

2021 Virginia Construction Code

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Short title.

The *Virginia Uniform Statewide Building Code*, Part I, Construction, may be cited as the *Virginia Construction Code* or as the VCC. The term “USBC” shall mean the VCC 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 2021 edition of the USBC due to the use of the 2021 editions of the model codes.

101.2 Incorporation by reference.

Chapters 2–35 of the 2021 *International Building Code*®, published by the International Code Council, Inc. (ICC), are adopted and incorporated by reference to be an enforceable part of the USBC. The term “IBC®” means the 2021 *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.

Notes:

1. The IBC references other International Codes and standards including the following major codes:
 - 2020 NFPA 70
 - 2021 *International Energy Conservation Code*® (IECC®)
 - 2021 *International Fuel Gas Code*® (IFGC®)
 - 2021 *International Mechanical Code*® (IMC®)
 - 2021 *International Plumbing Code*® (IPC®)
 - 2021 *International Residential Code*® (IRC®)
2. The IRC is applicable to the *construction* of detached one-family and two-family dwellings and townhouses as set out in Section 310.

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.

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.

101.5 Use of terminology and notes.

The provisions of this code shall be used as follows:

1. 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.
2. 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.
3. 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.

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4. 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.
5. References to International Codes and standards, where used in this code, include state amendments made to those International Codes and standards in the VCC.

101.6 Order of precedence.

The provisions of this code shall be used as follows:

1. The provisions of Chapter 1 of this code supersede any provisions of Chapters 2-35 of the IBC that address the same subject matter and impose differing requirements.
2. The provisions of Chapter 1 of this code supersede any provisions of the codes and standards referenced in the IBC that address the same subject matter and impose differing requirements.
3. The state amendments to the IBC supersede any provisions of Chapters 2-35 of the IBC that address the same subject matter and impose differing requirements.
4. The state amendments to the IBC supersede any provisions of the codes and standards referenced in the IBC that address the same subject matter and impose differing requirements.
5. The provisions of Chapters 2-35 of the IBC supersede any provisions of the codes and standards referenced in the IBC that address the same subject matter and impose differing requirements.
6. The provisions of the *National Electrical Code (NEC)*, *Virginia Mechanical Code (VMC)*, *Virginia Plumbing Code (VPC)* and *Virginia Fuel Gas Code (VFGC)* supersede any provisions of the *Virginia Energy Conservation Code (VECC)* that address the same subject matter and impose differing requirements.
7. The provisions of Chapters 2-10 and 12-44 of the *Virginia Residential Code (VRC)* supersede any provisions of Chapter 11 of the VRC that address the same subject matter and impose differing requirements.

101.7 Administrative provisions.

The provisions of Chapter 1 establish administrative requirements, which include 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.

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.

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SECTION 102 PURPOSE AND SCOPE

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.

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 § 15.2-2286.1 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 103.5](#) of this code.

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 conflict with the scope of the USBC, those provisions are considered to be invalid to the extent of such conflict.

102.3 Exemptions.

The following are exempt from this code:

1. *Equipment* and wiring used for providing utility, communications, information, cable television, broadcast or radio service in accordance with all of the following conditions:
 - 1.1. The *equipment* and wiring are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.
 - 1.2. *Buildings* housing exempt *equipment* and wiring shall be subject to the USBC.
 - 1.3. The *equipment* and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.
2. Support *structures* owned or controlled by a provider of publicly regulated utility service or its affiliates for the transmission and distribution of electric service in accordance with all of the following conditions:
 - 2.1. The support *structures* are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.
 - 2.2. The support *structures* exempted by this section shall not create an unsafe condition prohibited by the USBC.
3. Direct burial poles used to support *equipment* or wiring providing communications, information or cable television services. The poles exempted by this section shall not create an unsafe condition prohibited by the USBC.
4. Electrical *equipment*, transmission *equipment*, and related wiring used for wireless transmission of radio, broadcast, telecommunications, or information service in accordance with all of the following conditions:
 - 4.1. *Buildings* housing exempt *equipment* and wiring and *structures* supporting exempt *equipment* and wiring shall be subject to the USBC.
 - 4.2. The *equipment* and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.
5. Manufacturing, processing, and product handling machines and *equipment* that do not produce or process hazardous materials regulated by this code, including those portions of conveyor systems used exclusively for the transport of associated materials or products, and all of the following service *equipment*:
 - 5.1. Electrical *equipment* connected after the last disconnecting means.
 - 5.2. Plumbing piping and *equipment* connected after the last shutoff valve or backflow device and before the

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equipment drain trap.

5.3. Gas piping and *equipment* connected after the outlet shutoff valve.

Manufacturing and processing machines that produce or process hazardous materials regulated by this code are only required to comply with the code provisions regulating the hazardous materials.

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

7. Playground or recreational *equipment* such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps, and similar *equipment*. However, play *structures* installed inside all occupancies covered by this code shall be subject to the play *structures* section in VCC [Chapter 4](#).

8. *Industrialized buildings* subject to the Virginia Industrialized Building Safety Regulations (13VAC5-91) and *manufactured homes* subject to the Virginia Manufactured Home Safety Regulations (13VAC5-95); except as provided for in [Section 429](#) and in the case of demolition of such *industrialized buildings* or *manufactured homes*.

9. *Farm buildings and structures*, except for a *building* or a portion of a building located on a farm that is operated as a restaurant as defined in § 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.

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

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

12. Automotive lifts.

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SECTION 103 APPLICATION OF CODE

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.

103.1.1 Virginia Existing Building Code.

Part II of the *Virginia Uniform Statewide Building Code*, also known as the “*Virginia Existing Building Code*,” or the “*VEBC*” is applicable to *construction* and rehabilitation activities in *existing buildings* and *structures*, as those terms are defined in the *VEBC*, except where specifically addressed in the *VCC*.

103.2 When applicable to construction.

Construction for which a permit application is submitted to the *local building department* on or after the effective date of the 2021 edition of the code shall comply with the provisions of this code, except for permit applications submitted during a 1-year period beginning on the effective date of the 2021 edition of the code. The applicant for a permit during such 1-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 the 2021 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.

