

# 2015



## Virginia Industrialized Building Safety Regulations



Effective September 4, 2018



**13VAC5-91-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

**“Administrator”** means the Director of DHCD or his designee.

**“Approved”** as applied to a material, device, method of construction, registered building, or as otherwise used in this chapter means approved by the administrator.

**“Building official”** means the officer or other designated authority charged with the administration and enforcement of the USBC, or duly authorized representative.

**“Compliance assurance agency”** means an architect or professional engineer registered in Virginia, or an organization, determined by DHCD to be specially qualified by reason of facilities, personnel, experience, and demonstrated reliability, to investigate, test and evaluate industrialized buildings; to list such buildings complying with standards at least equal to this chapter; to provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and to provide a label as evidence of compliance.

**“DHCD”** means the Virginia Department of Housing and Community Development.

**“ICC”** means the International Code Council, Inc.

**“Industrialized building”** means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in § 36-85.3 of the Code of Virginia and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act (42 USC § 5401 et seq.) shall not be considered industrialized buildings for the purpose of this law.

**“Label,” “certification label,” or “compliance assurance agency certification label”** means the label required by 13VAC5-91-210.

**“Model”** means a specific design of an industrialized building designated by the producer of the building including production buildings with variations and options that do not affect compliance with the standards governing structural, plumbing, mechanical, or electrical systems or any other items governed by this chapter.

**“Registered”** means an industrialized building which displays a registration seal issued by DHCD in accordance with this chapter.

**“Seal,” “registration seal,” or “Virginia registration seal”** means the seal required by 13VAC5-91-260.

**“SBCO”** means the State Building Codes Office within DHCD.

**“State Review Board”** means the Virginia State Building Code Technical Review Board as established by § 36-108 of the Code of Virginia.

**“This law”** means the Virginia Industrialized Building Safety Law as embraced in Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia.

**“USBC”** means the Virginia Uniform Statewide Building Code (13VAC5-63).

**13VAC5-91-20. Application and compliance.**

**A.** In accordance with § 36-81 of the Code of Virginia, registered industrialized buildings shall be acceptable in all localities as meeting the requirements of the Industrialized Building Safety Law (Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia), which shall supersede the building codes and regulations of the counties, municipalities and state agencies. Local requirements affecting industrialized buildings, including zoning, utility connections, preparation of the site and maintenance of the unit shall remain in full force and effect. All building officials are authorized to and shall enforce the provisions of the Industrialized Building Safety Law (Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia) and this chapter.

**B.** In accordance with § 36-78 of the Code of Virginia, no person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building subject to any provisions of this chapter unless it conforms with the applicable provisions of this chapter.

Further, any industrialized building constructed before January 1, 1972, shall remain subject to the ordinances, laws or regulations in effect at the time such industrialized building was constructed. Additionally, as a requirement of this chapter, any industrialized building bearing the label of a compliance assurance agency shall remain subject to the provisions of this chapter that were effective when such building was constructed, regardless of whether the building has been relocated.

**C.** In accordance with § 36-99 of the Code of Virginia and in accordance with the USBC, the installation or erection of industrialized buildings and alterations, additions, or repairs to industrialized buildings are regulated by the USBC and

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not this chapter. The USBC provides for administrative requirements for permits, inspections, and certificates of occupancy for such work.

**D.** Off-site manufactured intermodal freight containers, moving containers and storage containers placed on site temporarily or permanently for use as a storage container are not subject to this chapter.

### **13VAC5-91-30. Purpose.**

The purpose of this chapter is to ensure safety to life, health, and property through compliance with uniform statewide construction standards for industrialized buildings.

### **13VAC5-91-40. Inspection and enforcement by administrator.**

**A.** The SBCO is designated as the administrator's representative for the enforcement of this chapter and shall act as the building official for registered industrialized buildings. It shall have authority to make inspections during reasonable hours at the manufacturing facilities and at building sites where industrialized buildings are being installed. The SBCO shall have authority to issue inspection reports for correction of violations caused by the manufacturer and to take such other actions as are required to enforce this chapter.

**B.** The SBCO will maintain a list of approved compliance assurance agencies. Each manufacturer producing registered industrialized buildings will contract with one or more compliance assurance agencies for required evaluation, monitoring and inspection services. The contract will delineate the services to be provided by the compliance assurance agency. The compliance assurance agency will notify the SBCO within 30 days of signing a new contract or terminating an existing contract with any manufacturer.

