

2013 PROPOSED CHANGES TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

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TENTATIVE ORDER OF DISCUSSION 2013 PROPOSED CHANGES TO THE INTERNATIONAL PROPERTY MAINTENANCE 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. Note that some IPMC code change proposals may not be included on this list, as they are being heard by other committees. Please consult the Cross Index of Proposed Changes.

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PM1 – 13

202 (New)

Proponent: Wayne R. Jewell, CBO, Green Oak Charter Township, representing self
(wayne.jewell@twp.green-oak.mi.us)

Add new definition as follows:

SECTION 202 DEFINITIONS

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less all revenues obtained if salvage was conducted prior to demolition or repair. Costs shall also include, but not be limited to, all expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a land-fill; title searches; mailing(s); postings; recording; and all attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

Reason: This provides a definition that summarizes the existing language of the code text in Sections 106.3, 105.5 and 110.3. All of these sections make reference to the jurisdiction's ability to recover costs. This provides a descriptive definition as to what those "costs" are to include. Without a definition that brings the scope of these three sections together there is a lack of uniform enforcement as to what are the actual costs of actions taken by a jurisdiction. This provides a basis of what is to be considered when preparing an invoice of expenses paid by the jurisdiction to protect the public due to the lack of action by an owner of property after receiving a proper notice(s) or order(s) from a code official, governing body or board of appeals.

Cost Impact: The code change proposal will properly place the cost of actions taken by a jurisdiction to provide for the safety and welfare of the public upon the property owner.

PM1-13

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

202-COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS-PM-JEWELL.DOC

PM2 – 13 202 (New)

Proponent: Jim Edelson, New Buildings Institute (jedelson@comcast.net); Ric Cochrane, National Trust for Historic Preservation; David Collins, The Preview Group representing The American Institute of Architects

Add new definition as follows:

SECTION 202 DEFINITIONS

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed, or certified as eligible for listing by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places
2. Designated as historic under an applicable state or local law; or
3. Certified as a contributing resource within a National Register listed or locally designated historic district.

Reason: There is no definition for Historic Buildings in the IPMC, even though the term is used in many places. The current language for Historic Buildings in the IECC-Commercial, the IECC-Residential and the IEBC is confusing and does not clearly describe how buildings and districts are listed or determined to be eligible to be listed as historic.

This proposal adds a consistent definition to the IPMC, while solving two problems with the Historic Buildings definitions in the IECC and the IEBC. First, it remedies the confusion caused by the sheer complexity of the defining language by converting the running list of qualifications into a clearly delineated numbered list. Second, the proposal gives the language clarity and specificity as to how a building is officially determined to be eligible for the various lists of historic buildings. In accordance with the Code of Federal Regulations, Title 36, Chapter I, Part 63, determinations of eligibility for listing in the National Register of Historic Places are made by State Historic Preservation Offices in coordination with the Keeper of the National Register of Historic Places. This is an official process conducted in accordance with federal standards. This proposal aligns the code language with the language of this official process and removes any ambiguity as to who can make determinations of eligibility.

This proposal is one of four proposals in Cycle B to create this consistency for Historic Buildings across the I-codes. The other three proposals are being made to the IECC-Residential, the IECC-Commercial and the IEBC.

Cost Impact: There is no cost impact to this proposal.

Analysis: EB1-13 and CE7, CE8 and CE9-13 also propose a similar definition for Historic Building for the IEBC and IECC, respectively.

PM2-13

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

202-HISTORIC BUILDING-PM-COCHRANE-COLLINS-EDELSON

PM3 – 13
202

Proponent: Rebecca Morley, representing National Center for Healthy Housing

Revise as follows:

SECTION 202
DEFINITIONS

INFESTATION. The presence, within or contiguous to, a structure or premises of: insects including cockroaches, fleas, and bedbugs; pest rodents including rats and mice; vermin; or other pests. Visible pest residue or debris constitutes an infestation unless there is clear evidence that the pest is no longer present.

Reason: The current definition of infestation would appear to exclude rodents other than rats. However, rodents carry disease and, in the case of mice, may trigger an asthma attack. The proposal applies the term to all rodents.

Cockroaches, fleas and bedbugs are public health problems; the proposal specifies these insects to make clear that they are included.

The proposal clarifies that visible evidence of pest residues is a sufficient basis for action by a code official. The code official does not have to see a live pest. Many of the pests of most concern are nocturnal and their residue is the only evidence available during daylight.

Cost Impact: The proposal will not increase the cost of maintenance since this is a definition not a requirement.

PM3-13

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

202-INFESTATION-PM-MORLEY

PM4 – 13

202 (New)

Proponent: Rebecca Morley, representing National Center for Healthy Housing

Add new definition as follows:

SECTION 202 DEFINITIONS

SANITARY. A condition that is clean and free of *infestation*; rodent residues such as droppings, urine, gnaw marks, grease marks, or nest debris; insect residues such as droppings, debris, or body parts; human or animal waste; mold; wastewater; sewage; rotting material; and accumulation of rubbish or garbage.

Reason: Although used extensively in the code, “sanitary” currently lacks a definition. Therefore the varying contexts in which it appears give the word different connotations. As a result, the term is ambiguous allowing for differing interpretations. The ambiguity means that the code official’s interpretation is open to challenge. As a result, code officials may be reluctant to cite for unsanitary conditions absent other violations such as active infestation.

Pest residues that remain after pest elimination may carry infectious diseases and allergens that cause allergies, cause asthma or trigger an asthma attack. Accumulations of rubbish or garbage can provide harborage and a food source for rodents or insects and become the source of disease.

The definition of sanitary addresses those situations commonly understood to spread or support disease. It includes the term infestation to make clear that an infestation is never sanitary.

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

PM4-13

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

202-SANITARY (NEW)-PM-MORLEY

PM5 – 13

304.1.1

Proponent: Andy Williams, Metal Construction Association (afwilliams@metalconstruction.org)

Revise 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* or the *International Existing Building Code* as required for existing buildings:

1 through 7 (*No change to current text*)

8. Roofing or roofing components that have defects that reduce the roof covering fire classification, or 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 through 13 (*No change to current text*)

Exceptions:

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

Reason: An unsafe condition can occur when the roof covering does not maintain the fire classification mandated by the IBC or the IEBC. Failure to maintain this level of performance may allow the spread fire from roof to roof. This unsafe condition is not presently listed in the IPMC. By listing this as an unsafe condition, the Code Official will have language in the IPMC to insure that a roof covering fire classification is maintained.

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

PM5-13

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

304.1.1.1-PM-WILLIAMS.DOC

PM6 – 13

304.2.1 (New), 305.3.1 (New), Chapter 8

Proponent: Rebecca Morley, representing National Center for Healthy Housing

Add new text as follows:

304.2.1 Disturbance of existing painted surfaces. In any Group E, I-4, R-2, R-3, R-4 occupancies completed prior to 1978, where repairs disturb painted surfaces, the work shall comply with the information distribution, certification and work practice requirements of 40 CFR 745 for renovations.

Exception: Where documentation is provided from an approved test in accordance with 40 CFR 745.82(a)(1) or (2) that proves that the disturbed paint contains lead levels below specified levels, the work is not required to comply with this section.

305.3.1 Disturbance of existing painted surfaces. In any Group E, I-4, R-2, R-3, R-4 occupancies completed prior to 1978, where repairs disturb painted surfaces, the work shall comply with the information distribution, certification and work practice requirements of 40 CFR 745 for renovations.

Exception: Where documentation is provided from an approved test in accordance with 40 CFR 745.82(a)(1) or (2) that proves that the disturbed paint contains lead levels below specified levels, the work is not required to comply with this section.

Add new standard to Chapter 8 as follows:

EPA U.S. Environmental Protection Agency

40 CFR 745– July 1, 2012 Lead-Based Paint Poisoning Prevention in Certain Residential Structures

Reason: The purpose of this proposed code language for the surfaces of the structure is to incorporate measures that reflect current knowledge about working with paint that may contain lead-based paint and thereby prevent lead poisoning. The code already requires repair of paint in poor condition. This new subsection would further require compliance with federal regulations to promote the safe repair of deteriorated paint that is likely to contain lead. These regulations have been in effect since April 2010. This change would only affect structures likely to contain lead-based paint.