103.3 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.

103.3.1 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.

103.4 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 modified by the state amendments to the *IBC*, then the modified provisions apply.

1. Special inspection requirements in *Chapters 2-35*.
2. Testing requirements and requirements for the submittal of construction documents in any of the ICC codes referenced in *Chapter 35* and in the *IRC*.
3. *Section R301.2* of the *IRC* authorizing localities to determine climatic and geographic design criteria.
4. Flood load or flood-resistant construction requirements in the *IBC* or the *IRC*, including 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 a *registered design professional* (RDP).
5. *Section N1102.1* of the *IRC* and *Sections C402.1.1, C402.1.1.1, and R402.1* of the *IECC*.

103.5 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 (i) public water supply systems, (ii) waste water treatment and disposal systems, and (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

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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*.

103.6 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 *Virginia Amusement Device Regulations* (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 *Virginia Certification Standards* (VCS).

103.7 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 through 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* or *building* built on state-owned property 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 subsection E of § 23.1-1016 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 subsection A of § 23.1-1002 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. Emergency response planning and activities related to the standards 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.

103.7.1 Certification of state enforcement personnel.

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State enforcement personnel shall comply with the applicable requirements of [Section 105](#) for certification.

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SECTION 104 **ENFORCEMENT, GENERALLY**

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 situated within their respective boundaries.

However, upon a finding by the *local building department*, following a complaint by a tenant of a residential dwelling 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 Property Maintenance Code*," or the "*VPMC*," the *local building department* shall enforce such provisions.

If the *local building department* receives a complaint that a violation of the *VPMC* exists that is an immediate and imminent threat to the health or safety of the owner, tenant, or occupants of any *building* or *structure*, or the owner, occupant, or tenant of any nearby *building* or *structure*, and the owner, occupant, or tenant of the building or structure that is the subject of the complaint has refused to allow the local building official or his agent to have access to the subject *building* or *structure*, the local building official or his agent may make an affidavit under oath before a magistrate or a court of competent jurisdiction and request that the magistrate or court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject building or structure for the purpose of determining whether violations of the *VPMC* exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54 of the Code of Virginia. After executing the warrant, the local building official or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The local building official or his agent shall make a reasonable effort to obtain consent from the *owner*, occupant, or tenant of the subject *building* or *structure* prior to seeking the issuance of an inspection warrant under this section.

The *local governing body* shall, however, inspect and enforce the provisions of the *VPMC* for elevators, escalators, and related conveyances, except for elevators in single-family 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*.

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*.

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SECTION 105 LOCAL BUILDING DEPARTMENT

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*.

105.1.1 Qualifications of building official.

The building official shall have at least 5 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 5 years of building experience after obtaining a degree in architecture or engineering, with at least 3 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.

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 1 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*.

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](#).

Note: Continuing education and periodic training requirements for *DHCD* certifications are set out in the *VCS*.

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*.

105.2.1 Qualifications of technical assistants.

A *technical assistant* shall have at least 3 years of experience and general knowledge in at least one of the following areas: building construction; building construction conceptual and administrative processes; 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, including high school technical training programs or college engineering, architecture, or construction degree programs, shall be deemed to satisfy this requirement. The *locality* may establish additional qualification requirements.

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 3 years from the date of such requirement.

Exceptions:

1. 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*.

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2. A permit technician in place prior to the effective date of the 2015 edition of the code shall not be required to meet the certification requirements in this section while continuing to serve in the same capacity in the same *locality*.

Note: Continuing education and periodic training requirements for *DHCD* certifications are set out in the *VCS*.

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.

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.

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SECTION 106

POWERS AND DUTIES OF THE BUILDING OFFICIAL

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*.

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.

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.

106.3.1 Substantiation of modification.

The building official may require or may consider a statement from a *registered design professional (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*. The building official may also consider nationally recognized guidelines in deciding whether to approve a modification.

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*.

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CHAPTER 1 ADMINISTRATION

SECTION 107 FEES

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. With the exception of the levy collected pursuant to [Section 107.2](#), fees levied pursuant to this section shall be used only to support the functions of the *local building department*.

Note: See subsection D of § 36-105 of the Code of Virginia for rules for permit fees involving property with easements or liens.

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.

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 cancellation of a *building* project. The refund shall not be required to exceed an amount which correlates to work not completed.

107.1.3 Fees for generators used with amusement devices.

Fees for generators and associated wiring used with amusement devices shall only be charged under the *Virginia Amusement Device Regulations* (13VAC5-31).

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 2.0% levy of fees charged for permits issued under this code 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.

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CHAPTER 1 ADMINISTRATION

SECTION 108 APPLICATION FOR PERMIT

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, including the addition or removal of *emergency supplemental hardware*, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire 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 by the VEBC.
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.

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 broadband communications systems, (iii) is exempt under Section 102.3(1) or 102.3(4), or (iv) is for monitoring or automation systems in dwelling units, 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. One-story detached *structures* used as tool and storage sheds, playhouses or similar uses, provided the building area does not exceed 256 square feet (23.78 m²) and the *structures* are not classified as a Group 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 of any height unless required for pedestrian safety as provided for by Section 3306, or used for the barrier for a *swimming pool*.
6. Concrete or masonry *walls*, provided such *walls* do not exceed 6 feet (1829 mm) in height above the finished grade. Ornamental column caps shall not be considered to contribute to the height of the *wall* and shall be permitted to extend above the 6-foot (1829 mm) height measurement.
7. Retaining *walls* supporting less than 3 feet (914 mm) of unbalanced fill that are not constructed for the purpose of impounding Class I, II or III-A liquids or supporting a surcharge other than ordinary unbalanced fill.

