



Division of Building Regulation

Spaces Designated With Areas Where Smoking Is Permitted

To assist customers in their determination of requirements for compliance with the building code for businesses that have areas where smoking is permitted, the following information is provided:

CHANGE OF OCCUPANCY: A change in the purpose or level of activity within a building that involves a change in application of the requirements of this code.

What does this mean? If you add or subtract some element of your business it could cause a change of occupancy. For example, you take over an existing restaurant but want to provide live entertainment. The introduction of live entertainment along with the existing restaurant environment may require your establishment be classified as a “night club” and force additional restroom requirements, fire sprinklers, fire alarms and ventilation.

Establishments that introduce a smoking element into the built environment can trigger a change of occupancy since the “purpose or level of activity within a building” involves a change in the application of the code. Specifically, the Virginia Mechanical Code Section 403 Mechanical Ventilation which can require a higher level of exhaust and supply air into the space.

The following information is derived from Table 403.3 of the VMC 2012; Public Spaces; Lounges designated as an area where smoking is permitted:

- Mechanical exhaust is required and the recirculation of air from such spaces is prohibited. Where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3. (*Footnote b*).