

# 2006/2007 PROPOSED CHANGES TO THE INTERNATIONAL PROPERTY MAINTENANCE/ZONING CODE

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# TENTATIVE ORDER OF DISCUSSION

## 2006-2007 PROPOSED CHANGES TO THE INTERNATIONAL PROPERTY MAINTENANCE/ZONING CODE

The following is the tentative order in which the proposed changes to the code will be discussed at the public hearings. Proposed changes which impact the same subject have been grouped to permit consideration in consecutive changes.

Proposed change numbers that are indented are those which are being heard out of numerical order. Indentation **does not** necessarily indicate that one change is related to another. Proposed changes may be grouped for purposes of discussion at the hearing at the discretion of the chair.

### PROPERTY

#### MAINTENANCE

G221-06/07, Part VIII

G1-06/07, Part IX

G3-06/07, Part VII

PM1-06/07

PM2-06/07

PM3-06/07

PM4-06/07

PM5-06/07

PM6-06/07

PM7-06/07

PM8-06/07

PM9-06/07

PM10-06/07

PM11-06/07

PM12-06/07

PM13-06/07

PM14-06/07

PM15-06/07

PM16-06/07

PM17-06/07

PM18-06/07

PM19-06/07

PM20-06/07

PM21-06/07

PM22-06/07

PM23-06/07

PM24-06/07

PM25-06/07

PM26-06/07

PM27-06/07

PM28-06/07

PM29-06/07

PM30-06/07

PM31-06/07

PM32-06/07

PM33-06/07

PM34-06/07

F41, Part III

PM35-06/07

### ZONING

G221-06/07, Part XII

G1-06/07, Part XIII

Z1-06/07

Z2/06/07

Z3-06/07

# PM1-06/07

## 102.1, 102.7, 102.9 (new), 102.10 (new)

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

Revise as follows:

### SECTION 102 APPLICABILITY

**102.1 General.** ~~The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 104.~~ Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

**102.2 Maintenance** (No change to current text)

**102.3 Application of other codes.** (No change to current text)

**102.4 Existing remedies.** (No change to current text)

**102.5 Workmanship.** (No change to current text)

**102.6 Historic buildings.** (No change to current text)

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply

**102.8 Requirements not covered by code** (no change to current text)

**102.9 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code

**102.10 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be "new" because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections. A comparative matrix of current I-Codes Chapter 1 text may be found on the ICC website at [www.iccsafe.org/cs/cc/admin/index.html](http://www.iccsafe.org/cs/cc/admin/index.html).

This proposal focuses on the applicability of the IPMC. A section-by-section discussion follows:

**102.1:** This section is being proposed for revision to correlate with the provision in Section 102.1 of the *International Building Code*, *International Residential Code*, and *International Existing Building Code* and Section 102.9 of the *International Fire Code*.

The proposal adds an important provision that deals with provisions on the same topic that could be different in technical content. In such an instance, the specific provision (i.e., the one having the narrower scope of application) is to govern. The stricken language is redundant in that the scope of the code is stated in Section 101 and does not bear repeating in another section of the code. A similar correlating proposal has been submitted to the *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code* and the *International Private Sewage Disposal Code*.

**102.7:** The purpose of this proposed change is to provide correlation with current Section 102.8 of the *International Fuel Gas Code*, and Section 102.4 of the *International Residential Code* and recognizes the extremely unlikely but possible occurrence of the code requiring or allowing something less restrictive or stringent than the product's listing or manufacturer's instructions. This correlation will provide an added level of safety by recognizing and deferring to the expertise of the manufacturer and the independent testing laboratory process and fill a gap that currently exists in the IPC. The intent is for the highest level of safety to prevail.

A similar correlating proposal has been submitted to the *International Building Code*, *International Existing Building Code*, *International Private Sewage Disposal Code*, and *International Wildland-Urban Interface Code*.

**102.9:** The purpose of this proposed change is to provide a needed administrative provision not currently in the IPMC, the source text for which is Section 102.3 of the *International Building Code*, *International Residential Code* and *International Existing Building Code* and Section 102.5 of the *ICC Electrical Code---Administrative Provisions*.

This new provision would provide a code application tool for the code official by making it clear that, in a situation where the code makes reference to a chapter or section number or to another code provision without specifically identifying its location in the code, then that referenced section, chapter or provision is in this code and not in a referenced code or standard.

A similar correlating proposal has also been submitted to the *International Fire Code*, *International Mechanical Code*, *International Plumbing Code*, *International Fuel Gas Code*, *International Private Sewage Disposal Code*, and *International Wildland-Urban Interface Code*.

**102.10:** The purpose of this proposed change is to add a needed administrative provision not currently in the IPMC, the source text for which is Section 102.2 of the *International Building Code*, *International Residential Code* and *International Existing Building Code* and Section 102.3 of the *ICC Electrical Code---Administrative Provisions*.

This proposed provision would assist the code official in dealing with situations where other laws enacted by the jurisdiction or the state or federal government may be applicable to a condition that is also governed by a requirement in the code. In such circumstances, the requirements of the code would be in addition to that other law that is still in effect, although the code official may not be responsible for its enforcement.

A similar correlating proposal has also been submitted to the *International Fire Code*, *International Mechanical Code*, *International Plumbing Code*, *International Private Sewage Disposal Code*, *International Energy Conservation Code*, and *International Wildland-Urban Interface Code*.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM2–06/07

### 102.9 (New)

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

**Add new text as follows:**

**102.9 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or policies adopted by the jurisdiction, compliance with applicable standards of other nationally recognized safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code**

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be “new” because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections. A comparative matrix of current I-Codes Chapter 1 text may be found on the ICC website at [www.iccsafe.org/cs/cc/admin/index.html](http://www.iccsafe.org/cs/cc/admin/index.html).

The purpose of this proposed change is to add a needed administrative provision to the IPMC, the source text for which is Section 102.7 of the *International Fire Code* and Section 102.8 of the *ICC Electrical Code---Administrative Provisions*. This new provision, while similar to current Section 102.8, would provide additional guidance to the code official for dealing with situations in which no specific standard is designated in the code or otherwise adopted by the jurisdiction. In such instances compliance with the requirements of an appropriate nationally recognized standard which may not be referenced in the code could be approved by the code official as meeting the intent of the code. A similar correlating proposal has also been submitted to the *International Building Code*, *International Existing Building Code*, *International Plumbing Code*, *International Mechanical Code*, *International Private Sewage Disposal Code*, *International Wildland-Urban Interface Code*, and *International Energy Conservation Code*.

**Cost Impact:** The code change proposal will not increase the cost of construction.

**Analysis:** If this code change is approved, the final number of this new section will be correlated with all other approved code changes affecting Section 102 of this code.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM3–06/07

### 103.2, 103.3, 103.4

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

**Revise as follows:**

#### SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

**103.1 General.** (No change to current text)

**103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction; ~~and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.~~

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s) ~~code official, other related technical officers, inspectors and other employees.~~ Such employees shall have powers as delegated by the code official.

**103.4 Liability.** The code official, ~~officer~~ member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**103.5 Fees.** (No change to current text.)

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be “new” because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections. A comparative matrix of current I-Codes Chapter 1 text may be found on the ICC website at [www.iccsafe.org/cs/cc/admin/index.html](http://www.iccsafe.org/cs/cc/admin/index.html).

This proposal focuses on the department of inspection. A section-by-section discussion follows:

**103.2:** The purpose of this change is to correlate with current Section 103.2 of the *International Building Code*, *International Residential Code* and *International Existing Building Code*, and Section 301.2 of the *ICC Electrical Code*---*Administrative Provisions*.

The AHC felt that text relating to the removal of the code official should be deleted because it is a local personnel procedural matter that is outside the scope of the code. Removal from office is not usually associated with an administrative code chapter, but is more frequently found in state statute, a union contract or civil service law.

A similar correlating proposal has also been submitted to the *International Fire Code*, *International Mechanical Code*, *International Plumbing Code*, *International Wildland-Urban Interface Code* and *International Private Sewage Disposal Code*.

**103.3:** The purpose of this proposed change is to provide correlation with Section 103.3 of the *International Building Code*, *International Residential Code* and *International Existing Building Code*, and Section 301.3 of the *ICC Electrical Code*---*Administrative Provisions*.

The new text provides the code official with an important administrative tool in assigning personnel to assist with the administration and enforcement of the code within the department.

A similar correlating proposal has also been submitted to the *International Fire Code*, *International Mechanical Code*, *International Plumbing Code*, *International Wildland-Urban Interface Code* and *International Private Sewage Disposal Code*.

**103.4:** The purpose of this proposed change is to provide correlation with Section 104.8 of the *International Building Code*, *International Residential Code*, *International Existing Building Code*, the texts of which the AHC felt provide a more logical presentation of the provision. It will also afford important protection to members of the appeals board who typically serve voluntarily and might not personally have the liability protection afforded by the revised text.

A similar correlating proposal has been submitted to the *International Fire Code*, *International Mechanical Code*, *International Plumbing Code*, *International Wildland-Urban Interface Code* and *International Private Sewage Disposal Code*.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM4-06/07

### 104.1, 104.2, 104.4, 104.7

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

**Revise as follows:**

#### SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

**104.1 General.** ~~The code official shall enforce the provisions of this code.~~ The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of

this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

~~**104.2 Rule-making authority.** The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.~~

**104.3 Inspections.** (No change to current text)

~~**104.4 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.~~

**104.5 Identification.** (No change to current text)

**104.6 Notices and orders.** (No change to current text)

~~**104.7 Department records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations. Such records shall be retained in the official records for the period required for retention of public records.~~

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be "new" because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections. A comparative matrix of current I-Codes Chapter 1 text may be found on the ICC website at [www.iccsafe.org/cs/cc/admin/index.html](http://www.iccsafe.org/cs/cc/admin/index.html).

This proposal focuses on the duties and powers of the code official. A section-by-section discussion follows:

**104.1:** The purpose of this proposed change is to provide correlation with current Section 104.1 of the *International Building Code*, *International Residential Code*, *International Existing Building Code*, and Section 302.1 of the *ICC Electrical Code*---Administrative Provisions the text of which the AHC-Admin felt provides a more comprehensive and orderly approach to the subject than the current text of this section.

A similar correlating proposal has been submitted to the *International Fire Code*, *International Mechanical Code*, *International Plumbing Code*, *International Wildland-Urban Interface Code* and *International Private Sewage Disposal Code*.

**104.2:** This section is proposed for deletion because the subject is better addressed in the proposed language for Section 104.1. Also, no comparable provision exists in the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Zoning Code*, or *International Wildland-Urban Interface Code*.

A similar correlating proposal has been submitted to the *International Mechanical Code*, *International Plumbing Code*, and *International Private Sewage Disposal Code*.

**104.4:** The purpose of this change is to provide correlation with current Section 104.7 of the *International Building Code*, *International Residential Code* and *International Existing Building Code*, Section 104.3 of the *International Fire Code* and Section 104.5 of the *International Mechanical Code*, *International Fuel Gas Code*, *International Plumbing Code* and *International Private Sewage Disposal Code* which the AHC felt provided a more comprehensive treatment of the subject of the right of entry.

**104.7:** The purpose of this change is to provide correlation with current Section 104. of the *International Building Code*, *International Residential Code* and *International Existing Building Code*.

Records retention in the public domain is often established by state laws with which the revision here should also provide correlation.

A similar correlating proposal has also been submitted to the *International Fire Code*, *International Mechanical Code*, *International Fuel Gas Code*, and *International Private Sewage Disposal Code*.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

# PM5–06/07

## 105.1, 105.4, 105.5 (new), 105.6 (new)

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

**Revise as follows:**

### SECTION 105 APPROVAL

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

**105.2 Alternative materials, methods and equipment.** (No change to current text)

**105.3 Required testing.** (No change to current text)

**105.3.1 Test methods.** (No change to current text)

**105.3.2 Test reports.** (No change to current text)

**105.4 Used Material and equipment reuse.** The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

**105.5 Approved materials and equipment.** Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

**105.6 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be "new" because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections. A comparative matrix of current I-Codes Chapter 1 text may be found on the ICC website at [www.iccsafe.org/cs/cc/admin/index.html](http://www.iccsafe.org/cs/cc/admin/index.html).

This proposal focuses on approvals in the IPMC. A section-by-section discussion follows:

**105.1:** The purpose of this proposed change is to provide correlation with current Section 104.10 of the *International Building Code*, *International Residential Code* and *International Existing Building Code* and Section 601.2 of the *ICC Electrical Code---Administrative Provisions*. It will also add an important element to the requirements in the form of a clear statement of what the basis is for the code official to consider a modification.