Multiple studies have demonstrated that lead dust, which is caused by deteriorated lead-based paint and some methods of paint repair, is the major source of lead exposure for young children. The dangers associated with exposure to lead based paint hazards are well-known: 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. More than 36 million pre-1978 US housing units contain lead-based paint.

Sections 304.2 and 305.3 fail to specifically require, on older structures that are likely to contain lead-based paint, the use of precautionary practices in order to prevent the dispersal of lead before, during, and after the repair work, in the course of complying with the code requirement to repair peeling, flaking and chipping paint. The proposal improves the current Code by adding to each section a health-protective requirement to perform the repair safely around lead-based paint, a subject currently acknowledged in the Commentary but not in the Code. The addition of the proposed new language will protect children from lead poisoning by specifying the use of federally – or state - approved lead safe work practices in making the required repairs. The lead-safe work practices are required by EPA effective April 22, 2010, for most renovation, repair and painting work in all pre-1978 homes. The federal renovation rule and this proposal are based on a rebuttable presumption of lead's presence, which allows the property owner to demonstrate that lead is not present to be exempt from the requirements. The proposed new language includes these exceptions: structures built after lead was banned from paint used in residential structures (1977 US; earlier in some US cities; 1909 France, Belgium, Austria), and structures where the deteriorated paint has been documented to not contain lead (such as by a lead-based paint inspection or risk assessment, by the use of a test kit by a certified renovator, or through completion of another government-approved test method or ANSI standard).

The EPA 40 CFR 745 standard is available at <http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol32/xml/CFR-2012-title40-vol32-part745.xml>.

Cost Impact: This change will not increase the cost of maintenance since these federal and state requirements are already in place.

Staff analysis: A review of the standard proposed for inclusion in the code, EPA 40 CFR 745 with regard to the ICC criteria for referenced standards (Section 3.6 of CP#28) will be posted on the ICC website on or before April 1, 2013.

PM_-13

Public Hearing: Committee: AS AM D

Assembly:

ASF

AMF

DF

304.2.1 (NEW)-PM-MORLEY

PM7 – 13

304.7.1, 304.7.1 (New), 304.7.2 (New)

Proponent: Andy Williams, Metal Construction Association (afwilliams@metalconstruction.org)

Revise as follows:

304.7 Roofs and drainage. Roof drainage and fire classification shall comply with Sections 304.7.1 and 304.7.1 respectively.

304.7.1 Roof drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.7.2 Fire classification. The roof covering fire classification shall not be reduced due to repairs from the fire classification required when installed. The roof covering fire classification for a recovering shall comply with the fire classification in the *International Building Code*.

Reason: The proposal to 304.7 to identify that an unsafe condition exists when the roof covering has defects that reduce its fire classification is not adequate unless there is direction on how to address the unsafe condition. Section 304.7.2 is to clarify that the roof covering is required to comply with the fire classification mandated by the IBC. For repairs to a roof covering, the repair must maintain the roof covering fire classification required by the IBC when the roof covering was initially installed. For a recovering, the roof covering must have the fire classification required by the IBC adopted at the time of the recovering.

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

PM7-13

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

304.7-PM-WILLIAMS.DOC

PM8 – 13

304.20 (New)

Proponent: Charles S. Bajnai, Chesterfield County, VA, ICC Building Code Action Committee
(BajnaiC@chesterfield.gov)

Add new text as follows:

304.20 Prohibitions in open parking garages. Partial or complete closing of required openings in exterior walls by tarpaulins or any other means shall be prohibited in open parking structures.

Reason: This proposal is submitted by the ICC Building Code Action Committee (BCAC) The BCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance an assigned International Code or portion thereof. This includes both the technical aspects of the codes as well as the code content in terms of scope and application of referenced standards. Since its inception in July, 2011, the BCAC has held 6 open meetings and numerous workgroup calls which included members of the BCAC as well as any interested party to discuss and debate the proposed changes. Related documentation and reports are posted on the BCAC website at: <http://www.iccsafe.org/cs/BCAC/Pages/default.aspx>.

This language is currently required by section 406.5.11 of the International Building Code and should also be appropriately placed in the Property Maintenance Code.

Cost Impact: This proposal does not increase the cost of construction.

PM8-13

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

304.20 (NEW)-PM-BAJNAI-BCAC.DOC

PM9 – 13

305.3

Proponent: Rebecca Morley, representing National Center for Healthy Housing

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. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. Surfaces such as but not limited to wood, textiles, paint, cellulose insulation, and paper, including paper-faced gypsum board, shall have no signs of chronic or persistent excessive moisture. Material discolored or deteriorated by mold or mildew shall be cleaned, dried and repaired and the underlying cause shall be corrected. If the material has decayed or failed beyond repair, it shall be removed and replaced and the and the underlying cause shall be corrected.

Exception: Porous materials that do not contain organic material, such as clean unpainted bricks and concrete.

Reason: Mold typically grows in buildings affected by water damage. According to the Institute of Medicine of the National Academies' *Damp Indoor Spaces and Health* (2004), mold and damp indoor environments are associated with asthma symptoms in sensitized persons, coughing, wheezing, and upper respiratory tract symptoms. See www.nap.edu/books/0309091934/html/

In December 2007, the National Center for Healthy Housing (NCHH) and the U.S. Centers for Disease Control and Prevention (CDC) convened an Expert Panel consistent with National Institute of Health guidelines to assess the effectiveness of various interventions to make homes healthier and safer. NCHH and CDC published the report of the experts in January 2009. See www.nchh.org/LinkClick.aspx?fileticket=2lvaEDNBldU%3d&tabid=229 for the full report.

The Expert Panel reviewed five peer-reviewed research studies on the issue of mold and allergens and concluded that "when implemented together, eliminating moisture intrusion and leaks and removal of moldy items were found to be effective in reducing asthma triggers and reducing exposures." Other provisions of the IPMC address eliminating moisture intrusion. But no provisions require action on building materials with chronic moisture issues including those materials that have failed beyond repair.

This proposal implements the Expert Panel's recommendation while providing flexibility in response to actual conditions – repair for reparable material, replacement for failed material. To ensure the health of the building's occupants, mitigation of moisture problems must be a part of the code.

Cost Impact: This code change proposal will increase the cost of maintenance.

PM9-13

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

305.3-PM-MORLEY

PM10 – 13

202, 306.1, 306.1.2 New

Proponent: Meg Waltner, representing National Resource Defense Council, Andrew Burr, representing Institute for Market Transformation and Eric Makela, representing Britt Makela Group, Inc.

Add new definition as follows:

SECTION 202 DEFINITIONS

RETRO-COMMISSIONING. A systematic process for optimizing the energy efficiency of existing base building systems through the identification and correction of deficiencies in such systems, including but not limited to repairs of defects, cleaning, adjustments of valves, sensors, controls or programmed settings, and/or changes in operational practices.

Revise as follows:

SECTION 306 COMPONENT SERVICEABILITY

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

306.1.1 Unsafe conditions. (no change to current text)

306.1.2 Retro-commissioning. Retro-commissioning shall be performed on the base building systems for buildings 25,000 ft² or greater starting 5 years after issuance of the certificate of occupancy and continuing every 5 years for the life of the building. The building owner shall provide evidence that retro-commissioning has been performed and the evidence shall document that sufficient analysis, corrections and testing have been done so indicating that the base building systems meet items 1 through 4 below.

Exception: Retro-commissioning is not required for let for occupancy spaces of buildings.

