed, by July 1, 1986, in accordance with the provisions of this code that were in effect on July 1, 1984. Administrators of such homes and facilities shall be responsible for the installation of the smoke detector devices.

~~M.~~ N. Add Section ~~3411.4~~ 3413.4 to the IBC to read:

~~3411.4~~ 3413.4 Smoke detectors for the deaf and hearing-impaired. In accordance with Section 36-99.5 of the Code of Virginia, smoke detectors providing an effective intensity of not less than 100 candela to warn a deaf or hearing-impaired individual shall be provided, upon request by the occupant to the landlord or proprietor, to any deaf or hearing-impaired occupant of any of the following occupancies, regardless of when constructed:

1. All dormitory buildings arranged for the shelter and sleeping accommodations of more than 20 individuals;
2. All multiple-family dwellings having more than two dwelling units, including all dormitories, boarding and lodging houses arranged for shelter and sleeping accommodations of more than five individuals; or
3. All buildings arranged for use of one-family or two-family dwelling units.

A tenant shall be responsible for the maintenance and operation of the smoke detector in the tenant's unit.

A hotel or motel shall have available no fewer than one such smoke detector for each 70 units or portion thereof, except that this requirement shall not apply to any hotel or motel with fewer than 35 units. The proprietor of the hotel or motel shall post in a conspicuous place at the registration desk or counter a permanent sign stating the availability of smoke detectors for the hearing impaired. Visual detectors shall be provided for all meeting rooms for which an advance request has been made.

~~N.~~ O. Add Sections ~~3411.5, 3411.5.1~~ 3413.5, 3413.5.1, and 3411.5.2 3413.5.2 to the IBC to read:

~~3411.5~~ 3413.5 Assisted living facilities (formerly known as adult care residences or homes for adults). Existing assisted living facilities licensed by the Virginia Department of Social Services shall comply with this section.

~~3411.5.1.~~ 3413.5.1 Fire protective signaling system and fire detection system. A fire protective signaling system and an automatic fire detection system meeting the requirements of the USBC, Volume I, 1987 Edition, Third Amendment, shall be installed in assisted living facilities by August 1, 1994.

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

~~3411.5.2.~~ 3413.5.2 Single and multiple station smoke detectors. Battery or AC-powered single and multiple station smoke detectors meeting the requirements of the USBC, Volume I, 1987 Edition, Third Amendment, shall be installed in assisted living facilities by August 1, 1994.

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

~~Q.~~ P. Add Section ~~3411.6~~ 3413.6 to the IBC to read:

~~3411.6~~ 3413.6 Smoke detectors in buildings containing dwelling units. AC-powered smoke detectors with battery backup or an equivalent device shall be required to be installed to replace a defective or inoperative battery-powered smoke detector located in buildings containing one or more dwelling units or rooming houses offering to rent overnight sleeping accommodations, when it is determined by the building official that the responsible party of such building or dwelling unit fails to maintain battery-powered smoke detectors in working condition.

~~P.~~ Q. Add Section ~~3411.7~~ 3413.7 to the IBC to read:

~~3411.7~~ 3413.7 Fire suppression, fire alarm and fire detection systems in nursing homes and facilities. Fire suppression systems as required by the edition of this code in effect on October 1, 1990, shall be installed in all nursing facilities licensed by the Virginia Department of Health by January 1, 1993, regardless of when such facilities or institutions were constructed. Units consisting of certified long-term care beds located on the ground floor of general hospitals shall be exempt from the requirements of this section.

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

~~Q.~~ R. Add Section ~~3411.8~~ 3413.8 to the IBC to read:

~~3411.8~~ 3413.8 Fire suppression systems in hospitals. Fire suppression systems shall be installed in all hospitals licensed by the Virginia Department of Health as required by the edition of this code in effect on October 1, 1995, regardless of when such facilities were constructed.

~~R.~~ S. Add Section ~~3411.9~~ 3413.9 to the IBC to read:

~~3411.9~~ 3413.9 Identification of handicapped parking spaces by above grade signs. All parking spaces reserved for the use of handicapped persons shall be identified by above grade signs, regardless of whether identification of such spaces by above grade signs was required when any

particular space was reserved for the use of handicapped persons. A sign or symbol painted or otherwise displayed on the pavement of a parking space shall not constitute an above grade sign. Any parking space not identified by an above grade sign shall not be a parking space reserved for the handicapped within the meaning of this section. All above grade handicapped parking space signs shall have the bottom edge of the sign no lower than four feet (1219 mm) nor higher than seven feet (2133 mm) above the parking surface. Such signs shall be designed and constructed in accordance with the provisions of Chapter 11 of this code. All disabled parking signs shall include the following language: PENALTY, \$100-500 Fine, TOW-AWAY ZONE. Such language may be placed on a separate sign and attached below existing above grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.

~~S.~~ T. Add Section ~~3411.10~~ 3413.10 to the IBC to read:

~~3411.10~~ 3413.10 Smoke detectors in hotels and motels. Smoke detectors shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect on March 1, 1990, by the dates indicated, regardless of when constructed.

~~T.~~ U. Add Section ~~3411.11~~ 3413.11 to the IBC to read:

~~3411.11~~ 3413.11 Sprinkler systems in hotel and motels. By September 1, 1997, an automatic sprinkler system shall be installed in hotels and motels as required by the edition of VR 394-01-22, USBC, Volume II, in effect on March 1, 1990, regardless of when constructed.

~~U.~~ V. Add Section ~~3411.12~~ 3413.12 to the IBC to read:

~~3411.12~~ 3413.12 Fire suppression systems in dormitories. An automatic fire suppression system shall be provided throughout all buildings having a Group R-2 fire area which are more than 75 feet (22,860 mm) or six stories above the lowest level of exit discharge and which are used, in whole or in part, as a dormitory to house students by any public or private institution of higher education, regardless of when such buildings were constructed, in accordance with the edition of this code in effect on August 20, 1997, and the requirements for sprinkler systems under the edition of the NFPA 13 standard referenced by that code. The automatic fire suppression system shall be installed by September 1, 1999. The chief administrative office of the college or university shall obtain a certificate of compliance from the building official of the locality in which the college or university is located or in the case of state-owned buildings, from the Director of the Virginia Department of General Services.

Exceptions:

1. Buildings equipped with an automatic fire suppression system in accordance with Section 903.3.1.1 or the 1983 or later editions of NFPA 13.

2. Any dormitory at a state-supported military college or university which is patrolled 24 hours a day by military guards.

3. Application of the requirements of this section shall be modified in accordance with the following:

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

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

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

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

3.3.2. The minimum number of sprinklers required for calculating the hydraulic demand of the system for the room shall be increased by two and the two additional sprinklers shall be corridor sprinklers where the wardrobe or closet is used to divide the room. Rooms divided by a wardrobe or closet shall be considered one room for the purpose of this requirement.

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

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

3.5. Existing standpipe residual pressure shall be permitted to be reduced when the standpipe serves as the

water supply for the fire suppression system provided the water supply requirements of NFPA 13-94 are met.

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

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

~~V. W.~~ Add Section ~~3411.13~~ 3413.13 to the IBC to read:

~~3411.13~~ 3413.13 Fire extinguishers and smoke detectors in SRCF's. SRCF's shall be provided with at least one approved type ABC portable fire extinguisher with a minimum rating of 2A10BC installed in each kitchen. In addition, SRCF's shall provide at least one approved and properly installed battery operated smoke detector outside of each sleeping area in the vicinity of bedrooms and bedroom hallways and on each additional floor.

~~W. X.~~ Add Section ~~3411.14~~ 3413.14 to the IBC to read:

~~3411.14~~ 3413.14 Smoke detectors in adult day care centers. Battery-powered or AC-powered smoke detector devices shall be installed in all adult day care centers licensed by the Virginia Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke detectors shall be determined by the provisions of this code in effect on October 1, 1990. The licensee shall obtain a certificate of compliance from the building official of the locality in which the center is located, or in the case of state-owned buildings, from the Director of the Virginia Department of General Services.

~~X. Y.~~ Add Section ~~3411.15~~ 3413.15 to the IBC to read:

~~3411.15~~ 3413.15 Posting of occupant load. Every room or space that is an assembly [7] occupancy, and where the occupant load of that room or space is 50 or more, shall have the occupant load of the room or space as determined by the building official posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.

[~~Z.~~ Add Section 3413.16 to the IBC to read:

3413.16 ALFSTs. Existing ALFSTs, regardless of when constructed, shall by October 1, 2011, meet the applicable requirements of API 653 and TFI RMIP for suitability for service and inspections and shall provide a secondary containment system complying with Section 425.3.]

13VAC5-63-360. Chapter 35 Referenced standards.

Change the referenced standards in Chapter 35 of the IBC as follows (standards not shown remain the same):

Regulations

Standard reference number	Title	Referenced in code section number			
[ANS/NSPI-1 2003	American National Standard for Public Swimming Pools	3109.3	NFPA 704-07	Standard System for the Identification of the Hazards of Materials for Emergency Response	414.7.2, 415.2
ANS/NSPI-2 1999	American National Standard for Public Spas	3109.3]	[API 650-09	Welded Steel Tanks for Oil Storage	425.2
ASTM E329-02	Standard Specification for Agencies Engaged in the Testing and/or Inspection of Materials Used in Construction	1703.1, 1703.1.3	API 653-09	Tank Inspection, Repair, Alteration and Reconstruction	425.4, 425.5, 3413.16
NFPA 13-07	Installation of Sprinkler Systems	707.2, 903.3.1.1, 903.3.2, 903.3.5.1.1, 903.3.5.2, 904.11, 905.3.4, 907.8, 3104.5, 3104.9	ASME A17.1/CSA B44- 2007	Safety Code for Elevators and Escalators with 2008 and 2009 Addenda	907.3.3, 911.1.5, 1007.4, 1607.8.1, 1613.6.5, 3001.2, 3001.4, 3002.5, 3003.2, 3007.1, 3008.3, 3008.12, 3008.14.1, 3411.8.2
NFPA 13D-07	Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes	903.3.1.3, 903.3.5.1.1	NFPA 704-07	Identification of the Hazards of Materials for Emergency Response	425.2
NFPA 13R-07	Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height	903.3.1.2, 903.3.5.1.1, 903.3.5.1.2, 903.4	TFI RMIP-09	Aboveground Storage Tanks Containing Liquid Fertilizer. Recommended Mechanical Integrity Practices	425.2, 425.4, 425.5, 3413.16
NFPA 14-07	Installation of Standpipe and Hose System	905.2, 905.3.4, 905.4.2, 905.8	UL 2034-08	Standard for Single- and Multiple-station Carbon Monoxide Alarms	908.7.1
NFPA 70-05	National Electrical Code	2701.1	[13VAC5-63-365. Appendix E Supplementary accessibility requirements.		
NFPA 72-07	National Fuel Alarm Code	901.6, 903.4.1, 904.3.5, 907.2, 907.2.1.1, 907.2.10, 907.2.10.4, 907.2.11.2, 907.2.11.3, 907.2.12.2.3, 907.2.12.3, 907.4, 907.5, 907.9.2, 907.10, 907.14, 907.16, 907.17, 911.1, 3006.5	Appendix E of the IBC shall be part of this code.]		
			Part II Rehabilitation		
			13VAC5-63-400. Chapter 1 Administration; Section 101 General.		
			A. Section 101.1 Short title. The Virginia Uniform Statewide Building Code, Part II, Rehabilitation, may be cited as the Virginia Rehabilitation Code.		
			B. Section 101.2 Incorporation by reference. Chapters 2 - 15 of the 2006 2009 International Existing Building Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the Virginia Rehabilitation Code. The term "IEBC" means the 2006 2009 International Existing Building Code, published by the International Code Council, Inc. Any codes and		

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

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

D. Section 101.4 Arrangement of code provisions. The Virginia Rehabilitation Code is comprised of the combination of (i) the provisions of Chapter 1, Administration, which are established herein, (ii) Chapters 2 - 15 of the IEBC, which are incorporated by reference in Section 101.2, and (iii) the changes to the text of the incorporated chapters of the IEBC that are specifically identified. The terminology "changes to the text of the incorporated chapters of the IEBC that are specifically identified" shall also be referred to as the "state amendments to the IEBC." Such state amendments to the IEBC are set out using corresponding chapter and section numbers of the IEBC numbering system. In addition, since Chapter 1 of the IEBC is not incorporated as part of the Virginia Rehabilitation Code, any reference to a provision of Chapter 1 of the IEBC in the provisions of Chapters 2 - 15 of the IEBC is generally invalid. However, where the purpose of such a reference would clearly correspond to a provision of Chapter 1 established herein, then the reference may be construed to be a valid reference to such corresponding Chapter 1 provision.

E. Section 101.5 Use of terminology and notes. The term "this code," or "the code," where used in the provisions of Chapter 1, in Chapters 2 - 15 of the IEBC or in the state amendments to the IEBC means the Virginia Rehabilitation Code, unless the context clearly indicates otherwise. The term "this code," or "the code," where used in a code or standard referenced in the IEBC means that code or standard, unless the context clearly indicates otherwise. The term "USBC" where used in this code means Part I of the Virginia Uniform Statewide Building Code, also known as the "Virginia Construction Code," unless the context clearly indicates otherwise. In addition, where the phrase "of the International Building Code under which the building was constructed" is used in the IEBC, it shall be construed to mean the USBC or other code that was in effect when the building was built.

Further, the use of notes in Chapter 1 is to provide information only and shall not be construed as changing the meaning of any code provision. Notes in the IEBC, in the codes and standards referenced in the IEBC and in the state amendments to the IEBC may modify the content of a related provision and shall be considered to be a valid part of the provision, unless the context clearly indicates otherwise.

F. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supersede any conflicting provisions of Chapters 2 - 15 of the IEBC and any conflicting provisions of the codes and standards referenced in the IEBC. In addition, the state amendments to the IEBC supersede any conflicting provisions of Chapters 2 - 15 of the IEBC and any conflicting provisions of the codes and standards referenced in the IEBC. Further, the provisions of Chapters 2 - 15 of the IEBC supersede any conflicting provisions of the codes and standards referenced in the IEBC.

G. Section 101.7 Administrative provisions. The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope and enforcement of the code. Any provisions of Chapters 2 - 15 of the IEBC or any provisions of the codes and standards referenced in the IEBC that address the same subject matter to a lesser or greater extent are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IEBC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 - 15 of the IEBC or of the codes and standards referenced in the IEBC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IEBC, then such requirements are not deleted and replaced.

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

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

13VAC5-63-434. Chapter 7 Alterations -- Level 2.

~~A. Change Section 704.2.1 of the IEBC to read:~~

~~704.2.1 High rise buildings. In high rise buildings, work areas that include either exits or corridors shared by more than one tenant or exits or corridors that serve an occupant load greater than 30 shall be provided with automatic sprinkler protection in the entire work area where the work area is located on a floor that has a sufficient sprinkler water supply system from an existing standpipe or a sprinkler riser serving that floor.~~

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~~B. Change Section 704.2.2 of the IEBC to read:~~

~~704.2.2 Groups A, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2. In buildings with occupancies in Groups A, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2, work areas that include either exits or corridors shared by more than one tenant or exits or corridors that serve an occupant load greater than 30 shall be provided with automatic sprinkler protection where all of the following conditions occur:~~

- ~~1. The work area is required to be provided with automatic sprinkler protection in accordance with the International Building Code as applicable to new construction;~~
- ~~2. The work area exceeds 50 percent of the floor area; and~~
- ~~3. The building has sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump.~~

~~Exception: Work areas in Group R occupancies three stories or less in height.~~

~~C. Change Section 704.2.3 of the IEBC to read:~~

~~704.2.3 Windowless stories. Work located in a windowless story, as determined in accordance with the International Building Code, shall be sprinklered where the work area is required to be sprinklered under the provisions of the International Building Code for newly constructed buildings and the building has a sufficient municipal water supply available without installation of a new fire pump.~~

~~D. Change Section 704.2.4 of the IEBC to read:~~

~~704.2.4 Other required suppression systems. In buildings and areas listed in Table 903.2.13 of the International Building Code, work areas that include either exits or corridors shared by more than one tenant or exit or corridors serving an occupant load greater than 30 shall be provided with sprinkler protection under the following conditions:~~

- ~~1. The work area is required to be provided with automatic sprinkler protection in accordance with the International Building Code applicable to new construction; and~~
- ~~2. The building has sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump.~~

~~E. Change Section 704.2.5 of the IEBC to read:~~

~~704.2.5 Supervision. Fire sprinkler systems required by this section shall be supervised by one of the following methods:~~

- ~~1. Approved central station system in accordance with NFPA 72;~~

~~2. Approved proprietary system in accordance with NFPA 72;~~

~~3. Approved remote station system of the jurisdiction in accordance with NFPA 72; or~~

~~4. When approved by the code official, approved local alarm service that will cause the sounding of an alarm in accordance with NFPA 72.~~

~~Exception: Supervision is not required for the following:~~

- ~~1. Underground gate valve with roadway boxes.~~
- ~~2. Halogenated extinguishing systems.~~
- ~~3. Carbon dioxide extinguishing systems.~~
- ~~4. Dry and wet chemical extinguishing systems.~~
- ~~5. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided.~~

~~F. A. Change Exception 2 of Section 705.2 to read:~~

~~2. Means of egress conforming to the requirements of the International Building Code building code under which the building was constructed shall be considered compliant means of egress.~~

~~G. B. Change Item 7 of Section 705.3.1.1 of the IEBC to read:~~

~~7. In Group R-2, H-4, H-5 and I occupancies and in rooming houses and childcare centers, a single exit is permitted in a one-story building with a maximum occupant load of 10 and the exit access travel distance does not exceed 75 feet (22 860 mm). In dwelling units within Group R-2 buildings, an occupant load of 12 shall be permitted to be substituted for the occupant load established above and, in addition, staff of such family day homes shall not be counted for the purposes of establishing occupant loads.~~

~~**13VAC5-63-436. Chapter 8 Alterations — Level 3. (Repealed.)**~~

~~A. Change Section 804.1 of the IEBC to read:~~

~~804.1 Automatic sprinkler systems. Automatic sprinkler systems shall be provided in all work areas when required by Section 704.2 or by this section.~~

~~B. Change Section 804.1.2 of the IEBC to read:~~

~~804.1.2 Rubbish and linen chutes. Rubbish and linen chutes located in the work area shall be provided with sprinkler protection where protection or other approved fire suppression systems of the rubbish or linen chute would be required under the provisions of the International Building Code for new construction.~~

13VAC5-63-437. Chapter 9 Change of occupancy. (Repealed.)