A similar correlating proposal has also been submitted to the *International Fire Code*, *International Mechanical Code*, *International Plumbing Code* and *International Private Sewage Disposal Code*.

**105.4:** The purpose of this proposed change is to provide correlation with the current text of Section 104.9.1 of the *International Existing Building Code*, Section 105.4 of the *International Fuel Gas Code*, *International Plumbing Code* and *International Mechanical Code* and Section 104.7.1 of the *International Fire Code* and Section 601.4 of the *ICC Electrical Code---Administrative Provisions*.

This section recognizes that the code criteria for materials and equipment have changed over the years and that evaluation of testing and materials technology has permitted the development of new criteria that the old materials may not satisfy. As a result, used materials are required to be evaluated in the same manner as new materials. The requirements of this section currently appear in one form or another in most of the I-Codes, however having consistent requirements among the I-Codes will enhance public safety by assuring that used materials, regardless of what code they are subject to, will comply with a consistent standard of quality and integrity.

A similar correlating proposal has also been submitted to the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Mechanical Code*, *International Plumbing Code*, *International Energy Conservation Code*, and *International Private Sewage Disposal Code*.

**105.5:** The purpose of this proposed change is to provide a needed administrative provision not currently in the IPMC, the source text for which is Section 104.9 of the *International Building Code*, *International Residential Code*, and *International Existing Building Code* and Section 104.7 of the *International Fire Code*.

This new provision would make it clear that once equipment and materials are approved by the code official, their installation must be conducted in full accord with that approval.

A similar correlating proposal has also been submitted to the *International Mechanical Code*, *International Plumbing Code*, *International Private Sewage Disposal Code*, *International Energy Conservation Code*, and *International Wildland-Urban Interface Code*.

**105.6:** The purpose of this proposed change is to provide a needed administrative provision not currently in the IPC, the source text for which is Section 104.11.1 of the *International Building Code*.

The section would provide a means for the code official to judge the suitability or equivalency of an alternative method being proposed. Reports providing evidence of this equivalency must be supplied by a source that the code official considers reliable and accurate.

A similar correlating proposal has also been submitted to the *International Existing Building Code*, *International Residential Code*, *International Fire Code*, *International Mechanical Code*, *International Private Sewage Disposal Code*, *International Private Sewage Disposal Code*, *International Energy Conservation Code*, *International Wildland-Urban Interface Code* and *International Fuel Gas Code*.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM6–06/07

### 106.2.1 (new), 106.4 (new)

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

**Revise as follows:**

#### SECTION 106 VIOLATIONS

**106.1 Unlawful acts.** (No change to current text)

**106.2 Notice of violation.** (No change to current text)

**106.2.1 Service.** A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

**106.3 Prosecution of violation.** (No change to current text)

**106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**106.5 Abatement of violation.** (No change to current text)

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be “new” because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections. A comparative matrix of current I-Codes Chapter 1 text may be found on the ICC website at [www.iccsafe.org/cs/cc/admin/index.html](http://www.iccsafe.org/cs/cc/admin/index.html).

This proposal focuses on violations of the code. A section-by-section discussion follows:

**106.2.1:** The purpose of this proposed change is to provide a needed administrative provision not currently in the IPMC, the source text for which is Section 109.2.1 of the *International Fire Code*.

The section would provide the code official with useful guidance on what are generally recognized as legally sound methods of service.

A similar correlating proposal has also been submitted to the *International Building Code*, *International Existing Building Code*, *International Residential Code*, *International Plumbing Code*, *International Private Sewage Disposal Code*, *International Mechanical Code*, and *International Fuel Gas Code*.

**106.4:** The purpose of this proposed change is to correlate the text for violation penalties among the I-Codes based on the source text in Section 109.3 of the *International Fire Code* which the AHC considered more comprehensive in that a standard fine or other penalty as deemed appropriate by the jurisdiction is prescribed.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM7–06/07

### 107.4 (new)

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

**Revise as follows:**

#### SECTION 107 NOTICES AND ORDERS

**107.1 Notice to person responsible.** (No change to current text)

**107.2 Form.** (No change to current text)

**107.3 Method of service.** (No change to current text)

**107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with or removed without authorization from the code official.

**107.5 407.4 Penalties.** (No change to current text)

**107.6 407.5 Transfer of ownership.** (No change to current text)

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be “new” because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections.

The purpose of this proposed change is to provide a needed administrative provision not currently in the IPMC, the source text for which is Section 109.2.4 of the *International Fire Code*.

When a building or building system is found to be in violation and is secured or removed from service by the code official, notice and warning of such action is typically given by signs, tags or seals which must remain in place until the hazard is abated as approved by the code official. The section would provide the code official with a useful enforcement tool by prohibiting any action that would diminish the effectiveness of the warnings since the safety of the occupants may depend on the warning signs posted by the code official remaining intact and in place.

A similar correlating proposal has been submitted to the *International Building Code*, *International Existing Building Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code* and *International Private Sewage Disposal Code*.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM8–06/07

### 108.2.1 (New), 108.6 (New), 108.7 (New)

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

**Add new text as follows:**

#### SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

**108.1 General.** (No change to current text)

**108.1.1 Unsafe structures.** (No change to current text)

**108.1.2 Unsafe equipment.** (No change to current text)

**108.1.3 Structure unfit for human occupancy.** (No change to current text)

**108.1.4 Unlawful structure.** (No change to current text)

**108.2 Closing of vacant structures.** (No change to current text)

**108.2.1 Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

**108.3 Notice.** (No change to current text)

**108.4 Placarding.** (No change to current text)

**108.4.1 Placard removal.** (No change to current text)

**108.5 Prohibited occupancy.** (No change to current text)

**108.6 Abatement methods.** The owner, operator, or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

**108.7 Record.** The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be "new" because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections. A comparative matrix of current I-Codes Chapter 1 text may be found on the ICC website at [www.iccsafe.org/cs/cc/admin/index.html](http://www.iccsafe.org/cs/cc/admin/index.html).

This proposal focuses on unsafe structures and equipment. A section-by-section discussion follows:

**108.2.1:** The purpose of this proposed change is to provide a needed administrative provision not currently in the IPMC, the source text for which is Section 111.3 of the *International Building Code*, *International Existing Building Code* and *International Residential Code*, and Section 108.7.2 of the *International Mechanical Code*, *International Plumbing Code*, *International Private Sewage Disposal Code* and *International Fuel Gas Code*.

The proposed section would provide the code official with a useful tool in regulating unsafe buildings. Disconnection of one or more of a building's utility services is the most radical method of hazard abatement available to the official and should be reserved for cases in which all other lesser remedies have proven ineffective. However, when the hazards to the public health, safety or welfare created by an unsafe building is so imminent as to mandate immediate disconnection, the code official has the authority to cause disconnection without notice. In such cases, the owner or occupants must be given written notice as soon as possible.

**108.6:** The purpose of this proposed change is to provide a needed administrative provision not currently in the IPMC, the source text for which is Section 110.4 of the *International Fire Code*.

The section would provide the code official with a useful administrative tool by making it clear that the responsible party must take action to abate hazardous systems or conditions. The section also provides guidance on acceptable abatement measures.

A similar correlating proposal has also been submitted to the *International Fuel Gas Code*, *International Mechanical Code*, *International Private Sewage Disposal Code* and *International Plumbing Code*.

**108.7:** The purpose of this proposed change is to provide a needed administrative provision not currently in the IPMC, the source text for which is Section 115.2 of the *International Building Code* and *International Existing Building Code* and Section 901.4 of the *ICC Electrical Code*---*Administrative Provisions*.

The section would provide the code official with a useful administrative tool by requiring the filing of a report on each investigation of unsafe conditions, stating the occupancy of the structure and the nature of the unsafe condition. This report would then provide the basis for the notice described in Section 108.3.

A similar correlating proposal has also been submitted to the *International Mechanical Code*, *International Plumbing Code* and *International Private Sewage Disposal Code*.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM9-06/07

**103.4, 104.7, 105.1, 106.3, 107.1, 107.2, 107.4 (new), 107.5, 108.1.1, 108.1.4, 108.2, 108.2.1 (new), 108.3, 108.4, 109.6, 110.1, 110.3, Appendix A (new)**

**Proponent:** Wayne R. Jewell, City of Southfield, Michigan, representing Hazard Abatement in Existing Buildings Committee

## 1. Revise as follows:

**103.4 Liability.** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee or member of the board of appeals because of an act performed by that officer or employee or member of the board of appeals in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate employee or member of the board of appeals shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer or employee or member of the board of appeals of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**104.7 Department records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, or the period for retention of public records, unless otherwise provided for by other regulations.

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files and served upon the owner of the building.

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

If the order of demolition is not complied with, the code official shall institute the proceedings prescribed in this code to cause the building to be demolished.

Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice or order shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code at their address as it appears on the last equalized assessment roll of the jurisdiction. Additionally, a copy shall be served on each of the following or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section. Notices Orders. for condemnation procedures shall also comply with Section 108.3.

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. ~~Include a description of the real estate sufficient for identification.~~ Include an address and legal description of the real estate sufficient for identification of the premises upon which the building is located.
3. ~~Include a statement of the violation or violations and why the notice is being issued.~~ Include a statement of the violation or violations found to render the building or portion thereof dangerous, including citations to provisions of the code and why the notice or order is being issued.
4. ~~Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code. A statement of the action required to be taken as determined by the building official.~~
  - 4.1. If the building official has determined that the building or structure must be repaired. The notice shall provide identification of what permits are required for corrective work. Work, including the preparation of construction documents or physical repair, shall commence and be completed within such time as the building official shall determine as reasonable under all of the circumstances.
  - 4.2. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure be vacated within a time certain from the date of the order as determined by the building official to be reasonable. The order to vacate shall further include a listing of the dangerous conditions and citations of sections of the code, that were the basis of rendering such a determination.

- 4.3. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable but not to exceed 60 days from the date of the order; that all required permits be secured therefore within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.
- 4.4. As an alternate to demolition of the structure, the owner of the property shall be advised of the option of boarding up the building in an approved manner. This will allow the property owner to maintain ownership of the property and avoid immediate demolition proceedings. The purpose of this provision is to ensure the safety of the public and to allow the property to be held for future repair and development.
5. Inform the property owner of the right to appeal. Inform the property owner of the right to appeal, provide a copy of the appeal form, provide the rules for appeals and advise the time limit to appeal. The property owner must also be advised that if an appeal is not initiated within the time limit, the right to appeal the decision is forfeited.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

**2. Add new text as follows (renumber subsequent sections):**

**107.4 Proof of service.** Proof of service of the notice or order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

~~107.4~~ **107.5 Penalties** (No change to current text)

**3. Revise as follows:**

**107.6** ~~107.5~~ **Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation, without notifying the purchaser and or the mortgage company of the details of the condemnation notice and order. The owner of record shall be responsible for correcting all deficiencies in the notice and order, or appealing the notice and order. The code official shall be advised of any transfer of property, while the subject property is under abatement proceedings.

**108.1.1 Unsafe structures.** An unsafe structure or portion thereof is one that is found to be dangerous based on the provisions of this code to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to the provisions of the *International Building code, International Residential*, previously adopted code or law.

**108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured, in accordance with Section 108.2.1, through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**4. Add new text as follows:**

**108.2.1 Boarding standard.** When the building official causes a premises to be closed or secured, it is intended to be a temporary safeguard preventing access to the premises or structure or from being a nuisance. All doors or windows shall be covered with solid materials that are fastened or connected to prevent the free access to the structure by persons. To consider the structure or premises closed, secure and not readily accessible all openings shall be boarded or secured in an approved manner.

**5. Revise as follows:**

**108.3 Notice.** Whenever the code official has condemned a structure or equipment under the provisions of this section, notice an order shall be posted in a conspicuous place in or about the structure affected by such notice an

order and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the ~~notice~~ order pertains to equipment, it shall also be placed on the condemned equipment. The ~~notice~~ order shall be in the form prescribed in Section 107.2.

**108.4 Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall ~~post~~ cause to be posted on the premises or on defective equipment a placard bearing the word "Condemned" ~~and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.~~ The placard shall be dated and signed by the code official and shall include a brief concise statement of the reason(s) for the condemnation and penalties provided for occupying the premises, operating the equipment or removing the placard.

**109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon ~~petition~~ directed application to the appeals board in accordance with the prescribed time period, be afforded a hearing as described in this code.

**110.1 General.** The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so ~~old~~, deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to board up and hold for future repair or to demolish and remove such structure, ~~or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option;~~ When such a structure is capable of being made safe by repairs, it is the owner's option to repair and make safe and sanitary, board up and secure for future repair, or to demolish and remove. Where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up for future repair.