1. Operating protocols, calibration, and sequencing for HVAC and service water heating systems:
 - 1.1. HVAC temperature and humidity set points and setbacks are appropriate and operating schedules reflect major space occupancy patterns and the current facility requirements;
 - 1.2. HVAC sensors are properly calibrated;
 - 1.3. HVAC controls are functioning and control sequences are appropriate for the current facility requirements;
 - 1.4. Loads are distributed equally across equipment when appropriate, such as for fans, boilers and pumps that operate in parallel;
 - 1.5. Ventilation rates are appropriate for the current facility requirements;
 - 1.6. System automatic reset functions are functioning appropriately, if applicable;
 - 1.7. Adjustments have been made to compensate for oversized or undersized equipment so that it is functioning as efficiently as possible;
 - 1.8. Simultaneous heating and cooling does not occur unless intended;
 - 1.9. HVAC system economizer controls are properly functioning, if applicable;
 - 1.10. The HVAC distribution systems, both air and water side, are balanced;
 - 1.11. Domestic hot water systems have been checked to ensure proper temperature settings.
 - 1.12. Water pumps are functioning as designed;

- 1.13. System water leaks have been identified and repaired;
- 1.14. HVAC equipment, such as vents, ducts, coils, valves and soot bins, is clean;
- 1.15. Filters are clean and protocols are in place to replace, as appropriate.
- 2. Operating protocols, calibration, and sequencing for lighting systems:
 - 2.1. Light levels are appropriate to the task;
 - 2.2. Lighting sensors and controls are functioning properly according to occupancy, schedule, and/or available daylight, where applicable;
- 3. Cleaning and repair:
 - 3.1. Motors, fans, and pumps, including components such as belts, pulleys, and bearings, are in good operating condition;
 - 3.2. Steam traps have been replaced as required to maintain efficient operation, if applicable;
 - 3.3. Manual overrides on existing equipment have been remediated;
 - 3.4. Boilers have been tuned for optimal efficiency, if applicable;
 - 3.5. Exposed hot and chilled water and steam pipes three (3) inches or greater in diameter with associated control valves are insulated in accordance with the International Energy Conservation Code;
 - 3.6. In all easily accessible locations, sealants and weather stripping are installed where appropriate and are in good condition.
- 4. Documentation:
 - 4.1. Permits for all HVAC, electrical and plumbing equipment are in order;
 - 4.2. Operational and maintenance record keeping procedures, such as log books and computer maintenance records, have been implemented;
 - 4.3. The operations and maintenance manuals, if such manuals are still available from the manufacturer, the maintenance contracts, and the most recent retro-commissioning report is on site and accessible.

Reason: A critical aspect of building maintenance is ensuring that the energy systems of a building are maintained in a state of good repair and are functioning efficiently. It has been found that, over time, due to system breakdowns and uncoordinated repairs and renovations, building energy systems drift out of proper performance -- sometimes quite dramatically. Sensors and controls can be reset so that building systems are running 24/7 rather than only when necessary, repairs can be made that solve an immediate problem but result in heating and cooling systems running simultaneously, etc. The result of these problems is a poorly performing building that can waste considerable energy while often being uncomfortable or even unhealthy.

For other equipment, such as automobiles, a regular tune-up to ensure safe and efficient operation is considered standard practice. This is becoming standard in buildings, also, through retro-commissioning. Retro-commissioning (RCx) is a process that has been developed in recent decades to ensure that building energy systems are essentially tuned up -- that they are running efficiently and that they are in a state of good repair. Retro-commissioning takes a careful look at the systems that are in place, analyzes how they could be repaired to run more efficiently, and then performs those repairs.

Several U.S. cities recently adopted RCx requirements for large buildings. In 2009, New York City passed an ordinance, Local Law 87, that requires nonresidential and multifamily housing properties over 50,000 square feet to perform RCx once every 10 years. In 2011, San Francisco passed an ordinance requiring energy audits or RCx once every 5 years.

Cost Impact: In 2009, Lawrence Berkeley National Laboratory published a study of building commissioning costs and benefits, looking at 643 buildings with a cumulative square footage of 100 million square feet. RCx was found to cost an average of \$0.30 per square foot. The RCx resulted in a 16% whole-building median energy savings with an average payback of 1.1 years.

PM10-13

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

306.1-PM-BURR-MAKELA-WALTNER.DOC

PM11 – 13

307.1

Proponent: Roy Fyffe, Building Official, representing City of Burnet, TX (rfyffe@cityofburnet.com)

Revise as follows:

307.1 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 (762mm) above the floor or grade below shall have *guards*. Handrails shall not be less than ~~30-34~~ inches (~~762mm-864 mm~~) in height or more than ~~42~~ 38 inches (~~1067~~ 965mm) in height 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~~ 36 inches (~~762~~ 914 mm) in height 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.

Reason: The revised text will provide for continuity and clarity between both IPMC and IRC codes, thus lessening any confusion for building and property maintenance inspectors.

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

PM11-13

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

307.1-PM-FYFFE

PM12 – 13

310 (New)

Proponent: Jim Edelson, New Buildings Institute (jedelson@comcast.net)

Add new text as follows:

SECTION 310 **ENERGY REQUIREMENTS**

310.1 General. Nonresidential *buildings* shall be maintained and operated to achieve a source energy use intensity, sEUI, less than or equal to the value from Table 310.1 based on the *building* type and climate zone of the *building* and calculated in accordance with Section 310.2. Where a *building* has multiple use types from Table 310.1, the maximum allowable energy use shall be based on the total gross floor area of each use type in relation to the total gross floor area of all use types within the *building*.