Change Exception 4 of Section 912.4.1 of the IEBC to read:

~~4. Existing corridor walls constructed on both sides of wood lath and plaster in good condition or 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted. Such walls shall either terminate at the underside of a ceiling of equivalent construction or shall extend to the underside of the floor or roof next above.~~

13VAC5-63-440. Chapter 13 Performance compliance methods.

A. Change Section 1301.2 of the IEBC to read:

1301.2 Applicability. Work involving rehabilitation, additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions in Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

B. Add an exception to Section 1301.2.1 of the IEBC to read:

Exception: Plumbing, mechanical and electrical systems in buildings undergoing a change of occupancy shall be subject to any applicable requirements of Section 103.3 of the Virginia Construction Code.

C. Change Section 1301.2.5 of the IEBC to read:

1301.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy and all alterations to existing buildings shall conform to the applicable accessibility provisions of Section 310.

Part III
Maintenance

13VAC5-63-450. Chapter 1 Administration; Section 101 General.

A. Section 101.1 Short title. The Virginia Uniform Statewide Building Code, Part III, Maintenance, may be cited as the Virginia Maintenance Code.

B. Section 101.2 Incorporation by reference. Chapters 2 - 8 of the ~~2006~~ 2009 International Property Maintenance Code, published by the International Code Council, Inc., are adopted and incorporated by reference to be an enforceable part of the Virginia Maintenance Code. The term "IPMC" means the ~~2006~~ 2009 International Property Maintenance Code, published by the International Code Council, Inc. Any codes and standards referenced in the IPMC are also considered to be part of the incorporation by reference, except that such

codes and standards are used only to the prescribed extent of each such reference.

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

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

E. Section 101.5 Use of terminology and notes. The term "this code," or "the code," where used in the provisions of Chapter 1, in Chapters 2 - 8 of the IPMC or in the state amendments to the IPMC means the Virginia Maintenance Code, unless the context clearly indicates otherwise. The term "this code," or "the code," where used in a code or standard referenced in the IPMC means that code or standard, unless the context clearly indicates otherwise. The term "USBC" where used in this code means Part I of the Virginia Uniform Statewide Building Code, also known as the "Virginia Construction Code," unless the context clearly indicates otherwise. In addition, the use of notes in Chapter 1 is to provide information only and shall not be construed as changing the meaning of any code provision. Notes in the IPMC, in the codes and standards referenced in the IPMC and in the state amendments to the IPMC may modify the content of a related provision and shall be considered to be a valid

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part of the provision, unless the context clearly indicates otherwise.

F. Section 101.6 Order of precedence. The provisions of Chapter 1 of this code supersede any conflicting provisions of Chapters 2 - 8 of the IPMC and any conflicting provisions of the codes and standards referenced in the IPMC. In addition, the state amendments to the IPMC supersede any conflicting provisions of Chapters 2 - 8 of the IPMC and any conflicting provisions of the codes and standards referenced in the IPMC. Further, the provisions of Chapters 2 - 8 of the IPMC supersede any conflicting provisions of the codes and standards referenced in the IPMC.

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

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

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

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

13VAC5-63-480. Section 104 Enforcement, generally.

A. Section 104.1 Scope of enforcement. ~~It~~ This section establishes the requirements for enforcement of this code in accordance with § 36-105 of the Code of Virginia. ~~the~~ The local governing body may also inspect and enforce the provisions of the USBC for existing buildings and structures, whether occupied or not. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

If the local building department receives a complaint that a violation of this code exists that is an immediate and imminent threat to the health or safety of the owner or tenant of a residential dwelling unit or a nearby residential dwelling unit, and the owner or tenant of the residential dwelling unit that is the subject of the complaint has refused to allow the code official or his agent to have access to the subject dwelling, the code official or his agent may present sworn testimony to a [magistrate or] court of competent jurisdiction and request that the [magistrate or] court grant the code official or his agent an inspection warrant to enable the code official or his agent to enter the subject dwelling for the purpose of determining whether violations of this code exist. The code official or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

Note: Generally, official action must be taken by the local government to enforce the Virginia Maintenance Code. Consultation with the legal counsel of the jurisdiction when initiating or changing such action is advised.

B. Section 104.1.1 Transfer of ownership. ~~If~~ In accordance with § 36-105 of the Code of Virginia, if the local building department has initiated an enforcement action against the owner of a building or structure and such owner subsequently transfers the ownership of the building or structure to an entity in which the owner holds an ownership interest greater than 50%, the pending enforcement action shall continue to be enforced against the owner.

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

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

E. Section 104.3.1 Certification of state enforcement personnel. State enforcement personnel shall comply with the applicable requirements of Sections 104.4.2 through 104.4.4 for certification, periodic maintenance training, and continuing education.

~~E.~~ F. Section 104.4 Local enforcing agency. In jurisdictions enforcing this code, the local governing body shall designate the agency within the local government responsible for such enforcement and appoint a code official. The local governing body may also utilize technical assistants to assist the code official in the enforcement of this code. A permanently appointed code official shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the

appointing authority. DHCD shall be notified by the appointing authority within 30 days of the appointment or release of a permanent or acting code official and within 60 days after retaining or terminating a technical assistant.

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

~~F.~~ G. Section 104.4.1 Qualifications of code official and technical assistants. The code official shall have at least five years of building experience as a licensed professional engineer or architect, building, fire or trade inspector, contractor, housing inspector or superintendent of building, fire or trade construction or at least five years of building experience after obtaining a degree in architecture or engineering, with at least three years in responsible charge of work. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The code official shall have general knowledge of sound engineering practice in respect to the design and construction of structures, the basic principles of fire prevention, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants and the public. The local governing body may establish additional qualification requirements.

A technical assistant shall have at least three years of experience and general knowledge in at least one of the following areas: building construction, building, fire or housing inspections, plumbing, electrical or mechanical trades, fire protection, elevators or property maintenance work. Any combination of education and experience which would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The locality may establish additional certification requirements.

~~G.~~ H. Section 104.4.2 Certification of code official and technical assistants. An acting or permanent code official shall be certified as a code official in accordance with the VCS within one year after being appointed as acting or permanent code official. A technical assistant shall be certified in the appropriate subject area within 18 months after becoming a technical assistant. When required by a locality to have two or more certifications, a technical assistant shall obtain the additional certifications within three years from the date of such requirement.

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

~~H.~~ I. Section 104.4.3 Noncertified code official. Except for a code official exempt from certification under the exception to Section 104.4.2, any acting or permanent code official who is not certified as a code official in accordance with the VCS shall attend the core module of the Virginia Building Code

Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in Section 104.4.2.

~~F.~~ J. Section 104.4.4 ~~Continuing Requirements for periodic maintenance training and education requirements.~~ Code officials and technical assistants shall attend ~~16 hours every two years of continuing education and periodic maintenance training courses approved or required as designated by DHCD.~~ Additional In addition to the periodic maintenance training required above, code officials and technical assistants shall attend 16 hours of continuing education hours ~~shall not be required if more than one every two years as approved by DHCD.~~ If a code official or technical assistant possesses more than one BHCD certificate is held, the 16 hours shall satisfy the continuing education requirement for all BHCD certificates.

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

~~K.~~ L. Section 104.4.6 Records. The local enforcing agency shall retain a record of applications received, permits, certificates, notices and orders issued, fees collected and reports of inspections in accordance with The Library of Virginia's General Schedule Number Six.

~~L.~~ M. Section 104.5 Powers and duties, generally. The code official shall enforce this code as set out herein and as interpreted by the State Review Board and shall issue all necessary notices or orders to ensure compliance with the code.

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

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

~~O.~~ P. Section 104.5.2.1 Substantiation of modification. The code official may require or may consider a statement from a professional engineer, architect or other person competent in

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

~~P.~~ Q. Section 104.5.3 Inspections. The code official may inspect buildings or structures to determine compliance with this code and shall carry proper credentials when performing such inspections.

~~Q.~~ R. Section 104.5.4 Notices, reports and orders. Upon findings by the code official that violations of this code exist, the code official shall issue a correction notice or notice of violation to the owner or the person responsible for the maintenance of the structure. Work done to correct violations of this code subject to the permit, inspection and approval provisions of the Virginia Construction Code shall not be construed as authorization to extend the time limits established for compliance with this code.

~~R.~~ S. Section 104.5.4.1 Correction notice. The correction notice shall be a written notice of the defective conditions. The correction notice shall require correction of the violation or violations within a reasonable time unless an emergency condition exists as provided under the unsafe building provisions of Section 105. Upon request, the correction notice shall reference the code section that serves as the basis for the defects and shall state that such defects shall be corrected and reinspected in a reasonable time designated by the code official.

~~S.~~ T. Section 104.5.4.2 Notice of violation. If the code official determines there are violations of this code other than those for unsafe structures, unsafe equipment or structures unfit for human occupancy under Section 105, the code official may issue a notice of violation to be communicated promptly in writing to the owner or the person responsible for the maintenance or use of the building or structure in lieu of a correction notice as provided for in Section 104.5.4.1. In addition, the code official shall issue a notice of violation for any uncorrected violation remaining from a correction notice established in Section 104.5.4.1. A notice of violation shall be issued by the code official before initiating legal proceedings unless the conditions violate the unsafe building conditions of Section 105 and the provisions established therein are followed. The code official shall provide the section numbers to the owner for any code provision cited in the notice of violation. The notice shall require correction of the violation or violations within a reasonable time unless an emergency condition exists as provided under the building provisions of Section 105. The owner or person to whom the notice of violation has been issued shall be responsible for contacting the code official within the time frame established for any reinspections to assure the violations have been corrected. The code official will be responsible for making such inspection and verifying the violations have been corrected. In addition, the notice of violation shall indicate the right of appeal by referencing the appeals section of this code.

~~T.~~ U. Section 104.5.5 Coordination of inspections. The code official shall coordinate inspections and administrative orders with any other state or local agencies having related inspection authority and shall coordinate those inspections required by the Virginia Statewide Fire Prevention Code (13VAC5-51) for maintenance of fire protection devices, equipment and assemblies so that the owners and occupants will not be subjected to numerous inspections or conflicting orders.

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

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

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

[13VAC5-63-490. Section 105 Unsafe structures or structures unfit for human occupancy.

A. Section 105.1 General. This section shall apply to existing ~~buildings or~~ structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

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

B. Section 105.2 Inspection of unsafe or unfit structures. The code official shall inspect any structure reported or discovered as unsafe or unfit for human habitation and shall prepare a report to be filed in the records of the local enforcing agency and a copy issued to the owner. The report shall include the use of the structure and a description of the nature and extent of any conditions found.

C. Section 105.3 Unsafe conditions not related to maintenance. When the code official finds a condition that constitutes a serious and dangerous hazard to life or health in a ~~building or~~ structure constructed prior to the initial edition of the USBC and when that condition is of a cause other than improper maintenance or failure to comply with state or local building codes that were in effect when the ~~building or~~ structure was constructed, then the code official shall be permitted to order those minimum changes to the design or construction of the ~~building or~~ structure to remedy the condition.

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

E. Section 105.4 Notice of unsafe structure or structure unfit for human occupancy. When a ~~building or~~ structure is determined to be unsafe or unfit for human occupancy by the code official, a written notice of unsafe structure or structure unfit for human occupancy shall be issued ~~in person by~~ personal service to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 104.5.4 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section. ~~In addition, the notice shall contain a statement requiring the person receiving to notice to either accept or reject the terms of the notice.~~

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

F. Section 105.4.1 Vacating unsafe structure. If the code official determines there is actual and immediate danger to the occupants or public, or when life is endangered by the occupancy of an unsafe structure, the code official shall be authorized to order the occupants to immediately vacate the unsafe structure. When an unsafe structure is ordered to be vacated, the code official shall post a notice with the following wording at each entrance: "THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY (OR USE) IS PROHIBITED BY THE CODE OFFICIAL." After posting, occupancy of use of the unsafe structure shall be prohibited

~~except when authorized to enter to conduct inspections, make required repairs or as necessary to demolish the structure.~~

~~G.~~ I. Section 105.5 Posting of notice. If the notice is unable to be issued ~~in person by~~ personal service as required by Section 105.4, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

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

~~H.~~ I. Section 105.7 Revocation of certificate of occupancy. If a notice of unsafe structure or structure unfit for human habitation is not complied with within the time period stipulated on the notice, the code official shall be permitted to request the local building department to revoke the certificate of occupancy issued under the Virginia Construction Code.

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

~~J.~~ K. Section 105.9 Emergency repairs and demolition. To the extent permitted by the locality, the code official may authorize emergency repairs to unsafe structures or structures unfit for human habitation when it is determined that there is an immediate danger of any portion of the unsafe structure or structure unfit for human habitation collapsing or falling and when life is endangered. Emergency repairs may also be authorized where there is a code violation resulting in the immediate serious and imminent threat to the life and safety of the occupants. The code official shall be permitted to authorize the necessary work to make the structure temporarily safe whether or not legal action to compel compliance has been instituted. In addition, whenever an owner of an unsafe structure or structure unfit for human habitation fails to comply with a notice to demolish issued under Section 105.4 in the time period stipulated, the code

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official shall be permitted to cause the structure to be demolished. In accordance with §§ 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the locality may be requested to institute appropriate action against the property owner to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be enforceable in the same manner as provided in Articles 3 (§ 58.1-3490 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

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

~~K. L.~~ Section 105.10 Closing of streets. When necessary for public safety, the code official shall be permitted to order the temporary closing of sidewalks, streets, public ways or premises adjacent to unsafe or unfit structures and prohibit the use of such spaces.]

13VAC5-63-500. Section 106 Appeals.

A. Section 106.1 Establishment of appeals board. In accordance with § 36-105 of the Code of Virginia, there shall be established within each local enforcing agency a LBBCA. Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such appeals resulting therefrom. Fees may be levied by the local governing body in order to defray the cost of such appeals. The LBBCA for hearing appeals under the Virginia Construction Code shall be permitted to serve as the appeals board required by this section.

B. Section 106.2 Membership of board. The LBBCA shall consist of at least five members appointed by the locality for a specific term of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the locality. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any one-year period. The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary and receive such training on the code as may be appropriate or necessary from staff of the locality.

C. Section 106.3 Officers and qualifications of members. The LBBCA shall annually select one of its regular members to serve as chairman. When the chairman is not present at an appeal hearing, the members present shall select an acting chairman. The locality or the chief executive officer of the locality shall appoint a secretary to the LBBCA to maintain a detailed record of all proceedings. Members of the LBBCA shall be selected by the locality on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be an RDP, and at least one member should be an experienced property manager. Employees or officials of the locality shall not serve as members of the LBBCA.

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

E. Section 106.5 Right of appeal; filing of appeal application. [~~The owner of a building or structure, the owner's agent or any other person involved in the use of a building or structure may appeal a decision of the code official concerning the~~ Any person aggrieved by the local enforcing agency's] application of [~~the~~] this code [~~to such building or structure and may also appeal a~~ or the] refusal [~~by the code official~~] to grant a modification to the provisions of this code [~~pertaining to such building or structure~~ may appeal to the LBBCA]. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision.

F. Section 106.6 Meetings and postponements. The LBBCA shall meet within 30 calendar days after the date of receipt of the application for appeal, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal. A notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing, except that a lesser time period shall be permitted if agreed to by all the parties involved in the appeal. When a quorum of the LBBCA is not present at a hearing to

hear an appeal, any party involved in the appeal shall have the right to request a postponement of the hearing. The LBBCA shall reschedule the appeal within 30 calendar days of the postponement, except that a longer time period shall be permitted if agreed to by all the parties involved in the appeal.