**110.3 Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and the materials, rubble, foundations and debris removed and the lot cleared, such demolition work shall be completed either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

## **6. Add new Appendix A after last chapter as follows:**

### **APPENDIX A** **BOARDING STANDARD**

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance*

#### **A101 GENERAL**

**A101.1 General.** All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

#### **A102 MATERIALS**

**A102.1 Boarding sheet material.** Boarding sheet material shall be minimum ½-inch thick wood structural panels complying with the *International Building Code*.

**A102.2 Boarding framing material.** Boarding framing material shall be minimum nominal 2-inch by 4-inch solid sawn lumber complying with the *International Building Code*.

**A102.3 Boarding fasteners.** Boarding fasteners shall be minimum 3/8-inch diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

#### **A103 INSTALLATION**

**A103.1 Boarding sheet material.** The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

**A103.2 Windows.** The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The boarding framing material shall be cut minimum 2 inches wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the top and below the bottom of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

**A103.3 Door walls.** The door opening shall be framed with boarding framing material secured at the entire perimeter and at not more than 24 inches on center horizontally. Blocking shall also be secured at not more than 48 inches on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches on center.

**A103.4 Doors.** Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

**Reason:** The ICC Board approved the development of a new code with the scope including a compilation of current provisions in the I-Codes which address hazards such as those from fire as well as the development of new requirements relative to issues such as hazardous conditions due to structural issues. This would provide a single source code book for all disciplines to be used by building owners to bring their existing building stock up to minimum standards and enforcing agencies when performing inspections of existing buildings. The Hazard Abatement of Existing Buildings Committee (HAEB) was formed to develop this code.

During this 06/07 cycle, the committee is proposing multiple unsafe conditions requirements for inclusion within the text of the existing International Codes, predominately the *International Property Maintenance Code* and the *International Fire Code*. These requirements will later be extracted from these International Codes and placed into a new International Code dealing primarily with unsafe conditions and the abatement thereof. It is intended that the maintenance of these provisions remain with the committee of origin. The draft of this new International Code is currently scheduled to be put through the 07/08 code change process for both public proposals and public comments. The first edition of this new code is currently scheduled for 2009.

Several proposals will be coming from the HAEB Committee to address changes in the administrative and technical provisions of certain I Codes. Some of those changes will be made to what has historically been identical language for all of the I Codes. This is being done purposefully to address the needs of dealing with the administrative provisions and appeals processes based on addressing hazards in buildings that are already occupied. The I codes that have administrative provisions that directly relate to construction are not being changed, they are appropriate for dealing with issues related to a building under construction. Dealing with occupied buildings is different, addressing a violation notice or order from the Building Official doesn't mean an interruption of a construction schedule, it could mean the interruption of business and the have large economic consequences along with the exposure of occupants to a hazard. We are attempting to create a change of process to more appropriately handle these issues of occupied buildings and the varying level of technical expertise of those persons that may initially be involved in responding to an administrative action and/or an appeal of such administrative action. We have attempted to outline actions to be a more definitive series of actions and steps to protect the due process rights of handling issues related to safe occupancy and a level of hazard that may be present within a building. Actions exercised under these provisions could cause the disruption of on going business by need to vacate a building or portion thereof or actions that could result in the demolition of real property.

This proposal focuses on the necessary changes to existing or the addition of new text to provide an administrative procedure that provides for adequate notice to all parties of interest in a building. This basic foundation of notice and process will demonstrate recognition of a building owner's due process rights while still dealing directly with hazardous conditions that may exist in an occupied or vacant building.

A section-by-section discussion follows:

**103.4:** Member of the Board of Appeals was added to this section because the members of an appeals board need to be protected from suit for decisions that they make in response to the conditions found in a building or structure. The need to have protection from threat of retaliation by a building owner to protect the safety and lives of persons occupying a building or the ordering of the removal of a building that is in such disrepair or dangerous condition that demolition is necessary.

**104.7:** The option of record retention to be the established period for retention of public records was added because actions that are taken to remove the building or a portion thereof are still required to be retained for a time period established by each state. A department should not be permitted to destroy records related to such actions immediately because the building has now been demolished....

**105.1:** The details of a modification should be served to the owner of the building because such action is keeping with good due process and notice of action regarding a building.

**106.3:** This section has been modified to clarify that the code official is permitted to begin proceedings for the demolition of a structure if an order for demolition has not been complied with. This reinforces the intent of the code with respect to orders of demolition.

**107.1:** The required distribution of the notice or order of violation has been expanded to include each person on the last assessment roll, the mortgage holder or deed of trust, the holder of lease of record, and the holder of any estate or other legal interest in the building or land because more persons have interest in a building or structure than an owner. Actions taken can impact their financial standing or interest in the property and they have right to know of such actions to protect that interest.

**107.2:** The requirements for the form of notice have been revised to provide a complete notice of property identification, complete list of violations found and the actions necessary to remedy the violations and provide notice that an appeals process is available if they so desire to use it. This establishes that the owner did receive a complete notice of and will protect the enforcing agency from a lack of clarity on notice or the extent of violations or the need for action on the part of the owner.

**107.4:** The requirements for proof of service have been added because it will be necessary at times to confirm either in court or in an appeal hearing that notices have been served and either received or refused by owners or parties of interest

**107.5:** The revisions to the transfer of ownership limitations are necessary because the prior language was restrictive as it would only allow sale, transfer, lease, mortgage or otherwise dispose of a building without having the grantee, mortgagee, lessee or transferee acknowledge receipt of the notice and comply without condition to making the corrections or repairs. This eliminates the right of a new owner to appeal a violation.

**108.1.1:** This section has been revised to clarify that an unsafe condition can include a portion of a structure.

**108.1.4:** This section has been expanded to further clarify that the building code, whether it is the IBC, IRC or previously adopted code, is also to be considered when determining if a structure is unlawful.

**108.2:** Revised only to refer to 108.2.1 for boarding requirements.

**108.2.1:** This new section provides a means that the boarding caused by a community is of a temporary safeguard to prevent access to the structure. Temporary safeguards caused by a community are not to be considered reason to stop proceeding because the building or structure is in a dangerous or unsafe condition. The language further explains that to consider a building or structure closed, secure from access it must be boarded in an approved manner.

**108.3:** Order is a more appropriate term than notice because it is declaring a specific action "condemnation" regarding the physical condition of a structure or equipment.

**108.4:** The placard should contain a date, signed by the code official and should contain the reasons for the condemnation because this is the public with notice of the hazard related to the current condition of the structure or equipment. Even a trespasser has right to notice of a hazardous condition.

**109.6:** The time limitation for scheduling a hearing is proposed in a related proposal by this committee to Section 111. This section has been revised to coordinate with that proposal.

**110.1:** This section has been revised to allow an owner to board and secure a structure for future repair.

**110.3:** This section has been expanded to require rubble, foundations, debris to be removed and the lot cleared when demolition of a structure has been ordered. This will allow a jurisdiction to charge these costs against the real estate and have a site left in a condition more suitable for redevelopment.

**Appendix A Boarding Standard:** Appendix A provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality. Also provide a reasonable means to eliminate having to approve numerous methods or materials for the boarding and securing of a structure.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM10–06/07 108.1.5 (New)

**Proponent:** Wayne R. Jewell, City of Southfield, Michigan, representing Hazard Abatement in Existing Buildings Committee

**Revise as follows:**

**108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or premises which has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause, to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is manifestly unsafe for its use and occupancy
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistive construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**Reason:** The ICC Board approved the development of a new code with the scope including a compilation of current provisions in the I-Codes which address hazards such as those from fire as well as the development of new requirements relative to issues such as hazardous conditions due to structural issues. This would provide a single source code book for all disciplines to be used by building owners to bring their existing building stock up to minimum standards and enforcing agencies when performing inspections of existing buildings. The Hazard Abatement of Existing Buildings Committee (HAEB) was formed to develop this code.

During this 06/07 cycle, the committee is proposing multiple unsafe conditions requirements for inclusion within the text of the existing International Codes, predominately the *International Property Maintenance Code* and the *International Fire Code*. These requirements will later be extracted from these International Codes and placed into a new International Code dealing primarily with unsafe conditions and the abatement thereof. It is intended that the maintenance of these provisions remain with the committee of origin. The draft of this new International Code is currently scheduled to be put through the 07/08 code change process for both public proposals and public comments. The first edition of this new code is currently scheduled for 2009.

This specific section was added to the code to outline a general listing of conditions that establish a baseline to compare or evaluate a structure against and could be used to determine if the present condition of a building or structure is in a dangerous condition. This laundry list of conditions was taken from several sources of current state laws or legacy codes. Having it published in the code provides building owners and code officials a listing of conditions that are defined and published for public knowledge.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM11-06/07

### 111, 111.1, 111.2, 111.2.2 (new), 111.3, 111.4, 111.4.1, 111.8, Appendix B (new), Appendix C (New)

**Proponent:** Wayne R. Jewell, City of Southfield, Michigan, representing Hazard Abatement in Existing Buildings Committee

#### 1. Revise as follows:

#### SECTION 111 MEANS OF APPEAL

**111.1 Application for appeal.** Any person directly affected by decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, ~~provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served.~~ The application for appeal shall be filed on the application provided by the jurisdiction, and returned to the code official within the period approved by the jurisdiction, after the notice was served. Within a jurisdiction that does not have a standard period for appeal, a limit of 30 days shall apply. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

The application for appeal shall include a brief statement of the relief sought and the reasons why it is claimed that the order or action be reversed, modified or otherwise set aside. Any applicable information relating to this application shall also be specified in the appeal.

**111.2 Membership of board.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be created a board of appeals. The board of appeals shall consist of a minimum of ~~three~~ five members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The board of appeals shall consist of one design professional registered in the practice of engineering, one design professional registered in the practice of architecture, one fire protection engineering professional, two general contractors and others as determined by the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

The board of appeals shall be appointed by the governing body for a staggered 3 year term. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the code official. Appeals to the board shall be processed in accordance with the provisions contained in Section 111.6 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the code official, who shall make them accessible to the public.

**111.2.1 Alternate members.** The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

**111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman. The chairman of the board of appeals shall be a professional engineer, architect, fire protection professional or other design professional registered within the jurisdiction and be elected by the board.

**111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**111.2.5 Compensation of members.** Compensation of members shall be determined by law.

~~**111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.~~

**111.3 Processing of appeal.** Upon receipt of any appeal filed pursuant to this section, the code official shall present it no later than 10 days to the board of appeals.

**111.4 Scheduling and noticing appeal for hearing.** As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal is filed with the code official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by having a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addresses to the appellant at the address shown on the appeal.

**111.5 Effect of failure to appeal.** Failure of any person to file an appeal in accordance with the provisions of Section 111.3 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

**441.4 111.6 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership. Only those matters specifically raised by the appellant shall be considered in the hearing of the appeal.

**441.4.4 111.6.1 Procedure for conduct of hearing appeals.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. All rules shall be provided to appellant in advance of the hearing date.

**441.5 111.7 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**441.6 111.8 Board decision.** The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

**441.6.4 111.8.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

**441.6.2 111.8.2 Administration.** The code official shall take immediate action in accordance with the decision of the board.

**441.7 111.9 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**441.8 111.10 Stays of enforcement order under appeal.** Except for vacation orders made pursuant to Section 107.2, appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board during the pendency of an appeal therefrom which is properly and timely filed..

2. Add new text as follows: (Underline not shown on Appendix B for clarity)

**APPENDIX B  
APPEAL APPLICATION FORM**

**Appellant Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Property Owner Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Order Under Appeal:**

Date of Order: \_\_\_\_\_

Description of Order: \_\_\_\_\_

Received from Jurisdiction: \_\_\_\_\_

Building Official: \_\_\_\_\_

**Property Detailed in APPEAL:**

Name of Jurisdiction: \_\_\_\_\_

Property I.D. Number: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Legal Address of Property: \_\_\_\_\_

**Type of APPEAL:**

- Order for Demolition:
- Order to Vacate Building:
- Order to Repair Building:

**Occupancy Classification: (check the most appropriate)**

**Residential:**

- Detached one- and two-family dwellings or multiple single-family dwellings (townhouses), not more than three stories in height with a separate means of egress and their accessory structures
  
- Group R-1 (transient)
  - Boarding House
  - Hotel
  - Motel
- Group R-2 (non-transient)
  - Boarding House
  - Apartment House
  - Convent
  - Dormitory
  - Monastery
  
- Group R-3
  - One or two family dwelling more than three stories in height
  - Child Care for five or fewer persons for less than 24 hours
  - Adult Day Care for five or fewer persons for less than 24 hours
  
- Group R-4
  - Assisted living facilities with more than 5 but less than 16 occupants

**Non-Residential:**

- Group A – places of public assembly
- Group E – Education through 12<sup>th</sup> grade
- Group H – High-Hazard
  - Explosives
  - Flammable and Combustible materials
  - Deflagration hazards
  - Health hazards
- Group M – Mercantile
- Group U – Utility
- Group B – Business
- Group F – Factory
- Group I – Institutional
  - Hospitals
  - Group homes
  - Assisted living facilities
  - Correctional facilities
- Group S – Storage



3. Add new appendix as follows.

**APPENDIX C**  
**PROCEDURES FOR CONDUCT OF HEARING APPEALS**

**The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance**

**SECTION C101**  
**GENERAL**

**C101.1 General.** The procedures for conduct of hearing appeals shall be in accordance with this appendix. All rules shall be provided to appellant in advance of the hearing date.