### **13VAC5-91-50. Right of entry and examination by administrator.**

In accordance with § 36-82 of the Code of Virginia, the administrator shall have the right, at all reasonable hours, to enter into any industrialized building upon permission of any person who has authority or shares the use, access, or control over the building, or upon request from local officials having jurisdiction, for examination as to compliance with this chapter.

### **13VAC5-91-60. Notice of violation from administrator.**

In accordance with § 36-82 of the Code of Virginia, whenever the administrator shall find any violation of this chapter, he shall order the person responsible therefor to bring the building into compliance within a reasonable time, to be

fixed in the order. In addition, as a requirement of this chapter, the administrator may request assistance from the building official for enforcement of this section. Any order issued by the administrator pursuant to this section shall contain a statement explaining the right of appeal of the order.

### **13VAC5-91-70. Appeals.**

Any person aggrieved by DHCD's application of this chapter shall be heard by the State Review Board established by § 36-108 of the Code of Virginia. Such appeal shall be submitted within 21 calendar days of receipt of DHCD's decision. A copy of the decision of DHCD to be appealed shall be submitted with the application for appeal. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of DHCD's decision.

### **13VAC5-91-80. Limitation of manufacturer's liability.**

The manufacturer of a registered industrialized building shall not be required to remedy violations caused by on-site work by others not under his control or violations involving components and materials furnished by others and not included with the registered industrialized building.

### **13VAC5-91-90. Penalty for violation.**

In accordance with § 36-83 of the Code of Virginia, any person, firm or corporation violating any provisions of this chapter shall be considered guilty of a Class 1 misdemeanor and, upon conviction, shall be fined not more than \$1,000.

### **13VAC5-91-100. Duties and responsibilities of building officials in the installation or erection of a registered industrialized building.**

**A.** All building officials are authorized by § 36-81 of the Code of Virginia to enforce the provisions of this chapter and shall be responsible for and authorized to do the following:

1. Verify through inspection that the registered industrialized building displays the required state registration seal and the proper label of the compliance assurance agency.
2. Verify through inspection that the registered industrialized building has not been damaged in transit to a degree that would render it unsafe. If the building has been damaged, then the building official is authorized to require tests for tightness of plumbing systems and gas piping and an operational test to ensure that all luminaires and receptacles are operable.

3. If warranted due to the nature of any violations discovered, the building official shall be permitted to require the correction of any violations of this chapter before occupancy of the registered industrialized building is permitted.

4. Notify the SBCO of any apparent violations of this chapter.

**B.** In accordance with § 36-99 of the Code of Virginia and the USBC, all site work associated with the installation or erection of an industrialized building is subject to the USBC. In addition, under the USBC, all administrative requirements for permits, inspections, and certificates of occupancy are also applicable.

**13VAC5-91-115. Change of occupancy classification.**

When the occupancy classification of a registered industrialized building is proposed to be changed, a compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether compliance may be achieved for a change of occupancy classification in accordance with this chapter. If factory plans are available, then disassembly is not required to the extent that the factory plans can be reasonably verified to reflect the actual construction. Once any necessary work is completed, the compliance assurance agency shall prepare a report documenting the method utilized for the change of occupancy and any alterations to the building to achieve compliance. When the report is complete, the compliance assurance agency shall (i) mark the building with a new compliance assurance agency label in accordance with 13VAC5-91-210, which replaces the existing label; (ii) place a new manufacturer's data plate on the building in accordance with 13VAC5-91-245, which replaces the existing manufacturer's data plate and reflects the new occupancy classification; and (iii) forward a copy of the report and new data plate to the SBCO.

**13VAC5-91-120. Unregistered industrialized buildings.**

The building official shall determine whether any unregistered industrialized building complies with this chapter and shall require any noncomplying unregistered building to be brought into compliance with this chapter. The building official shall enforce all applicable requirements of this chapter including those relating to the sale, rental and disposition of noncomplying buildings. The building official may require submission of full plans and specifications for each building. Concealed parts of the building may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The building official may also accept reports of inspections and tests from individuals or agencies deemed acceptable to the building official.

**13VAC5-91-125. Registration of unregistered industrialized buildings.**

An existing unregistered industrialized building may be registered in accordance with one of the following:

1. Where an unregistered building was constructed under an industrialized building program of another state and approved under such program, a compliance assurance agency shall prepare a report based on review of the plans and specifications and inspection of the building to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. If compliance is determined, the compliance assurance agency shall (i) mark the building with a compliance assurance agency label in accordance with 13VAC5-91-210, (ii) place a new manufacturer's data plate on the building in accordance with 13VAC5-91-245, (iii) mark the building with a registration seal in accordance with 13VAC5-91-260, and (iv) forward a copy of the report and new data plate to the SBCO.