G. Section 106.7 Hearings and decision. All hearings before the LBBCA shall be open meetings and the appellant, the appellant's representative, the locality's representative and any person whose interests are affected by the code official's decision in question shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings. The LBBCA shall have the power to uphold, reverse or modify the decision of the official by a concurring vote of a majority of those present. Decisions of the LBBCA shall be final if no further appeal is made. The decision of the LBBCA shall be by resolution signed by the chairman and retained as part of the record of the appeal. Copies of the resolution shall be sent to all parties by certified mail. In addition, the resolution shall contain the following wording:

"Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the State Review Board, ~~504 North Second~~ 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150."

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

13VAC5-63-520. Chapter 3 General requirements.

A. Delete Section 302.1 of the IPMC.

B. Change Section 302.2 of the IPMC to read:

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

C. Change Section 302.3 of the IPMC to read:

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

D. Delete Section 302.4 of the IPMC.

E. Change Section 302.5 of the IPMC to read:

302.5 Rodent harborage. All structures and adjacent premises shall be kept free from rodent harborage and infestation where such harborage or infestation adversely affects the structures.

F. Delete Sections 302.8 and 302.9 of the IPMC.

G. [Delete Section 304.1.1 of the IPMC.

H.] Change Section 304.7 of the IPMC to read:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

[~~H. I.] Change Section 304.14 of the IPMC to read:~~

304.14 Insect screens. During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

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

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~~J. J.] Delete Sections 304.18, 304.18.1, 304.18.2 and 304.18.3 of the IPMC.~~

~~J. K.] Delete Section 305.1.1 of the IPMC.~~

L.] Add Section 305.7 to the IPMC to read:

~~305.7 [Lead-based paint. Interior and exterior painted surfaces of dwellings and child care facilities, including fences and outbuildings, that contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50% lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warning as to the lead content of such surface. Carbon monoxide alarms. Carbon monoxide alarms shall be maintained as approved.]~~

~~K. M.] Delete Section 306 of the IPMC in its entirety.~~

N.] Change Section ~~307.1~~ 308.1 of the IPMC to read as follows and delete the remaining provisions of Section ~~307~~ 308:

~~307.1~~ 308.1 Accumulation of rubbish and garbage. The interior of every structure shall be free from excessive accumulation of rubbish or garbage.

~~L. O.] Change Section ~~308.1~~ 309.1 of the IPMC to read:~~

~~308.1~~ 309.1 Infestation. This section shall apply to the extent that insect and rodent infestation adversely affects a structure. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

P.] Add IPMC Section 310 Lead-Based Paint.

Q.] Add Section 310.1 to the IPMC to read:

310.1 General. Interior and exterior painted surfaces of dwellings and child care facilities, including fences and outbuildings, that contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50% lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warning as to the lead content of such surface.

R.] Add IPMC Section 311 Aboveground Liquid Fertilizer Storage Tanks (ALFSTs).

S.] Add Section 311.1 to the IPMC to read:

311.1 General. ALFSTs shall be maintained in accordance with the requirements of Section 3413.16 of the Virginia Construction Code and the requirements of the Virginia

Construction Code applicable to such ALFSTs when newly constructed, undergoing a change of occupancy to an ALFST and when repaired, altered or reconstructed, including the requirements for inspections and for a secondary containment system.]

13VAC5-63-530. Chapter 5 Plumbing facilities and fixture requirements.

A. Add Section 505.5 to the IPMC to read:

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

B. Add Section 505.5.1 to the IPMC to read:

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

C. Add Section 505.5.2 to the IPMC to read:

505.5.2 Testing. Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, double-detector check valve assemblies and pressure vacuum breaker assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5010-1013-1, Sections 1 and 2; ASSE 5010-1015-1, Sections 1 and 2; ASSE 5010-1015-2; ASSE 5010-1015-3, Sections 1 and 2; ASSE 5010-1015-4, Sections 1 and 2; ASSE 5010-1020-1, Sections 1 and 2; ASSE 5010-1047-1, Sections 1, 2, 3 and 4; ASSE 5010-1048-1, Sections 1, 2, 3 and 4; ASSE 5010-1048-2; ASSE 5010-1048-3, Sections 1, 2, 3 and 4; ASSE 5010-1048-4, Sections 1, 2, 3 and 4; or CAN/CSA B64.10.

D.] Change Section 506.3 of the IPMC to read:

506.3 Grease interceptors. Grease interceptors, grease traps, and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors, grease traps, and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system, or the sewage treatment plant or processes. All records of maintenance, cleaning, and repairs shall be available for inspection by the code official.

~~D. E.] Change Section 507.1 of the IPMC to read:~~

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall be discharged in a manner to protect the buildings and structures from the accumulation of overland water runoff.

13VAC5-63-540. Chapter 6 Mechanical and electrical requirements.

A. Change Section 602 of the IPMC to read:

Section 602 Heating and Cooling Facilities.

B. Change Section 602.1 of the IPMC to read:

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

C. Change Section 602.2 of the IPMC to read:

602.2 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 1 to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

D. Add Section 602.2.1 to the IPMC to read:

602.2.1 Prohibited use. In dwelling units subject to Section 602.2, one or more unvented room heaters shall not be used as the sole source of comfort heat in a dwelling unit.

E. Change Section 602.3 of the IPMC to read:

602.3 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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

F. Change Section 602.4 of the IPMC to read:

602.4 Cooling supply. Every owner and operator of a Group R-2 apartment building who rents, leases or lets one or more dwelling units, rooming units or guestrooms on terms, either expressed or implied, to furnish cooling to the occupants thereof shall supply cooling during the period from May 15 to October 1 to maintain a temperature of not more than 80°F (27°C) in all habitable rooms.

Exception: When the outdoor temperature is higher than the summer design temperature for the locality, maintenance of the room temperature shall not be required provided that the cooling system is operating at its full design capacity. The summer outdoor design temperature for the locality shall be as indicated in the International Energy Conservation Code.

G. Change the exception to Section 604.3.1.1 of the IPMC to read:

Exception: The following equipment shall be allowed to be repaired or reused where an inspection report from the equipment manufacturer, an approved representative of the equipment manufacturer, a third party licensed or certified electrician, or an electrical engineer indicates that the exposed equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

~~G. Add~~ H. Change Section 606.3 606.1 to the IPMC to read:

606.3 Inspection standard 606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or

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dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. An annual periodic inspection and test is required of elevators and escalators. A locality shall be permitted to require a six-month periodic inspection and test. All periodic inspections shall be performed in accordance with Section 8.11 of ASME A17.1. The code official may also provide for such inspection by an approved agency or through agreement with other local certified elevator inspectors. An approved agency includes any individual, partnership or corporation who has met the certification requirements established by the VCS.

DOCUMENTS INCORPORATED BY REFERENCE (13VAC5-63)

International Building Code - 2006 2009 Edition, International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070.

[International Energy Conservation Code - 2009 Edition, International Code Council, Inc.]

International Existing Building Code - 2006 2009 Edition, International Code Council, Inc.

[International Fire Code - 2009 Edition, International Code Council, Inc.

International Fuel Gas Code - 2009 Edition, International Code Council, Inc.

[International Mechanical Code - 2009 Edition, International Code Council, Inc.]

International Property Maintenance Code - 2006 2009 Edition, International Code Council, Inc.

[International Plumbing Code - 2009 Edition, International Code Council, Inc.

International Residential Code for One- and Two-Family Dwellings - 2009 Edition, International Code Council, Inc.]

ACI 318—05, Building Code Requirements for Structural Concrete, American Concrete Institute, 38800 Country Club Drive, Farmington Hills, MI 48333.

ACI 332—04, Requirements for Residential Concrete Construction, American Concrete Institute, 38800 Country Club Drive, Farmington Hills, MI 48333.

ACI 530/ASCE 5/TMS 402—05, Specifications for Masonry Structures, American Concrete Institute, 38800 Country Club Drive, Farmington Hills, MI 48333; American Society of Civil Engineers, 1801 Alexander Bell Drive, Reston, VA 20191; or The Masonry Society, 3970 Broadway, Suite 201-D, Boulder, CO 80304.

[AISI S230-07 W/S2-08, Standard for Cold-Formed Steel Framing - Prescriptive Method for One and Two Family

Dwellings, 2007 Edition with Supplement 2, American Iron and Steel Institute, 1140 Connecticut Avenue NW, Suite 705, Washington, DC 20036.

[ANSI/AF&PA WCFM-2001, Wood Frame Construction Manual for One- and Two-Family Dwellings, 2001 Edition, Approved October 11, 2001, American Forest and Paper Association, 1111 19th St. NW, Suite 800, Washington, DC 20036.]

ANSI/NSPI-1 2003, American National Standard for Public Swimming Pools, National Spa and Pool Institute, 2111 Eisenhower Avenue, Alexandria, VA 22314.

ANSI/NSPI-2 1999, American National Standard for Public Spas, National Spa and Pool Institute, 2111 Eisenhower Avenue, Alexandria, VA 22314.

[API 650-09, Welded Tanks for Oil Storage, Eleventh Edition, June 2007 (Addendum 1, November 2008, Addendum 2, November 2009, effective May 1, 2010), American Petroleum Institute, 1220 L Street, NW, Washington, DC 20005-4070.

[API 653-09, Tank Inspection, Repair, Alteration, and Reconstruction, American Petroleum Institute.]

ASTM E329-02, Standard Specification for Agencies Engaged in the Testing and/or Inspection of Materials Used in Construction, American Society of Testing Materials International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428-2959.

ASTM D1557-00, Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft³(2,700 kN-m/m³)), ASTM International.

ASTM E90-90, Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions, ASTM International.

CAN/CSA-B64.10-01, Manual for the Selection and Installation of Backflow Prevention Devices/Manual for the Maintenance and Field Testing of Backflow Prevention Devices, June 2003, National Standards of Canada.

[ASME A17.1-2007 [/ CSA B44-07], Safety Code for Elevators and Escalators, American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990.

[ASME A17.1a-2008 / CSA B44a-08, Addenda to ASME A17.1-2007 / CSA B44-07, Safety Code for Elevators and Escalators, American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990.

[ASME A17.1b-2009 / CSA B44b-09, Addenda to ASME A17.1-2007 / CSA B44-07, Safety Code for Elevators and Escalators, American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990.]

ASME A90.1-97, Safety Standard for Belt Manlifts, American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990.

ASME B20.1-00, Safety Standard for Conveyors and Related Equipment, American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990.

ASSE 1010-98, Performance Requirements for Water Hammer Arrestors, American Society of Sanitary Engineering, 901 Canterbury Road, Suite A, Westlake, OH 44145.

ASSE 5010-1013-1, Field Test Procedure for a Reduced Pressure Principle Assembly Using a Differential Pressure Gauge, 1991, American Society of Sanitary Engineering.

ASSE 5010-1015-1, Field Test Procedure for a Double Check Valve Assembly Using a Duplex Gauge, 1991, American Society of Sanitary Engineering.

ASSE 5010-1015-2, Field Test Procedure for a Double Check Valve Assembly Using a Differential Pressure Gauge - High- and Low-Pressure Hose Method, 1991, American Society of Sanitary Engineering.

ASSE 5010-1015-3, Field Test Procedure for a Double Check Valve Assembly Using a Differential Pressure Gauge - High Pressure Hose Method, 1991, American Society of Sanitary Engineering.

ASSE [~~5010-1015-5~~ 5010-1015-4], Field Test Procedure for a Double Check Valve Assembly Using a Site Tube, 1991, American Society of Sanitary Engineering.

ASSE 5010-1020-1, Field Test Procedures for a Pressure Vacuum Breaker Assembly, 1991, American Society of Sanitary Engineering.

ASSE 5010-1047-1, Field Test Procedure for a Reduced Pressure Detector Assembly Using a Differential Pressure Gauge, 1991, American Society of Sanitary Engineering.

ASSE 5010-1048-1, Field Test Procedure for a Double Check Detector Assembly Using a Duplex Gauge, 1991, American Society of Sanitary Engineering.

ASSE 5010-1048-2, Field Test Procedure for a Double Check Detector Assembly Using a Differential Pressure Gauge - High- and Low-Pressure Hose Method, 1991, American Society of Sanitary Engineering.

ASSE 5010-1048-3, Field Test Procedure for a Double Check Detector Assembly Using a Differential Pressure Gauge - High-Pressure Hose Method, 1991, American Society of Sanitary Engineering.

ASSE 5010-1048-4, Field Test Procedure for a Double Check Detector Assembly Using a Site Tube, 1991, American Society of Sanitary Engineering.

~~ANSI/ALI ALCTV 98, Standard for Automobile Lifts— Safety Requirements for Construction, Testing and Validation (ANSI), Automotive Lift Institute, P.O. Box 33116, Indialantic, FL 32903 3116.~~

~~NCMA TR68-A-75, Design and Construction of Plain and Reinforced Concrete Masonry and Basement and Foundation Walls, National Concrete Masonry Association, 2302 Horse Pen Road, Herndon, VA 20171.~~

[ICC/ANSI A117.1-2003, Accessible and Usable Buildings and Facilities, Approved November 26, 2003, International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070.

ICC 600-2008, Standard for Residential Construction in High-Wind Regions, Approved August 6, 2008, International Code Council, Inc.]

SEI/ASCE 7-02, Minimum Design Loads for Buildings and Other Structures, American Society of Civil Engineers/Structural Engineering Institute, 1801 Alexander Bell Drive, Reston, VA 20191-4400.

~~NFPA 13-07, Installation of Sprinkler Systems, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

NFPA 13D-07, [Standard for the] Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

~~NFPA 13R-07, Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 14-07, Installation of Standpipe and Hose System, NFPA 13-07, Installation of Sprinkler Systems, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 70-05, National Electrical Code, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 72-07, National Fire Alarm Code, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

[NFPA 70-08, National Electrical Code, 2008 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.]

NFPA 495-01, Explosive Materials Code, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

[NFPA 704-07, Standard System for the Identification of the Hazards of Materials for Emergency Response, National

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Fire Protection Association, Batterymarch Park, Quincy, MA 02269.]

TFI RMIP-09, Aboveground Storage Tanks Containing Liquid Fertilizer, Recommended Mechanical Integrity Practices, December 2009, The Fertilizer Institute, 820 First Street, NE, Suite 430, Washington, DC 20002.

UL 2034-08, Standard for Single and Multiple Station Carbon Monoxide Alarms, Third Edition, February 28, 2008, Underwriters Laboratories, Inc. 333 Pfingsten Road, Northbrook, IL 60062.]

VA.R. Doc. No. R09-1894; Filed September 2, 2010, 3:45 p.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4006 A 12 of the Code of Virginia, which excludes regulations adopted by the Board of Housing and Community Development pursuant to the Industrialized Building Safety Law (§ 36-70 et seq. of the Code of Virginia) provided the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (iii) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations.

Additionally, the board is claiming an exclusion from the Administrative Process Act pursuant to § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Housing and Community Development will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **13VAC5-91. Virginia Industrialized Building Safety Regulations (amending 13VAC5-91-10, 13VAC5-91-20, 13VAC5-91-40, 13VAC5-91-50, 13VAC5-91-60, 13VAC5-91-70, 13VAC5-91-100, 13VAC5-91-120, 13VAC5-91-160, 13VAC5-91-200, 13VAC5-91-210, 13VAC5-91-245, 13VAC5-91-260).**

Statutory Authority: § 36-73 of the Code of Virginia.

Effective Date: January 3, 2011.

Agency Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Main Street Center, 600 East Main Street, Suite 300, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

Summary:

The Virginia Industrialized Building Safety Regulations (IBSR) govern the in-factory construction of industrialized buildings, which are also known as modular buildings. The regulations provide the same standards for construction as those buildings constructed on-site and regulated by the Virginia Uniform Statewide Building Code (13VAC5-63). Both regulations utilize nationally recognized model building codes and standards to provide the technical requirements for the actual construction of the regulated buildings. The model codes are produced by the International Code Council and every three years new editions of the model codes become available. The amendments incorporate the newer editions of the model codes into the regulations.

The changes comprising the final regulation are divided into two categories: (i) those changes necessary to match changes in state law where no agency discretion is involved and (ii) those changes based upon proposals or public comment received by the board during the public comment period. The changes comprising the final regulation are described below:

Changes under § 2.2-4006 A 4 a of the Code of Virginia to match changes in state law where no agency discretion is involved.

13VAC5-91-70: Chapter 77 of the 2010 Acts of Assembly permits any person aggrieved by the Department of Housing and Community Development's application of the IBSR to appeal to the State Building Code Technical Review Board. Changes to this section in the final regulation implement the legislation.

Changes under § 2.2-4006 A 12 of the Code of Virginia based on proposals or public comment received by the Board of Housing and Community Development.

