

# 2021 Virginia Construction Code

## CHAPTER 1 ADMINISTRATION

### **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*.