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8. *Swimming pools* that have a surface area not greater than 150 square feet (13.95 m²) and are less than 24 inches (610 mm) deep.
9. Signs under the conditions in Section H101.2 of Appendix H.
10. 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.
11. Flagpoles 30 feet (9144 mm) or less in height.
12. Temporary ramps serving dwelling units in Groups R-3 and R-5 occupancies where the height of the entrance served by the ramp is no more than 30 inches (762 mm) above grade.
13. *Construction* work deemed by the building official to be minor and ordinary and which does not adversely affect public health or general safety.
14. Ordinary repairs that include the following:
 - 14.1. 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.
 - 14.2. Replacement of plumbing fixtures and well pumps in all groups without alteration of the water supply and distribution systems, sanitary drainage systems or vent systems.
 - 14.3. Replacement of general use snap switches, dimmer and control switches, 125 volt-15 or 20 ampere receptacles, luminaires (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.
 - 14.4. 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.
 - 14.5. Replacement of an unlimited amount of roof covering or siding in Group R-3, R-4 or R-5, provided the *building* or *structure* is not in an area where the nominal design wind speed is greater than 100 miles per hour (44.7 meters per second) and replacement of 100 square feet (9.29 m²) or less of roof covering in all groups and all wind zones.
 - 14.6. Replacement of 256 square feet (23.78 m²) or less of roof decking in Group R-3, R-4 or R-5 unless the decking to be replaced was required at the time of original *construction* to be fire-retardant-treated or protected in some other way to form a fire-rated *wall* termination.
 - 14.7. Installation or replacement of floor finishes in all occupancies.
 - 14.8. 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.
 - 14.9. Installation or replacement of cabinetry or trim.
 - 14.10. Application of paint or wallpaper.
 - 14.11. Other repair work deemed by the building official to be minor and ordinary which does not adversely affect public health or general safety.
15. Crypts, mausoleums and columbaria structures not exceeding 1,500 square feet (139.35 m²) in area if the *building* or *structure* is not for occupancy and used solely for the interment of human or animal remains and is not subject to special inspections.
16. Billboard safety upgrades to add or replace steel catwalks, steel ladders, or steel safety cable.

Exceptions:

1. 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.
2. Application for a permit may be required by the building official for any items exempted in this section that are located in a *special flood hazard area*.

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 jurisdiction offers an online permit option for permit application and processing or 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.

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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 of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same or (ii) file a written statement 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.

108.5 Mechanics' lien agent designation.

In accordance with § 36-98.01 of the Code of Virginia, a building permit issued for any one-family 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.

108.6 Application form, description of work.

The application for a permit shall be submitted on a form 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.

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.

108.8 Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 6 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.

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CHAPTER 1 ADMINISTRATION

SECTION 109 CONSTRUCTION DOCUMENTS

109.1 Submittal of documents.

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

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

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

109.2 Site plan.

When determined necessary by the building official, a site plan shall be submitted with the application for a permit. The site plan shall show to scale the size and location of all proposed *construction*, including any associated wells, septic tanks or drain fields. The site plan shall also show to scale the size and location of all existing *structures* on the site, the distances from lot lines to all proposed *construction*, the established street grades and the proposed finished grades. When determined necessary by the building official, the site plan shall contain the elevation of the lowest floor of any proposed *buildings*. The site plan shall also be drawn in accordance with an accurate boundary line survey. When the application for a permit is for demolition, the site plan shall show all *construction* to be demolished and the location and size of all existing *structures* that are to remain on the site.

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

109.3 Engineering details.

When determined necessary by the building official, *construction* documents shall include adequate detail of the structural, mechanical, plumbing or electrical components. Adequate detail may include computations, stress diagrams or other essential technical data and when proposed *buildings* are more than two stories in height, adequate detail may specifically be required to include where floor penetrations will be made for pipes, wires, conduits, and other components of the electrical, mechanical and plumbing systems and how such floor penetrations will be protected to maintain the required structural integrity or fire-resistance rating, or both. When dry floodproofing is provided, the engineering details shall include detail of the *walls*, floors, and flood shields designed to resist flood-related loads, including the sealing of floor and *wall* penetrations. All engineered documents, including relevant computations, shall be sealed by the *RDP* responsible for the design.

109.4 Examination of documents.

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

109.4.1 Expedited construction document review.

The building official may accept reports from an approved person or agency that the construction documents have been examined and conform to the requirements of the USBC and may establish requirements for the person or agency submitting such reports. In addition, where such reports have been submitted, the building official may expedite the issuance of the permit.

109.5 Approval of construction documents.

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

109.6 Phased approval.

The building official is authorized to issue a permit for the *construction* of foundations or any other part of a *building* or

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structure before the *construction* documents for the whole *building* or *structure* have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a *building* or *structure* shall proceed at the holder's own risk with the *building* operation and without assurance that a permit for the entire *structure* will be granted.

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CHAPTER 1 ADMINISTRATION

SECTION 110 PERMITS

110.1 Approval and issuance of permits.

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

110.1.1 Consultation and notification.

Prior to approval or removal of *emergency supplemental hardware*, the building code official shall consult with the local fire code official, or state fire code official if no local fire code official exists, and head of the local law-enforcement agency. The local fire code official; the state fire code official; and the local fire, EMS, and law-enforcement first responders shall be notified by the building code official of such approval or removal, after approval or removal of such *emergency supplemental hardware*.

110.2 Types of permits.

Separate or combined permits may be required for different areas of *construction* such as building *construction*, plumbing, electrical, and mechanical work, or for special *construction* as determined appropriate by the *locality*. In addition, permits for two or more *buildings* or *structures* on the same lot may be combined. Annual permits may also be issued for any *construction* regulated by this code. The annual *permit holder* shall maintain a detailed record of all alterations made under the annual permit. Such record shall be available to the building official and shall be submitted to the *local building department* if requested by the building official.

110.3 Asbestos inspection in buildings to be renovated or demolished; exceptions.

In accordance with § 36-99.7 of the Code of Virginia, the *local building department* shall not issue a *building* permit allowing a *building* for which an initial building permit was issued before January 1, 1985, to be renovated or demolished until the *local building department* receives certification from the *owner* or his agent that the affected portions of the *building* have been inspected for the presence of asbestos by an individual licensed to perform such inspections pursuant to § 54.1-503 of the Code of Virginia and that no asbestos-containing materials were found or that appropriate response actions will be undertaken in accordance with the requirements of the Clean Air Act National Emission Standard for the Hazardous Air Pollutant (NESHAP) (40 CFR Part 61, Subpart M), and the asbestos worker protection requirements established by the US Occupational Safety and Health Administration for construction workers (29 CFR 1926.1101). Local educational agencies that are subject to the requirements established by the Environmental Protection Agency under the Asbestos Hazard Emergency Response Act (AHERA) shall also certify compliance with 40 CFR Part 763 and subsequent amendments thereto.