13VAC5-91-260: The final regulation amends the fee charged by the department for registration seals placed on the modules of approved industrialized buildings from \$50 per seal to \$75 per seal to more accurately reflect the cost of monitoring the approval of industrialized buildings. Industry representatives voiced support for the action.

13VAC5-91-10. Definitions.

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

"Administrator" means the Director of DHCD or his designee.

"Approved" as applied to a material, device, method of construction, registered building, or as otherwise used in this chapter means approved by the administrator.

"Building official" means the officer or other designated authority charged with the administration and enforcement of the USBC, or duly authorized representative.

"Compliance assurance agency" means an architect or professional engineer registered in Virginia, or an organization, determined by DHCD to be specially qualified by reason of facilities, personnel, experience, and demonstrated reliability, to investigate, test and evaluate industrialized buildings; to list such buildings complying with standards at least equal to this chapter; to provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and to provide a label as evidence of compliance on each ~~registered industrialized building~~ manufactured section or module.

"DHCD" means the Virginia Department of Housing and Community Development.

"ICC" means the International Code Council, Inc.

"Industrialized building" means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in § 36-85.3 of the Code of Virginia and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act (42 USC § 5401 et seq.) shall not be considered industrialized buildings for the purpose of this law.

"Model" means a specific design of an industrialized building designated by the producer of the building including production buildings with variations and options that do not affect compliance with the standards governing structural, plumbing, mechanical, or electrical systems or any other items governed by this chapter.

"Registered" means an industrialized building which displays a registration seal issued by DHCD in accordance with this chapter.

"SBCAO" means the State Building Code Administrative Office within DHCD.

"State Review Board" means the Virginia State Building Code Technical Review Board as established by § 36-108 of the Code of Virginia.

"This law" means the Virginia Industrialized Building Safety Law as embraced in Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia.

"USBC" means the Virginia Uniform Statewide Building Code (13VAC5-63).

13VAC5-91-20. Application and compliance.

A. ~~This chapter shall apply to industrialized buildings. The following provisions are in In~~ accordance with § 36-81 of the Code of Virginia. Registered, registered industrialized buildings shall be acceptable in all localities as meeting the requirements of the Industrialized Building Safety Law (Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia), which shall supersede the building codes and regulations of the counties, municipalities and state agencies. Local requirements affecting industrialized buildings, including zoning, utility connections, preparation of the site and maintenance of the unit shall remain in full force and effect. All building officials are authorized to and shall enforce the provisions of ~~this law, and the rules and regulations made in pursuance thereof~~ the Industrialized Building Safety Law (Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia) and this chapter.

B. ~~No~~ In accordance with § 36-78 of the Code of Virginia, ~~no~~ person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building subject to any provisions of this chapter ~~if the industrialized building is not in compliance with any such provisions unless it conforms with the applicable provisions of this chapter.~~

C. ~~In accordance with subsection A of this section, the provisions of the USBC shall not be applicable to the design and construction of registered industrialized buildings. However, the provisions of this chapter do not prohibit the administrative provisions of the USBC for permits, inspections, certificates of occupancy and other matters from being applicable to the extent they are not addressed by the requirements of this chapter. Additionally, the provisions of this chapter do not prohibit alterations and additions to existing industrialized buildings from being regulated by the USBC or building officials from requiring the submission of plans and specifications for the model involved in electronic or other available format to aid in the evaluation of the proposed addition or alteration.~~

D. ~~Industrialized buildings~~ Further, any industrialized building constructed prior to before January 1, 1972, shall remain subject to the ordinances, laws or regulations in effect at the time such industrialized building was constructed. ~~Additionally, the provisions of this chapter do not prohibit pertinent provisions of the USBC from being applicable when such industrialized buildings are as a requirement of this chapter, any industrialized building bearing the label of a compliance assurance agency shall remain subject to the provisions of this chapter that were effective when such building was constructed, regardless of whether the building has been relocated.~~

C. In accordance with § 36-99 of the Code of Virginia and in accordance with the USBC, the installation or erection of industrialized buildings and alterations, additions, or repairs to industrialized buildings are regulated by the USBC and not

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this chapter. The USBC provides for administrative requirements for permits, inspections, and certificates or occupancy for such work.

D. Shipping containers and portable on demand storage (PODS) containers are not subject to this chapter.

13VAC5-91-40. Inspection and enforcement.

A. The SBCAO is designated as the administrator's representative for the enforcement of this chapter and shall act as the building official for registered industrialized buildings. It shall have authority to make such inspections during reasonable hours at the manufacturing facilities and at building sites where industrialized buildings are being installed. The SBCAO shall have authority to issue inspection reports for correction of violations caused by the manufacturer and to take such other actions as are required to enforce this chapter.

B. The SBCAO will maintain a list of approved compliance assurance agencies. Each manufacturer producing registered industrialized buildings will contract with one or more compliance assurance agencies for required evaluation, monitoring and inspection services. The contract will delineate the services to be provided by the compliance assurance agency. The compliance assurance agency will notify the SBCAO within 30 days of signing a new contract or terminating an existing contract with any manufacturer.

13VAC5-91-50. Factory Right of entry and field inspections examination by administrator.

~~A. The SBCAO shall conduct such inspections of factories producing industrialized buildings as may be necessary during reasonable hours to determine whether the designated compliance assurance agency is performing its evaluation and compliance assurance functions in a satisfactory manner.~~

~~B. The SBCAO may also make inspections during reasonable hours to determine whether unoccupied industrialized buildings are in compliance with this chapter. Such inspections may include, but are not limited to, industrialized buildings on dealer lots or industrialized buildings that are otherwise offered for sale to the public. Occupied industrialized buildings may be inspected by the SBCAO at the request of the owners or occupants.~~

In accordance with § 36-82 of the Code of Virginia, the administrator shall have the right, at all reasonable hours, to enter into any industrialized building upon permission of any person who has authority or shares the use, access, or control over the building, or upon request from local officials having jurisdiction, for examination as to compliance with this chapter.

13VAC5-91-60. ~~Violations~~ Notice of violation.

Where In accordance with § 36-82 of the Code of Virginia, whenever the administrator finds shall find any violation of

~~the provisions of this chapter, a notice of violation shall be issued. This notice of violation shall order the party responsible he shall order the person responsible therefor to bring the unit building into compliance within a reasonable time, to be fixed in the order. The In addition, as a requirement of this chapter, the administrator may request assistance from the building official for enforcement of this section.~~

13VAC5-91-70. Appeals.

~~A. Appeals [In accordance with § 36-82.1 of the Code of Virginia, appeals from building officials, compliance assurance agencies or manufacturers of industrialized buildings concerning Any person aggrieved by] DHCD's application of this chapter shall be heard by the State Review Board established by § 36-108 of the Code of Virginia. [The State Review Board shall have the power and duty to render its decision in any such appeal, which decision shall be final if no further appeal is made. In addition, as a requirement of this chapter, appeals Such appeal] shall be submitted [to the State Review Board] within 21 calendar days of receipt of DHCD's decision. A copy of the decision of DHCD to be appealed shall be submitted with the application for appeal. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of DHCD's decision.~~

~~B. Procedures of the State Review Board are in accordance with Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the State Review Board shall be final if no appeal is made therefrom.~~

13VAC5-91-100. Duties and responsibilities of building officials in the installation or erection of a registered industrialized building.

A. Building All building officials are authorized by § 36-81 of the Code of Virginia to enforce the provisions of this chapter and shall carry out the following functions provided such functions do not involve disassembly of the registered building or a change in its design or result in the imposition of more stringent conditions than those required by the compliance assurance agency or by this chapter be responsible for and authorized to do the following.

1. Verify through inspection that the registered industrialized building displays the required state registration seal and the proper label of the compliance assurance agency ~~and~~.

2. Verify through inspection that the registered industrialized building has not been damaged in transit to a degree that would render it unsafe. If the building has been damaged, then the building official is authorized to require tests for tightness of plumbing systems and gas piping and tests for damaged or loose wires, or both, in the electrical system an operational test to ensure that all luminaries and receptacles are operable.

~~2. Verify through inspection that (i) supplemental components required by the data plate or by the installation instructions are properly provided and properly installed, (ii) the construction work associated with the installation of the building and the instructions from the manufacturer for the installation and erection of the building are followed, and (iii) any special conditions or limitations of use for the building that are stipulated in the manufacturer's instructions or by the data plate and authorized by this chapter are followed.~~

3. Prevent the use or occupancy of a registered industrialized building that in the opinion of the building official contains a serious defect or imminent safety hazard and notify the SBCAO immediately.

4. Notify the SBCAO of any apparent violations of this chapter to include defects and noncompliance.

~~B. Building officials are authorized to require submission of plans and specifications for details of items needed to comprise the finished building that are not included or specified in the manufacturer's installation instructions such as footings, foundations, supporting structures and proper anchorage. They may require such architectural and engineering services as may be necessary to assure that the footings, foundations and supporting structures, proper anchorage and other components necessary to comprise the finished building are designed in accordance with the applicable provisions of this chapter.~~

~~C. When a building official determines that a violation of any provision of this section is present, the responsible person shall be notified and given a reasonable time to correct the violation. If the violation is not corrected, the building official shall institute the appropriate proceedings to require correction or abatement of the violation and may prohibit the occupancy of the building until the violation is corrected. In accordance with 13VAC5-91-60, the administrator shall also have the authority to compel correction of violations of this section and may be contacted by the building official for assistance.~~

B. In accordance with § 36-99 of the Code of Virginia and the USBC, all site work associated with the installation or erection of an industrialized building is subject to the USBC. In addition, under the USBC, all administrative requirements for permits, inspections, and certificates of occupancy are also applicable.

13VAC5-91-120. Unregistered industrialized buildings.

A. The building official shall determine whether any unregistered industrialized building complies with this chapter and shall require any noncomplying unregistered building to be brought into compliance with this chapter. The building official shall enforce all applicable requirements of this chapter including those relating to the sale, rental and disposition of noncomplying buildings. The building official

may require submission of full plans and specifications for each building. Concealed parts of the building may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The building official may also accept reports of inspections and tests from individuals or agencies deemed acceptable to the building official.

B. Unregistered industrialized buildings offered for sale in this Commonwealth shall be marked by a warning sign to prospective purchasers that the building is not registered in accordance with this chapter and must be inspected and approved by the building official. The sign shall be of a size and form approved by the administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door. This requirement shall not apply to residential accessory buildings.

C. An existing unregistered industrialized building may be registered in accordance with the following:

1. Where an unregistered building was constructed under an industrialized building program of another state and approved under such program, a compliance assurance agency shall prepare a report based on review of the plans and specifications and inspection of the building to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. If compliance is determined, the compliance assurance agency shall (i) mark the building with a compliance assurance agency label in accordance with 13VAC5-91-210, (ii) place a new manufacturer's data plate on the building in accordance with 13VAC5-91-245, (iii) mark the building with a registration seal in accordance with 13VAC5-91-260, and (iv) forward a copy of the report and new data plate to the SBCAO.

2. Where an unregistered building was not approved under an industrialized building program of another state and the date of manufacture can be verified, the compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. When factory plans are available, then disassembly is not required to the extent that the factory plans can be verified to reflect the actual construction of the building. When compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this subsection.

3. When the date of manufacture of the existing unregistered building cannot be verified, the building shall

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be evaluated for compliance with the codes and standards specified in 13VAC5-91-160. The compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with these construction requirements. If compliance is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this subsection.

13VAC5-91-160. Use of model codes and standards.

A. Industrialized buildings produced after ~~May 1, 2008~~, [~~(date to be inserted)~~ the effective date of the 2009 edition of this chapter] shall ~~be reasonably safe for the users and shall provide reasonable protection to the public against hazards to life, health and property. Compliance~~ comply with all applicable requirements of the [~~following~~] codes and standards [~~, subject to the specified time limitations listed in subsection B of this section~~], ~~shall be acceptable evidence of compliance with this provision [: The~~ except that the] following codes and standards may be used [~~until~~] August 1, 2008 [~~(date to be inserted)~~ for 90 days after the effective date of the 2009 edition of this chapter]:

1. ICC International Building Code — ~~2003~~ 2006 Edition
2. ICC International Plumbing Code — ~~2003~~ 2006 Edition
3. ICC International Mechanical Code — ~~2003~~ 2006 Edition
4. National Fire Protection Association Standard Number 70 (National Electrical Code) — ~~2002~~ 2005 Edition
5. ICC International Residential Code — ~~2003~~ 2006 Edition

B. The following documents are adopted and incorporated by reference to be an enforceable part of this chapter:

1. ICC International Building Code — ~~2006~~ 2009 Edition
2. ICC International Plumbing Code — ~~2006~~ 2009 Edition
3. ICC International Mechanical Code — ~~2006~~ 2009 Edition
4. National Electrical Code — ~~2005~~ 2008 Edition
5. ICC International Residential Code — ~~2006~~ 2009 Edition

[Note: As the 2009 editions of the International Codes are incorporated by reference as the construction standards for use with these regulations, this chapter is also referred to as the 2009 edition of the Virginia Industrialized Building Safety Regulations or the 2009 edition of this chapter.]

The codes and standards referenced above may be procured from:

International Code Council, Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001-2070

13VAC5-91-200. Information required by the administrator.

All of the following information and criteria will be considered by the administrator in designating compliance assurance agencies:

1. Names of officers and location of offices.
2. Specification and description of services proposed to be furnished under this chapter.
3. Description of qualifications of personnel and their responsibilities, including an assurance that personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors comply with the requirements of the American Society for Testing and Material (ASTM) Standard Number ~~E541-04~~ E541-08 - Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building or shall obtain ICC or DHCD certifications in the appropriate subject area within 18 months of employment and maintain such certifications in an active status.
4. Summary of experience within the organization.
5. General description of procedures and facilities to be used in proposed services, including evaluation of the model, factory follow-up, quality assurance, labeling of production buildings, and specific information to be furnished on or with labels.
6. Procedures to deal with any defective buildings resulting from oversight.
7. Acceptance of these services by independent accrediting organizations and by other jurisdictions.
8. Proof of independence and absence of conflict of interest.

The ASTM Standard Number ~~E541-04~~ E541-08 may be procured from:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

13VAC5-91-210. Compliance assurance agency certification label.

Every manufactured section or module of a registered industrialized building shall be marked with a label supplied by the compliance assurance agency that includes the name and address of the compliance assurance agency and the certification label number.

13VAC5-91-245. Manufacturer's data plate.

A. All of the following information shall be placed on a permanent manufacturer's data plate in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The compliance assurance agency shall approve the form and location of the data plate and shall ensure that the data plate is complete:

1. Manufacturer's name and address.
2. Compliance assurance agency certification number.
3. Serial number of each module of the building.
4. Serial number of the Virginia registration seal.
5. Date of manufacture of the building.
6. List of codes and standards under which the building was evaluated and constructed and the type of construction and occupancy classification under those codes and standards.
7. Design live roof load, design floor live load and, design wind load speed, and design ground snow load.
- ~~8. Seismic design zone number.~~
- ~~9. 8. Thermal transmittance values or thermal resistance ("R") values.~~
- ~~10. 9. Special conditions or limitations concerning the use of the building under the codes and standards applicable to the building; however, a list of such conditions or limitations that are furnished separately with the building shall satisfy this requirement.~~
- ~~11. 10. Special instructions for handling, installation and erection of the building,; however, a list of such instructions that are furnished separately with the building shall satisfy this requirement.~~
- ~~12. 11. Designation of electrical service ratings, directions for water and drain connections and, where applicable, identification of permissible type of gas for appliances.~~
- ~~13. 12. Name of manufacturer and model designation of major factory installed appliances.~~

B. The manufacturer shall maintain copies of the data plate and reports of inspection, tests and any corrective action taken for a minimum period of 10 years from the date of manufacture of the building.

13VAC5-91-260. Registration seal for industrialized buildings.

A. Registered industrialized buildings shall be marked with ~~an~~ approved registration seal seals issued by the SBCAO. The ~~seal~~ seals shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture.

B. Registered industrialized buildings shall bear a one registration seal for on each dwelling unit in residential occupancies. For nonresidential occupancies, a manufactured section or module, or, as an alternative, the registration seal is required for each registered for each manufactured section or module may be placed in one location in the completed building.

C. Approved registration seals may be purchased from the SBCAO in advance of use. The fee for each registration seal shall be [\$75 ~~\$50~~]. ~~Checks~~ Fees shall be submitted by checks made payable to "Treasurer of Virginia" or shall be submitted by electronic means." Payment for the seals must be received by the SBCAO before the seals can be sent to the user.

D. To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the compliance assurance agency.

E. The compliance assurance agency or the manufacturer under the supervision of the compliance assurance agency shall maintain permanent records of the disposition of all Virginia registration seals obtained by the compliance assurance agency or manufacturer.

DOCUMENTS INCORPORATED BY REFERENCE (13VAC5-91)

ICC International Plumbing Code -- ~~2003 and~~ 2006 and 2009 Editions, International Code Council.

ICC International Mechanical Code -- ~~2003 and~~ 2006 and 2009 Editions, International Code Council.