2. Where an unregistered building was not approved under an industrialized building program of another state and the date of manufacture can be verified, the compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building. When factory plans are available, disassembly is not required to the extent that the factory plans can be verified to reflect the actual construction of the building. When compliance with the construction requirements of this chapter that were in effect on the date of manufacture of the building is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this section.

3. When the date of manufacture of the existing unregistered building cannot be verified, the building shall be evaluated for compliance with the codes and standards specified in 13VAC5-91-160. The compliance assurance agency shall inspect the building, including any disassembly necessary, to determine whether there is compliance with these construction requirements. If compliance is achieved, the compliance assurance agency shall prepare a report documenting compliance, outlining any changes made to the building, and certifying the building in accordance with clauses (i) through (iv) of subdivision 1 of this section.

**13VAC5-91-140. Report to the SBCO.**

If the building is moved from the jurisdiction before the violations have been corrected, the building official shall make

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a prompt report of the circumstances to the SBCO. The report shall include all of the following:

1. A list of the uncorrected violations.
2. All information contained on the label pertinent to the identification of the building, the manufacturer and the compliance assurance agency.
3. The number of the Virginia registration seal.
4. The new destination of the building, if known.
5. The party responsible for moving the building.

### **13VAC5-91-150. When modification may be granted.**

The administrator shall have the power upon request in specific cases to authorize modification of this chapter so as to permit certain specified alternatives where the objectives of this law can still be fulfilled. Such request shall be in writing and shall be accompanied by the plans, specifications and other information necessary for an adequate evaluation of the modification requested.

### **13VAC5-91-160. Use of model codes and standards.**

**A.** Industrialized buildings entering the production assembly line after the effective date of the 2015 edition of this chapter shall comply with all applicable requirements of the codes and standards listed in subsection B of this section except that the following codes and standards may be used for industrialized buildings entering the assembly line during a one-year period after the effective date of the 2015 edition of this chapter:

1. ICC International Building Code - 2012 Edition
2. ICC International Plumbing Code - 2012 Edition
3. ICC International Mechanical Code - 2012 Edition
4. National Fire Protection Association Standard Number 70 (National Electrical Code) - 2011 Edition
5. ICC International Fuel Gas Code - 2012 Edition
6. ICC International Energy Conservation Code - 2012 Edition
7. ICC International Residential Code - 2012 Edition

**B.** The following documents are adopted and incorporated by reference to be an enforceable part of this chapter:

1. ICC International Building Code - 2015 Edition

2. ICC International Plumbing Code - 2015 Edition
3. ICC International Mechanical Code - 2015 Edition
4. National Electrical Code - 2014 Edition
5. ICC International Fuel Gas Code - 2015 Edition
6. ICC International Energy Conservation Code - 2015 Edition
7. ICC International Residential Code - 2015 Edition

Note: As the 2015 editions of the International Codes are incorporated by reference as the construction standards for use with these regulations, this chapter is also referred to as the 2015 edition of the Virginia Industrialized Building Safety Regulations or the 2015 edition of this chapter.

The codes and standards referenced above may be procured from:

International Code Council, Inc.  
500 New Jersey Avenue, NW, 6<sup>th</sup> Floor  
Washington, DC 20001-2070

### **13VAC5-91-170. Amendments to codes and standards.**

**A.** All requirements of the referenced model codes and standards that relate to fees, permits, certificates of use and occupancy, approval of plans and specifications, and other procedural, administrative and enforcement matters are deleted and replaced by the procedural, administrative and enforcement provisions of this chapter.

**B.** The referenced codes and standards are amended as set forth in the USBC.

### **13VAC5-91-180. Compliance assurance agencies.**

**A.** Application shall be made to the SBCO for acceptance as a compliance assurance agency. Application shall be made under oath and shall be accompanied by information and evidence that is adequate for the SBCO to determine whether the applicant is specially qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate, test, and evaluate industrialized buildings for compliance with this chapter and to provide adequate follow-up and compliance assurance services at the point of manufacture.

**B.** Following a determination by the SBCO that an application is complete, the information contained in the application and any other information deemed necessary by the SBCO will be reviewed for approval or disapproval. If the application is approved, the applicant will be notified with

an approval letter. If the application is disapproved, the applicant will be notified in writing of the reasons for the disapproval. The applicant may then resubmit the application within 30 days of the receipt of the notification of disapproval for reconsideration of approval.