To meet the inspection requirements above, except with respect to schools, asbestos inspection of renovation projects consisting only of repair or replacement of roofing, floor covering, or siding materials may be satisfied by a statement that the materials to be repaired or replaced are assumed to contain friable asbestos and that asbestos installation, removal, or encapsulation will be accomplished by a licensed asbestos contractor.

The provisions of this section shall not apply to single-family dwellings or residential housing with four or fewer units unless the renovation or demolition of such buildings is for commercial or public development purposes. The provisions of this section shall not apply if the combined amount of regulated asbestos-containing material involved in the renovation or demolition is less than 260 linear feet (79.25 lm) on pipes or less than 160 square feet (14.86 m²) on other facility components or less than 35 cubic feet (1 m³) off facility components where the length or area could not be measured previously.

An abatement area shall not be reoccupied until the building official receives certification from the *owner* that the response actions have been completed and final clearances have been measured. The final clearance levels for reoccupancy of the abatement area shall be 0.01 or fewer asbestos fibers per cubic centimeter if determined by Phase Contrast Microscopy analysis (PCM) or 70 or fewer structures per square millimeter if determined by Transmission Electron Microscopy analysis (TEM).

110.4 Fire apparatus access road requirements.

The permit applicant shall be informed of any requirements for providing or maintaining fire apparatus access roads prior to the issuance of a building permit.

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110.5 Posting of permits; limitation of approval.

A copy of the permit shall be posted on the construction site for public inspection until the work is completed. Such posting shall include the street or lot number if one has been assigned, to be readable from a public way. In addition, each *building* or *structure* to which a street number has been assigned shall, upon completion, have the number displayed so as to be readable from the public way.

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

110.6 Abandonment of work.

A building official shall be permitted to revoke a permit if work on the site authorized by the permit is not commenced within 6 months after issuance of the permit, or if the authorized work on the site is suspended or abandoned for a period of 6 months after the permit is issued; however, permits issued for plumbing, electrical and mechanical work shall not be revoked if the building permit is still in effect. It shall be the responsibility of the permit applicant to prove to the building official that authorized work includes substantive progress, characterized by approved inspections as specified in [Section 113.3](#) of at least one inspection within a period of 6 months or other evidence that would indicate substantial work has been performed. Upon written request, the building official may grant one or more extensions of time, not to exceed 1 year per extension.

110.7 Single-family dwelling permits.

The building official shall be permitted to require a 3-year time limit to complete *construction* of new detached single-family dwellings, additions to detached single-family dwellings and residential accessory *structures*. The time limit shall begin from the issuance date of the permit. The building official may grant extensions of time if the applicant can demonstrate substantive progress, characterized by approved inspections as specified in [Section 113.3](#) of at least one inspection within a period of 6 months or other evidence that would indicate substantial work has been performed.

110.8 Revocation of a permit.

The building official may revoke a permit or approval issued under this code in the case of any false statement, misrepresentation of fact, abandonment of work, failure to complete *construction* as required by [Section 110.7](#), noncompliance with provisions of this code and pertinent laws and ordinances, or incorrect information supplied by the applicant in the application or construction documents on which the permit or approval was based.

110.9 Cancellation of permit.

The building official shall cancel a permit at the request of the *permit holder* or the owner. An incomplete *building* or *structure* shall not be left as an unsafe *building* or *structure*.

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CHAPTER 1 ADMINISTRATION

SECTION 111 RDP SERVICES

111.1 When required.

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

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

111.2 Special inspection requirements.

Special inspections shall be conducted when required by [Section 1704](#). Individuals or agencies, or both, conducting special inspections shall meet the qualification requirements of [Sections 1703](#) and [1704.2.1](#). The permit applicant shall submit a completed statement of special inspections with the permit application. The building official shall review, and if satisfied that the requirements have been met, approve the statement of special inspections as required in [Sections 1704.2.3](#) and [1705](#) as a requisite to the issuance of a building permit. The building official may require interim inspection reports. The building official shall receive, and if satisfied that the requirements have been met, approve a final report of special inspections as specified in [Section 1704.2.4](#). All fees and costs related to the special inspections shall be the responsibility of the building owner.

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CHAPTER 1 ADMINISTRATION

SECTION 112 WORKMANSHIP, MATERIAL AND EQUIPMENT

112.1 General.

It shall be the duty of any person performing work covered by this code to comply with all applicable provisions of this code and to perform and complete such work so as to secure the results intended by the USBC. Damage to regulated building components caused by violations of this code or by the use of faulty materials or installations shall be considered as separate violations of this code and shall be subject to the applicable provisions of [Section 115](#).

112.2 Alternative methods or materials.

In accordance with § 36-99 of the Code of Virginia, where practical, the provisions of this code are stated in terms of required level of performance so as to facilitate the prompt acceptance of new *building* materials and methods. When generally recognized standards of performance are not available, this section and other applicable requirements of this code provide for acceptance of materials and methods whose performance is substantially equal in safety to those specified on the basis of reliable test and evaluation data presented by the proponent. In addition, as a requirement of this code, the building official shall require that sufficient technical data be submitted to substantiate the proposed use of any material, *equipment*, device, assembly or method of construction. The building official may consider nationally recognized guidelines in making a determination.

112.3 Documentation and approval.

In determining whether any material, *equipment*, device, assembly or method of construction complies with this code, the building official shall approve items listed by nationally recognized testing laboratories, when such items are listed for the intended use and application, and in addition, may consider the recommendations of RDPs. Approval shall be issued when the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, *equipment*, device, assembly or method of construction offered is, for the purpose intended, at least the equivalent of that prescribed by the code. Such approval is subject to all applicable requirements of this code and the material, *equipment*, device, assembly or method of construction shall be installed in accordance with the conditions of the approval and their listings. In addition, the building official may revoke such approval whenever it is discovered that such approval was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC.