National Fire Protection Association Standard Number 70 (National Electrical Code) -- ~~2002 and~~ 2005 and 2008 Editions.

ICC International Building Code -- ~~2003 and~~ 2006 and 2009 Editions, International Code Council.

ICC International Residential Code -- ~~2003 and~~ 2006 and 2009 Editions, International Code Council.

ASTM Standard Number ~~E541-01~~ E541-08 -- Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building, American Society for Testing and Materials.

VA.R. Doc. No. R09-1895; Filed September 2, 2010, 3:43 p.m.



TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 14VAC5-211. Rules Governing Health Maintenance Organizations (amending 14VAC5-211-70, 14VAC5-211-160).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: January 1, 2011.

Agency Contact: Althelia Battle, Chief Insurance Market Examiner, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9154, FAX (804) 371-9944, or email al.battle@scc.virginia.gov.

Summary:

The amendments conform the regulation to amendments made to (i) § 38.2-3541 of the Code of Virginia regarding group health insurance continuation and conversion requirements and (ii) § 38.2-3412.1 of the Code of Virginia regarding mental health parity for large employer groups.

As a result of comments filed by the Virginia Association of Health Plans, the proposed regulations are amended to (i) change references from "group policy" to "group contract;" (ii) add language indicating that the continuation of coverage provisions are not applicable if continuation of coverage is required under the Consolidated Omnibus Budget Reconciliation Act; and (iii) change the reference from "insurer's current rate" to "health care plan's current rate."

AT RICHMOND, AUGUST 31, 2010

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2010-00118

Ex Parte: In the matter of
Adopting Amendments to the
Rules Governing Health
Maintenance Organizations

ORDER ADOPTING AMENDMENTS TO RULES

By Order entered herein June 29, 2010, all interested persons were ordered to take notice that subsequent to August 16, 2010, the State Corporation Commission ("Commission") would consider the entry of an order adopting amendments proposed by the Bureau of Insurance ("Bureau") to the Commission's Rules Governing Health Maintenance Organizations ("Rules"), set forth in Chapter 211 of Title 14 of the Virginia Administrative Code, unless on or before August 16, 2010, any person objecting to the adoption of the proposed amendments filed a request for hearing with the Clerk of the Commission (the "Clerk").

The Order to Take Notice also required all interested persons to file their comments in support of or in opposition to the proposed amendments on or before August 16, 2010.

Comments were filed by the Virginia Association of Health Plans ("VAHP") on August 13, 2010. No request for a hearing was filed with the Clerk.

The Bureau considered the comments filed by the VAHP, and responded to these comments by letter dated August 23, 2010, a copy of which is filed in the case file. The Bureau recommends that the proposed rules be amended at 14 VAC 5-211-70 in response to these comments as follows:

- change references from "group policy" to "group contract";
- add language indicating that the continuation of coverage provisions are not applicable if continuation of coverage is required under COBRA; and
- change the reference from "insurer's" to "health care plan's" current rate.

The amendments to the Rules are necessary to conform the Rules to (i) amendments made to § 38.2-3541 of the Code of Virginia regarding group health insurance continuation and conversion requirements and (ii) § 38.2-3412.1 of the Code of Virginia regarding mental health parity.

THE COMMISSION, having considered the proposed amendments, the filed comments, the Bureau's letter response, and the Bureau's recommendation for additional

amendments, is of the opinion that the attached amendments to the Rules should be adopted.

THEREFORE IT IS ORDERED THAT:

(1) The amendments to Chapter 211 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Health Maintenance Organizations," amended at 14 VAC 5-211-70 and 14 VAC 5-211-160, which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective January 1, 2011.

(2) AN ATTESTED COPY hereof, together with a copy of the adopted amendments, shall be sent by the Clerk of the Commission to Jacqueline K. Cunningham, Deputy Commissioner, Bureau of Insurance, State Corporation Commission, who forthwith shall give further notice of the adoption of the amendments to the Rules by mailing a copy of this Order, including a clean copy of the final amended Rules, to all insurers licensed by the Commission as health maintenance organizations in the Commonwealth of Virginia, as well as all interested parties.

(3) The Commission's Division of Information Resources shall cause a copy of this Order, together with the amended Rules, to be forwarded to the Virginia Registrar of the Regulations for appropriate publication in the Virginia Register of Regulations and shall make this Order and the attached amended Rules available on the Commission's website, <http://www.scc.virginia.gov/case>.

(4) The Bureau shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

14VAC5-211-70. Conversion of coverage.

A. A health care plan shall offer to its group contract holders, for an enrollee whose eligibility for coverage terminates under the group contract, the options to convert to an individual policy or continue coverage as set forth in this section. The group contract holder shall select one of the following options:

1. Conversion of coverage within 31 days after issuance of the written notice required in subsection C of this section, but in no event beyond the 60-day period following the date of termination of the enrollee's coverage under the group contract, to an individual contract that provides benefits which, at a minimum, meet the requirements of basic or limited health care services as applicable, in accordance with this chapter. Coverage shall not be refused on the basis that the enrollee no longer resides or is employed in the health maintenance organization's service area. The conversion contract shall cover the enrollee covered under the group contract as of the date of termination of the enrollee's coverage under the group contract. Coverage shall be provided without additional evidence of insurability, and no preexisting condition

limitations or exclusions may be imposed other than those remaining unexpired under the contract from which conversion is exercised. A probationary or waiting period set forth in the conversion contract shall be deemed to commence on the effective date of coverage under the original contract.

2. Continuation of coverage under the existing group contract for a period of at least ~~90 days~~ 12 months immediately following the date of termination of the enrollee's eligibility for coverage under the group ~~[policy contract]~~. [Continuation coverage shall not be applicable if the group contract holder is required by federal law to provide for continuation of coverage under its group health plan pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272).] Coverage shall be provided without additional evidence of insurability. ~~The premium for continuing group coverage shall be at the current rate applicable to the group contract~~ subject to the following requirements:

a. The application and payment for the extended coverage is made to the group contract holder within 31 days after issuance of the written notice required in subsection C of this section, but in no event beyond the 60-day period following the date of the termination of the person's eligibility;

b. Each premium for the extended coverage is timely paid to the group contract holder on a monthly basis during the 12-month period; and

c. The premium for continuing the group coverage shall be at the [insurer's health care plan's] current rate applicable to the group [policy contract] plus any applicable administrative fee not to exceed 2.0% of the current rate.

B. A conversion contract or continuation of coverage shall not be required to be made available when:

1. The enrollee is covered by or is eligible for benefits under Title XVIII of the Social Security Act (42 USC § 1395 et seq.) known as Medicare;

2. The enrollee is covered by or is eligible for substantially the same level of hospital, medical, and surgical benefits under state or federal law;

3. The enrollee is covered by substantially the same level of benefits under any policy, contract, or plan for individuals in a group;

4. The enrollee has not been continuously covered during the three-month period immediately preceding the enrollee's termination of coverage;

5. The enrollee was terminated by the health care plan for any of the reasons stated in 14VAC5-211-230 A 1, 2, 3, or 6; or

Regulations

6. The enrollee was terminated from a plan administered by the Department of Medical Assistance Services that provided benefits pursuant to Title XIX or XXI of the Social Security Act (42 USC § 1396 et seq. or § 1397 aa et seq.).

C. The group contract holder shall provide each enrollee or other person covered under the [policy group contract] written notice of the availability of the option chosen and the procedures and timeframes for obtaining continuation or conversion of the group contract. The notice shall be provided within 14 days of the group contract holder's knowledge of the enrollee's or other covered person's loss of eligibility under the group contract.

Part IV Services

14VAC5-211-160. Basic health care services.

A health maintenance organization shall provide, or arrange for the provision of, as a minimum, basic health care services. These services shall include the following:

1. Inpatient hospital and physician services. Medically necessary hospital and physician services affording inpatient treatment to enrollees in a licensed hospital for a minimum of 90 days per contract or calendar year. Hospital services include room and board; general nursing care; special diets when medically necessary; use of operating room and related facilities; use of intensive care unit and services; x-ray, laboratory, and other diagnostic tests; drugs, medications, biologicals, anesthesia, and oxygen services; special duty nursing when medically necessary; short-term physical therapy, radiation therapy, and inhalation therapy; administration of whole blood and blood plasma; and short-term rehabilitation services. Physician services include medically necessary health care services performed, prescribed, or supervised by physicians within a hospital for registered bed patients;

2. Outpatient medical services. Medically necessary health care services performed, prescribed or supervised by physicians for enrollees, which may be provided in a nonhospital based health care facility, at a hospital, in a physician's office, or in the enrollee's home, and shall include consultation and referral services. Outpatient medical services shall also include diagnostic services, treatment services, short-term physical therapy and rehabilitation services the provision of which the health maintenance organization determines can be expected to result in the significant improvement of a member's condition within a period of 90 days, laboratory services, x-ray services, and outpatient surgery;

3. Diagnostic laboratory and diagnostic and therapeutic radiologic services;

4. Preventive health services. Services provided with the goal of early detection and minimization of the ill effects and causes of disease or disability, including well-child care from birth, eye and ear examinations for children age 17 and under to determine the need for vision and hearing correction, periodic health evaluations, and immunizations;

5. In-area and out-of-area emergency services, including medically necessary ambulance services, available on an inpatient or an outpatient basis 24 hours per day, seven days per week;

6. Mental health and substance use disorder services as follows:

a. Medically necessary services for the treatment of biologically based mental illnesses as defined in § 38.2-3412.1:01 of the Code of Virginia; and

~~Treatment~~ b. Except for a group contract issued to a large employer as defined in § 38.2-3431 of the Code of Virginia, services for the treatment of all other mental health and substance abuse services use disorders shall at a minimum include:

a- (1) Inpatient services or partial hospitalization for an adult for a minimum period of 20 days per enrollee per contract year;

b- (2) Inpatient services or partial hospitalization for a child or adolescent for a minimum period of 25 days per enrollee per contract year; and

e- (3) Twenty outpatient visits per enrollee per contract year. A medication management visit shall be covered in the same manner as a medication management visit for the treatment of a physical illness and shall not be counted as an outpatient treatment visit in the calculation of the benefit set forth ~~is in~~ this subdivision.

The limits of the benefits set forth in this subdivision shall not be more restrictive than for any other illness, however, the coinsurance applicable to any outpatient visit beyond the first five visits covered per contract year shall not exceed 50%. If all covered expenses for outpatient services apply toward any deductible required by a policy or contract, the visit shall not count toward the outpatient visit benefit maximum set forth in the policy or contract. Definitions set forth in § 38.2-3412.1 of the Code of Virginia shall be applicable to terms used in this subsection.

Group contracts issued to a large employer as defined in § 38.2-3431 of the Code of Virginia shall provide mental health and substance use disorder benefits on parity with the medical and surgical benefits contained in the plan in accordance with the Mental Health Parity and Addiction Equity Act of 2008 (P.L. 110-343).

7. Medically necessary dental services as a result of accidental injury, regardless of the date of such injury. Contracts may require that treatment be sought within 60 days of the accident for injuries occurring on or after the effective date of coverage.

VA.R. Doc. No. R10-2356; Filed September 3, 2010, 3:54 p.m.

TITLE 16. LABOR AND EMPLOYMENT

SAFETY AND HEALTH CODES BOARD

REGISTRAR'S NOTICE: The following regulatory actions are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Final Regulation

Titles of Regulations: **16VAC25-90. Federal Identical General Industry Standards (amending 16VAC25-90-1910.1026).**

16VAC25-100. Federal Identical Shipyard Employment Standards (amending 16VAC25-100-1915.1026).

16VAC25-175. Federal Identical Construction Industry Standards (amending 16VAC25-175-1926.1126).

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: November 15, 2010.

Agency Contact: John J. Crisanti, Planning and Evaluation Manager, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, TTY (804) 786-2376, or email john.crisanti@doli.virginia.gov.

Summary:

This federal Direct Final Rule (DFR) amends paragraph (d)(4)(i) of the Chromium (VI) standards (29 CFR 1910.1026 General Industry, 29 CFR 1915.1026 Shipyard Employment, and 29 CFR 1926.1126 Construction). The current final rule established an eight-hour time-weighted average (TWA) exposure limit of five micrograms of Cr(VI) per cubic meter of air (5 g/m³) for all sectors. In paragraph (d)(4)(i) of the current final rule, Exposure notification of determination results, employers are required to notify workers only of exposures that exceed the permissible exposure limit (PEL).

This revision of paragraph (d)(4)(i) now requires employers to notify workers of all hexavalent chromium exposure level monitoring results, not just exposures that exceed the PEL. This change mirrors similar provisions in federal OSHA's other substance-specific health standards including, but not limited to, lead (29 CFR 1910.1025(d)(8)(i)); arsenic, (29 CFR 1910.1018(e)(5)(i)); methylenedianiline (29 CFR 1910.1050(e)(7)(i)); butadiene, (29 CFR 1910.1051(d)(7)(i)); and methylene chloride (29 CFR 1910.1052(d)(5)(i)).

Note on Incorporation by Reference: Pursuant to § 2.2-4103 of the Code of Virginia, 29 CFR Part 1910, General Industry Standards; 29 CFR Part 1915, Shipyard Employment Standards; and 29 CFR Part 1926, Construction Industry Standards, are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. A copy of the document is available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

Statement of Final Agency Action: On August 18, 2010, the Safety and Health Codes Board adopted federal OSHA's direct final rule on Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards, paragraph (d)(4)(i) of 29 CFR 1910.1026, 29 CFR 1915.1026, and 29 CFR 1926.1126, as published in 75 FR 12681 on March 17, 2010. The effective date of this revision is November 15, 2010.

Federal Terms and State Equivalents: When the regulations, as set forth in the direct final rule for Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards, are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
June 15, 2010	November 15, 2010

VA.R. Doc. No. R11-2573; Filed September 3, 2010, 10:29 a.m.

Final Regulation

Title of Regulation: **16VAC25-175. Federal Identical Construction Industry Standards (amending 16VAC25-175-1926.754).**

Statutory Authority: § 40.1-22 of the Code of Virginia.

Regulations

Effective Date: November 15, 2010.

Agency Contact: John J. Crisanti, Planning and Evaluation Manager, Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418, TTY (804) 786-2376, or email jjc@doli.state.va.us.

Summary:

The federal Occupational Safety and Health Administration (OSHA) has added a technical amendment in the form of a nonmandatory note to the final rule for the Safety Standards for Steel Erection in 29 CFR 1926.754 (a), Structural Steel Assembly. This technical amendment provides information on existing Federal Highway Administration regulations that may apply to employers engaged in activities covered by OSHA's steel erection standards.

Note on Incorporation by Reference: Pursuant to § 2.2-4103 of the Code of Virginia, 29 CFR Part 1926, Construction Industry Standards, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason the document will not be printed in the Virginia Register of Regulations. A copy of the document is available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, Richmond, Virginia 23219.

Statement of Final Agency Action: On August 18, 2010, the Safety and Health Codes Board adopted federal OSHA's Technical Amendment to Structural Steel Assembly, 29 CFR 1926.754 (a), of the Final Rule for the Safety Standards for Steel Erection as published in 75 FR 27428 on May 17, 2010, with an effective date of November 15, 2010.

Federal Terms and State Equivalents: When the regulations, as set forth in the direct final rule for the Safety Standards for Steel Erection are applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
May 17, 2010	November 15, 2010

VA.R. Doc. No. R11-2574; Filed September 3, 2010, 10:30 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHYSICAL THERAPY

Final Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 6 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Health Professions pursuant to Title 54.1 of the Code of Virginia that are limited to reducing fees charged to regulants and applicants. The Board of Physical Therapy will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC112-20. Regulations Governing the Practice of Physical Therapy (amending 18VAC112-20-135, 18VAC112-20-150).**

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: October 27, 2010.

Agency Contact: Lisa R. Hahn, Executive Director, Board of Physical Therapy, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4674, FAX (804) 527-4413, or email ptboard@dhp.virginia.gov.

Summary:

To reduce an accumulated surplus in the budget of the Board of Physical Therapy, a one-time reduction in renewal fees has been adopted. The fees for the December 31, 2010, renewal will be reduced from \$135 to \$100 for physical therapists and from \$70 to \$60 for physical therapist assistants. The renewal fee for direct access certification is reduced from \$35 to \$30. Fees for inactive licensure are reduced from \$70 to \$60 for a physical therapist and from \$35 to \$30 for a physical therapist assistant.

18VAC112-20-135. Inactive license.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee of \$70 for a physical therapist and \$35 for a physical therapist assistant, be issued an inactive license. The fee for the renewal of an inactive license due December 31, 2010, shall be \$60 for a physical therapist and \$30 for a physical therapist assistant.

1. The holder of an inactive license shall not be required to meet active practice requirements.
2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.

B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated; and

2. Providing proof of:

a. Active practice hours in another jurisdiction equal to those required for renewal of an active license in Virginia for the period in which the license has been inactive. If the inactive licensee does not meet the requirement for active practice, the license may be reactivated by completing 480 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140; and

b. Completion of the number of continuing competency hours required for the period in which the license has been inactive, not to exceed four years.