TABLE 310.1^a
SOURCE ENERGY USE INTENSITY (sEUI) TARGETS

Climate Zone^a	1A	2A	2B	3A	3B	3B	3C	4A	4B	4C	5A	5B	6A	6B	7	8
Use Types	sEUI Target (kBtu/sf/yr)															
Administrative/professional office	<u>202</u>	<u>208</u>	<u>201</u>	<u>197</u>	<u>163</u>	<u>182</u>	<u>179</u>	<u>218</u>	<u>188</u>	<u>199</u>	<u>234</u>	<u>202</u>	<u>259</u>	<u>230</u>	<u>272</u>	<u>368</u>
Bank/other financial	<u>347</u>	<u>358</u>	<u>346</u>	<u>339</u>	<u>280</u>	<u>314</u>	<u>307</u>	<u>375</u>	<u>323</u>	<u>342</u>	<u>403</u>	<u>348</u>	<u>445</u>	<u>395</u>	<u>468</u>	<u>633</u>
Government office	<u>246</u>	<u>254</u>	<u>246</u>	<u>241</u>	<u>199</u>	<u>223</u>	<u>218</u>	<u>266</u>	<u>230</u>	<u>243</u>	<u>286</u>	<u>247</u>	<u>316</u>	<u>281</u>	<u>332</u>	<u>449</u>
Medical office (non-diagnostic)	<u>157</u>	<u>162</u>	<u>157</u>	<u>153</u>	<u>127</u>	<u>142</u>	<u>139</u>	<u>170</u>	<u>146</u>	<u>155</u>	<u>182</u>	<u>157</u>	<u>201</u>	<u>179</u>	<u>212</u>	<u>286</u>
Mixed-use office	<u>248</u>	<u>256</u>	<u>248</u>	<u>243</u>	<u>200</u>	<u>225</u>	<u>220</u>	<u>269</u>	<u>232</u>	<u>245</u>	<u>289</u>	<u>249</u>	<u>319</u>	<u>283</u>	<u>335</u>	<u>453</u>
Other office	<u>209</u>	<u>216</u>	<u>209</u>	<u>205</u>	<u>169</u>	<u>189</u>	<u>185</u>	<u>226</u>	<u>195</u>	<u>207</u>	<u>243</u>	<u>210</u>	<u>269</u>	<u>238</u>	<u>283</u>	<u>382</u>
Laboratory	<u>870</u>	<u>861</u>	<u>834</u>	<u>856</u>	<u>719</u>	<u>806</u>	<u>778</u>	<u>946</u>	<u>847</u>	<u>874</u>	<u>102</u> <u>1</u>	<u>914</u>	<u>113</u> <u>2</u>	<u>103</u> <u>1</u>	<u>121</u> <u>6</u>	<u>161</u> <u>4</u>
Distribution/shipping center	<u>151</u>	<u>97</u>	<u>100</u>	<u>95</u>	<u>74</u>	<u>92</u>	<u>79</u>	<u>107</u>	<u>100</u>	<u>94</u>	<u>125</u>	<u>117</u>	<u>149</u>	<u>137</u>	<u>171</u>	<u>268</u>
Non-refrigerated warehouse	<u>128</u>	<u>82</u>	<u>85</u>	<u>80</u>	<u>63</u>	<u>78</u>	<u>67</u>	<u>91</u>	<u>85</u>	<u>80</u>	<u>106</u>	<u>99</u>	<u>127</u>	<u>116</u>	<u>145</u>	<u>227</u>
Convenience store	<u>911</u>	<u>967</u>	<u>917</u>	<u>983</u>	<u>882</u>	<u>914</u>	<u>961</u>	<u>106</u> <u>1</u>	<u>972</u>	<u>104</u> <u>3</u>	<u>112</u> <u>4</u>	<u>103</u> <u>7</u>	<u>120</u> <u>1</u>	<u>113</u> <u>9</u>	<u>128</u> <u>6</u>	<u>153</u> <u>9</u>
Convenience store with gas station	<u>798</u>	<u>848</u>	<u>804</u>	<u>862</u>	<u>773</u>	<u>801</u>	<u>842</u>	<u>930</u>	<u>852</u>	<u>914</u>	<u>985</u>	<u>909</u>	<u>105</u> <u>3</u>	<u>998</u>	<u>112</u> <u>7</u>	<u>134</u> <u>9</u>
Grocery store/food market	<u>585</u>	<u>621</u>	<u>589</u>	<u>631</u>	<u>566</u>	<u>587</u>	<u>617</u>	<u>681</u>	<u>624</u>	<u>670</u>	<u>722</u>	<u>666</u>	<u>771</u>	<u>731</u>	<u>826</u>	<u>988</u>
Other food sales	<u>264</u>	<u>280</u>	<u>266</u>	<u>285</u>	<u>256</u>	<u>265</u>	<u>278</u>	<u>307</u>	<u>282</u>	<u>302</u>	<u>326</u>	<u>300</u>	<u>348</u>	<u>330</u>	<u>373</u>	<u>446</u>
Fire station/police station	<u>176</u>	<u>174</u>	<u>168</u>	<u>173</u>	<u>145</u>	<u>163</u>	<u>157</u>	<u>191</u>	<u>171</u>	<u>176</u>	<u>206</u>	<u>184</u>	<u>228</u>	<u>208</u>	<u>245</u>	<u>326</u>
Other public order and safety	<u>454</u>	<u>450</u>	<u>436</u>	<u>447</u>	<u>375</u>	<u>421</u>	<u>406</u>	<u>494</u>	<u>442</u>	<u>456</u>	<u>533</u>	<u>477</u>	<u>591</u>	<u>539</u>	<u>635</u>	<u>843</u>
Medical office (diagnostic)	<u>196</u>	<u>196</u>	<u>195</u>	<u>192</u>	<u>179</u>	<u>194</u>	<u>169</u>	<u>195</u>	<u>192</u>	<u>174</u>	<u>190</u>	<u>190</u>	<u>197</u>	<u>193</u>	<u>196</u>	<u>227</u>
Clinic/other outpatient health	<u>270</u>	<u>269</u>	<u>268</u>	<u>264</u>	<u>245</u>	<u>267</u>	<u>232</u>	<u>268</u>	<u>264</u>	<u>239</u>	<u>262</u>	<u>261</u>	<u>271</u>	<u>266</u>	<u>269</u>	<u>312</u>
Refrigerated warehouse	<u>601</u>	<u>595</u>	<u>577</u>	<u>591</u>	<u>497</u>	<u>557</u>	<u>538</u>	<u>654</u>	<u>585</u>	<u>604</u>	<u>706</u>	<u>632</u>	<u>782</u>	<u>713</u>	<u>840</u>	<u>111</u> <u>5</u>
Religious worship	<u>99</u>	<u>98</u>	<u>95</u>	<u>97</u>	<u>82</u>	<u>91</u>	<u>88</u>	<u>107</u>	<u>96</u>	<u>99</u>	<u>116</u>	<u>104</u>	<u>128</u>	<u>117</u>	<u>138</u>	<u>183</u>
Entertainment/culture	<u>229</u>	<u>227</u>	<u>220</u>	<u>225</u>	<u>189</u>	<u>212</u>	<u>205</u>	<u>249</u>	<u>223</u>	<u>230</u>	<u>269</u>	<u>241</u>	<u>298</u>	<u>272</u>	<u>320</u>	<u>425</u>
Library	<u>335</u>	<u>332</u>	<u>321</u>	<u>329</u>	<u>277</u>	<u>310</u>	<u>300</u>	<u>364</u>	<u>326</u>	<u>336</u>	<u>393</u>	<u>352</u>	<u>436</u>	<u>397</u>	<u>468</u>	<u>621</u>
Recreation	<u>157</u>	<u>156</u>	<u>151</u>	<u>155</u>	<u>130</u>	<u>146</u>	<u>141</u>	<u>171</u>	<u>153</u>	<u>158</u>	<u>185</u>	<u>165</u>	<u>205</u>	<u>186</u>	<u>220</u>	<u>292</u>
Social/meeting	<u>121</u>	<u>120</u>	<u>116</u>	<u>119</u>	<u>100</u>	<u>112</u>	<u>108</u>	<u>132</u>	<u>118</u>	<u>121</u>	<u>142</u>	<u>127</u>	<u>157</u>	<u>143</u>	<u>169</u>	<u>224</u>
Other public assembly	<u>149</u>	<u>147</u>	<u>143</u>	<u>146</u>	<u>123</u>	<u>138</u>	<u>133</u>	<u>162</u>	<u>145</u>	<u>149</u>	<u>175</u>	<u>156</u>	<u>194</u>	<u>176</u>	<u>208</u>	<u>276</u>
College/university	<u>325</u>	<u>332</u>	<u>320</u>	<u>332</u>	<u>241</u>	<u>309</u>	<u>287</u>	<u>395</u>	<u>333</u>	<u>353</u>	<u>438</u>	<u>371</u>	<u>517</u>	<u>445</u>	<u>564</u>	<u>816</u>
Elementary/middle school	<u>177</u>	<u>176</u>	<u>170</u>	<u>170</u>	<u>141</u>	<u>162</u>	<u>157</u>	<u>189</u>	<u>168</u>	<u>167</u>	<u>202</u>	<u>179</u>	<u>231</u>	<u>204</u>	<u>244</u>	<u>348</u>

Climate Zone ^a	1A	2A	2B	3A	3B	3B	3C	4A	4B	4C	5A	5B	6A	6B	7	8
Use Types	sEUI Target (kBtu/sf/yr)															
High school	166	170	163	170	123	158	147	202	170	180	224	189	264	228	288	417
Preschool/ daycare	209	207	201	200	167	191	186	223	198	197	239	211	272	240	288	411
Other classroom education	126	129	124	128	93	120	111	153	129	137	170	143	200	172	218	316
Fast food	181 7	186 4	182 7	190 5	168 5	183 7	178 1	206 9	192 5	195 5	223 2	205 1	242 3	225 1	259 9	322 3
Restaurant/ cafeteria	763	799	772	830	706	788	783	921	843	882	994	907	107 7	100 4	116 4	144 0
Other food service	716	749	724	778	662	739	734	864	791	827	933	851	101 0	941	109 2	135 1
Hospital/ inpatient health	561	568	534	548	530	523	547	572	492	536	572	503	590	530	600	716
Nursing home/assisted living	309	306	296	304	255	286	276	336	301	310	363	325	402	366	432	573
Dormitory/ fraternity/ sorority	175	176	171	173	142	164	148	192	170	173	215	188	247	219	269	345
Hotel	214	234	217	251	227	229	244	276	259	270	300	283	325	313	353	425
Motel or inn	231	231	225	230	201	220	209	245	228	226	260	240	283	260	300	366
Other lodging	229	229	224	228	200	218	207	243	226	224	259	239	281	259	298	364
Vehicle dealership/ showroom	281	282	270	277	199	250	223	323	274	294	367	310	420	375	468	655
Retail store	194	195	187	191	138	173	154	223	189	203	253	214	290	259	323	453
Other retail	392	393	378	386	278	350	312	452	383	410	512	433	587	524	653	915
Post office/postal center	164	162	157	161	135	152	147	178	160	165	192	172	213	194	229	304
Repair shop	124	123	119	122	103	115	111	135	121	125	146	131	162	147	174	231
Vehicle service/repair shop	148	147	142	146	123	137	133	161	144	149	174	156	193	176	207	275
Vehicle storage/ maintenance	112	111	107	110	93	104	100	122	109	112	131	118	146	133	157	208
Other service	315	312	302	310	260	292	282	343	307	317	370	331	410	374	441	585
Strip shopping mall	282	294	287	314	224	289	267	375	321	349	427	364	498	449	559	788
Enclosed mall	279	292	285	312	222	287	265	372	318	346	423	361	494	445	555	781

a. Climate zones as determined in accordance with Section C301 of the International Energy Conservation Code.