112.3.1 Conditions of listings.

Where conflicts between this code and conditions of the listing or the manufacturer's installation instructions occur, the provisions of this code shall apply.

Exception: Where a code provision is less restrictive than the conditions of the listing of the *equipment* or appliance or the manufacturer's installation instructions, the conditions of the listing and the manufacturer's installation instructions shall apply.

112.4 Used material and equipment.

Used materials, *equipment* and devices may be approved, provided they have been reconditioned, tested or examined and found to be in good and proper working condition and acceptable for use by the building official.

112.5 Defective materials.

Notwithstanding any provision of this code to the contrary, where action has been taken and completed by the Board of Housing and Community Development (BHCD) under subsection D of § 36-99 of the Code of Virginia establishing new performance standards for identified defective materials, this section sets forth the new performance standards addressing the prospective use of such materials and establishes remediation standards for the removal of any defective materials already installed, which when complied with enables the building official to certify that the *building* is deemed to comply with the edition of the USBC under which the *building* was originally constructed with respect to the remediation of the defective materials.

112.5.1 Drywall, performance standard.

All newly installed gypsum wallboard shall not be defective drywall as defined in [Section 112.5.1.1.1](#).

112.5.1.1 Remediation standards.

The following provisions establish remediation standards where defective drywall was installed in *buildings*.

112.5.1.1.1 Definition.

For the purposes of this section the term "defective drywall" means gypsum wallboard that (i) contains elemental sulfur exceeding 10 parts per million that when exposed to heat or humidity, or both, emits volatile sulfur compounds in quantities that cause observable corrosion on electrical wiring, plumbing pipes, fuel gas lines, or HVAC *equipment*, or any

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components of the foregoing or (ii) has been designated by the US Consumer Product Safety Commission as a product with a product defect that constitutes a substantial product hazard within the meaning of § 15(a)(2) of the Consumer Product Safety Act [15 USC § 2064(a)(2)].

112.5.1.1.2 Permit.

Application for a permit shall be made to the building official, and a permit shall be obtained prior to the commencement of remediation work undertaken to remove defective drywall from a *building* and for the removal, replacement, or repair of corroded electrical, plumbing, mechanical, or fuel gas *equipment* and components.

112.5.1.1.3 Protocol.

Where remediation of defective drywall is undertaken, the following standards shall be met. The building official shall be permitted to consider and approve modifications to these standards in accordance with [Section 106.3](#).

112.5.1.1.3.1 Drywall.

Drywall in the *building*, whether defective or nondefective, shall be removed and discarded, including fasteners that held any defective drywall to prevent small pieces of drywall from remaining under fasteners.

Exceptions:

1. Nondefective drywall not subject to the corrosive effects of any defective drywall shall be permitted to be left in place in buildings where the defective drywall is limited to a defined room or space or isolated from the rest of the *building* and the defective drywall can be positively identified. If the room or space containing the defective drywall also contains any nondefective drywall, the nondefective drywall in that room or space shall also be removed.
2. In multifamily *buildings* where defective drywall was not used in the firewalls between units and there are no affected *building* systems behind the firewalls, the firewalls shall be permitted to be left in place.

112.5.1.1.3.2 Insulation and other building components.

Insulation in *walls* and ceilings shall be removed and discarded. Carpet and vinyl flooring shall be removed and discarded. Wood-work, trim, cabinets, and tile or wood floors may be left in place or may be reused.

Exceptions:

1. Closed-cell foam insulation is permitted to be left in place if testing for off-gassing from defective drywall is negative, unless its removal is required to gain access.
2. Insulation, carpet, or vinyl flooring in areas not exposed to defective drywall or to the effects of defective drywall, may be left in place or reused.

112.5.1.1.3.3 Electrical wiring, equipment, devices, and components.

All electrical wiring regulated by this code shall be permitted to be left in place, but removal or cleaning of exposed ends of the wiring to reveal clean or uncorroded surfaces is required. All electrical *equipment*, devices, and components of the electrical system of the *building* regulated by this code shall be removed and discarded. This shall include all smoke detectors.

Exceptions:

1. Electrical *equipment*, devices, or components in areas not exposed to the corrosive effects of defective drywall shall be permitted to be left in place or reused. Electrical *equipment*, devices, or components in areas exposed to the corrosive effects of defective drywall shall be cleaned, repaired, or replaced.
2. Cord and plug connected appliances are not subject to this code and, therefore, cannot be required to be removed or replaced.

Note: All low-voltage wiring associated with security systems, door bells, elevator controls, and other such components shall be removed and replaced or repaired.

112.5.1.1.3.4 Plumbing and fuel gas piping, fittings, fixtures, and equipment.

All copper fuel gas piping and *allequipment* utilizing fuel gas with copper, silver, or aluminum components shall be removed and discarded. All copper plumbing pipes and fittings shall be removed and discarded. Plumbing fixtures with copper, silver, or aluminum components shall be removed and discarded.

Exception: Plumbing or fuel gas piping, fittings, fixtures, *equipment*, or components in areas not exposed to the corrosive effects of defective drywall shall be permitted to be left in place or reused.

112.5.1.1.3.5 Mechanical systems.

All heating, air-conditioning, and ventilation system components, including ductwork, air-handling units, furnaces, heat pumps, refrigerant lines, and thermostats and associated wiring, shall be removed and discarded.

Exception: Mechanical system components in areas not exposed to the corrosive effects of defective drywall shall be

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permitted to be left in place or reused.

112.5.1.1.3.6 Cleaning.

Following the removal of all materials and components in accordance with [Sections 112.5.1.1.3.1](#) through [112.5.1.1.3.5](#), the *building* shall be thoroughly cleaned to remove any particulate matter and dust.

112.5.1.1.3.7 Airing out.

Following cleaning in accordance with [Section 112.5.1.1.3.6](#), the *building* shall be thoroughly aired out with the use of open windows and doors and fans.