**C101.2 Hearing examiners.** The board shall appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.

**C101.3 Record.** A record of the entire proceedings shall be made by tape recording or any other means of permanent recording determined to be appropriate by the board.

**C101.4 Reporting.** The proceedings at the hearing shall also be transcribed and a copy provided to the parties of interest. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees shall be established by the board, but shall in no event be greater than the cost involved.

**C101.5 Continuances.** The board shall grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances shall be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

**C101.6 Oaths and certification.** In any proceedings under this chapter, the board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

**C101.7 Reasonable due process.** The board and its representatives shall proceed with reasonable due process to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

**SECTION C102**  
**NOTICE**

**C102.1 Form of notice of hearing.** The notice to the appellant shall be substantially in the following form, but shall be permitted to include other additional information.

You are hereby notified that a hearing will be held before the board of appeals, or hearing examiner on a specific date, time and location. You shall be permitted to be present at the hearing. You shall be permitted to be, but need not be, represented by counsel. You shall be permitted to present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You shall be permitted to request the issuance of subpoenas to compel the attendance of witnesses and the production of records, documents, engineering or inspection reports or other information by filing an affidavit therefore with the board of appeals or hearing examiner.

**SECTION C103**  
**SUBPOENAS**

**C103.1 Filing an affidavit.** The board of examiners shall obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore which states the name and address of the proposed witnesses; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.

**C103.2 Cases referred to examiner.** In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

**C103.3 Penalties.** Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

**SECTION C104**  
**CONDUCT OF HEARING**

**C104.1 Rules.** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

**C104.2 Oral evidence.** Oral evidence shall be taken only on oath or affirmation.

**C104.3 Hearsay evidence.** Hearsay evidence shall be permitted for the purpose of supplementing or examining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

**C104.4 Admissibility of evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which makes improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

**C104.5 Exclusion of evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

**C104.6 Rights of parties.** Each party shall have these rights, among others:

- (1) To call and examine witnesses on any matter relevant to the issues of the hearing;
- (2) To introduce documentary and physical evidence;
- (3) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- (4) To impeach any witness regardless of which party first called the witness to testify;
- (5) To rebut the evidence.
- (6) To be represented by anyone who is lawfully permitted to do so; and
- (7) The agenda shall provide adequate time for introduction of evidence and the cross-examination of witnesses. If the allocated time is inadequate, a new hearing shall be scheduled at a later date.

**C104.7 Official Notice**

**C104.7.1 Notice.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of the this state or of official records of the board or departments and ordinances of the city or rules and regulations of the board.

**C104.7.2 Parties to be Notified.** Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

**C104.7.3 Opportunity to refute.** Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or by oral presentation of authority, the manner of such refutation to be determined by the board or hearing examiner.

**C104.7.4 Inspection of the premises.** The board or the hearing examiner shall be permitted to inspect any building or premises involved in the appeal during the course of the hearing, provided that; notice of such inspection shall be given to the parties before the inspection is made, the parties shall be given an opportunity to be present during the inspection, and the board or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board or hearing examiner.

**SECTION C105**  
**METHOD AND FORM OF DECISION**

**C105.1 Hearing before board itself.** When a contested case is heard before the board itself, a member thereof who did not hear the evidence or has not read the entire record of the proceedings shall not vote or take part in the decision.

**C105.1 Hearing before examiner.** If a contested case is heard by a hearing examiner alone, the examiner shall within a reasonable time, not to exceed 90 days from the date the hearing is closed, submit a written report to the board. Such report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions and recommendations. The report also shall contain a proposed decision in such form that it shall be adopted by the board if that is the decision of the board in the case. All examiner's reports filed with the board shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the board.

**C105.3 Consideration of report by board.** The board shall fix the time, date and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not fewer than 5 days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

**C105.4 Exceptions to report.** Not later than two days before the date set to consider the report, any party shall be permitted to file written exceptions to any part or all of the examiner's report and shall be permitted to attach thereto a proposed decision together with written argument in support of such decision. By leave of the board, any party shall be permitted to present oral argument to the board.

**C105.5 Disposition by the board.** The board shall adopt or reject the proposed decision in its entirety, or shall be permitted to modify the proposed decision.

**C105.6 Proposed decision not adopted.** If the proposed decision is not adopted as provided in Section C105.5, the board may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, the examiner shall prepare a report and proposed decision as provided in Section C105.2 hereof after any additional evidence is submitted. Consideration of such proposed decision by the board shall comply with the provisions of this section.

**C105.7 Form of decision.** The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested.

**C105.8 Effective date of decision.** The effective date of the decision shall be stated therein.

**Reason:** The ICC Board approved the development of a new code with the scope including a compilation of current provisions in the I-Codes which address hazards such as those from fire as well as the development of new requirements relative to issues such as hazardous conditions due to structural issues. This would provide a single source code book for all disciplines to be used by building owners to bring their existing building stock up to minimum standards and enforcing agencies when performing inspections of existing buildings. The Hazard Abatement of Existing Buildings Committee (HAEB) was formed to develop this code.

During this 06/07 cycle, the committee is proposing multiple unsafe conditions requirements for inclusion within the text of the existing International Codes, predominately the *International Property Maintenance Code* and the *International Fire Code*. These requirements will later be extracted from these International Codes and placed into a new International Code dealing primarily with unsafe conditions and the abatement thereof. It is intended that the maintenance of these provisions remain with the committee of origin. The draft of this new International Code is currently scheduled to be put through the 07/08 code change process for both public proposals and public comments. The first edition of this new code is currently scheduled for 2009.

This purpose of this proposal is to prepare a document that can be used by code enforcement personnel as well as building owners. Building owners generally do not have access to architects, engineers and lawyers on their staff and are not trained in the code enforcement profession. Building owners will not have copies of these codes in their library and will likely require more education and training in the abatement process. It is important to provide the building owner with more information that would normally be provided to a general contractor that is experienced with the code enforcement process. The purpose of this proposal is to update the information contained in the 1997 Uniform Code for the Abatement of Dangerous Buildings, add new information for the appeal application process and ensure that all details contained in this code conforms with local state laws throughout the USA.

**111.1:** The revisions to this section, Application for Appeal, are summarized as follows:

(a) The appeal to a notice or order by the building official shall be filed on an application form. This will eliminate any misunderstandings in appealing an order for demolition and ensure that the proper language has been used in accordance with state law. One standard application form can be used for appealing all notices and orders, customized as required, throughout the USA. A building owner that receives an order for demolition is not sufficiently familiar with the appeal process. By providing an application for appeal with the order for demolition, the building owner will be able to effect a legal appeal within the time period. Case law exists regarding appeals where the building owner was denied the right to appeal because the correct language was not used. This will eliminate any future problems with building owners and standardize the abatement appeal process.

(b) A 30 day appeal period has been stated where this is not already defined by state law.

(c) Details required on the appeal application are also listed.

**Section 111.2:** The revisions to this section, Membership of the Board, are summarized as follows:

(a) Board of appeals is defined.

(b) Membership in the board of appeals is defined. Recommendation is to include one engineer, one architect, one fire protection professional, two general contractors and others as determined by the jurisdiction. The intent is to have a qualified board of appeals represented with a varied engineering and construction background.

(c) A three year staggered term is designated for the board.

(d) Rules and procedures shall be adopted by the board.

(e) All decisions and findings shall be in writing to the appellant.

(f) Appeals shall be processed in accordance with Section 111.6 of this code.

(g) Copies of all rules or regulations adopted by the board shall be delivered to the building official and made available to the public.

**111.2.2:** The credentials of the chairman have been expanded requiring qualification as an engineer, architect, fire protection professional or other design professionals, registered within jurisdiction and elected by the board. This will ensure that the board of appeals is chaired by design professionals, qualified by their education and experience within the design and construction industry.

**111.3:** This section has been replaced with new Sections 111.3, 111.4 and 111.5. These sections provide more detail for scheduling an appeal. The building official shall present the appeal to the board of appeals within 10 days.

**444.4 111.6:** At the hearing, only matters raised by the appellant are to be heard. This is important because this allows the preparation of a meeting agenda by the board of appeals. If the appeal is related to electrical systems, there is no need to bring up plumbing or structural issues in the appeal hearing. Appeal hearings must be arranged within a specified period of time. Failure to appeal within the specified period, waives the right to appeal.

**444.4 111.6.1:** This section has been revised to require the rules for hearings to be given to the applicant in advance of the hearings. This is important to verify in advance exactly what the rights of the appellant in this hearing are. Case law exists where the appellant was excluded the right to cross examine witnesses, excluded the right to reschedule the hearing if a key witness is out of town on business and excluded the right to obtain public documents. This has occurred without any written procedures. Written procedures will eliminate any misunderstandings on how the hearing will be organized.

**444.8 111.10:** This section has been revised to specify that except for vacation orders, all orders are stayed during the appeals process, when filed on time. This clause conforms with local state laws.

**Appendix B:** The purpose of Appendix B is to introduce a standardized appeals application form that can be utilized by a jurisdiction, in order to standardize the appeals process, throughout the USA. This form contains the important information required to properly identify the property,

building type and reasons for the appeal. Certain jurisdictions may already have an appeals form and this would not be required. This form will be useful within jurisdictions that do not already have an appeals form. This base template could also be customized by a local jurisdiction to include headings and specifics related to state law.

A building owner that receives an order for demolition is not sufficiently familiar with the appeal process. By providing an application for appeal with the order for demolition, the building owner will be able to affect a legal appeal within the time period. Case law exists regarding appeals where the building owner was denied the right to appeal because the correct language was not used. This will eliminate any future problems with building owners and standardize the abatement appeal process.

**Appendix C:** Appendix C introduces hearing procedures that can be utilized by jurisdictions that need to adopt such procedures. These hearing procedures were based on Section 5, Appeal, and Chapter 6, Procedures for the Conduct of Hearing Appeals, of the 1997 Uniform Code for the Abatement of Dangerous Buildings.

Case law exists where the appellant was excluded the right to cross examine witnesses, excluded the right to reschedule the hearing if a key witness is out of town on business and excluded the right to obtain public documents. This has occurred without any written procedures. Written procedures will eliminate any misunderstandings on how the hearing will be organized.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM12–06/07

### 112 (New)

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

**Add new text as follows:**

#### **SECTION 112** **STOP WORK ORDER**

**112.1 Authority.** Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

**112.2 Issuance.** A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

**112.3 Emergencies.** Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be "new" because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections. A comparative matrix of current I-Codes Chapter 1 text may be found on the ICC website at [www.iccsafe.org/cs/cc/admin/index.html](http://www.iccsafe.org/cs/cc/admin/index.html).

This proposal focuses on stop work order provisions for the IPMC. The purpose of this proposed change is to provide needed administrative provisions not currently in the IPMC, the source text for which is Section 111 of the *International Fire Code* and Section 114 of the *International Building Code*, *International Existing Building Code* and *International Residential Code*. A section-by-section discussion follows:

**112.1:** This section provides for the suspension of work for which a permit was issued, pending the removal or correction of a severe violation or unsafe condition identified by the code official. Stop work orders are issued when enforcement can be accomplished no other way or when a dangerous condition exists.

**112.2:** This section makes it clear that, upon receipt of a violation notice from the building official, all construction activities identified in the notice must immediately cease, except as expressly permitted to correct the violation.

**112.3:** This section gives the code official the authority to stop the work in dispute immediately when, in his or her opinion, there is an unsafe emergency condition that has been created by the work. The need for the written notice is suspended for this situation so that the work can be stopped immediately.

**112.4:** This section establishes consequences for when the stop work order is disregarded and the person responsible continues the work that is at issue, other than abatement work. The dollar amounts for the minimum and maximum fines are to be specified in the adopting ordinance.

**Cost Impact:** The code change proposal will not increase the cost of construction.

**Analysis:** If this code change is approved, the final number of this new section will be correlated with all other approved code changes affecting Chapter 1 of this code.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM13–06/07

### 112 (New)

**Proponent:** Rebecca Baker, Jefferson County, CO, Chair, ICC Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin)

**Add new text as follows:**

#### **SECTION 112**

#### **CERTIFICATE OF COMPLIANCE**

**112.1 Certificate of compliance.** No building, structure or premises regulated by this code shall be used or occupied until the code official has issued a certificate of compliance after inspection and demonstration that no violations of this code exist.