310.2 Calculation of energy use. The sEUI shall be based on 12 continuous months of energy use data for the whole *building*. The annual sEUI for electric energy shall be calculated by converting energy use at the *building* to kBtu's and multiplying by the conversion factor in Table 310.2.1 based on the geographical location of the *building*. The annual sEUI for fossil fuels shall be calculated by converting energy use at the *building* to kBtu's and multiplying by the conversion factors in Table 310.2.2. The annual sEUI for district cooling shall be calculated by converting energy use at the *building* to kBtu's, multiplying by 0.33, and then multiplying by the conversion factor in Table 310.2.1 based on the geographical location of the *building*. The annual sEUI for district heating shall be calculated by converting energy use at the *building* to kBtu's and multiplying by 1.35 for hot water and 1.45 for steam. The annual sEUI for all other energy sources shall be calculated by converting energy use at the *building* to kBtu's and multiplying by 1.1.

TABLE 310.2.1^a
ELECTRICITY GENERATION ENERGY CONVERSION FACTORS BY eGRID SUB REGION^a

eGRID 2007 Sub-region Acronym	eGRID 2007 Sub-region Name	Energy Conversion Factor
<u>AKGD</u>	<u>ASCC Alaska Grid</u>	<u>2.97</u>
<u>AKMS</u>	<u>ASCC Miscellaneous</u>	<u>1.76</u>
<u>ERCT</u>	<u>ERCOT All</u>	<u>2.93</u>
<u>FRCC</u>	<u>FRCC All</u>	<u>2.97</u>
<u>HIMS</u>	<u>HICC Miscellaneous</u>	<u>3.82</u>
<u>HIOA</u>	<u>HICC Oahu</u>	<u>3.14</u>
<u>MORE</u>	<u>MRO East</u>	<u>3.40</u>
<u>MROW</u>	<u>MRO West</u>	<u>3.41</u>
<u>NYLI</u>	<u>NPCC Long Island</u>	<u>3.20</u>
<u>NEWE</u>	<u>NPCC New England</u>	<u>3.01</u>
<u>NYCW</u>	<u>NPCC NYC/Westchester</u>	<u>3.32</u>
<u>NYUP</u>	<u>NPCC Upstate NY</u>	<u>2.51</u>
<u>RFCE</u>	<u>RFC East</u>	<u>3.15</u>
<u>RFCM</u>	<u>RFC Michigan</u>	<u>3.05</u>
<u>RFCW</u>	<u>RFC West</u>	<u>3.14</u>
<u>SRMW</u>	<u>SERC Midwest</u>	<u>3.24</u>
<u>SRMV</u>	<u>SERC Mississippi Valley</u>	<u>3.00</u>
<u>SRSO</u>	<u>SERC South</u>	<u>3.08</u>
<u>SRTV</u>	<u>SERC Tennessee Valley</u>	<u>3.11</u>
<u>SRVC</u>	<u>SERC Virginia/Carolina</u>	<u>3.13</u>
<u>SPNO</u>	<u>SPP North</u>	<u>3.53</u>
<u>SPSO</u>	<u>SPP South</u>	<u>3.05</u>
<u>CAMX</u>	<u>WECC California</u>	<u>2.61</u>
<u>NWPP</u>	<u>WECC Northwest</u>	<u>2.26</u>
<u>RMPA</u>	<u>WECC Rockies</u>	<u>3.18</u>
<u>AZNM</u>	<u>WECC Southwest</u>	<u>2.95</u>

a. Sources: EPA eGrid 2007 version 1.1, 2005 data; EPA eGrid regional gross grid loss factors; EIA Table 8.4a (Sum tables 8.4 band 8.4c) and Table 8.2c (Breakout of Table 8.2b), 2005 data.

TABLE 310.2.2
U.S. AVERAGE BUILDING FUELS ENERGY CONVERSION FACTORS BY FUEL TYPE

Fuel Type	Energy Conversion Factor
<u>Natural Gas</u>	<u>1.09</u>
<u>Fuel Oil</u>	<u>1.13</u>
<u>LPG</u>	<u>1.12</u>

Reason: According to the Urban Land Institute, New Construction and Major Renovations account for only 1-2% of the building stock in a typical year. For the larger population of existing buildings, building codes' primary means of improving energy efficiency are through alterations. However, as current codes are formulated, the scope of that impact is generally limited to the scope of the alteration. Code requirements generally apply only to the alterations and not to the energy efficiency of the whole building. This highlights the inability of a jurisdiction's energy code to improve the energy efficiency of its whole building stock.

Bearing in mind the dangers of unintended consequences, it is wise to carefully target any new code requirements for existing buildings, and so this proposal is built on two principles:

- Many existing buildings perform quite well, so requirements should focus only on very poorly performing buildings rather than indiscriminately covering all buildings.
- As this represents new territory in building codes, requirements should be built upon existing code mechanisms, code language and code requirements as much as possible.

The International Property Maintenance Code provides a natural and logical home for this kind of code requirement. The IPMC is already scoped around the fundamental concept of establishing a minimum standard for the condition of a building. Energy performance falls directly within this scope. The IPMC already has the administrative mechanisms needed to set this minimum standard for energy performance. Section 104 gives the code official authority to inspect and require reports. Section 106 provides means for dealing with violations. This proposal, therefore, only sets a minimum threshold for energy performance. This leverages the existing procedures and remedies already built into the IPMC, and avoids the need to create new code enforcement mechanisms.

The performance threshold values in the table are based on the 2003 Commercial Building Energy Consumption Survey (the same dataset that serves as the basis for commercial building Energy Star Scores and the targets for existing buildings in ASHRAE Standard 100). Based on either the table of values or an Energy Star Score threshold of 26, the requirements will only kick in for a building that would have fallen in the worst performing quartile of the building stock in that building survey. This represents the worst 25% of the buildings around a decade ago, effectively making these requirements only apply to buildings that can be reasonably considered "energy hogs." CBECS is a nationwide survey conducted by the Energy Information Administration, so climate zone diversity for the table was created using the same, nationally vetted process used to create the performance targets for existing buildings proposed for ASHRAE Standard 100.

The target EUIs in the proposal are presented in source kBtu units because the only EUI metric in an I-Code, the 2012 IgCC, uses the same source kBtu metric. The calculation language and conversion factors for source energy are also taken directly from the IgCC, but the language has been slightly altered for greater clarity.

Current energy codes have a limited means of impacting the energy performance of the vast majority of buildings in the entire building stock. This proposed addition to the IPMC will address the significant energy efficiency opportunities in existing buildings, and do it in a way that simply expands upon current code mechanisms.

Cost Impact: There is no cost impact to this proposal.

Analysis: EB51-13 also proposes similar requirements for the IEBC.

PM12-13

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

310.2 (NEW)-PM-EDELSON

PM13 – 13

[F] 702.4 (IFC 1030.7)

THIS CHANGE WILL BE HEARD BY THE IFC COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THIS COMMITTEE.