112.5.1.1.3.8 Pre-rebuilding clearance testing.

Following the steps outlined above for removal of all materials and components, cleaning and airing out, a pre-rebuilding clearance test shall be conducted with the use of copper or silver coupons and the methodology outlined in the April 2, 2010, joint report by the Consumer Products Safety Commission and the Department of Housing and Urban Development “Interim Remediation Guidance for Homes with Corrosion from Problem Drywall” or with the use of a copper probe and dosimeter. The clearance testing shall confirm that all airborne compounds associated with the defective drywall are at usual environmental background levels. The clearance testing report, certifying compliance, shall be submitted to the building official.

Notes:

1. Where the *building* is served by a well and prior to conducting clearance tests, all outlets in piping served by the well should be capped or otherwise plugged to prevent contamination of the air sample.
2. To prevent siphoning and evaporation of the trap seals, fixtures should be capped or otherwise plugged to prevent sewer gases from contaminating the air sample.

112.5.1.1.3.9 Testing agencies and personnel.

Agencies and personnel performing pre-rebuilding or post-rebuilding clearance testing shall be independent of those responsible for all other remediation work, and the agencies and personnel shall be appropriately certified or accredited by the Council of Engineering and Scientific Specialty Boards, the American Indoor Air Quality Council, or the World Safety Organization.

Exception: Testing agencies and personnel shall be accepted if certified by an *RDP* or if the agency employs an *RDP* to be in responsible charge of the work.

112.5.1.1.3.10 Rebuilding standards.

The rebuilding of the *building* shall comply with the edition of the USBC that was in effect when the *building* was originally built.

112.5.1.1.3.11 Post-rebuilding clearance testing.

A post-rebuilding clearance test prior to reoccupancy of the *building* or *structure* shall be conducted with the use of copper or silver coupons and the methodology outlined in the April 2, 2010, joint report by the US Consumer Products Safety Commission and by the Department of Housing and Urban Development “Interim Remediation Guidance for Homes with Corrosion from Problem Drywall” or with the use of a copper probe and dosimeter. The clearance testing shall confirm that all airborne compounds associated with the defective drywall are at usual environmental background levels. The clearance testing report certifying compliance shall be submitted to the building official.

Notes:

1. Where the *building* is served by a well and prior to conducting clearance tests, all outlets in piping served by the well should be capped or otherwise plugged to prevent contamination of the air sample.
2. To prevent siphoning and evaporation of the trap seals, fixtures should be capped or otherwise plugged to prevent sewer gases from contaminating the air sample.

112.5.1.1.4 Final approval by the building official.

Once remediation has been completed in accordance with this section, a certificate or letter of approval shall be issued by the building official. The certificate or letter shall state that the remediation and rebuilding is deemed to comply with this code.

112.5.1.1.4.1 Approval of remediation occurring prior to these standards.

The building official shall issue a certificate or letter of approval for remediation of defective drywall that occurred prior to the effective date of these standards, provided post-rebuilding clearance testing has been performed in accordance with [Section 112.5.1.1.3.11](#) by agencies and personnel complying with [Section 112.5.1.1.3.9](#), and the clearance testing confirms that all airborne compounds associated with the defective drywall are at usual environmental background levels. The clearance testing report certifying compliance shall be submitted to the building official.

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CHAPTER 1 ADMINISTRATION

SECTION 113 INSPECTIONS

113.1 General.

In accordance with § 36-105 of the Code of Virginia, any *building* or *structure* may be inspected at any time before completion and shall not be deemed in compliance until approved by the inspecting authority. Where the *construction* cost is less than \$2,500, however, the inspection may, in the discretion of the inspecting authority, be waived. The building official shall coordinate all reports of inspections for compliance with the USBC, with inspections of fire and health officials delegated such authority, prior to the issuance of an occupancy permit.

113.1.1 Equipment required.

Any ladder, scaffolding or test *equipment* necessary to conduct or witness a requested inspection shall be provided by the *permit holder*.

113.1.2 Duty to notify.

When *construction* reaches a stage of completion that requires an inspection, the *permit holder* shall notify the building official.

113.1.3 Duty to inspect.

Except as provided for in [Section 113.7](#), the building official shall perform the requested inspection in accordance with [Section 113.6](#) when notified in accordance with [Section 113.1.2](#).

113.2 Prerequisites.

The building official may conduct a site inspection prior to issuing a permit. When conducting inspections pursuant to this code, all personnel shall carry proper credentials.

113.3 Minimum inspections.

The following minimum inspections shall be conducted by the building official when applicable to the *construction* or permit:

1. Inspection of footing excavations and reinforcement material for concrete footings prior to the placement of concrete.
2. Inspection of foundation systems during phases of *construction* necessary to assure compliance with this code.
3. Inspection of preparatory work prior to the placement of concrete.
4. Inspection of structural members and fasteners prior to concealment.
5. Inspection of electrical, mechanical and plumbing materials, *equipment* and systems prior to concealment.
6. Inspection of energy conservation material prior to concealment.
7. Final inspection.

113.3.1 Equipment changes.

Upon the replacement or new installation of any fuel-burning appliances or *equipment* in existing Group R-5 occupancies, 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 the [IRC](#).
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.

113.3.2 Lowest floor elevation.

In *flood hazard areas*, upon placement of the lowest floor, including the basement, and prior to further vertical *construction*, the elevation certification required in [Section 1612.4](#) shall be submitted to the building official.

113.3.3 Flood hazard documentation.

If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in [Section 1612.4](#) shall be submitted to the building official prior to the final inspection.

113.4 Additional inspections.

The building official may designate additional inspections and tests to be conducted during the *construction* of a *building* or *structure* and shall so notify the *permit holder*.