**112.4 Revocation.** The code official is authorized to, in writing, suspend or revoke a certificate of compliance issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**Reason:** Consistency and coordination among the I-Codes is one of the cornerstones of the ICC Code Development Process. This holds true for not only the technical code provisions but also for the administrative code provisions as contained in Chapter 1 of all the I-Codes.

In response to concerns raised by the ICC membership since publication of the first editions of the I-Codes, the ICC Board established the Ad Hoc Committee on the Administrative Provisions in the I-Codes (AHC-Admin) to review Chapter 1 administrative provisions in each code in the International Codes family and improve the correlation among the I-Codes through the code development process. In order to ensure that this correlation process will continue in an orderly fashion, it is also anticipated that future code development and maintenance of the administrative provisions of the I-Codes family will be overseen by a single, multi-discipline code development committee.

The AHC-Admin is submitting a series of code change proposals designed to provide consistent and correlated administrative provisions among the I-Codes using existing I-Code texts, as noted. The intent of this correlation effort is not to have absolutely identical text in each of the I-Codes but, rather, text that has the same intent in accomplishing the administrative tasks among the I-Codes. While some proposed text may be “new” because it was judged by the AHC to be necessary to this particular code, it is not new to the I-Code family, since it already exists in one or more of the International Codes. Unless otherwise noted, there are no technical changes being proposed to these sections. A comparative matrix of current I-Codes Chapter 1 text may be found on the ICC website at [www.iccsafe.org/cs/cc/admin/index.html](http://www.iccsafe.org/cs/cc/admin/index.html).

This proposal focuses on certificates of compliance. A section-by-section discussion follows:

**112.1:** The purpose of this proposed change is to provide a needed administrative provision not currently in the IPMC, the source text for which is Section 110.1 of the *International Building Code*, *International Existing Building Code* and *International Residential Code*.

This section is based on the Certificate of Occupancy provisions of the *International Building Code*, *International Existing Building Code* and *International Residential Code* and modified for non-occupancy purposes. While certificates of occupancy for construction are traditionally under the purview of one of the construction codes, there is an increasing issuance of certificates of compliance with regard to application and enforcement of the *International Property Maintenance Code*.

**112.2:** The purpose of this proposed change is to provide a needed administrative provision complementary to Section 112.1 but not currently in the IPMC, the source text for which is Section 110.4 of the *International Building Code*, *International Existing Building Code* and *International Residential Code*.

This proposed section would give the code official the authority to revoke a certificate of compliance for the reasons indicated in the text. The code official may also suspend the notice until any code violations are corrected.

A similar correlating proposal has also been submitted to the *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code* and *International Private Sewage Disposal Code*.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

# PM14–06/07

## 112 (New), 113 (New)

Proponent: James E. Doody, Calgary, Alberta, Canada, representing himself

Add new text as follows:

### SECTION 112 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

112.1 Procedure. When any work of repair or demolition is to be done in accordance with this code, the code official shall issue instructions and the work shall be accomplished by the jurisdiction according to local laws and statutes.

112.1.1 Costs. The cost of such work shall be paid for by the jurisdiction in accordance with local laws and statutes.

### SECTION 113 RECOVERY OF COST OF REPAIR OR DEMOLITION

113.1 Preparation of expense summary. The code official shall keep an itemized account of the expenses incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of this code. Upon the completion of the work of repair or demolition, the code official shall prepare a summary of the work done and the itemized total cost of the work.

113.2 Lien of assessment. After completion of the cost summary, a lien shall be filed with the tax authority for the jurisdiction, in accordance with local state laws and statutes.

113.3 Protests and objections. Any person affected by the final itemized charges for repair or demolition shall be permitted to file an appeal in accordance with local state laws and statutes. This appeal is only related to the costs charged for the repair or demolition and applicability under local state laws and statutes.

**Reason:** The purpose of this proposal is to prepare a document that can be used by code enforcement personnel as well as building owners. Building owners generally do not have access to architects, engineers and lawyers on their staff and are not trained in the code enforcement profession. Building owners will not have copies of these codes in their library and will likely require more education and training in the abatement process. It is important to provide the building owner with more information that would normally be provided to a general contractor that is experienced with the code enforcement process. The purpose of this proposal is to update the information contained in Chapter 8 of the 1997 Uniform Code for the Abatement of Dangerous Buildings, in order to conform with local state laws throughout the USA. These existing sections of the Uniform Code did not conform with state law and could not be adopted as currently written. This section has been revised to capture the original intent and to conform with local state laws.

Section 8 and 9 of the Uniform Code were very important as it dealt with what happens after the demolition is completed. This tells us that costs must be summarized and a lien placed on the property. What can be done if the costs charged are incorrect? Costs charged against the lien may be appealed in accordance with state law. For example, in the state of Montana, legal fees cannot be charged as costs. This may vary across the USA. After the lien is placed, the costs charged must conform with local state laws. This can serve as a check for the building official to run their cost summary through the legal department prior to placing a lien. This section also tells the land owner to check that the costs charged against the lien are correct. This is the final stage of the abatement process.

Case law exists where the lien placed on a building lot after demolition of the property included legal fees which cannot be included as costs in that particular state. This section of the code could be used by a building lot owner as a guide for following the process and correcting the value of the lien.

**Bibliography:** The Uniform Code for the Abatement of Dangerous Buildings, Chapters 8 and 9, were used as the original reference text. These sections were modified in order to conform with state laws throughout the USA.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing:	Committee:	AS	AM	D
	Assembly:	ASF	AMF	DF

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# PM15–06/07

## 202

Proponent: Richard Davidson, City of Hopkins, Minnesota

1. Revise definition as follows:

### SECTION 202 GENERAL DEFINITIONS

**BASEMENT.** ~~That~~ The enclosed portion of a building ~~which~~ that is partly or completely below grade and meets the ceiling height requirements of Section 404.3.

2. Add new definition as follows:

**SECTION 202  
GENERAL DEFINITIONS**

**CRAWL SPACE.** The under-floor space with or without surrounding walls between the bottom of the floor joists and the earth under a building except space defined as basement.

**Reason:** Section 704.2 requires smoke alarms in “basements” but exempts them from “crawl spaces”. When the code requires something in one place but exempts it in another very similar space, those spaces need to be defined. “Crawl space” is undefined. The current definition given for “basement” does not seem to leave any room for “crawl spaces” because it defines any portion of a building that is partly or completely below grade as a basement. A basement must have a ceiling height of 6’8” and a basement is that part of a building that is partly or completely below grade. The question that begs to be asked is “What is a space that is partly or completely below grade and having a ceiling height of less than 6’8”?” This proposal would designate that area as a crawl space. Since basements are required to have a ceiling height by section 404.3, it is reasonable to assume that a crawl space is something that doesn’t meet that ceiling height but the code needs to say that so that the code is uniformly enforced. Based on the definitions proposed, the under floor space will clearly be either a basement or a crawl space.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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**PM16–06/07  
202**

**Proponent:** Richard Davidson, City of Hopkins, Minnesota

**Delete definition without substitution:**

**SECTION 202  
GENERAL DEFINITIONS**

~~**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.~~

**Reason:** The term “easement” is used in four places in the IPMC. It is found twice in the definition of easement, once in the definition of “premises”, and once in the index. The term is proposed to be deleted from the definition of premises for reasons given in that proposal. If it is deleted from the definition of “premises”, it no longer needs to be defined.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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**PM17–06/07  
202**

**Proponent:** Richard Davidson, City of Hopkins, Minnesota

**Revise definition as follows:**

**SECTION 202  
GENERAL DEFINITIONS**

**PREMISES.** A lot, plot or parcel of land, ~~easement or public way~~, including any structures thereon.

**Reason:** As one reads through the Scope and Purpose of the IPMC, the term “premises” is used repeatedly. However, one can quickly conclude that the intent of the language in these sections does not intend that the IPMC regulate public ways. Public ways are subject to oversight by differing jurisdictions including state, county, township, and city jurisdictions. It is not the responsibility of the department of property maintenance to inspect roadways, storm sewers, utility lines, and the like for proper maintenance. Yet this is exactly how the code reads because “premises” includes public ways. Also, the term “easement” is likewise referenced. Easements are typically granted for some type of public use such as a water main, a storm sewer or similar utility services. The owner of the land that is impacted by the easement still holds title to that land and is still responsible for activities on that land. He does not give up the land. Where easements are “private”, they become a civil matter outside the scope of control of the jurisdiction and likely without their knowledge. Therefore it is appropriate that the term “premises” be amended to exclude these terms so that the definition applies only to an individual piece of land and any structures on it.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

## PM18-06/07

301.1, 401.2, 501.2, 601.2, 701.2

**Proponent:** Richard Davidson, City of Hopkins, Minnesota

### Revise as follows:

**301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. ~~A person~~ An owner shall not occupy ~~as owner-occupant~~ or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. ~~Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.~~

**401.2 Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. ~~A person~~ An owner shall not occupy ~~as owner-occupant~~, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

**501.2 Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. ~~A person~~ An owner shall not occupy ~~as owner-occupant~~ or permit another person to occupy any structure or premises ~~which that~~ does not comply with the requirements of this chapter.

**601.2 Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. ~~A person~~ An owner shall not occupy ~~as owner-occupant~~ or permit another person to occupy any premises ~~which that~~ does not comply with the requirements of this chapter.

**701.2 Responsibility.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. ~~A person~~ An owner shall not occupy ~~as owner-occupant~~ or permit another person to occupy any premises that do not comply with the requirements of this chapter.

**Reason:** The owner is fully responsible for the actions of his tenants as well as the condition of his property. The owner chooses who occupies his buildings, not the jurisdiction. Sections 401.2 thru 701.2 clearly place responsibility for code compliance on the owner. For some reason, section 301.2 places certain responsibilities on occupants of a dwelling. There is no reason why the occupants of a dwelling should be responsible for sanitation and safety when occupants of an office building are not. This is inconsistent. Charging occupants who are not owners is problematic. Identification of tenants may be difficult or impossible. Identifying the owner is usually easy. Tenants may lack the resources to correct violations and pay fines. Owners can be compelled to make corrections and pay fines. Owners must be held accountable for violations that occur on their properties. This proposal accomplishes that.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM19-06/07

302.5

**Proponent:** Richard Davidson, City of Hopkins, Minnesota

### Delete without substitution:

~~**302.5 Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.~~

**Reason:** The term "proper precautions" is vague, ambiguous, and unenforceable. If there are precautions that should be taken, they should be listed here. Since an owner can be cited repeatedly for infestation, this text is unnecessary.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

# PM20–06/07

302.9, 202

**Proponent:** Richard Davidson, City of Hopkins, Minnesota

## 1. Delete and substitute as follows:

~~**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.~~

~~It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.~~

~~**302.9 Graffiti.** All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from graffiti where it is visible to the public.~~

## 2. Add new definition as follows:

### SECTION 202 GENERAL DEFINITIONS

**GRAFFITI.** Any unauthorized inscription, work, figure or design that is marked, etched, scratched, drawn or painted on any surface in any location.

**Reason:** The main reason driving this code change is that violation of section 302.9 is a criminal act and not a property maintenance violation. Criminal acts are the responsibility of the police department, not the code enforcement department. The code enforcement department does not have the resources or the training to chase down criminals.

What the property maintenance code can address is the reluctance or refusal of the owner to remove graffiti.

Defacement is almost universally referred to as "graffiti". What is proposed here is that the section be renamed "Graffiti". The text is further simplified by deleting reference to responsibilities of the owner as the code already places the responsibility for building maintenance on the owner. Also, the basis for requiring removal of graffiti is that it is a public nuisance. Therefore the revision requires that the graffiti be visible to the public since graffiti that is not visible has no impact on the public. Engaging in the placement of graffiti that is not visible to the public may still be considered a criminal offense because it involves damage to private property, it would not be a property maintenance issue.

