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HOUSE BILL NO. 1795

Offered January 13, 1999

A BILL to amend and reenact §§ 36-105 and 36-105.01 of the Code of Virginia, relating to the Uniform Statewide Building Code; inspection of elevators.

Patron—Jones, D.C.

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That §§ 36-105 and 36-105.01 of the Code of Virginia are amended and reenacted as follows:**

§ 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings. Enforcement of the Building Code shall be the responsibility of the local building department. There shall be established within each local building department a local board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the Building Code. Appeals from the local building department concerning application of the Building Code or refusal to grant a modification to the provisions of the Building Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure shall first lie to the local board of Building Code appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals. Whenever a county or a municipality does not have such a building department or board of Building Code appeals, 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 the Department for such enforcement and appeals resulting therefrom. For the purposes of this section, towns with a population of less than 3,500 may elect to administer and enforce the Building Code; however, where the town does not elect to administer and enforce the Building Code, the county in which the town is situated shall administer and enforce the Building Code for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the Building Code for that portion of the town which is situated within their respective boundaries. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals.

Any building or structure may be inspected at any time before completion, and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than \$2,500, however, the inspection may, in the discretion of the inspecting authority, be waived. The building official shall coordinate all reports of inspections for compliance with the Building Code, with inspections of fire and health officials delegated such authority, prior to issuance of an occupancy permit.

The local governing body may also inspect, and enforce the Building Code for, existing buildings and structures, whether occupied or not, ~~including such regulations for elevators. The local governing body, however, shall inspect, and enforce Board-promulgated building regulations for, elevators.~~ Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body. However, upon a finding by the local building department, following a complaint by a tenant of a residential rental unit which is the subject of such complaint, that there may be a violation of § 105 of Volume II of the Building Code, the local building department shall enforce § 105 of Volume II.

The local governing body may, upon an affirmative finding of the need to protect the public health, safety and welfare, require the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts designated by the local governing body, or in other areas designated as blighted pursuant to § 36-49.1:1, after inspections of such buildings upon termination of the rental tenancies or when such rental property is sold. Such certificate of compliance shall be issued in accordance with the administrative provisions of the Uniform Statewide Building Code.

§ 36-105.01. Elevator inspections by contract; termination.

~~If the Notwithstanding the provisions of §§ 36-105 and 36-105.1, a local building department elects to inspect and enforce building regulations for elevators in existing buildings, then such inspection and enforcement shall be in compliance with the regulations adopted by the Board. The building department may also provide for such inspection by an approved agency or through agreement with other local certified elevator inspectors. An approved agency includes any individual, partnership or corporation who has met the certification requirements established by the Board. The Board shall establish such qualifications and procedures as it deems necessary to certify an approved agency. Such qualifications~~

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60 ~~and procedures shall be based upon nationally accepted standards.~~ governing body may, by ordinance,
61 provide for the entering into contracts with one or more private persons, firms or corporations to
62 perform inspections of elevators if the local governing body finds that such person, firm or corporation
63 possesses sufficient qualifications, resources and expertise to perform such function in a reliable
64 manner. Contracts authorized by this section shall be subject to the requirements of the Virginia Public
65 Procurement Act (§ 11-35 et seq.). Upon the execution of such contract, the local governing body and
66 the local building department shall no longer be required to perform the elevator inspection function for
67 which the private person, firm or corporation is contractually responsible. Such person, firm or
68 corporation shall perform such inspection functions as set forth in the contract and consistent with the
69 requirements of this article and the Building Code, and shall possess all powers conferred by this article
70 and the Building Code as are necessary to perform the inspection functions set forth in the contract.

71 Nothing contained in this section shall relieve the local governing body of its enforcement
72 responsibilities under this article.

73 All contracts entered into by local governing bodies pursuant to this section shall provide for
74 termination of the contract upon ninety days' written notice by the local governing body to such private
75 person, firm or corporation upon a finding by the local governing body that such person, firm or
76 corporation is not performing the elevator inspection functions set forth in the contract and consistent
77 with the requirements of this article and the Building Code.