113.5 In-plant and factory inspections.

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

113.6 Approval or notice of defective work.

The building official shall either approve the work in writing or give written notice of defective work to the *permit holder*. Upon request of the *permit holder*, the notice shall reference the USBC section that serves as the basis for the defects and such defects shall be corrected and reinspected before any work proceeds that would conceal such defects. A record of all reports of inspections, tests, examinations, discrepancies and approvals issued shall be maintained by the building official and shall be communicated promptly in writing to the *permit holder*. Approval issued under this section may be revoked whenever it is discovered that such approval was issued in error or on the basis of incorrect information, or where there are repeated violations of the USBC. Notices issued pursuant to this section shall be permitted to be communicated electronically, provided the notice is reasonably calculated to get to the *permit holder*.

113.7 Approved inspection agencies.

The building official may accept reports of inspections and tests from individuals or inspection agencies approved in accordance with the building official's written policy required by [Section 113.7.1](#). The individual or inspection agency shall meet the qualifications and reliability requirements established by the written policy. Under circumstances where the building official is unable to make the inspection or test required by [Section 113.3](#) or [113.4](#) within 2 *working days* of a request or an agreed upon date or if authorized for other circumstances in the building official's written policy, the building official shall accept reports for review. The building official shall approve the report from such approved individuals or agencies unless there is cause to reject it. Failure to approve a report shall be in writing within 2 *working days* of receiving it stating the reason for the rejection. Reports of inspections conducted by approved third-party inspectors or agencies shall be in writing, shall indicate if compliance with the applicable provisions of the USBC have been met and shall be certified by the individual inspector or by the responsible officer when the report is from an agency. Reports of inspections conducted for the purpose of verifying compliance with the requirements of the USBC for elevators, escalators, and related conveyances shall include the name and certification number of the elevator mechanic performing the tests witnessed by the third-party inspector or agency.

Exception: The licensed mechanical contractor installing the mechanical system shall be permitted to perform duct tests required by [Section R403.3.5](#) of the IECC or [Section N1103.3.5](#) of the IRC. The contractor shall have been trained on the *equipment* used to perform the test.

Note: Photographs, videotapes or other sources of pertinent data or information may be considered as constituting such reports and tests.

113.7.1 Third-party inspectors.

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

113.7.2 Qualifications.

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

113.8 Final inspection.

Upon completion of *construction* for which a permit was issued, a final inspection shall be conducted to ensure that any defective work has been corrected and that all work complies with the USBC and has been approved, including any work associated with modifications under [Section 106.3](#). The building official shall be permitted to require the electrical service to a *building* or *structure* to be energized prior to conducting the final inspection. Approval of the final inspection indicates that all work associated with the permit complies with this code and the permit is complete. Prior to occupancy or *change of occupancy* of a *building* or *structure*, a certificate of occupancy shall be issued in accordance with [Section 116](#).

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CHAPTER 1 ADMINISTRATION

SECTION 114 **STOP WORK ORDERS**

114.1 Issuance of order.

When the building official finds that work on any *building* or *structure* is being executed contrary to the provisions of this code or any pertinent laws or ordinances, or in a manner endangering the general public, a written stop work order may be issued. The order shall identify the nature of the work to be stopped and be given either to the *owner* of the property involved, to the *owner's* agent or to the person performing the work. Following the issuance of such an order, the affected work shall cease immediately. The order shall state the conditions under which such work may be resumed.

114.2 Limitation of order.

A stop work order shall apply only to the work identified in the order, provided that other work on the *building* or *structure* may be continued if not concealing the work covered by the order.

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CHAPTER 1 ADMINISTRATION

SECTION 115 VIOLATIONS

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.

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.

115.2 Notice of violation.

The building official shall issue a written notice of violation to the permit holder if any violations of this code or any directives or orders of the building official have not been corrected or complied with within a reasonable time. The building official may also issue a notice of violation to other persons found to be responsible in addition to the permit holder. If the violations, directives, or orders involve work without a permit, the notice of violation shall be issued to the responsible party. The notice shall reference the code section upon which the notice is based and direct the correction of the violation or the compliance with such directive or order and specify a reasonable time period within which the corrections or compliance must occur. The notice shall be issued by either delivering a copy by mail to the last known address of the permit holder or responsible party, by delivering the notice in person, 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 tenants of such building or structure are not the party to whom the notice of violation is issued, then a copy of the notice shall also be delivered to the owner or tenants.

Note: A notice of unsafe building or structure for structures that become unsafe during the construction process are issued in accordance with Section 118.

115.2.1 Notice not to be issued under certain circumstances.

When violations are discovered more than 2 years after the certificate of occupancy is issued or the date of initial occupancy, whichever occurred later, or more than 2 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.

115.3 Further action when violation not corrected.

Upon failure to comply with the notice of violation, the building official may initiate legal proceedings by requesting 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 1 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.

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.

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 percent, the pending enforcement action shall continue to be enforced against the owner.

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CHAPTER 1 ADMINISTRATION

SECTION 116 CERTIFICATES OF OCCUPANCY

116.1 General; when to be issued.

Prior to occupancy or *change of occupancy* of a *building* or *structure*, a certificate of occupancy shall be obtained in accordance with this section. The building official shall issue the certificate of occupancy within 5 *working days* after approval of the final inspection and when the *building* or *structure* or portion thereof is determined to be in compliance with this code and any pertinent laws or ordinances, or when otherwise entitled.

Exceptions:

1. A certificate of occupancy is not required for an accessory *structure* as defined in the IRC.
2. A new certificate of occupancy is not required for an addition to an existing Group R-5 *building* that already has a certificate of occupancy.

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.

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.
6. Group R-5 occupancies complying with Section R320.3 of the VRC shall have a notation of compliance with that section on the certificate.

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 106.6 of the VPMC. 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.

116.3.1 Reissuance or 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.

116.4 When no certificate exists.

When the *local building department* does not have a certificate of occupancy for a *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 VPMC or the *Virginia Statewide Fire Prevention Code* (13VAC5-52) and the occupancy classification of the *building* or *structure* has not changed. Such buildings and structures shall not be prevented from continued use.

When the *local building department* has records indicating that a certificate did exist but does not have a copy of the certificate itself, then the building official may either verify in writing that a certificate did exist or issue a certificate based upon the records.