Last, a definition is added to make clear what is understood by the term "graffiti" including the fact that the act must be unauthorized.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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# PM21–06/07

304.1.1 (New), 305.1.1 (New), 306 (New), 202,

**Proponent:** Wayne R. Jewell, City of Southfield, Michigan, representing Hazard Abatement in Existing Buildings Committee

## Add new text as follows:

**304.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or loads effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors, and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and loads effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored, or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks, and loose or rotting materials, are not properly anchored, or are not capable of supporting all nominal loads and resisting all loads effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage, and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored, or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smoke stacks, and similar appurtenances not structurally sound, or not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

**305.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or loads effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies, and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored, or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored, or are not capable of supporting all nominal loads and resisting all load effects;

**Exceptions:**

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

**SECTION 306**  
**COMPONENT SERVICEABILITY**

**306.1 General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

**306.1.1 Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
  - 1.1. Collapse of footing or foundation system;
  - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
  - 1.3. Adverse affects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
  - 1.4. Inadequate soil as determined by a geo-technical investigation;
  - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
  - 1.6. Adverse affects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1. Deterioration;

- 2.2. Ultimate deformation;
- 2.3. Fractures;
- 2.4. Fissures;
- 2.5. Spalling;
- 2.6. Exposed reinforcement; or
- 2.7. Detached, dislodged or failing connections.
- 3. Aluminum that has been subjected to any of the following conditions:
  - 3.1. Deterioration;
  - 3.2. Corrosion;
  - 3.3. Elastic Deformation;
  - 3.4. Ultimate deformation;
  - 3.5. Stress or strain cracks;
  - 3.6. Joint fatigue; or
  - 3.7. Detached, dislodged or failing connections.
- 4. Masonry that has been subjected to any of the following conditions:
  - 4.1. Deterioration;
  - 4.2. Ultimate deformation;
  - 4.3. Fractures in masonry or mortar joints;
  - 4.4. Fissures in masonry or mortar joints;
  - 4.5. Spalling;
  - 4.6. Exposed reinforcement; or
  - 4.7. Detached, dislodged or failing connections.
- 5. Steel that has been subjected to any of the following conditions:
  - 5.1. Deterioration;
  - 5.2. Elastic deformation;
  - 5.3. Ultimate deformation;
  - 5.4. Metal fatigue; or
  - 5.5. Detached, dislodged or failing connections.
- 6. Wood that has been subjected to any of the following conditions:
  - 6.1. Ultimate deformation;
  - 6.2. Deterioration;
  - 6.3. Damage from insects, rodents and other vermin;
  - 6.4. Fire damage beyond charring;
  - 6.5. Significant splits and checks;
  - 6.6. Horizontal shear cracks;
  - 6.7. Vertical shear cracks;
  - 6.8. Inadequate support;
  - 6.9. Detached, dislodged or failing connections; or
  - 6.10. Excessive cutting and notching.

**Exceptions:**

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted when approved by the code official.

**SECTION 202**  
**General Definitions**

**ANCHORED.** Secured in a manner that provides positive connection.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**NEGLECT.** The lack of proper maintenance for a building or structure.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**Reason:** The ICC Board approved the development of a new code with the scope including a compilation of current provisions in the I-Codes which address hazards such as those from fire as well as the development of new requirements relative to issues such as hazardous conditions due to structural issues. This would provide a single source code book for all disciplines to be used by building owners to bring their existing building stock up to minimum standards and enforcing agencies when performing inspections of existing buildings. The Hazard Abatement of Existing Buildings Committee (HAEB) was formed to develop this code.

During this 06/07 cycle, the committee is proposing multiple unsafe conditions requirements for inclusion within the text of the existing International Codes, predominately the *International Property Maintenance Code* and the *International Fire Code*. These requirements will later be extracted from these International Codes and placed into a new International Code dealing primarily with unsafe conditions and the abatement thereof. It is intended that the maintenance of these provisions remain with the committee of origin. The draft of this new International Code is currently scheduled to be put through the 07/08 code change process for both public proposals and public comments. The first edition of this new code is currently scheduled for 2009.

This purpose of this proposal is to set out general and specific delineations in a building or structure that would make it unsafe. These guidelines allow the code official more specific references to conditions that characterize an unsafe building or structure.

An item-by-item discussion follows:

**304.1.1:** This section describes unsafe conditions related to the exterior structure in detail to provide the code official the ability to require replacement or repair of these conditions.

Item 1: This item indicates that if the strength of the structural member is exceeded by either the nominal loads or load effects, the condition is to be regarded as unsafe. Nominal strength and load effects as defined by the IBC and points beneath which a structure or component is regarded as incapable of performing its intended function thus becoming unsafe.

Item 2: This item deals with required strength of connections between structural members. More specifically each connection must be able to resist nominal loads and load effects. Otherwise the building or affected portion thereof is to be regarded as unsafe. Anchorage of various elements of a structure is essential to its stability. When anchorage is not capable of transferring the intended loads, the structure or component is said to be unsafe.

Item 3: This item specifies that any condition beyond which a structure or member becomes unfit for service and is judged to be no longer useful for its intended function is to be unsafe. This includes its serviceability limit and strength limit state. Limit state as defined by the IBC is a condition beyond which a structure or member becomes unfit for service and is judged to be no longer useful for its intended function (serviceability limit state) or to be unsafe (strength limit state). Any structure reaching this state is said to be unsafe.

Items 4 through 13: The exterior of the building contains many significant structural elements. The many aspects that could cause any of these portions to be identified as unsafe are delineated herein. These items describe the conditions that are synonymous with these elements reaching their limit state and causing the building or a portion thereof to become unsafe. They include deterioration, water damage, rust, missing or questionable anchorage or joints, material fatigue, or similar wear and tear.

Item 4: In order to more clearly delineate other examples, deterioration that causes any structural member to be unable to support intended loads is regarded as unsafe.

Item 5: Since weather penetration can degrade structural components, this section specifies that if any joint in the building envelope allows weather to penetrate, it may be used as a basis to classify the structure as unsafe. This may be, in and of itself, the basis for the classification. However, supporting evidence of deterioration caused by the penetration would add weight to the characterization as unsafe.

Item 6: Foundation systems are essential to the structural integrity of any building. If any portion of any foundation system is not supported by adequate soil or is not plumb as intended to distribute the loads or has cracks or breaks or inadequately anchored, the building may be regarded as unsafe.

Item 7: Exterior walls are essential to the structural integrity of any building. If any portion of any exterior or bearing wall system is not supported by adequate foundation or is not plumb as intended to distribute the loads or has cracks or breaks or inadequately anchored, the building may be regarded as unsafe.

Item 8: Since weather penetration can degrade structural components, this section specifies that if any roof component allows weather to penetrate, it may be used as a basis to classify the structure as unsafe. This may be, in and of itself, the basis for the classification. However, supporting evidence of deterioration caused by the penetration would add weight to the characterization as unsafe. Additionally, any structural component of the roof assembly not capable of supporting design loads is a basis for classifying as unsafe.

Item 9: Walking surfaces in floors with fatigue, defects or deterioration are a basis for determining that a building or structure is unsafe. If a floor may collapse due to any of these conditions it is likely to cause harm or injury, it may be regarded as unsafe.

Item 10: Decorative features either inside or outside that may become detached and fall is a basis for classifying a building or portion thereof as unsafe. Lateral movement such as an earthquake or wind may cause any feature such as this to fall if not secured properly.

Item 11: As with decorative features, any overhang, extension, projection such as trash chutes, canopies, marquis, sign, etc that is not anchored properly and can fall is a basis for declaring that an unsafe condition exists.

Item 12: Exterior stairs, decks, porches, balconies, and all similar appurtenances are all portions of a means of egress system and as such represent a significant safety concern if left in an unsafe condition. Should any of these elements of a means of egress system become structurally unsound, the building or portion thereof may be regarded as unsafe.

Item 13: As with decorative features and other appurtenances, chimneys, cooling towers, smoke stacks or similar large vertical elements that become structurally unsound may be regarded as unsafe.

Exception 1 is to recognize that a qualified entity could substantiate an alternative method or material that meets the purpose and intent of the code. This alternative would need to be approved by the code official. An engineering study that substantiates the structural integrity in a rational analysis may be the basis for accepting a contention that the building is not unsafe.

Exception 2 allows for the option of demolition of an unsafe condition to a building owner subject to the code officials approval. If the building or structure or portion thereof is demolished, and does not exist, the condition is considered to be resolved.

**305.1.1** This section describes unsafe conditions related to the exterior structure in detail to provide the code official the ability to require replacement or repair of these conditions.

Item 1: This item indicates that if the strength of the structural member is exceeded by either the nominal loads or load effects, the condition is to be regarded as unsafe. Nominal strength and load effects as defined by the IBC and points beneath which a structure or component is regarded as incapable of performing its intended function thus becoming unsafe.

Item 2: This item deals with required strength of connections between structural members. More specifically each connection must be able to resist nominal loads and load effects. Otherwise the building or affected portion thereof is to be regarded as unsafe. Anchorage of various elements of a structure is essential to its stability. When anchorage is not capable of transferring the intended loads, the structure or component is said to be unsafe.

Item 3: This item specifies that any condition beyond which a structure or member becomes unfit for service and is judged to be no longer useful for its intended function is to be unsafe. This includes its serviceability limit and strength limit state. Limit state as defined by the IBC is a condition beyond which a structure or member becomes unfit for service and is judged to be no longer useful for its intended function (serviceability limit state) or to be unsafe (strength limit state). Any structure reaching this state is said to be unsafe.

Items 4 through 6: The interior of a building may contain other structural elements as well. These items include, stairs, walking surfaces, handrails and guards are specifically denoted as essential structural elements that must be preserved to allow for safe means of egress and protection.

Item 4: In order to more clearly delineate other examples, deterioration that causes any structural member to be unable to support intended loads is regarded as unsafe.

Item 5: Interior stairs, decks, porches, balconies, and all similar appurtenances are all portions of a means of egress system and as such represent a significant safety concern if left in an unsafe condition. Should any of these elements of a means of egress system become structurally unsound, the building or portion thereof may be regarded as unsafe.

Item 6: Foundation systems are essential to the structural integrity of any building. If any portion of any foundation system is not supported by adequate soil or is not plumb as intended to distribute the loads or has cracks or breaks or inadequately anchored, the building may be regarded as unsafe.

Exception 1 is to recognize that a qualified entity could substantiate an alternative method or material that meets the purpose and intent of the code. This alternative would need to be approved by the code official. An engineering study that substantiates the structural integrity in a rational analysis may be the basis for accepting a contention that the building is not unsafe.

Exception 2 allows for the option of demolition of an unsafe condition to a building owner subject to the code officials approval. If the building or structure or portion thereof is demolished, and does not exist, the condition is considered to be resolved.

**306.1.1:** In order to analyze all the elements of a building, this section ensures that each component of a building must also meet its intended purpose or the building (or portion thereof) is regarded as unsafe. This provision specifies that each material (such as soil, concrete, masonry, wood, steel, etc) that is used to create a building or structure must continue to be viable or the building (or portion thereof) is regarded as unsafe.

Item 1: This item delineates some of conditions of soil or foundation stability that denote unsafe conditions. Any of these allow the Code Official to determine that an unsafe condition exists.

Items 2 through 6: These items delineate some of conditions of typical building materials that if present in structural elements are sufficient to determine that an unsafe condition exists.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM22–06/07

### 305.3

**Proponent:** Thomas P. Mahar, New York State Department of State

**Revise as follows:**

**305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Deteriorated lead-based paint shall be encapsulated or removed using approved lead-safe working practices. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**Reason:** The basic IPMC document, in section 305.3 devotes one sentence to “Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered.” However, the accompanying **2003 IPMC Commentary** devotes well over a half -page of text on the hazards of lead-based paint. Because the **Commentary** is not the official code text and also because many code officials do not obtain a copy of this document, they may not be aware of the significant threats posed by lead-based paint. The purpose of this code change is to add language which alerts the code official of the danger and also direct the code official to other areas where additional assistance is available, including the ICC Hazard Abatement for Existing Building Code.

The proposal is superior to the current provision because it provides some helpful information while the current code provision offers no information on the dangers associated with lead-based paint. The reason for including the helpful information here in this particular code section is that lead-based paint is the most significant source of high-level exposure for children in the U.S. The highest risk is for pre-1946 housing, with continued high risk for all housing built before the federal ban on high-lead paint in 1977. Nationally, tens of millions of existing housing units were built prior to the ban, and many of these units are in increasingly dilapidated condition.<sup>1</sup> Multiple studies have demonstrated household lead dust as the major source of lead exposure for young children.<sup>2</sup> Lead paint can also be disturbed during renovation of older housing if lead-safe work practices are not followed. Within New York State, lead is the leading recognized environmental poison for children. Exposure to lead is associated with a range of serious health effects on children, including detrimental effects on cognitive and behavioral development with serious personal and social consequences that may persist throughout their lifetime. The federal Center for Disease Control and Prevention (CDC), along with the President’s Task Force on Environmental Health Risks and Safety Risks for Children (2002), have called for the elimination of childhood lead poisoning.<sup>3</sup> Lead poisoning is a completely preventable condition. The purpose of the proposed addition to this code section is to alert the code official that older housing stock is a big potential source of lead and to educate the code official in considering effective solutions and coordinating efforts with other agencies.

