

2021 Virginia Construction Code

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.