C. The SBCO may suspend or revoke the approval of a compliance assurance agency upon a determination that (i) approval was based upon fraudulent or inaccurate information, (ii) a change in facts or circumstances renders the agency incapable of meeting its duties and responsibilities as a compliance assurance agency in a satisfactory manner, or (iii) the agency failed to discharge its duties and responsibilities as a compliance assurance agency in a satisfactory manner. In such cases, the SBCO will issue a suspension or revocation notice to the agency outlining the reasons for the actions and the terms, if any, for reinstatement.

**13VAC5-91-190. Freedom from conflict of interest.**

A compliance assurance agency shall not be affiliated with, nor influenced or controlled by, producers, suppliers or vendors of products in any manner which might affect its capacity to render reports of findings objectively and without bias. A compliance assurance agency is judged to be free of such affiliation, influence and control if it complies with all of the following conditions:

1. The agency has no managerial affiliation with producers, suppliers or vendors and is not engaged in the sale or promotion of any product or material.
2. The results of the agency’s work accrue no financial benefits to the agency through stock ownership of, or other similar affiliation to, any producer, supplier or vendor of the product involved.
3. The agency’s directors and other management personnel in their job capacities receive no stock option or other financial benefit from any producer, supplier or vendor of the product involved.
4. The agency has sufficient interest or activity that the loss or award of a specific contract to determine compliance of a producer’s, supplier’s or vendor’s product with this chapter would not be a determining factor in its financial well-being.
5. The employment security status of the agency’s personnel is free of influence or control by producers, suppliers or vendors.

**13VAC5-91-200. Information required by the administrator.**

All of the following information and criteria will be considered by the administrator in designating approval of compliance assurance agencies:

1. Names of officers and location of offices.
2. Specification and description of services proposed to be furnished under this chapter.
3. Description of qualifications of personnel and their responsibilities, including an assurance that personnel involved in system analysis, design and plans review, and compliance assurance inspections and their supervisors comply with the requirements of the American Society for Testing and Material (ASTM) Standard Number E541-10 - Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building or shall obtain ICC or DHCD certifications in the appropriate subject area within 18 months of employment and maintain such certifications in an active status.
4. Summary of experience within the organization.
5. General description of procedures and facilities to be used in proposed services, including evaluation of the model, factory follow-up, quality assurance, labeling of production buildings, and specific information to be furnished on or with labels.
6. Procedures to deal with any defective buildings resulting from oversight.
7. Acceptance of these services by independent accrediting organizations.
8. Proof of independence and absence of conflict of interest.

The ASTM Standard Number E541-10 may be procured from:

American Society for Testing and Materials  
 100 Barr Harbor Drive  
 West Conshohocken, PA 19428-2959

**13VAC5-91-210. Compliance assurance agency certification label.**

A. Registered industrialized buildings shall be marked with certification labels supplied by the compliance assurance agency that includes the name and address of the compliance assurance agency and the numbers of the certification labels. The labels shall be applied to registered industrialized buildings intended for sale or use in Virginia and shall be applied prior to the shipment of the building from the place of man-

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ufacture. The labels shall be applied by the compliance assurance agency or by the manufacturer when so authorized by the compliance assurance agency.

**B.** Registered industrialized buildings shall bear one certification label on each manufactured section or module, or as an alternative, the certification label for each manufactured section or module may be placed in one location in the completed building.

### **13VAC5-91-220. Mounting of compliance assurance agency certification label.**

To the extent practicable, the certification label shall be installed so that it cannot be removed without destroying it. The label shall be applied in the vicinity of the electrical distribution panel or in another location that is readily accessible for inspection and shall be installed near the registration seal.

### **13VAC5-91-240. Control of compliance assurance agency certification label.**

The labels shall be under direct control of the compliance assurance agency and shall be applied to buildings that comply fully with this chapter. The labels shall be applied by the compliance assurance agency or by the manufacturer when authorized to do so by the compliance assurance agency. The manufacturer shall place its order for labels with the compliance assurance agency. The manufacturer is not permitted to acquire labels from any other source. Each compliance assurance agency shall keep a list of the serial numbers of labels issued to each manufacturer's plant in such manner that a copy of the record can be submitted to the administrator upon request.