18VAC112-20-150. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Licensure by examination.

1. The application fee shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.

2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.

D. Licensure renewal and reinstatement.

1. The fee for active license renewal for a physical therapist shall be \$135 and for a physical therapist assistant shall be \$70 and shall be due by December 31 in each even-numbered year. The fee for renewal of an active license due December 31, 2010, shall be \$100 for a physical therapist and \$60 for a physical therapist assistant.

2. A fee of \$25 for a physical therapist assistant and \$50 for a physical therapist for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.

3. The fee for reinstatement of a license that has expired for two or more years shall be \$180 for a physical therapist and \$120 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.

E. Other fees.

1. The fee for an application for reinstatement of a license that has been revoked shall be \$1,000; the fee for an application for reinstatement of a license that has been suspended shall be \$500.

2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.

3. The fee for a returned check shall be \$35.

4. The fee for a letter of good standing/verification to another jurisdiction shall be \$10.

F. Direct access certification fees.

1. The application fee shall be \$75 for a physical therapist to obtain certification to provide services without a referral.

2. The fee for renewal on a direct access certification shall be \$35 and shall be due by December 31 in each even-numbered year. The fee for direct access certification due December 31, 2010, shall be \$30.

3. A fee of \$15 for processing a late renewal of certification within one renewal cycle shall be paid in addition to the renewal fee.

VA.R. Doc. No. R11-2582; Filed September 8, 2010, 9:02 a.m.

GOVERNOR

EXECUTIVE ORDER NUMBER 23 (2010)

Declaration of a State of Emergency for the Commonwealth of Virginia Due to the Threat of Significant Flooding and Wind Damage Caused by Hurricane Earl

Importance of the Initiative

On September 1, 2010, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Hurricane Center and National Weather Service forecasts projecting impacts from Hurricane Earl that could cause damaging high winds, coastal and lowland flooding throughout the eastern portion of the Commonwealth.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued on September 1, 2010, whereby I proclaimed that a state of emergency exists and I directed that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant storm events and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1 A 3 and A 4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The implementation by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. The activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VERT coordinate state actions in support of potential affected localities, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the Code of Virginia.

D. The evacuation of areas threatened or stricken by effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and

equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies or providing restoration of utilities (electricity, gas, phone, water, wastewater and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All overwidth loads, up to a maximum of 12 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles in route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by § 52-8.4 A of the Code of Virginia, and implemented in 19VAC30-20-40 B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until

emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

H. The authorization of a maximum of \$100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

I. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

J. Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, in performing these missions shall be paid from state funds and/or federal funds. In addition, up to \$100,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

K. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs) and Citizen Emergency Response Teams (CERTS), and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23 (A) and (F) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

L. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill sitting and operations and other activities necessary to address immediate

health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

M. The activation of the statutory provisions in § 59.1-525 et seq. of the Code of Virginia related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible after a natural disaster. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials.

N. The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations for this event and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the Code of Virginia, I authorize the Superintendent of the Department of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and are not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The following conditions apply to service by the Virginia Defense Force:

(a) Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

(b) Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

(c) All privately owned equipment, including, but not limited to, vehicles, boats and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and

(d) In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in the paragraphs above pertaining to the Virginia National Guard

and the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of the Executive Order

This Executive Order shall be effective September 1, 2010, and shall remain in full force and effect until June 30, 2011, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

/s/ Robert F. McDonnell
Governor

EXECUTIVE ORDER NUMBER 24 (2010)

Continuing the Public Safety Memorial Commission

Importance of the Issue

Every day, throughout our Commonwealth, the courageous men and women of our public safety community dedicate their lives to protecting their neighbors and communities. These brave men and women work tirelessly to make our streets and communities safer.

Unfortunately, every year we mourn the loss of members of Virginia's public safety community. We must forever honor the selfless dedication of these valiant Virginians and their willingness to serve without hesitation. It is essential that we forever remember the incalculable human cost to maintain public safety.

Virginia is one of only six states that does not have a statewide Public Safety Memorial to serve as an enduring acknowledgement of the ultimate sacrifice made by the brave men and women who serve their community and Commonwealth. A Public Safety Memorial will serve as a hallowed ground to forever honor and respect Virginia's fallen heroes.

The Public Safety Memorial Commission

Recognizing the importance of commemorating the courage and integrity of our public safety officers, the Public Safety Memorial Commission was established to design an appropriate memorial to forever remember the courage and sacrifice of Virginia's fallen heroes. Since 2007, the Public Safety Memorial Commission has made tremendous strides, but much work remains to be done.

Virginia's Public Safety Memorial will recognize all public safety officials who have lost their lives in the line of duty. Public safety officers, for the purpose of this Memorial, include law enforcement officers, firefighters, jail and correctional officers, members of the Virginia National Guard and Virginia Defense Force, emergency management and hazardous materials personnel, ABC enforcement agents,

volunteer rescue squad members, emergency medical services personnel, conservation police, marine resource officers, state park rangers, and forest wardens.

The location determined best for the Public Safety Memorial, as approved by Governor Timothy M. Kaine through Executive Order 89 (July 2009), is the existing raised planter located in the Darden Memorial Garden outside of the Virginia General Assembly Building.

Accordingly, so that it may complete this Memorial and ensure its future, I hereby continue the Public Safety Memorial Commission to honor these men and women who have died while serving Virginia.

Composition of the Commission

The Public Safety Memorial Commission shall be chaired by the Secretary of Public Safety or her designee. Recognizing that these efforts will require the work of individuals across a broad spectrum of professions and expertise, the Commission shall consist of the Secretary of Administration or her designee, the Assistant to the Governor for Commonwealth Preparedness or her designee, as well as representatives from state agencies, the General Assembly, and members of the public safety community, appointed by the Governor and serving at my pleasure. Additional members may be appointed at the Governor's discretion.

Members of the Commission shall serve without compensation, but they may receive reimbursement for expenses incurred in the discharge of their official duties.

Charge for the Commission

I hereby direct the Commission to continue its efforts, in partnership with the Virginia Public Safety Foundation, to construct an appropriate Memorial to properly honor and respect those who have made the ultimate sacrifice serving the citizens of the Commonwealth. The Public Safety Memorial Commission's responsibilities shall include:

- Provide leadership and support to the Public Safety Foundation as it solicits funds for the construction and maintenance of the Public Safety Memorial;
- Identify and resolve any engineering or logistical challenges posed by the selected site in the Darden Garden location on Capitol Square;
- Approve any design modifications for engineering, financial, or other reasons;
- Develop criteria for those individuals to be honored by the Public Safety Memorial;
- Take other steps as may be deemed necessary and appropriate to facilitate the establishment of this Memorial; and

Governor

- Make recommendations to the Governor to ensure the future of the lasting memorial.

I further direct that all agencies of the Commonwealth provide any assistance that may be requested by the Commission. Staff support for the Commission shall be provided by the Office of the Secretary of Public Safety and such other agencies as may be designated by the Governor or the Secretary of Public Safety.

An estimated 200 hours of staff time will be required to support the work of the Commission. Necessary funding to support the Commission and its staff shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes as the Commission, as authorized by Section 2.2-135 of the Code of Virginia, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are \$5,000.00.

This Executive Order shall become effective upon its signing and shall remain in full force and effect for one year from the date of its signing.

Given under my hand and under the seal of the Commonwealth of Virginia this 11th day of September 2010.

/s/ Robert F. McDonnell
Governor

GENERAL NOTICES/ERRATA

DEPARTMENT OF CONSERVATION AND RECREATION

Notice of Public Comment for the Chesapeake Bay TMDL Draft Watershed Implementation Plan

The Virginia Department of Conservation and Recreation (DCR) seeks written comments from interested persons on the draft watershed implementation plan (WIP) for the Chesapeake Bay total maximum daily loads (TMDLs) to address the water quality impairment in Virginia's tidal waters of the Chesapeake Bay. These tidal waters were identified as impaired due to a violation of Virginia's general water quality standard for nutrients and dissolved oxygen.

The Environmental Protection Agency (EPA) is establishing a federal TMDL for the 92 tidal segments of the Chesapeake Bay and its tidal tributaries and embayments that are listed as impaired or segments that deliver pollutant loads to segments listed as impaired under § 303(d) of the Clean Water Act due to excess nutrients and sediments. The Chesapeake Bay TMDL is currently under development by EPA and is available at <http://www.epa.gov/chesapeakebaytmdl>.

In accordance with EPA expectations, the jurisdictions' watershed implementation plans (WIP) are designed to accomplish a set of allocations goals identified in the Chesapeake Bay TMDL. EPA recognizes that the level of detail the jurisdictions are expected to include in their WIPs will take time to develop. As a result, the WIP development process has been divided into three distinct phases. This initial Phase I plan is intended to provide information to EPA to consider when it establishes wasteload and load allocations within each of the 92 segments listed as impaired. EPA expects Phase I WIP to include a description of the authorities, actions, and, to the extent possible, control measures that will be implemented to achieve these point and nonpoint source TMDL allocations. A copy of Virginia's draft Phase I WIP is available at <http://www.dcr.virginia.gov/sw/baytmdl.shtml>. Supporting documentation is also available at this address.

The public comment period for Virginia's Phase I WIP development will end on November 8, 2010. Comments or questions on the draft Phase I WIP should be sent to vabaytmdl@dcr.virginia.gov. Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments. For additional questions contact (i) Russ Perkinson, Virginia Department of Conservation and Recreation, 203 Governor Street, Suite 206, Richmond, VA 23219, telephone (804) 786-4382, email russ.perkinson@dcr.virginia.gov or (ii) Russ Baxter, Virginia Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4382, email russ.baxter@deq.virginia.gov.

Contact Information: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, or email david.dowling@dcr.virginia.gov.

STATE CORPORATION COMMISSION

Bureau of Insurance

September 2, 2010

Administrative Letter 2010-09

TO: All Insurers Licensed to Write Accident and Sickness Insurance in Virginia, all Health Services Plans and all Health Maintenance Organizations Licensed in Virginia

RE: Form and Rate Filings Submitted to Comply with the Patient Protection and Affordable Care Act of 2010 (PPACA)

The Bureau of Insurance (Bureau) recognizes that many carriers delayed finalizing the drafting and submission to the Bureau for approval, of policy forms and related documents, pending the release of regulations and other clarifying guidance from the U.S. Department of Health and Human Services relating to the Patient Protection and Affordable Care Act of 2010 (PPACA). This delay could result in the lack of one or more necessary form or rate approvals from the Bureau, thereby potentially causing a disruption in sales and renewals of health insurance contracts in Virginia. In order to minimize this potential disruption, and in accordance with Virginia Code § 38.2-316 I, the Bureau will temporarily exempt PPACA-related forms and/or rate filings from the approval requirements of § 38.2-316 for 120 days commencing with the date of the filing, subject to the conditions identified below. It should be emphasized that this temporary exemption in no way minimizes the Bureau's role in reviewing and approving forms or rates, and this process will be available only for endorsements, amendments or riders submitted to address PPACA requirements in previously approved contracts or for submissions of revisions to previously approved contract forms in which the only changes made are those to address the requirements in the PPACA. The temporary exemption will also apply to any associated rate filings. It also should be noted that this temporary exemption will not be employed with respect to any particular filing unless and until it is specifically requested by the submitting carrier in accordance with this letter, and the following information is included. The Bureau will screen submissions as they are received and will reject the exemption request if one or more of the required items below are not included.

1. A statement that any and all forms or rates included in the submission include provisions specifically drafted to address one or more requirements identified in the PPACA.

General Notices/Errata

2. An identification of the type of forms included in the submission (i.e., amendment, endorsement, or rider to be used with previously approved forms on file with the Bureau; or previously approved forms that have been revised only to address PPACA requirements).

3. If an amendment, endorsement, or rider is submitted, an identification of any and all contracts or policies to which the amendment, endorsement, or rider will apply and the corresponding approval date(s) of such contracts or policies in Virginia. If a revision to previously approved contracts or policies is submitted, the approval date(s) for such contracts or policies must be provided.

4. A red-lined identification of all PPACA-related changes.

5. If there is a change in rates necessitated by PPACA compliance, revised rates must be included, along with relevant documentation or a detailed actuarial memorandum, as required under current Virginia law, supporting the proposed rate change. If rates are not affected by the revisions, this should be noted in the submission as well.

6. A completed PPACA Uniform Compliance Summary, a copy of which is attached to this letter.

7. A Certification from an officer of the Company stating:

(1) the forms and/or rates included in the submission were developed and drafted to address one or more of the requirements identified in the PPACA; and

(2) the carrier understands and agrees that the exemption applied to this submission is temporary and that forms and/or rates included in the submission remain subject to review in accordance with applicable Virginia laws and regulations. Form(s) may not be issued or issued for delivery in Virginia after the expiration of the 120 day temporary exemption period if the form(s) and/or rates have not been approved by the Bureau prior to the expiration of such period. The carrier will be responsible to make corrective actions necessary as a result of the Bureau's review, including, but not limited to amending noncompliant policy language, adjusting premium rates if applicable, and retrospectively reconsidering denied or reduced claim payments if such denials or reductions were inconsistent with Virginia law.

Carriers are also reminded to review the Rules Governing the Submission for Approval of Life, Accident and Sickness, Annuity, Credit Life and Credit Accident and Sickness Policy Forms, Chapter 100, Title 14 of the Virginia Administrative Code for general filing requirements.

Carriers may contact the Bureau if they are unsure as to whether a particular filing qualifies for this temporary exemption. Questions relating to the qualification of filings

for the temporary exemption, or any other questions relating to this letter, may be directed to: Robert Grissom, Supervisor, Forms and Rates Section, Life and Health Division, Bureau of Insurance, State Corporation Commission, telephone (804) 371-9152, or email bob.grissom@scc.virginia.gov.

/s/ Alfred W. Gross
Commissioner of Insurance

PPACA Uniform Compliance Summary

Please select the appropriate check box below to indicate which product is amended by this filing.

- INDIVIDUAL HEALTH BENEFIT PLANS (Complete SECTION A only)
- SMALL / LARGE GROUP HEALTH BENEFIT PLANS (Complete SECTION B only)

This form filing compliance summary is to be submitted with your [endorsement][contract] to comply with the immediate market reform requirements of the Patient Protection and Affordable Care Act (PPACA). These PPACA requirements apply only to policies for health insurance coverage referred to as "major medical" in the statute, which is comprehensive health coverage that includes PPO and HMO coverage. This form includes the requirements for grandfathered (coverage in effect prior to March 23, 2010) and non-grandfathered plans, and relevant statutes. Refer to the relevant statute to ensure compliance. Complete each item to confirm that diligent consideration has been given to each. *(If submitting your filings electronically, bookmark the provision(s) in the form(s) that satisfy the requirement and identify the page/paragraph on this form.)*

***For all filings, include the Type of Insurance (TOI) in the first column.**

Check box if this is a paper filing.