**Bibliography:**

1. Silbergeld, EK. Preventing lead Poisoning in Children. Annual review of Public Health. 18:1877-210, 1997
2. Chilson, JJ. The road to primary prevention of lead toxicity in children. Pediatrics 107(3): 581-3, March 2001
3. NYSDOH. Eliminating Childhood Lead poisoning in New York State by 2010. NY State Dept. of Health, June 2004

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM23–06/07

### 306

**Proponent:** David W. Cooper, Stairway Manufacturers’ Association

**Revise as follows:**

**306.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is

more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Where the guarded elevation exceeds one story in height guards shall comply with current new construction codes of the jurisdiction for guard opening limitations.

**Exception:** Guards shall not be required where exempted by the adopted building code.

**Reason:** Add new requirements to the code. This change will result in less guard related accidents in the built environment.

The data, testing, and studies reviewed by the ICC Code Technology Committee (CTC) in their investigation of climb resistant guards support the fact that bringing existing buildings up to current standards will demonstrably affect a decrease in guard related accidents by decreasing the number of fall through accidents. Studies they have reviewed point to the majority of accidents related to guards being in existing buildings built prior to enforcement of the well known 4 inch sphere rule with particular concern for R-2 balconies being noted. These studies and other critical information in support of this change may be viewed at <http://www.iccsafe.org/cs/cc/ctc/climbable.html>.

The added text is purposefully simple and open to interpretation. By using the word story in reference to the guarded elevation the intent to offer better protection at upper floors however is accomplished. Having this requirement in the code will validate those jurisdictions already enforcing smaller opening limitations.

This will not affect changes to guard height that could be more costly. Although costs will be of significance, the addition of in-fill elements to restrict the opening limitations could be accomplished easily with minor modification to the guard system already required in the IPMC. In addition the one-story limitation further addresses the concern to eliminate the majority of more serious injuries while providing a reasonable step in the right direction that most jurisdictions will readily adopt. Although we would support more restrictive options for changes to this section, this proposal is offered to assure that some action be taken in this cycle directed to reducing guard accidents in the built environment.

**Bibliography:** Childhood Injuries Due to Falls From Apartment Balconies and Windows., G R Istre, M A McCoy, M Stowe, K Davies, D Zane, R J Anderson and R Wiebe, INJ. Prev. 2003;9:349-352, doi: 10.1136/ip.9.4.349, <http://ip.bmjournals.com/cgi/content/full/9/4/349>

**Cost Impact:** The code change proposal will increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM24-06/07

### 306.1, 306.2 (New)

**Proponent:** David W. Cooper, Stairway Manufacturers' Association

**Revise as follows:**

#### SECTION 306 HANDRAILS AND GUARDRAILS

**306.1 General Handrails.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair ~~and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.~~ Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. ~~Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.~~

**306.2 Guards.** Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Guards shall not be less than 36 inches (914 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Open guards shall have balusters or ornamental patterns such that a 4 inch (102 mm) diameter sphere cannot pass through.

**Exceptions:**

1. Guards shall not be required where exempted by the adopted building code.
2. Guards on the side of stairs shall be not less than 34 inches (864 mm) high and shall not allow a 4 3/8 inches (107 mm) diameter sphere to pass through.

**Reason:** To add new requirements to the code. This change will result in less guard related accidents in the built environment by implementing currently accepted standards.

This proposal offers clarity by separating the handrail and guard requirements into different sections with the intent to draw attention to the new requirements for guards without changing the handrail requirements.

The data, testing, and studies reviewed by the CTC in their investigation of climb resistant guards support the fact that bringing guards of existing buildings up to current standards will affect a decrease in guard related accidents. In addition this same information shows that the 4-inch sphere rule makes a significant difference by decreasing the number of fall through accidents. These studies and other critical information in support of this change may be viewed at <http://www.iccsafe.org/cs/cc/ctc/Climbable.html>. Having these current requirements in the code will validate those jurisdictions already implementing this well-known standard and further promote the adoption in all jurisdictions.

**Cost Impact:** The code change proposal will increase the cost of construction.

**Analysis:** The committee needs to make its intent clear with respect to 306.2 as it relates to this proposal and PM\_\_-06/07.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM25–06/07

### 306.1, 306.2 (new)

**Proponent:** Thomas R. Zuzik, Jr., Artistic Railings, Inc.

**Revise as follows:**

#### SECTION 306 HANDRAILS AND GUARDRAILS

**306.1 General Handrails required.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stairs ~~and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.~~ Required handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. ~~Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.~~

**Exception:** ~~Guards shall not be required where exempted by the adopted building code.~~

**306.2 Guards required.** Open portions of stairs, landings, balconies, porches, decks, ramps or other walking surfaces which are 30 inches (762 mm) or more above the floor or grade below, measured vertically from the edge height of the open-side to the deepest point no more than 24 inches (610 mm) horizontal off the open-side edge, shall have guards. Required guards shall not be less than 36 inches (914 mm) high above the floor of the landing, balcony, porch, deck, or ramp or walking surface. Guards shall have balusters or ornamental patterns such that a 4 inch (102 mm) diameter sphere cannot pass through.

**Exception:**

1. Guards shall not be required where exempted by the adopted building code.
2. Openings in guards on the side of stairs shall not allow a sphere 4 3/8 inches (107 mm) to pass through.
3. Guards for one and two family dwelling units (group R-3) shall have balusters or ornamental patterns such that a 6 inch (152 mm) diameter sphere cannot pass through.
4. Guards for one and two family dwelling units (group R-3) shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Reason:** The previous built environment has proven to be one of the most prevalent areas of accidents for young children ages 8 months through 30 months of age. One item that has risen to the knowledge of those in the medical research industry, also know as injury prevention research, have shown through studies that children in the aforementioned age group have been and are currently continuing to falling through large openings in old guards.

The *International Property Maintenance Code* of the International Code Council was developed to provide a way for municipalities to adopt a code for addressing these older built environments for just this type of condition or cause and this proposed code is presented for this reason.

Buildings built before the adoption of the 4 inch sphere requirements adopted during the early to late 90's has reduced the occurrence of children falling through elevated guards in newer structures as continuing injury data stills points to older buildings as the main source of injury.

Supporting Statement:

- One study conducted over a 3 year period from 1997 to 1999 by the Injury Prevention Center of Greater Dallas, Dallas, Texas titled Childhood Injuries Due to Falls from Apartment Balconies and Windows. Points out that old buildings particularly group R-2 buildings are overwhelmingly the greatest source of these types of fall through injuries. This study concluded that the average opening between balusters for the pre-built environment was 7 inches for this area of the country.
- During the early stages of the ICC/CTC's study of climbable guards presently still being reviewed and researched by the CTC. The CTC established a study group to conduct further study and report back to the CTC with findings. A majority of the climbable guards study group have verbally concurred that previous built buildings have shown to be a continuing source of the majority of fall through injuries and these findings are based on the review of the currently presented data and studies that the CTC has been presented during their working meetings.
- The present 4 inch sphere standard is in most US model codes of the last decade and this is another validation for the basis of the present code change proposal.
- This will give those jurisdictions that already implement the well-known 4 inch sphere standard the ability to provide that same standard of protection for the pre-built environment and further promote the adoption in all jurisdictions.
- This author did insert the 5 inch sphere exception and 30 inch height exception for 1 and 2 family dwelling units as a leniency for a more palatable IPMC for single family home owners. It is the authors feeling though that these 2 exceptions could be deleted by the ICC IRC review committee and are only presented as an exception so that the main area of injuries (group R-2) can be provided with current fall through protection, while not making the IPMC overly restrictive for adoption.

**Cost Impact:** The code change proposal will not increase the cost of construction.

**Analysis:** The committee needs to make its intent clear with respect to 306.2 as it relates to this proposal and PM\_\_-06/07.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM26–06/07

### 306.1, 306.2 (new), 306.3 (new)

**Proponent:** Timothy J. Moss, National Ornamental & Miscellaneous Metals Association

**Delete and substitute as follows:**

#### SECTION 306 HANDRAILS AND GUARDRAILS

~~**306.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.~~

~~**Exception:** Guards shall not be required where exempted by the adopted building code.~~

~~**306.1 General.** Handrails and guards required in accordance with Section 306.2 and 306.3 shall be designed and installed in accordance with the provisions of the *International Building Code*.~~

~~**306.2 Handrails.** Every exterior and interior stairway shall have a handrail on each side. Handrail height, measured vertically above stair tread nosings, or finish surface of landing or walk surface, shall be uniform, not less than 34 inches (864 mm) and not more than 38 inches (965 mm).~~

~~**306.3 Guards.** Guards shall be located along open-sided walking surfaces, including mezzanines, industrial equipment platforms, stairs, ramps and landings which are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with Section 1607.7 of the *International Building Code*. Guards shall form a protective barrier not less than 42 inches (1067 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Guards shall not have openings which allow passage of a sphere 4 inches (102 mm) in diameter up to a height of 36 inches (914 mm).~~

**Reason:** The purpose of the proposed code change is to provide consistency with the requirements in the IRC and IBC. The handrail height requirements and the 4 inch guard opening requirements will then match those requirements in the 2000 and subsequent IRC and IBC.

**Cost Impact:** The code change proposal will increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM27–06/07

### 307.3, 307.3.1, 307.3.2

**Proponent:** Richard Davidson, City of Hopkins, Minnesota

**1. Revise as follows:**

~~**307.3 Disposal of garbage.** Every occupant~~ The owner of a structure every premise shall dispose of or cause to be disposed garbage in a clean and sanitary manner by placing such garbage in ~~an approved garbage disposal facility or approved garbage containers.~~

~~**307.3.1 Garbage facilities containers.** The owner of every dwelling premise shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an~~ cause to be supplied approved leakproof, covered, outside garbage containers with tight-fitting covers.

## 2. Delete without substitution:

~~**307.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.~~

**Reason:** This proposal greatly simplifies the language in the code while retaining necessary regulatory language. Primary to the proposal is placing responsibility for garbage disposal on the owner of the premises. The balance of the changes are largely editorial in nature by eliminating either redundant language or outdated garbage disposal methods such as food waste grinders and incinerators. Whether the owner actually disposes garbage or provides containers or requires them as part of a lease agreement is immaterial. In the end the owner is responsible to see that the matter addressed.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM28-06/07 308

**Proponent:** Richard Davidson, City of Hopkins, Minnesota

### 1. Revise as follows:

#### **SECTION 308 EXTERMINATION INFESTATIONS**

~~**308.1 Infestations.** All structures premises shall be kept free from insect and rodent infestations and harborages. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. The owner shall abate all infestations by extermination~~

### 2. Delete without substitution:

~~**308.2 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.~~

~~**308.3 Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.~~

~~**308.4 Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.~~

~~**308.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.~~

~~**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.~~

**Reason:** There are numerous problems with the text in this section. First, the title of the section should reference the problem, not the solution. Extermination isn't a code violation. The term "infestation" is defined in the IPMC and is the preferred term. Second, the term "premises" is defined as including the property surrounding a structure and is also preferred. The infestation may be on the premises but not in a structure or it may be both inside and outside of a building. The deleted language in 308.1 is redundant and unnecessary. "Extermination" is defined and is addressed in the last sentence. Regarding precautions to prevent reinfestation, again the violation that would be cited is the infestation, not the failure to prevent it. The term "proper precautions" is vague, ambiguous, and unenforceable. If there are precautions that should be taken, they should be listed here. Since an owner can be cited repeatedly for infestation, this text is unnecessary.

The second paragraph is deleted to make it clear that the owner is responsible for maintaining all premises free of infestations and harborages regardless of whether or not the premises is to be rented or leased. As currently written, the text states that the owner is responsible for infestations only before leasing or renting a premise. How does the code official determine the status of an infestation as it relates to the timing of a lease or rental agreement? How does the code official know that an infestation took place prior to or after an agreement? He/she doesn't.

The last three paragraphs are proposed to be deleted for the simple reason that they conflict with section 107 which places the responsibility on the owner of the premises and because this is addressed in 308.1. The owner is the only party who can fully control the disposition of infestations. This is particularly true when there are both tenant spaces and common spaces as are alluded in the current text. The owner is the only party that the jurisdiction can penalize to the extent needed to bring full compliance. Even if the owner contracts with the tenant to address infestations this is a civil matter not involving the jurisdiction. The owner also has the ability to evict a tenant that the owner feels contributes to an infestation

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

## PM29–06/07

404.1

Proponent: Richard Davidson, City of Hopkins, Minnesota

### Delete without substitution:

~~404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.~~

**Reason:** This section is vague and unenforceable. Does it mean that a window in one dwelling cannot face a window in an adjoining dwelling? Is it visual privacy, sound privacy? The intent is unclear. What is the meaning of "separate from other adjoining spaces"? What spaces? What does "separate" mean? Does it mean separated by a wall, a firewall, a wall with no door, a wall with a door, by distance, in another building? Does it apply to buildings near each other but on different lots? What some might consider private may not be considered private by someone else. Enforcement of this section will surely be arbitrary and thus illegal. It seems to presume that *arrangement* of dwelling units, hotel units, and the like can be changed to impact privacy. This is an issue that should be dealt with at the design stage of a building and not in a maintenance code. The section should be deleted.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM30–06/07

404.3

Proponent: Richard Davidson, City of Hopkins, MN

### Revise as follows:

**404.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basements areas in dwellings shall have a clear ceiling height of not less than 7 feet (2134 mm).