### **13VAC5-91-245. Manufacturer's data plate.**

**A.** All of the following information shall be placed on a permanent manufacturer's data plate in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The compliance assurance agency shall approve the form and location of the data plate and shall ensure that the data plate is complete:

1. Manufacturer's name and address.
2. Compliance assurance agency certification number.
3. Serial number of each module of the building.
4. Serial number of the Virginia registration seal.
5. Date of manufacture of the building.

6. List of codes and standards under which the building was evaluated and constructed and the type of construction and occupancy classification under those codes and standards.

7. Design live roof load, design floor live load, design wind speed, and design ground snow load.

8. Thermal resistance ("R") values.

9. Special conditions or limitations concerning the use of the building under the codes and standards applicable to the building; however, a list of such conditions or limitations that are furnished separately with the building shall satisfy this requirement.

10. Special instructions for handling, installation and erection of the building; however, a list of such instructions that are furnished separately with the building shall satisfy this requirement.

11. Designation of electrical service ratings, directions for water and drain connections and, where applicable, identification of permissible type of gas for appliances.

12. Name of manufacturer and model designation of major factory installed appliances.

**B.** The manufacturer shall maintain copies of the data plate and reports of inspection, tests and any corrective action taken for a minimum period of 10 years from the date of manufacture of the building.

### **13VAC5-91-250. Industrialized buildings eligible for registration.**

Any industrialized building must meet all of the following requirements to be registered and eligible for a Virginia registration seal:

1. The design of the building has been found by a compliance assurance agency to be in full compliance with this chapter. Approved designs shall be evidenced by the stamp and date of approval on each design sheet by the compliance assurance agency.

2. The compliance assurance agency has conducted any necessary testing and evaluation of the building and its component parts.

3. The compliance assurance agency has provided the required inspections and other quality assurance follow-up services at the point of manufacture to assure the building complies with this chapter.

4. The building contains the appropriate evidence of such compliance through a label permanently affixed by the compliance assurance agency.

**13VAC5-91-260. Registration seal for industrialized buildings.**

**A.** Registered industrialized buildings shall be marked with approved registration seals issued by the SBCO. The seals shall be applied to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture. The seals shall be applied by the compliance assurance agency or by the manufacturer when authorized to do so by the compliance assurance agency.

**B.** Registered industrialized buildings shall bear one registration seal on each manufactured section or module, or, as an alternative, the registration seal for each manufactured section or module may be placed in one location in the completed building.

**C.** Approved registration seals shall be purchased by the compliance assurance agency from the SBCO in advance of use. The fee for each registration seal shall be \$75. Fees shall be submitted by checks made payable to "Treasurer of Virginia" or shall be submitted by electronic means. Payment for the seals must be received by the SBCO before the seals can be sent to the user. The compliance assurance agency shall maintain permanent records of seals purchased, including a record of any manufacturers receiving such seals.

**D.** To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. The seal shall be applied in the vicinity of the electrical distribution panel or in another location that is readily accessible for inspection and shall be installed near the certification label.

**E.** In accordance with § 36-85.1 of the Code of Virginia, any person or corporation having paid the fee for an approved registration seal that it will not use may, unless and except as otherwise specifically provided, within one year from the date of the payment of any such fee, apply to the administrator for a refund, in whole or in part, of the fee paid; provided that no payment shall be recovered unless the approved registration seal is returned unused and in good condition to the administrator. Additionally, as a requirement of this chapter, an administrative and processing fee of 25% of the amount of the refund due shall be deducted from the refund; however, such deduction shall not exceed \$250.

**13VAC5-91-270. Manufacturer's installation instructions and responsibilities of installers.**

**A.** The manufacturer of each industrialized building shall provide specifications or instructions, or both, with each building for handling, installing, or erecting the building. Such instructions may be included as part of the label from the compliance assurance agency or may be furnished separately by the manufacturer of the building. The manufacturer shall not be required to provide the foundation and anchoring equipment for the industrialized building.

**B.** Persons or firms installing or erecting registered industrialized buildings shall install or erect the building in accordance with the manufacturer's instructions.

**C.** Where the installation or erection of an industrialized building utilizes components that are to be concealed, the installer shall notify and obtain approval from the building official prior to concealment of such components unless the building official has agreed to an alternative method of verification.

**Note:** The Virginia Department of Professional and Occupational Regulation's Board for Contractors requires licenses for certain activities related to the industrialized building industry. For more information, contact the Board for Contractors at 9960 Mayland Drive, Suite 400, Richmond, VA 23233; (804) 367-8511.