COMPANY INFORMATION

Company Name	NAIC Number	SERFF Tracking Number(s) *if applicable	Form Number(s) of Policy being endorsed	Rate Impact
				<input type="checkbox"/> Yes <input type="checkbox"/> No

PPACA Uniform Compliance Summary

Reset Form

SECTION A – Individual Health Benefit Plans				Grandfathered	Non-Grandfathered
TOI	Category	Statute Section			
	Eliminate Pre-existing Condition Exclusions for Enrollees Under Age 19 Explanation: Page Number:	<i>[Sections 2704 and 1255 of the PHSA/Section 1201 of the PPACA]</i>	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	
	Eliminate Annual Dollar Limits on Essential Benefits Except allows for “restricted” annual dollar limits for essential benefits for plan years prior to January 1, 2014. Explanation: Page Number:	<i>[Section 2711 of the PHSA/Section 1001 of the PPACA]</i>	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	
	Eliminate Lifetime Dollar Limits on Essential Benefits Explanation: Page Number:	<i>[Section 2711 of the PHSA/Section 1001 of the PPACA]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	
	Prohibit Rescissions – Except for fraud or intentional misrepresentation of material fact. Explanation: Page Number:	<i>[Section 2712 of the PHSA/Section 1001 of PPACA]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	

PPACA Uniform Compliance Summary

SECTION A – Individual Health Benefit Plans				Grandfathered	Non-Grandfathered
TOI	Category	Statute Section			
	Preventive Services – Requires coverage and prohibits the imposition of cost-sharing for specified preventative services. Explanation: Page Number:	<i>[Section 2713 of the PHSA/Section 1001 of the PPACA]</i>	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	
	Appeals Process – Requires establishment of an internal claims appeal process and external review process. Explanation: Page Number:	<i>[Section 2719 of the PHSA/Section 1001 of the PPACA]</i>	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	

PPACA Uniform Compliance Summary

SECTION A – Individual Health Benefit Plans					
TOI	Category	Statute Section	Grandfathered	Non-Grandfathered	
	<p>Access to Pediatricians – Mandates that if designation of a PCP for a child is required, the person be permitted to designate a physician who specialized in pediatrics as the child's PCP if the provider is in-network.</p> <p>Explanation:</p> <p>Page Number:</p>	<p>[Section 2719A of the PHSA/Section 10101 of the PPACA]</p>	<p>N/A</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.</p>	
	<p>Access to OB/GYNs – Prohibits authorization or referral requirements for obstetrical or gynecological care provided by in-network providers who specialize in obstetrics or gynecology.</p> <p>Explanation:</p> <p>Page Number:</p>	<p>[Section 2719A of the PHSA/Section 10101 of the PPACA]</p>	<p>N/A</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.</p>	

Reset Form

PPACA Uniform Compliance Summary

SECTION B – Group Health Benefit Plans (Small and Large)

TOI	Category	Statute Section	Grandfathered	Non-Grandfathered
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	Eliminate Pre-existing Condition Exclusions for Enrollees Under Age 19	[Sections 2704 of the PHSA/Section 1201 of the PPACA]	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.
	Explanation: Page Number:			
	Eliminate Annual Dollar Limits on Essential Benefits – Except allows for “restricted” annual dollar limits for essential benefits for plan years prior to January 1, 2014.	[Section 2711 of the PHSA/Section 1001 of the PPACA]	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.
	Explanation: Page Number:			
	Eliminate Lifetime Dollar Limits on Essential Benefits	[Section 2711 of the PHSA/Section 1001 of the PPACA]	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.
	Explanation: Page Number:			
	Prohibit Rescissions – Except for fraud or intentional misrepresentation of material fact.	[Section 2712 of the PHSA/Section 1001 of PPACA]	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.
	Explanation: Page Number:			

PPACA Uniform Compliance Summary

SECTION B – Group Health Benefit Plans (Small and Large)

TOI	Category	Statute Section	Grandfathered	Non-Grandfathered
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<p>Preventive Services – Requires coverage and prohibits the imposition of cost-sharing for specified preventative services</p> <p>Explanation:</p> <p>Page Number:</p>	[Section 2713 of the PHSA/Section 1001 of the PPACA]	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.
	<p>Extends Dependent Coverage for Children Until age 26 – If a policy offers dependent coverage, it must include dependent coverage until age 26. ◊</p> <p>Explanation:</p> <p>Page Number:</p>	[Section 2714 of the PHSA/Section 1001 of the PPACA]	<input type="checkbox"/> Yes [◊] <input type="checkbox"/> No If no, please explain.
<p>Appeals Process – Requires establishment of an internal claims appeal process and external review process.</p> <p>Explanation:</p> <p>Page Number:</p>		[Section 2719 of the PHSA/Section 1001 of the PPACA]	N/A

◊ For plan years beginning before January 1, 2014, grandfathered group plans are not required to extend coverage to a child until the age of 26 if such child is eligible to enroll in another employee-sponsored plan

PPACA Uniform Compliance Summary

SECTION B – Group Health Benefit Plans (Small and Large)

TOI	Category	Statute Section	Grandfathered	Non-Grandfathered
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	Emergency Services – Requires plans that cover emergency services to provide such coverage without the need for prior authorization, regardless of the participating status of the provider, and at the in-network cost-sharing level.	<i>[Section 2719A of the PHSA/Section 10101 of the PPACA]</i>	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.
	Explanation:			
	Page Number:			
	Access to Pediatricians – Mandates that if designation of a PCP for a child is required, the person be permitted to designate a physician who specialized in pediatrics as the child's PCP if the provider is in-network.	<i>[Section 2719A of the PHSA/Section 10101 of the PPACA]</i>	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.
	Explanation:			
	Page Number:			
	Access to OB/GYNs – Prohibits authorization or referral requirements for obstetrical or gynecological care provided by in-network providers who specialize in obstetrics or gynecology.	<i>[Section 2719A of the PHSA/Section 10101 of the PPACA]</i>	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain.
	Explanation:			
	Page Number:			

General Notices/Errata

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Public Comment for the Chesapeake Bay TMDL Draft Watershed Implementation Plan

The Virginia Department of Environmental Quality (DEQ) seeks written comments from interested persons on the draft watershed implementation plan (WIP) for the Chesapeake Bay total maximum daily loads (TMDLs) to address the water quality impairment in Virginia's tidal waters of the Chesapeake Bay. These tidal waters were identified as impaired due to a violation of Virginia's general water quality standard for nutrients and dissolved oxygen.

The Environmental Protection Agency (EPA) is establishing a federal TMDL for the 92 tidal segments of the Chesapeake Bay and its tidal tributaries and embayments that are listed as impaired or segments that deliver pollutant loads to segments listed as impaired under § 303(d) of the Clean Water Act due to excess nutrients and sediments. The Chesapeake Bay TMDL is currently under development by EPA and is available at <http://www.epa.gov/chesapeakebaytmdl>.

In accordance with EPA expectations, the jurisdictions' watershed implementation plans (WIP) are designed to accomplish a set of allocations goals identified in the Chesapeake Bay TMDL. EPA recognizes that the level of detail the jurisdictions are expected to include in their WIPs will take time to develop. As a result, the WIP development process has been divided into three distinct phases. This initial Phase I plan is intended to provide information to EPA to consider when it establishes wasteload and load allocations within each of the 92 segments listed as impaired. EPA expects Phase I WIP to include a description of the authorities, actions, and, to the extent possible, control measures that will be implemented to achieve these point and nonpoint source TMDL allocations. A copy of Virginia's draft Phase I WIP is available at <http://www.deq.virginia.gov/tmdl/chesapeakebay.html>.

To better understand the expectations and consequences from EPA, the following documents are available at the DEQ Chesapeake Bay TMDL webpage:

- Letter to Chesapeake Bay Program Principals' Staff Committee Outlining EPA's Expectations for Watershed Implementation Plans (November 4, 2009)
- Letter to the States in the Watershed and District of Columbia (December 29, 2009)
- Letter to Principals' Staff Committee Outlining Schedule for TMDL Implementation (June 11, 2010)
- Letter with Draft Nutrient Allocations (July 1, 2010)
- Letter with Draft Sediment Allocations (August 13, 2010)

The public comment period for Virginia's Phase I WIP development will end on November 8, 2010.

Contact Information: Comments or questions on the draft Phase I WIP should be sent to: vabaytmdl@dcr.virginia.gov. Written comments and inquires should include the name, address, and telephone number of the person submitting the comments. For additional questions contact (i) Russ Baxter, Virginia Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219, telephone (804) 698-4382, email russ.baxter@deq.virginia.gov or (ii) Russ Perkinson, Virginia Department of Conservation and Recreation, 203 Governor Street, Suite 206, Richmond, VA 23219, telephone (804) 786-4382, email russ.perkinson@dcr.virginia.gov.

Notice of Public Comment for Bacteria Total Maximum Daily Load for Hoskins Creek

Notice is hereby given that the Virginia Department of Environmental Quality (DEQ) seeks comment on the proposed modifications to the bacteria total maximum daily load (TMDL) developed for Indian Creek in Northumberland and Lancaster Counties.

The Indian Creek TMDL was developed to address the bacterial impairment of the tidal segment of Indian Creek. The TMDL was approved by the Environmental Protection Agency (EPA) on April 8, 2009, and can be found at the following website: <http://www.deq.virginia.gov/tmdl/apptmdls/shellfish/indian.pdf>.

DEQ seeks written comments from interested persons on the modification of this TMDL. In the Indian Creek Bacteria TMDL approved by the EPA and the Virginia State Water Control Board (July 29, 2009), these changes are necessary for the following permitted dischargers:

The waste load allocation (WLA) assigned to Kilmarnock Waste Water Treatment Plant (WWTP) (VA0020788) was incorrectly assigned based on the shellfish use 90th percentile water quality standard of 14 MPN/100ml. The shellfish use WLA should have been based on the geometric mean standard for fecal coliform of 200 MPN/100ml, as this is the limit imposed by DEQ within the facility's VPDES permit. DEQ proposes to revise the facility's shellfish use WLA from 2.68E+08 MPN/day to 3.82E+09 MPN/day to provide consistency between the VPDES permit and the TMDL.

The proposed changes above will neither cause nor contribute to the nonattainment of Indian Creek, as documented in the EPA approved TMDL report.

The public comment period for this modification will end on October 28, 2010. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Margaret Smigo, Piedmont Regional Office, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA

23060, telephone (804) 527-5124, or email margaret.smigo@deq.virginia.gov.

Notice of Public Meeting and an Opportunity for Public Comment - U.S. Environmental Protection Agency to Designate a Federal No Discharge Zone

Public meeting: Tuesday, October 5, 2010, 6 p.m. to 8 p.m., in the Public Meeting Room of the Richmond County Office Building, 101 Court Circle, Warsaw, VA 22572.

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) is announcing its intent to apply to the U.S. Environmental Protection Agency (EPA) to designate a federal no discharge zone, and is seeking public comment on the draft application.

Meeting description: This public meeting is to solicit public comment for the designation of Farnham Creek and the portion of Lancaster Creek within Richmond County as federal no discharge zones (NDZs). The NDZ designation would ban the overboard discharge of human sewage, either treated or untreated, in these creeks.

Description of study: Chapter 337 of the 2009 Acts of Assembly (House Bill 1774) resolves that all tidal creeks in Virginia be designated federal NDZs, and directs DEQ to pursue this designation. It is currently illegal to discharge raw sewage in U.S. territorial waters. In a NDZ, this ban is expanded to include sewage treated by on-board marine sanitation devices. This designation is determined by EPA upon application from the states, and is contingent on the states' demonstrating (i) the need for enhanced protection of water quality, (ii) the availability of sufficient local alternatives to overboard discharge (i.e., pump-outs), and (iii) local stakeholder support. DEQ is seeking this designation as one component of a "clean-up plan" for small tidal Chesapeake Bay tributaries that are frequently impaired for shellfish harvest due to elevated levels of fecal bacteria. DEQ has conducted an analysis of boat traffic and pump-out availability in Farnham and Lancaster Creeks, and concluded that existing pump-out facilities are adequate to service estimated peak-season demand. A draft application to EPA for NDZ designation has been prepared and is available for public review and comment.

Stream Name	County	Area proposed for NDZ
Farnham Creek	Richmond	All contiguous waters upstream of its mouth at the Rappahannock River
Lancaster Creek within Richmond County		All contiguous waters in Richmond County upstream of its mouth at the Rappahannock River, including Morattico Creek

How to comment: DEQ accepts written comments by email, fax, or postal mail. Written comments should include the name, address, and telephone number of the person

commenting and be received by DEQ during the comment period, which will expire on November 8, 2010. DEQ also accepts written and oral comments at the public meeting announced in this notice.

Contact for additional information: Margaret Smigo, TMDL Coordinator, Virginia Department of Environmental Quality, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804)-527-5106, or email margaret.smigo@deq.virginia.gov.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on September 10, 2010. The orders may be viewed at the State Lottery Department, 900 East Main Street, Richmond, VA, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, VA.

Director's Order Number Sixty-Six (10)

Virginia Lottery's "Farm Fresh 500 Sweepstakes" Final Rules for Game Operation (effective September 10, 2010)

Director's Order Number Seventy (10)

Virginia's Instant Game Lottery 1198; "The Price Is Right" Final Rules for Game Operation (effective September 3, 2010)

Director's Order Number Seventy-Four (10)

Virginia's Instant Game Lottery 1203; "\$1,000 Club" Final Rules for Game Operation (effective September 10, 2010)

Director's Order Number Seventy-Five (10)

Virginia's Instant Game Lottery 1197; "Cash Crop" Final Rules for Game Operation (effective September 10, 2010)

Director's Order Number Seventy-Seven (10)

Virginia Lottery's "The Price Is Right Sweepstakes" Final Rules for Game Operation (effective September 10, 2010)

Director's Order Number Seventy-Eight (10)

Virginia Lottery's "Redskins Big Jackpot Game Sweepstakes" Final Rules for Game Operation (effective September 10, 2010)

STATE BOARD OF SOCIAL SERVICES

Notice of Periodic Review

Pursuant to Executive Order Number 14 (2010), the Department of Social Services is currently reviewing 22VAC40-72, Standards for Licensed Assisted Living Facilities, to determine if it should be terminated, amended,

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or retained in its current form. The review will be guided by the principles listed in Executive Order Number 14 (2010) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until October 18, 2010, in care of Judith McGreal, Program Development Consultant, Division of Licensing Programs, Department of Social Services, 801 East Main Street, Richmond, VA 23219, by telephone at (804) 726-7157, by FAX at (804) 726-7132, or by email to judith.mcgreal@dss.virginia.gov.

Notice of Periodic Review

Pursuant to Executive Order Number 14 (2010), the Department of Social Services is currently reviewing 22VAC 40-80, General Procedures and Information for Licensure, to determine if it should be terminated, amended, or retained in its current form. The review will be guided by the principles listed in Executive Order Number 14 (2010) and in the department's Plan for Review of Existing Agency Regulations.

The department seeks public comment regarding the regulation's interference in private enterprise and life, essential need of the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable.

Written comments may be submitted until October 18, 2010, in care of Karen Cullen, Program Development Consultant, Division of Licensing Programs, Department of Social Services, 801 East Main Street, Richmond, VA 23219, by telephone at (804) 726-7152, by FAX at (804) 726-7132, or by email to karen.cullen@dss.virginia.gov.

VIRGINIA WASTE MANAGEMENT BOARD

Proposed Action for Chancellor Closed Landfill

An enforcement action has been proposed for Spotsylvania County for violations at the Chancellor Closed Landfill. The violations to be addressed include the discharge of leachate from the landfill into an unnamed tributary to Hazel Run. A description of the proposed action is available at the Department of Environmental Quality (DEQ) office named below or online at www.deq.virginia.gov. Daniel Burstein will accept comments by email at

daniel.burstein@deq.virginia.gov, FAX at (703) 583-3821, or postal mail at Virginia Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from September 28, 2010, through October 28, 2010.

Proposed Action for Kelmar Incorporated

An enforcement action has been proposed for Kelmar Incorporated for violations in Fauquier County. The violations to be addressed include the improper handling and disposal of hazardous waste. A description of the proposed action is available at the DEQ office named below or online at www.deq.virginia.gov. Daniel Burstein will accept comments by email at daniel.burstein@deq.virginia.gov, FAX at (703) 583-3821, or postal mail at Virginia Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from September 28, 2010, through October 28, 2010.

STATE WATER CONTROL BOARD

Notice of Public Comment on Approval of Water Quality Management Planning Actions

Notice of action: The State Water Control Board (board) is considering the approval of three total maximum daily load (TMDL) reports and two TMDL modifications, and granting authorization to include the TMDL reports and modifications in the appropriate water quality management plans (WQMPs).

Purpose of notice: The board is seeking comment on the proposed approvals and authorizations. The purpose of these actions is to approve three TMDL reports and two TMDL modifications as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in several impaired waterbodies. These actions are taken in accordance with the Public Participation Procedures for Water Quality Management Planning.

Public comment period: September 27, 2010, to October 27, 2010.

Description of proposed action: Department of Environmental Quality (DEQ) staff intends to recommend (i) that the DEQ Director approve the TMDL reports and TMDL modifications listed below as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, and (ii) that the DEQ Director authorize inclusion of the TMDL reports and TMDL modifications in the appropriate WQMPs. No regulatory amendments are required for these TMDLs and their associated waste load allocations.

At previous meetings, the board voted unanimously to delegate to the DEQ Director the authority to approve TMDLs that do not include waste load allocations requiring

regulatory adoption by the board, provided that a summary report of the action the Director plans to take is presented to the board prior to the Director approving the TMDL reports. The TMDLs included in this public notice will be approved using this delegation of authority.

The TMDLs listed below were developed in accordance with federal regulations (40 CFR 130.7) and are exempt from the provisions of Article 2 (§ 2.2-4006 et seq. of the Code of Virginia) of the Virginia Administrative Process Act. The TMDLs have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDL reports presented under this public notice. The approved reports can be found at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.h.jsp>.

Affected Waterbodies and Localities:

Potomac River & Shenandoah River Basins:

1. "Bacteria TMDL for (non-tidal) Mill Creek including Un-named Tributary to Kissinger Millpond and Kissinger Millpond"

1 bacteria TMDL, located in Northumberland County, proposes bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments

2. Modification for "Fecal Bacteria Total Maximum Daily Load Development for Mattox Creek"

2 bacteria TMDLs, located in Westmoreland County, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations and primary contact (swimming use) impairments (modification)

3. Modification for "Fecal Bacteria and General Standard Total Maximum Daily Load (TMDL) Development for Impaired Streams in the Middle River and Upper South River Watersheds"

6 bacteria TMDLs, located in Augusta County, propose bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment (modification)

In the Rappahannock River Basin:

4. "Shellfish Bacteria Total Maximum Daily Load (TMDL) Development for Upper Rappahannock Tidal River, Unsegmented Estuaries in E23, Little Carter Creek, Jugs Creek, Piscataway Creek, Mark Haven Beach, and Garrett's Marina"

5 bacteria TMDLs, located in Essex, Richmond, Middlesex, Westmoreland, and Northumberland Counties, propose bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations

In the York River Basin:

5. "Bacteria Total Maximum Daily Load (TMDL) Development for the Upper York River Watershed, the Lower Pamunkey River Watershed, and the Lower Mattaponi River Watershed"

4 bacteria TMDLs, located in King and Queen, King William, and New Kent Counties, propose bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations and primary contact (swimming use) impairments

How to comment: DEQ accepts written comments by e-mail, fax, and postal mail. All written comments must include the full name, address, and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the board will make the final decision.

