

2021 Virginia Construction Code

CHAPTER 1 ADMINISTRATION

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.