Proponent: Charles S. Bajnai, Chesterfield County, VA, ICC Building Code Action Committee
(BajnaiC@chesterfield.gov)

Revise as follows:

[F] 702.4 (IFC 1030.7) Emergency escape and rescue openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where new bars, grilles, grates or similar devices, are installed in existing buildings where none presently exist, smoke alarms shall be installed in accordance with Section 907.2.11 of the *International Building Code*.

Reason: This proposal is submitted by the ICC Building Code Action Committee (BCAC) The BCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance an assigned International Code or portion thereof. This includes both the technical aspects of the codes as well as the code content in terms of scope and application of referenced standards. Since its inception in July, 2011, the BCAC has held 6 open meetings and numerous workgroup calls which included members of the BCAC as well as any interested party to discuss and debate the proposed changes. Related documentation and reports are posted on the BCAC website at: <http://www.iccsafe.org/cs/BCAC/Pages/default.aspx>.

This code proposal is attempting to clarify the requirements for existing openings that have previously approved bars, grilles, grates and similar devices on them, vs. existing or new openings that will be installing such devices on them.

The existing IBC Code Section 1029.4 states:

1029.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with Section 1029.2 and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke alarms shall be installed in accordance with Section 907.2.11 regardless of the valuation of the alteration.

Existing IPMC Section 702.4's last sentence was revised to clearly state that it is only applicable to existing openings that have previously approved bars, grilles, grates and similar devices on them.

The new proposed last sentence in this code proposal is attempting to correlate the requirement of IBC Section 1029.4 with the IPMC Section 702.4. If a new opening is provided, or an existing opening is going to be provided, with bars, grilles, grates and similar devices, then the smoke alarm requirements of IBC Section 907.2.11 are applicable to the affected residential unit. If previously approved bars, grilles, grates and similar devices are only being repaired or replaced on an existing opening then the smoke alarm requirement of IBC Section 907.2.11 would still not be applicable.

The title and first sentence were revised to indicate "rescue" openings to be consistent with other I-code language.

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

PM13-13

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

[F] 702.4-PM-BAJNAI-BCAC.DOC

PM14 – 13

[F] 704.1.2 (New)

THIS CHANGE WILL BE HEARD BY THE IFC COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THIS COMMITTEE.

Proponent: Charles S. Bajnai, Chesterfield County, VA, ICC Building Code Action Committee
(BajnaiC@chesterfield.gov)

Add text as follows:

[F] 704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

[F] 704.1.1 Automatic sprinkler systems. (No change to current text)

[F] 704.1.2 Fire Department Connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" at least 6 inches (152 mm) high and words in letters at least 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

Reason: This proposal is submitted by the ICC Building Code Action Committee (BCAC) The BCAC was established by the ICC Board of Directors to pursue opportunities to improve and enhance an assigned International Code or portion thereof. This includes both the technical aspects of the codes as well as the code content in terms of scope and application of referenced standards. Since its inception in July, 2011, the BCAC has held 6 open meetings and numerous workgroup calls which included members of the BCAC as well as any interested party to discuss and debate the proposed changes. Related documentation and reports are posted on the BCAC website at: <http://www.iccsafe.org/cs/BCAC/Pages/default.aspx>.

This language is currently found in section 912.2.2 of the International Building Code and should be in the IPMC. FDCs on existing buildings may not always be readily visible. A sign is critical to approaching fire-fighting operations.

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

PM14-13

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

[F] 704.1.2 (NEW)-PM-BAJNAI-BCAC.DOC

PM15 – 13

[F] 704.2.1 (New), [F] 704.2.2 (New)

THIS CHANGE WILL BE HEARD BY THE IFC COMMITTEE. SEE THE TENTATIVE HEARING ORDER FOR THIS COMMITTEE.

Proponent: Charles S. Bajnai, Chesterfield County, VA, ICC Building Code Action Committee, and Adolf Zubia, Chairman IAFC Fire and Life Safety Section, representing ICC Fire Code Action Committee (BajnaiC@chesterfield.gov)

Add text as follows:

[F] 704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

[F] 704.2.1 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section R314.3.

1. Ionization smoke alarms shall not be installed less than 20 feet (6.1 m) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3 m) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1.8 m) horizontally from a permanently installed cooking appliance.

[F] 704.2.2 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (0.91 m) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.

Reason: This proposal is submitted by the ICC Building Code Action Committee (BCAC) and the ICC Fire Code Action Committee (FCAC). These ICC committees were established by the ICC Board of Directors to pursue opportunities to improve and enhance an assigned International Codes or portion thereof. This includes both the technical aspects of the codes as well as the code content in terms of scope and application of referenced standards. Since its inception in July, 2011, the these committees have held 6 open meetings and numerous workgroup meetings which included members of the committees as well as any interested party to discuss and debate the proposed changes. Related documentation and reports are posted on the CAC website at: <http://www.iccsafe.org/cs/CAC/Pages/default.aspx>. It is the intent of the ICC committees to have these sections scoped to the Fire Code Committee if approved.

This proposal is intended to reduce nuisance alarms attributed to locating smoke alarms in close proximity to cooking appliances and bathrooms in which steam is produced. The proposed provisions are based on the findings in the Task Group Report - Minimum Performance Requirements for Smoke Alarm Detection Technology - February 22, 2008, and are consistent with similar requirements included in Section 29.8.3.4 of the 2010 and 2013 editions of NFPA 72.

Cost Impact: None

PM15-13

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

[F] 704.2.1 (NEW)-PM-BAJNAI-ZUBIA-BCAC.DOC

PM16 – 13

705 (New)

Proponent: Rebecca Morley, representing National Center for Healthy Housing

Add new text as follows:

SECTION 705 **CARBON MONOXIDE ALARMS**

705.1 General. Carbon monoxide alarms shall be installed in accordance with Section 1103.9 of the International Fire Code in Group R occupancies and in dwellings not regulated as Group R occupancies.

Reason: Carbon monoxide (CO) is an odorless, tasteless, invisible gas that kills more than 300 people in homes each year. Thousands more are admitted to the hospital with carbon monoxide poisoning. This is a serious issue that affects people nationwide in all regions of the country.

The International Residential Code requires CO alarms for residences with fuel-fired appliances or attached garages. This change would make the IPMC consistent with the IRC.

This proposal expands on the requirement to specifically include portable fuel burning space heaters since these devices may not be considered an appliance, since these devices may be introduced by the property owner after construction.

The following states have required CO alarms in existing residences: Alaska, California, Colorado, Illinois, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Vermont and Wisconsin. Deaths from CO are spread throughout the country as residents unwittingly use dangerous methods to stay warm in unusually cold weather.

Cost Impact: Yes, this code change proposal will increase the cost of property maintenance. A carbon monoxide alarm typically costs approximately \$25.

PM16-13

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

705 (NEW)-PM-MORLEY

PM17 – 13

Appendix B (New)

Proponent: Lynn Underwood, Norfolk, VA, representing the ICC Abatement of Dangerous Buildings Ad Hoc Committee.

Add new text as follows:

APPENDIX B **Provisions for Abatement of Dangerous Buildings**

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

CHAPTER B1 **SCOPE AND ADMINISTRATION**

SECTION B101 **GENERAL**

B101.1 Title. These provisions shall be known as the *Provisions for the Abatement of Dangerous Buildings* hereafter will be referred to as “The Abatement Provisions”.

B101.2 Scope. The Abatement Provisions apply to all buildings, or structures or portions of buildings or structures that have been deemed dangerous by the *building official*, which are now in existence or which hereafter become dangerous in this jurisdiction.

B101.3 Intent. The purpose of The Abatement Provisions is to provide for the repair, vacation or demolition of buildings or structures, which from any cause, endanger the life, limb, health, property, safety or welfare of the general public.

The purpose of The Abatement Provisions is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected by or who would benefit from the terms of The Abatement Provisions.

B101.4 Application of other codes. Where determined appropriate by the building official, The Abatement Provisions are applicable in combination with the other codes of the jurisdiction, including, but not limited to, building, fire and property maintenance codes.

SECTION B102 **APPLICABILITY**

B102.1 General. Where, in any specific case, different sections of The Abatement Provisions 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 be applicable.

