

2021 Virginia Construction Code

CHAPTER 1 ADMINISTRATION

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*.