#### Exceptions:

- ~~1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.~~
- ~~1. Basement rooms Portions of basements in one- and two-family dwellings occupied exclusively for storage, service of the buildings, or laundry, study or recreation purposes, having shall have a ceiling height of not less than 6 feet 8 inches (2033 mm), with Not less than 6 feet 4 inches (1932 mm) of clear height shall be provided under beams, girders, ducts and similar obstructions.~~
- ~~3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.~~
2. For rooms with sloped ceilings, at least 50% of the required floor area of the room shall have a ceiling height of at least 7 feet (1931 mm) and no portion of the required floor area shall have a ceiling height less than 5 feet (1524 mm).

**Reason:** The first changes reflect consistency with other I-Codes. There are no requirements for ceiling heights in non-residential uses in the IBC that would be impacted by this change. The second change deletes the first exception to the section. This exception first showed up in the model codes in the 70's in response to a decorating fad involving the installation of fake beams on ceilings. There are no conventional building practices that would involve beams spaced 4 or 5 or 6 feet on center. In fact, it is very unlikely that this building technique would ever be used. Furthermore, the exception makes absolutely no sense from a safety standpoint. Placing projections from the ceiling at intervals of 4 feet or more invites accidents due the irregularity of the placement. The exception should be deleted. The second exception is editorially revised for grammar errors. The last exception is proposed to be revised as shown. The proposed text is found in the IRC. The two codes should be consistent.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM31–06/07

404.4.2

Proponent: Richard Davidson, City of Hopkins, MN

### Delete without substitution:

~~404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.~~

**Exception:** Units that contain fewer than two bedrooms.

**Reason:** This requirement has no basis in health and safety. It may be a design that is inconvenient or undesirable but these concerns are not listed in the scope or intent of the IPMC. Furthermore, there are no similar provisions in the IRC. This could result in a new dwelling being constructed in full compliance with the IRC and a Certificate of Occupancy being issued and the dwelling being cited for violation of the IPMC. The codes need to be consistent. Also, this would seem to be self-policing. If a prospective buyer didn't like this room arrangement, they shouldn't buy the house. If a tenant doesn't like it, they should rent something else.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM32–06/07

### 404.4.3

**Proponent:** Richard Davidson, City of Hopkins, MN

**Delete without substitution:**

~~**404.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.~~

**Reason:** This requirement has no basis in health and safety. Furthermore, there are no similar provisions in the IRC. A design with this arrangement may be inconvenient or undesirable but these concerns are not listed in the scope or intent of the IPMC. This could result in a new dwelling being constructed in full compliance with the IRC and a Certificate of Occupancy being issued and the dwelling being cited for violation of the IPMC. Also homes could be remodeled with a legal building permit and be in violation of this section. For example, if a bedroom were installed in the basement of a two-story home where the bathroom was on the second floor, it would violate the IPMC. Yet this is a common occurrence. The codes need to be consistent. Also, this would seem to be self-policing. If a prospective buyer didn't like this arrangement, they shouldn't buy the house. If a tenant doesn't like it, they should rent something else.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

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## PM33–06/07

### 404.6

**Proponent:** Richard Davidson, City of Hopkins, Minnesota

**Delete without substitution:**

~~**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:~~

- ~~1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.~~
- ~~2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.~~
- ~~3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.~~
- ~~4. The maximum number of occupants shall be three.~~

**Reason:** This section is proposed to be deleted for several reasons. The first sentence of the section is poor code language because it doesn't seem to be setting out a rule but rather it is saying you can't have a rule against what is listed! Using that as a start, the rest of the section isn't regulation at all but simply conditions that the IPMC cannot prohibit.

Rules for efficiency dwelling units were first found in the legacy codes dating back at least 40 years. They have outlived their usefulness. This section also conflicts with other I-Codes. For example, the IBC requires that dwelling units have at least one habitable room of 150 square feet. It doesn't require any additional habitable rooms. Therefore the IBC would allow the construction of a dwelling unit of 150 square feet plus non-habitable spaces. Why would an "efficiency dwelling unit" need 220 square feet? Why would a building owner even wish to use this section for compliance because it is stricter than the base requirements in the code? Except for requirements for cooking and refrigeration facilities, the rest of the regulations are redundant. All dwelling units are required to provide a kitchen sink, light and ventilation, and bathroom fixtures. It is inconsistent to require one type of dwelling unit to have a "cooking appliance" or "refrigeration facilities", both undefined, when other types of dwellings must not. The term "cooking appliance" is meaningless. Is this a range, microwave oven, electric fry pan, toaster, or coffee pot? Could "refrigeration facilities" be a cooler full of ice? The text is unclear.

The IPMC is a maintenance code, not a design code. If these rules are to exist, they should be in the IBC or the IRC. If this section is to be retained, it needs to be completely rewritten. But since these regulations are unnecessary they are best deleted in their entirety.

**Cost Impact:** The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM34–06/07

606.1

**Proponent:** Daniel J. Winslow, CNY Elevator Consultants LLC

**Revise as follows:**

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, ~~or the certificate shall be available for public inspection in the office of the building operator or the certificate shall be posted in a publicly conspicuous location approved by the code official.~~ The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

**Reason:** To meet the intent of the code, which requires that the certificate of inspection be publicly available.

The intent of the code is to require that the certificate of inspection be available to the public. Whereas the “office of the building operator” is not generally accessible to the public, the language does not meet the intent of the code.

In most cases the certificate of inspection should be posted in the elevator or on the escalator or dumbwaiter. The current code language allowing the certificate of inspection to be in the “office of the building operator” does not meet the intent of the code to make the certificate “available” to the public.

The code change proposal revises the language to clarify that the certificate is required to be in a publicly conspicuous location. Additionally, the revised language allows a building operator to request the inspection certificate be placed in a location other than in the elevator, or on the escalator or dumbwaiter, provided that location is a publicly conspicuous location and approved by the Code Official.

**Cost Impact:** Whereas the certificate is already required to be publicly available, whereas the proposed code change proposal is editorial in nature and only clarifies the intent of the code, whereas The proposed code change proposal only provides the Code Official discretion regarding location of posts, whereas the need for inspections, and the frequency of inspections are not affected, The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D  
Assembly: ASF AMF DF

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## PM35–06/07

### Chapter 8 (New)

**Proponent:** Wayne R. Jewell, City of Southfield, Michigan, representing Hazard Abatement in Existing Buildings Committee

**Add new text as follows:**

### CHAPTER 8 HEALTH AND SANITATION

#### SECTION 801 GENERAL

**801.1 Scope.** The provisions of this chapter shall govern the review and assessment of health and sanitation for maintaining the safety of a building or structure or portion thereof.

**801.2 Responsibility.** The owner shall maintain a building or structure and exterior property in compliance with the International Property Maintenance Code. The owner of the structure shall repair or replace elements or components in compliance with these requirements.

#### SECTION 802 GENERAL REQUIREMENTS FOR MAINTAINING HEALTH AND SANITATION

**802.1 Performance of building elements and components.** Elements and components of buildings shall be maintained in accordance with this section and shall remain in good health and sanitary state, and not deteriorate to an extent so as to pose a threat to the public health, safety or welfare. If elements and components of the structure or portion thereof are determined to be unsafe according to this chapter, they shall be replaced or repaired according to Section 802.2.

**802.2 Components.** All structures or components thereof determined to be unsafe shall be replaced or repaired by the owner according to the provisions of the building code.

**Exceptions:**

1. The structure or component thereof is permitted to be removed or demolished according to the provisions of this code.
2. When, in the opinion of the Code Official, repair of the element or component to its original sanitary and health standards will satisfy the requirements of Section 802.1.

**SECTION 803**  
**EQUIPMENT**

**803.1 Equipment.** Any equipment associated with a building or structure that poses a threat to health or safety, the building or structure, it shall be determined to be unsafe and shall be replaced or repaired according to the provisions of Section 802.2.

**SECTION 804**  
**COMPONENT SERVICEABILITY**

**804.1 Component serviceability.** Materials in elements and components of the building or structure thereof not maintained and that have fallen below their health and sanitary state shall be determined to be unsafe and shall be replaced or repaired according to the provisions of Section 802.

**804.2 Health and sanitary state of materials.** In addition to the other requirements for component serviceability referenced in Section 804.1, the conditions described below shall indicate that the material has fallen below its health and sanitary state and shall be replaced or repaired according to the provisions of Section 802.2 unless substantiated otherwise by an approved method:

1. Indoor Air Quality (IAQ) that has been subjected to any of the following conditions:
  - 1.1. Asbestos
  - 1.2. Carbon Monoxide
  - 1.3. Radon
  - 1.4. Dust
  - 1.5. Mold
  - 1.6. Excessive dampness
  - 1.7. Excessive tobacco smoke
  - 1.8. Inadequate ventilation
2. Lead that is present in dangerous amounts.
3. Potable water that has been subjected to any of the following conditions:
  - 3.1. Lead
  - 3.2. Corrosion
  - 3.3. Chemical
  - 3.4. Excessive chlorination
  - 3.5. Inadequate water temperature
4. Pesticides present in dangerous amounts in components of a building or structure.
5. Other chemicals that are present including but not limited to the following:
  - 5.1. Urethane based paint.
  - 5.2. Controlled or illegal substances.
  - 5.3. Significant rust.
  - 5.4. Other harmful chemicals
6. Volatile Organic Compounds (VOC) that are present in dangerous amounts including but not limited to arsenic treated wood.
7. Insects and vermin that are present in dangerous amounts including but not limited to the following:
  - 7.1. Mice and rats.
  - 7.2. Cockroaches dust mites fleas, flies, bedbugs, ticks, lice, mosquitoes, termites.
8. Human or animal disease, waste or remains that is present in an uncontrolled manner.
9. Rubbish and garbage that is present in an uncontrolled manner.

**SECTION 202  
GENERAL DEFINITIONS**

**HEALTH AND SANITARY STATE.** The state above which a normal occupancy of a building or structure produces no adverse effects to health or safety.

**Reason:** The ICC Board approved the development of a new code with the scope including a compilation of current provisions in the I-Codes which address hazards such as those from fire as well as the development of new requirements relative to issues such as hazardous conditions due to structural issues. This would provide a single source code book for all disciplines to be used by building owners to bring their existing building stock up to minimum standards and enforcing agencies when performing inspections of existing buildings. The Hazard Abatement of Existing Buildings Committee (HAEB) was formed to develop this code.

During this 06/07 cycle, the committee is proposing multiple unsafe conditions requirements for inclusion within the text of the existing International Codes, predominately the *International Property Maintenance Code* and the *International Fire Code*. These requirements will later be extracted from these International Codes and placed into a new International Code dealing primarily with unsafe conditions and the abatement thereof. It is intended that the maintenance of these provisions remain with the committee of origin. The draft of this new International Code is currently scheduled to be put through the 07/08 code change process for both public proposals and public comments. The first edition of this new code is currently scheduled for 2009.

This purpose of this proposal is to add a correlated Chapter 8 to the IPMC that specifies unique health and sanitation aspects of a building causing it to fall beneath a standard deemed to be safe. Items 1 through 9 seek to identify by quantitative or qualitative means various affects on health and sanitation within a building or structure. For example, the potable water supply may be affected by lead, corrosion, chemicals (that include chlorination) or even inadequate temperature. These specific items are an attempt to give the Code Official the tools they need to more specifically identify hazards that affect health and sanitation. In the instance of human remains or disease care was given to those buildings where the purpose was specifically to house these types of uses, but to clarify that if kept in an "uncontrolled manner" the building could be deemed unsafe. In certain instances where these elements existed in all buildings (insects, vermin, etc) care was given to quantify a "dangerous level" to be determined by the code official.

In all cases, the intent is to give the Code Official a more thorough description of what identifies significant levels of specific aspects that create a health and sanitation danger.

**Cost Impact:** This code change proposal will not increase the cost of construction.

Public Hearing: Committee	AS	AM	D
Assembly:	ASF	AMF	DF

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