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2021 Virginia Construction Code

CHAPTER 1 ADMINISTRATION

SECTION 117 **TEMPORARY AND MOVED BUILDINGS AND** **STRUCTURES; DEMOLITION**

117.1 Temporary buildings and structures.

The building official is authorized to issue a permit for temporary *buildings* or *structures*. Such permits shall be limited as to time of service, but shall not be permitted for more than 1 year, except that upon the *permit holder's* written request, the building official may grant one or more extensions of time, not to exceed 1 year per extension. The building official is authorized to terminate the approval and order the demolition or removal of temporary *buildings* or *structures* during the period authorized by the permit when determined necessary.

117.1.1 Temporary uses within existing buildings and structures.

The building official shall review and may approve conditions or modifications for temporary uses, including hypothermia and hyperthermia shelters, that may be necessary as long as the use meets the spirit and functional intent intended by this code. The building official is authorized to terminate the approval and order the discontinuance of the temporary use during the period authorized by the permit when determined necessary. The building official shall notify the appropriate fire official or fire chief of the approved temporary use.

117.2 Moved buildings and structures.

Any *building* or *structure* moved into a *locality* or moved to a new location within a *locality* shall not be occupied or used until the flood hazard documentation, if required by [Section 1612.4](#), has been approved by the building official and a certificate of occupancy is issued for the new location. Such moved *buildings* or *structures* shall be required to comply with the requirements of the [VEBC](#).

117.3 Demolition of buildings and structures.

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

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CHAPTER 1 ADMINISTRATION

SECTION 118

BUILDINGS OR STRUCTURES THAT BECOME A THREAT TO PUBLIC SAFETY DURING CONSTRUCTION

118.1 General.

Any *building or structure* that is under *construction* and has not received a permanent certificate of occupancy (CO), or final inspection if a CO will not be issued, that has been determined by the building official to be an immediate threat to public safety due to faulty *construction*, deterioration, damage, or structural instability, shall be made safe through compliance with this code or shall be demolished and removed if determined necessary by the building official.

118.2 Correction notice.

The building official shall issue a correction notice that describes the condition of the *structure* that is the basis for the determination that a violation of [Section 118](#) exists. The correction notice shall state what is required to correct the violation and provide a reasonable time to make the corrections, or if the *structure* is required to be demolished, the notice shall specify the time period within which the demolition must occur.

118.3 Notice of violation.

When the violation has not been corrected in accordance with the correction notice issued per [Section 118.2](#), the building official is authorized to issue a notice of violation in accordance with [Section 115](#) of this code.

118.3.1 Vacating unsafe building or structure.

If the building official determines there is actual and immediate danger to the occupants or public, or when life is endangered by the occupancy of an unsafe *building or structure*, the building official shall be authorized to order the occupants to immediately vacate the unsafe *building or structure*. When an unsafe *building or structure* is ordered to be vacated, the building official shall post a notice at each entrance that reads as follows:

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

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

118.4 Posting of notice.

The notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

118.5 Posting of placard.

In the case of an unsafe *building or structure*, if the notice is not complied with, a placard with the following wording shall be posted at the entrance to the *building or structure*:

"This Building (or Structure) is Unfit for Habitation and its Use or Occupancy has been Prohibited by the Building Official."

After an unsafe *building or structure* is placarded, entering the unsafe *building or structure* shall be prohibited except as authorized by the building official to make inspections, to perform required repairs, or to demolish the unsafe *building or structure*. In addition, the placard shall not be removed until the unsafe building or structure is determined by the building official to be safe to occupy. The placard shall not be defaced.

118.6 Emergency repairs and demolition.

To the extent permitted by the *locality*, the building official may authorize emergency repairs or securing of the site when it is determined that there is an imminent threat to the life and safety of the public. The building official shall be permitted to authorize the necessary work to make the *structure* temporarily safe whether or not legal action to compel compliance has been instituted.

In addition, if the notice of violation included an order to demolish the *structure* and the demolition has not occurred in the time period stipulated, the building official shall be permitted to cause the unsafe *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 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

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

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

118.7 Closing of streets.

When necessary for public safety, the building official shall be permitted to order the temporary closing of sidewalks, streets, public ways, or premises adjacent to a *structure* that has become a threat to public safety during *construction*.

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CHAPTER 1 ADMINISTRATION

SECTION 119 APPEALS

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 *local board of building code appeals (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 *LBBCAs* 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. The *locality* is responsible for maintaining a duly constituted *LBBCA* prepared to hear appeals within the time limits established in this section. The *LBBCA* shall meet as necessary 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*.

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 1-year period.

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*.

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.

119.5 Right of appeal; filing of appeal application.

Any person aggrieved by the *local building department's* application of the USBC or the refusal to grant a modification to the provisions of the USBC may appeal to the *LBBCA*. The applicant shall 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*.

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 period of up to 45 calendar days shall be permitted where the *LBBCA* has regularly scheduled monthly meetings. A longer time period shall be permitted if agreed to by all the parties involved in the 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 if requested or by electronic means at least 14 calendar days prior to the date of the hearing unless a lesser time period is 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

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involved in the appeal.

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 explained in writing, signed by the chairman and retained as part of the record of the appeal. Copies of the written decision shall be sent to all parties by certified mail. In addition, the written decision 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 decision. Application forms are available from the Office of the *State Review Board*, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150."

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 § 36-114 of the Code of Virginia, the *State Review Board* shall have the power and duty to hear all appeals from decisions arising under the application of the USBC and to render its decision on any such appeal, which decision shall be final if no appeal is made therefrom. 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 written decision 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.

119.9 Hearings and decision.

All hearings before the *State Review Board* shall be open meetings and the chair shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings. The *State Review Board* shall have the power to uphold, reverse, or modify the decision of the *LBBCA* by a concurring vote of a majority of those present. Proceedings of the Review Board shall be governed by the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that an informal conference pursuant to § 2.2-4019 of the Code of Virginia shall not be required. Decisions of the *State Review Board* shall be final if no further appeal is made. The decision of the *State Review Board* shall be explained in writing, signed by the chair and retained as part of the record of the appeal. Copies of the written decision shall be sent to all parties by certified mail. In addition, the written decision shall contain the following wording:

"As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with the Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period."