To review documents: The TMDL reports and TMDL implementation plans are available on the DEQ website at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.h.jsp> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests, and additional information: David S. Lazarus, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4299, FAX (804) 698-4116, or email david.lazarus@deq.virginia.gov.

Public Notice - Approval of Water Quality Management Planning Actions

Notice of action: The State Water Control Board (board) is considering the approval of 10 total maximum daily load implementation plans (TMDL IPs) and granting authorization to include the TMDL implementation plans in the appropriate water quality management plans (WQMPs).

Purpose of notice: The board is seeking comment on the proposed approvals and authorizations. The purpose of these actions is to approve 10 TMDL IPs as Virginia's plans for the management actions necessary for attainment of water quality goals in several impaired waterbodies. These actions are taken in accordance with the Public Participation Procedures for Water Quality Management Planning.

Public comment period: September 27, 2010, to October 27, 2010.

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Description of proposed action: DEQ staff intends to recommend (i) that the DEQ Director approve the TMDL IPs listed below as Virginia's plans for the management actions necessary for attainment of water quality goals in the impaired segments, and (ii) that the DEQ Director authorize inclusion of the TMDL IPs in the appropriate WQMPs. No regulatory amendments are required for these TMDL IPs.

At previous meetings, the board voted unanimously to delegate to the DEQ Director the authority to approve TMDL implementation plans, provided that a summary report of the action the Director plans to take is presented to the board prior to the Director's approval. The TMDL Implementation Plans included in this public notice will be approved using this delegation of authority.

The TMDLs listed below were developed in accordance with 1997 Water Quality Monitoring, Information and Restoration Act (WQMIRA, § 62.1-44.19:4 through § 62.1-44.19:8 of the Code of Virginia) and federal recommendations. The TMDL IPs were developed in accordance with DEQ's Public Participation Procedures for Water Quality Management Planning. Extensive public participation was solicited during the development of the plans, and the public comment process provided the affected stakeholders with opportunities for comment on the proposed plans. The final TMDL IPs can be found at <http://www.deq.virginia.gov/tmdl/iprpts.html>.

Affected Waterbodies and Localities:

In the Potomac/Shenandoah River Basin:

1. "Mossy Creek, Long Glade Run, and Naked Creek Water Quality Improvement Plan"

The IP proposes management actions needed to reduce bacteria and sediment and restore the primary contact (swimming) use and aquatic life use in Mossy Creek, Long Glade Run, and Naked Creek located in Rockingham and Augusta Counties.

2. "Smith Creek Watershed TMDL Implementation Plan; Rockingham and Shenandoah Counties, City of Harrisonburg, and Town of New Market, Virginia"

The IP proposes management actions needed to reduce bacteria and sediment and restore the primary contact (swimming) use and aquatic life use in Smith Creek located in Rockingham and Shenandoah Counties.

In the James River Basin:

3. "Flat Creek, Nibbs Creek, Deep Creek, and West Creek TMDL Implementation Plan"

The IP proposes management actions needed to reduce bacteria and restore the primary contact (swimming) use in the Flat Creek, Nibbs Creek, Deep Creek, and West Creek watersheds located in Amelia and Nottoway Counties.

In the Rappahannock River Basin:

4. "Water Quality Implementation Plan for Greenvale, Paynes, and Beach Creeks (Shellfish Areas Listed Due to Bacterial Contamination)"

The IP proposes management actions needed to reduce bacteria and restore the shellfishing use in the Greenvale Creek, Paynes Creek, and Beach Creek watersheds located in Lancaster County.

In the Roanoke River Basin:

5. "Development of the Bacterial Total Maximum Daily Load Implementation Plan for Cub Creek, Turnip Creek, Buffalo Creek, and UT to Buffalo Creek in Appomattox, Campbell, and Charlotte Counties, Virginia"

The IP proposes management actions needed to reduce bacteria and restore the primary contact (swimming) use in Cub Creek, Turnip Creek, Buffalo Creek, and UT to Buffalo Creek located in Charlotte, Campbell, and Appomattox Counties.

6. "Pigg River and Old Womans Creek Watersheds TMDL Implementation Plan"

The IP proposes management actions needed to reduce bacteria and restore the primary contact (swimming) use in Pigg River and Old Womans Creek watersheds located in Franklin, Henry, and Pittsylvania Counties.

In the Chowan River Basin:

7. "Implementation Plan for Bacterial TMDLs in the North Landing River Watershed"

The IP proposes management actions needed to reduce bacteria and restore the primary contact (swimming) use in Milldam Creek and Middle West Neck Creek located in Virginia Beach.

8. "Implementation Plan for Bacterial TMDLs in the Back Bay Watershed"

The IP proposes management actions needed to reduce bacteria and restore the primary contact (swimming) use in Nanney Creek located in Virginia Beach.

In the Chesapeake Bay-Small Coastal-Eastern Shore Basin:

9. "Occohannock Creek TMDL Implementation Plan"

The IP proposes management actions needed to reduce bacteria and restore the shellfishing use in the Occohannock River watershed located in Accomack and Northampton Counties.

In the New River Basin:

10. "Bluestone River TMDL Implementation Plan Summary"

The IP proposes management actions needed to reduce bacteria and sediment and restore the primary contact (swimming) use and aquatic life use in the Bluestone River located in Tazewell County and the Town of Bluefield.

How to comment: DEQ accepts written comments by email, fax, and postal mail. All written comments must include the full name, address, and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the board will make the final decision.

To review documents: The TMDL implementation plans are available on the DEQ website at <http://www.deq.virginia.gov/tmdl/iprpts.html> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests, and additional information: David S. Lazarus, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4299, FAX (804) 698-4116, or email david.lazarus@deq.virginia.gov.

Public Notice - Amendment of Water Quality Management Planning Regulation

Notice of action: The State Water Control Board (board) is considering the amendment of the regulation on water quality management planning in accordance with the Public Participation Procedures for Water Quality Management Planning. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

Purpose of notice: The board is seeking comments through the Department of Environmental Quality (DEQ) on the proposed amendment. The purpose of the amendment to the state's Water Quality Management Planning Regulation (9VAC25-720) is to adopt 48 total maximum daily load (TMDL) waste load allocations.

Public comment period: September 27, 2010, to October 27, 2010.

Description of proposed action: DEQ staff will propose amendments of the state's Water Quality Management Planning regulations for the Potomac-Shenandoah River Basin (9VAC25-720-50 A), James River Basin (9VAC25-720-60 A), Roanoke River Basin (9VAC25-720-80 A), Tennessee/Big Sandy River Basin (9VAC25-720-90 A), Chowan River Basin (9VAC25-720-100 A), and Chesapeake Bay - Small Coastal - Eastern Shore Basin (9VAC25-720-110 A). Statutory authority for promulgating these amendments can be found in § 62.1-44.15(10) of the Code of Virginia.

Staff intends to recommend (i) that the board approve 11 TMDL reports and 3 TMDL modifications as the plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, (ii) that the board authorize inclusion of the TMDL reports in the appropriate Water Quality Management Plan, and (iii) that the board adopt 48 TMDL waste load allocations as part of the state's Water Quality Management Planning Regulation in accordance with §§ 2.2-4006 A 4 c and 2.2-4006 B of the Code of Virginia.

The 11 TMDL reports and 3 TMDL modifications were developed in accordance with federal regulations (40 CFR 130.7) and are exempt from the provisions of Article 2 (§ 2.2-4006 et seq. of the Code of Virginia) of the Virginia Administrative Process Act. The reports were subject to the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDLs presented under this public notice. The approved reports can be found at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.jsp>.

Affected Waterbodies and Localities:

In the Potomac - Shenandoah River Basin (9VAC25-720-50 A):

1. "Bacteria and Benthic Total Maximum Daily Load Development for South River"

The South River benthic TMDL, located in Augusta and Rockingham Counties, proposes sediment and phosphorus reductions for portions of the watershed. The TMDL includes a sediment wasteload allocation of 619.4 tons/year and a phosphorus wasteload allocation of 6,929.9 kg/yr.

2. "Total Maximum Daily Load Development for Mercury in the South River, South Fork Shenandoah River, and Shenandoah River, Virginia"

The South River, South Fork Shenandoah River, and Shenandoah River Mercury TMDLs, located in Augusta, Rockingham, Page, and Warren Counties, propose mercury reductions for portions of the watershed. The three TMDLs include mercury wasteload allocations of 112 g/yr for the South River, 112 g/yr for the South Fork Shenandoah River, and 112 g/yr for the Shenandoah River.

3. "Total Maximum Daily Load Development to Address Bacteria and Benthic Impairments in the Spout Run Watershed, Clarke County, Virginia"

The Spout Run benthic TMDL, located in Clarke County, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 7.44 tons/year.

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4. "Benthic Total Maximum Daily Load Development for Strait Creek and West Strait Creek"

The Strait Creek and West Strait Creek benthic TMDLs, located in Highland County, propose CBOD5, sediment, and seasonal ammonia reductions for portions of the watersheds. For West Strait Creek, the report provides a sediment wasteload allocation of 0.02 tons/day, CBOD5 wasteload allocation of 11 kg/day, dry season (June-December) ammonia as N wasteload allocation of 1.6 kg/day, and wet season (January-May) ammonia as N wasteload allocation of 2.9 kg/day. For Strait Creek, the report provides a sediment wasteload allocation of 0.08 tons/day.

5. Modification for "Total Maximum Daily Load (TMDL) Development for Smith Creek"

The Smith Creek benthic TMDL modification proposes to reassign the wasteload allocation of a properly closed point-source discharge (Valley View Mobile Home) to a new point-source discharge (Cedar Land Trailer Court). The proposed updates will not cause a water quality violation because the overall wasteload allocation and TMDL are not being modified.

In the James River Basin (9VAC25-720-60 A):

6. "Benthic TMDL Development for the Jackson River, Virginia"

The Jackson River benthic TMDL, located in Alleghany, Bath, and Highland Counties, proposes total phosphorus and total nitrogen reductions for portions of the watershed and provides a TP wasteload allocation of 72,955 lbs/growing season and a TN wasteload allocation of 220,134 lbs/growing season.

7. "Total Maximum Daily Load Development to Address a Benthic Impairment in the Little Calfpasture River, Rockbridge County, Virginia"

The Little Calfpasture River benthic TMDL, located in Rockbridge County, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 30.4 tons/year.

In the Roanoke River Basin (9VAC25-720-80 A):

8. "Roanoke River PCB TMDL Development (Virginia)"

The Roanoke River PCB TMDL, located in Montgomery, Roanoke, Bedford, Campbell, Charlotte, Pittsylvania, and Halifax Counties, proposes PCB reductions for portions of the watershed and provides several wasteload allocations for streams. The streams and their respective tPCB wasteload allocations are: North Fork Roanoke River, 28.2 mg/year; South Fork Roanoke River, 230.2 mg/year; Masons Creek, 9.1 mg/year; Peters Creek, 65.4 mg/year; Tinker Creek,

103.9 mg/year; Wolf Creek, 10.0 mg/year; UT to Roanoke River, 0.5 mg/year; Roanoke River, 28,157.7 mg/year; Goose Creek, 0.1 mg/year; Sycamore Creek, 1.4 mg/year; Lynch Creek, 0.1 mg/year; Reed Creek, 0.0 mg/year; X-Trib, 0.1 mg/year; UT to Roanoke River, 0.1 mg/year; Little Otter River, 0.0 mg/year; Big Otter River, 0.0 mg/year; Straightstone Creek, 0.0 mg/year; Seneca Creek, 0.0 mg/year; Whipping Creek, 0.0 mg/year; Falling River, 0.0 mg/year; Childrey Creek, 0.0 mg/year; Catawba Creek, 0.0 mg/year; Turnip Creek, 0.0 mg/year; Hunting Creek, 0.0 mg/year; Cub Creek, 0.0 mg/year; Black Walnut Creek, 0.8 mg/year; Roanoke Creek, 0.0 mg/year; Difficult Creek, 0.0 mg/year; and Roanoke River, 1,931.8 mg/year.

9. Modification for "Benthic TMDL for Twittys Creek Watershed, Virginia"

The modification for Twittys Creek benthic TMDL proposes to revise the WLA to accommodate the expansion of the Drakes Beach WWTP. The revised WLA for this facility would be 18.3 tons/year, or an increase in 14.7 tons/year. This additional load will be taken from the terminated Westpoint Stevens WLA, 16.8 tons/year, which has been transferred to future growth. The adjustment to the future growth allocation will result in no change to the original TMDL or WLA.

In the Tennessee/Big Sandy River Basin (9VAC25-720-90 A):

10. "Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River"

The Middle Fork Holston River, located in Washington and Smyth Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 100.4 tons/year.

11. "Bacteria and Benthic Total Maximum Daily Load Development for Wolf Creek"

The Wolf Creek benthic TMDL, located in Washington County, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 301.6 tons/year.

In the Chowan River Basin (9VAC25-720-100 A):

12. Modification for "Benthic TMDL for Hurricane Branch Unnamed Tributary, Virginia"

The modification for UT Hurricane Branch benthic TMDL proposes to disaggregate the existing sediment wasteload allocation for Blackstone WWTP (60.9 tons/year) into two separate wasteload allocations (Blackstone WWTP at 48.7 tons/year and Blackstone WTP at 12.2 tons/year). This alteration will not change

the overall WLA or TMDL and will, therefore, not cause a water quality violation.

In the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9VAC25-720-110 A):

13. "Benthic Total Maximum Daily Load (TMDL) Development for the Pettit Branch Watershed"

The Pettit Branch benthic TMDL, located in Accomack County, proposes total phosphorus reductions for portions of the watershed. The report provides a total phosphorus wasteload allocation of 0.01 lb/day.

14. "Total Maximum Daily Load for Dissolved Oxygen in Mill Creek, Northampton County, Virginia"

The Mill Creek Dissolved Oxygen TMDL, located in Northampton County, proposes organic carbon and nutrients reductions for portions of the watershed. The report provides a TC wasteload allocation of 30.53 lb/day and a TN wasteload allocation of 10.07 lb/day.

How to comment: DEQ accepts written comments by email, fax, and postal mail. All written comments must include the full name, address, and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

To review documents: The TMDL reports and the proposed regulatory amendments are available on DEQ's website at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.jsp> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests, and additional information: David S. Lazarus, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4299, FAX (804) 698-4116, or email david.lazarus@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; FAX (804) 692-0625; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their

websites and on the Commonwealth Calendar at <http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/cumultab.htm>.

Filing Material for Publication in the Virginia Register of Regulations: Agencies are required to use the Regulation Information System (RIS) when filing regulations for publication in the *Virginia Register of Regulations*. The Office of the Virginia Register of Regulations implemented a web-based application called RIS for filing regulations and related items for publication in the Virginia Register. The Registrar's office has worked closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

The Office of the Virginia Register is working toward the eventual elimination of the requirement that agencies file print copies of regulatory packages. Until that time, agencies may file petitions for rulemaking, notices of intended regulatory actions, and general notices in electronic form only; however, until further notice, agencies must continue to file print copies of proposed, final, fast-track, and emergency regulatory packages.

ERRATA

STATE CORPORATION COMMISSION

Title of Regulation: 10VAC5-210. Motor Vehicle Title Lending (adding 10VAC5-210-10 through 10VAC5-210-110).

Publication: 26:25 VA.R. 2840-2852 August 16, 2010.

Correction to Proposed Regulation:

Page 2849, 10VAC5-210-70 D 1, insert a comma after "... (i) goods or services sold"

Page 2849, 10VAC5-210-70 D 4, first sentence, insert commas after "... (i) purchase a good or service from" and "... (ii) obtain a loan from or through"

Page 2849, 10VAC5-210-70 D 4, second sentence, remove semicolons and insert commas after "... (a) sell its goods or services" and "... (b) offer, facilitate, or make loans". Insert a comma after "... (c) vary the terms of its goods, services, or loans"

General Notices/Errata

Page 2850, 10VAC5-210-70 G, insert commas after "... (i) tax preparation and electronic tax filing services" and "... (ii) facilitating third party tax preparation and electronic tax filing services"

Page 2850, 10VAC5-210-70 G 2, insert commas after "... (i) accepting funds for transmission to the Internal Revenue Service or other government instrumentalities" and "... (ii) receiving tax refunds for delivery to individuals"

VA.R. Doc. No. 2528, filed September 15, 2010, 4:21 p.m.