B102.2 Other laws. The Abatement Provisions shall not be deemed to nullify any provisions of local, state or federal law and regulation.

B102.3 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 The Abatement Provisions.

B102.4 Referenced codes and standards. The codes and standards referenced in The Abatement Provisions are considered part of the requirements of The Abatement Provisions to the prescribed extent

of each such reference. Where differences occur between The Abatement Provisions and referenced codes and standards, the requirements of The Abatement Provisions shall govern.

B102.5 Partial invalidity. In the event that any part or provision of The Abatement Provisions is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

B102.6 Existing remedies. The provisions to The Abatement Provisions shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

SECTION B103 **CONSTRUCTION IN COMPLIANCE WITH LOCALLY ADOPTED CODES**

B103.1 General. Repairs, additions and alterations to buildings and structures shall be done in accordance with the procedures and provisions of the adopted codes of the jurisdiction.

SECTION B104 **OWNER RESPONSIBILITY AND TRANSFER OF OWNERSHIP**

B104.1 General. The owner of record shall be responsible for correcting all deficiencies in the notice and order, or appealing the notice and order.

B104.2 Transfer of ownership. It shall be unlawful for the owner of any building 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 building 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 building official and shall furnish to the building 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 abating the violation as required by such compliance order or notice of violation.

SECTION B105 **DUTIES AND POWERS OF BUILDING OFFICIAL**

B105.1 General. The building official is authorized to enforce The Abatement Provisions. The building official shall have the authority to interpret The Abatement Provisions and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of The Abatement Provisions.

B105.2 Authority to disconnect service utilities. The building official shall have the authority to order disconnection of any electricity, fuel gas, water, or all other utility service to a building, structure or system where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility and, whenever practical, the owner and occupant of the building, structure or service system prior to taking such action. If not notified prior to disconnection, the owner and occupant of the building, structure or service system shall be notified as soon as practical thereafter.

B105.3 Liability. The building official, member of the board of appeals or employee charged with the enforcement of The Abatement Provisions, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by The Abatement Provisions 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 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 The Abatement Provisions shall be defended by the legal representative of the

jurisdiction until the final termination of the proceedings. The building 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 The Abatement Provisions.

SECTION B106 **INSPECTION OF WORK**

B106.1 General. Buildings, structures or equipment within the scope of The Abatement Provisions shall be subject to inspection by the building official in accordance with The Abatement Provisions and the inspection provisions of the jurisdiction.

B106.2 Right of entry. Where it is necessary to make an inspection to enforce the provisions of The Abatement Provisions, or whenever the building official has reasonable cause to believe that there exists in a building or upon any premises a condition in violation of The Abatement Provisions which make the building or premises dangerous, the building official is authorized to enter the building or premises at reasonable times to inspect or to perform the duties imposed upon the building official by The Abatement Provisions. Where such building or premises is occupied, the building official shall present credentials to the occupant and request entry. Where such building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

B106.2.1 Warrant. When the building official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect to permit entry by the building official for the purpose of inspection and examination pursuant to The Abatement Provisions.

SECTION B107 **ABATEMENT**

B107.1 General. Buildings or portions thereof which are determined after inspection by the building official to be dangerous are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section B109.

SECTION B108 **IMMINENT DANGER**

B108.1 General. When the building official finds that there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of *dangerous equipment*, the building official is authorized and empowered to order and require the occupants to vacate the building or structure.

SECTION B109 **NOTICES AND ORDERS OF BUILDING OFFICIAL**

B109.1. General. Notices and orders of the building official, and the service of such notices and orders shall comply with the provisions of Sections B109.1.1 through B109.1.5.

B109.1.1 Commencement of proceedings. Whenever the building official has inspected or caused to be inspected any building or structure and determined that such building or structure is dangerous, the building official shall commence proceedings to cause the repair, vacation or demolition of the building or structure.

B109.1.2 Notice and order. The building official shall issue a notice and order to the owner of the building. The notice and order shall be in writing and shall contain the following:

1. The street address and a legal description sufficient for identification of the premises on which the building or structure is located.
2. A statement that the building or structure has been found to be dangerous, with a description of the conditions found to render the building dangerous under the provisions of Section B202.
3. A statement of the action required to be taken as determined by the building official.
 - 3.1. Where the building official has determined that the building or structure is required to be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time and completed within such time as the building official shall determine is reasonable under all of the circumstances. Nothing in this section shall be deemed to prohibit vacating and demolishing a building ordered to be repaired. Work shall physically commence within 60 days of the order, or within the number of days set by the order, whichever occurs first.
 - 3.2. Where the building official has determined that the building or structure is required to be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable. Nothing in this section shall be deemed to prohibit demolishing a building ordered to be vacated.
 - 3.3. Where the building official has determined that the building or structure is required to be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable; 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. Statements advising that when required repair or demolition work is not commenced within the time specified, the building official is authorized to:
 - 4.1. Order the building vacated and posted to prevent further occupancy until the work is completed, and
 - 4.2. Proceed to cause the work to be done. Where the building official has caused work to be done, the costs of the work shall be charged against the property or its owner.
5. A statement of the right of the jurisdiction to file a lien.
6. Statements advising that:
 - 6.1. Any person having any title or legal interest in the building has the right to appeal from the notice and order or any action of the building official to the board of appeals; and
 - 6.2. Failure to appeal shall constitute a waiver of all rights to an administrative hearing and determination of the matter.
 - 6.3. Appeals shall be in writing as provided in Section B110 and filed with the building official within 20 days from the date of service of such notice and order.
7. In the case of buildings and structures to be vacated or demolished, the building official shall include, in the notice and order, notification specifying the emergency and conditions which necessitate placarding in accordance with Section B109.4.

B109.1.3 Service of notice and order. The notice and order, and any amended or supplemental notice and order, shall be:

1. Served on the owner;
2. Posted on the property;

Where known to the building official or disclosed from official public records, a copy of the notice and order also shall be served on:

1. The holder of any mortgage or deed of trust or other lien or encumbrance of record;
2. The owner or holder of any lease of record; and
3. 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.

B109.1.4 Method of service. The notice and order shall be deemed to be properly serviced where a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or
3. Delivered by private delivery service with proof of delivery; or
4. When the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

B109.1.5 Proof of service. Proof of service of the notice and 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. Proof of service by private delivery service shall be in the form usually used by said service in the normal course of business.

B109.2 Recordation of notice and order. Notices and orders shall be recorded according to this section.

B109.2.1 Non-compliance. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying the following:

1. The building is a *dangerous building*, and
2. The owner has been so notified.

B109.2.2 Compliance. When the corrections ordered have been completed or the building demolished so that it no longer exists as a *dangerous building* on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

B109.3 Repair, vacation and demolition. Where a *dangerous building* or structure is subject to an order to be repaired, vacated or demolished, the building official shall comply with the following criteria. Where the order follows the conclusion of an appeal, the board of appeals shall follow the same criteria.

1. Where the building is declared a *dangerous building* under The Abatement Provisions, it shall be made to comply with one of the following:
 - 1.1. The building shall be repaired in accordance with the adopted building codes of the jurisdiction;
 - 1.2. The building shall be demolished either in compliance with an order to demolish, or where the owner chooses to demolish rather than repair the building; or
 - 1.3. Where the building does not constitute an immediate danger to the life, limb, property or safety of the public, the building is vacated, secured and maintained against entry.
2. Where the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

B109.4. Placard Posting. Properties subject to notice and order shall be posted and placarded in accordance with Sections B109.4.1 through B109.4.4.

B109.4.1 Posting. In addition to the required serving of the notice in B109.1.3, whenever the building official has ordered the vacation or demolition of a building or structure, notice, in the form of placarding,

shall be posted at or near the entrances of the building and in one or more conspicuous places in or about the structure affected by such notice.

B109.4.2 Placarding. The posted placard shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It shall be unlawful to enter or occupy this building, or to remove or deface this notice.

[Name]

Building Official

[Jurisdiction]

For more information please contact...

B109.4.3 Prohibited occupancy and entry. No person shall enter, occupy, or remain in any building placarded by the building official in accordance with Section B109.4. Any person who enters or occupies a placarded premises or any owner or any person responsible for the premises who allows anyone enter or occupy a placarded premises shall be subject to the penalties provided for in The Abatement Provisions.

Exception: The building official is permitted to allow entry into the structure or premises.

B109.4.4 Placard removal. The building official shall remove the placard whenever the *dangerous conditions* for which the placard was required have been eliminated. Any person who defaces or removes a placard without the approval of the building official shall be subject to the penalties provided for in The Abatement Provisions.

SECTION B110
APPEAL

B110.1 General. Appeals to a notice or order of the building official shall comply with Sections B110.2 through B110.5.

B110.2 Right to appeal. Any person served a notice or order under the provisions of Section B109 has the right to appeal the order or notice to the Board of Appeals.

B110.2.1 Failure to appeal. Failure of any person to file an appeal in accordance with the provisions of Section B110.5 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

B110.3 Imminent danger. Where the building is an imminent danger to public safety, the building official shall have the authority to direct abatement of the hazard in accordance with Section B108 of The Abatement Provisions prior to the filing of an appeal, or resolution of any filed appeal.

B110.4 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of The Abatement Provisions, there shall be and is hereby created a board of appeals

B110.4.1 Appointment. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and maintenance. The members shall not be employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote on any matter before the board.

B110.4.2 Rules. The board shall adopt rules of procedure for conducting its business. The decisions and findings of the board shall be in writing and provided to the appellant. A copy of each decision and find shall be provided to the building official. Appeals to the board shall be processed in accordance with the

provisions contained in Sections B110.5 through B110.6.2 of The Abatement Provisions. Copies of all rules or regulations adopted by the board shall be delivered to the building official, who shall make them freely accessible to the public.

B110.4.3 Limitations of Authority. An application for appeal shall be based on the following:

1. A claim that the true intent of The Abatement Provisions or the rules legally adopted thereunder have been incorrectly interpreted;
2. The provisions of The Abatement Provisions do not fully apply; or
3. An equally good or better form of compliance is proposed.

The board shall have no authority to waive requirements of The Abatement Provisions.

B110.5 Form of appeal. Any person entitled to service under Section B109.1.3 has the right to appeal any notice and order or any action of the building official under The Abatement Provisions by filing at the office of the building official a written appeal on a form provided by the board of appeal.

The appeal shall be filed within 20 days from the date of the service of such order or notice of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property, is ordered vacated and is posted in accordance with Section B109.4, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

B110.6 Processing of appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the board of appeals.

B110.6.1 Scheduling of appeal hearing. As soon as practicable after receiving the written appeal, the building official shall review the petition and determine whether the appeal is complete. When determined to be incomplete, the appellant shall be notified as to additional information required, to make the petition complete. When the appeal is determined to be complete, the appeal request shall be processed in accordance with Sections B110.6 and B110.6.2. The hearing date shall not be less than 10 days nor more than 60 days from the date the complete appeal was filed with the building official.

B110.6.2. Notice of appeal hearing. 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 causing a copy of such notice to be delivered to the appellant personally, or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

B110.6.3 Scope of hearing. A hearing on appeal shall only consider matters within the scope of The Abatement Provisions. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

B110.6.4 Staying an order under appeal. Except for vacation orders made pursuant to Section B109.4 and imminent danger pursuant to Section B108.1, enforcement of any notice and order of the building official issued under The Abatement Provisions shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

B110.7 Procedure for conduct of appeal hearings. The procedures for conduct of hearing appeals shall be as determined by the jurisdiction. All rules shall be available to appellant in advance of the hearing date. In jurisdictions where rules have not been established, procedures for conduct of hearing appeals provided in Chapter B3 of The Abatement Provisions shall be used.

SECTION B111
ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL
OR THE BOARD OF APPEALS

B111.1 Compliance. After any order of the building official or the board of appeals made pursuant to The Abatement Provisions has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order.

B111.2 Failure to obey order. Where a person fails to comply with a final order or notice issued by the building official, or issued by the board of appeals subsequent to the resolution of an appeal, the building official is authorized to take appropriate action to abate such building or premises as a public nuisance.

B111.3 Failure to commence work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under The Abatement Provisions becomes effective:

1. The building official is authorized to cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice as described in Section B109.4.
2. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy, as applicable, has been issued.
3. In addition to any other remedy herein provided, the building official is authorized to cause the building or structure to be repaired to the extent necessary to correct the conditions which render the building or structure dangerous as set forth in the notice and order; or, if the notice and order requires demolition, to cause the building or structure to be demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in The Abatement Provisions.

B111.4 Extension of time to perform work. The building official is authorized to grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, provided the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

B111.5 Interference with repair or demolition work prohibited. It shall be unlawful for any person to obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under The Abatement Provisions; or with any person to whom such building has been lawfully sold pursuant to The Abatement Provisions, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to The Abatement Provisions, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to The Abatement Provisions.

SECTION B112
REPAIR OR DEMOLITION WORK PERFORMED BY THE JURISDICTION

B112.1 Procedure. When any work of repair or demolition is performed by the jurisdiction or at its direction pursuant to The Abatement Provisions, the required work is to be accomplished by the appropriate personnel of this jurisdiction or by private contract under the direction of the office designated by the jurisdiction

Plans and specifications necessary to perform such work shall be prepared according to the following:

1. By the office designated by the jurisdiction, or
2. Where deemed reasonably necessary the jurisdiction employ architectural and engineering assistance on a contract basis.

B112.2 Costs. The jurisdiction shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section B111.3, of The Abatement Provisions. Upon the completion of the work of repair or demolition, an abatement expense report shall be prepared and filed, specifying the work done, the itemized and total cost of the work, a description of the real property on which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section B109.1.3.

All costs associated with such work shall be paid by the jurisdiction and shall be recovered by one of the following processes:

1. Apply a special assessment against the property involved,
2. Be made a personal obligation of the property owner, or
3. Be added to the tax roll of the premises, in conformance with applicable laws.

B112.3 Repair and demotion fund. The legislative body of this jurisdiction is authorized to establish a special revolving fund to be designated as the repair and demolition fund. Payment is authorized to be made out of said fund on the demand to defray the costs and expenses which are incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of *dangerous buildings*.

B112.3.1 Maintenance of Fund. The legislative body is authorized at any time to transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it deems necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.

B112.2.3 Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION B113 **VIOLATIONS**

B113.1 Violation penalties. Any person who violates a provision of The Abatement Provisions or fails to comply with any of the requirements thereof shall be subject to penalties as described by law. It is unlawful and a public nuisance for any person to maintain an unsafe or *dangerous building* or structure. Each and every day that a building or structure is maintained in an unsafe or *dangerous condition* is a new violation of The Abatement Provisions. It is a violation of The Abatement Provisions and unlawful to occupy a building or structure that has been ordered to be vacated.

CHAPTER B2 **DEFINITIONS**

SECTION B201 **GENERAL**

B201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of The Abatement Provisions, have the meanings shown in this chapter.

B201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

B201.3 Terms defined in other codes. Where terms are not defined in this chapter and are defined in the *International Building Code, International Residential Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, NFPA 70*, or the adopted building codes of the jurisdiction, such terms shall have the meanings ascribed to them as in those codes.

B201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION B202 **DEFINITIONS**

Dangerous building. A *dangerous building* is a building or portion thereof which is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure when described below as *dangerous structures*, having *dangerous equipment*, structures unfit for human occupancy, or having *dangerous conditions*.

Dangerous conditions. Any building, structure or part thereof that has one or more of the conditions or defects described below shall be deemed dangerous. *Dangerous conditions* include but are not limited to the following:

1. Any door, aisle, passageway, stairway, exit or other means of egress component that does not provide adequate access to an exit or sufficient capacity to provide a safe means of egress.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that 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 that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting loads of one half of that specified by the building code for new buildings or structures or similar construction, purpose and location without exceeding the working stresses permitted in the building code.
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 any 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 hazardous 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 enables persons to resort to the building or structure for committing an unlawful act.

8. Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the 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 building official to be insanitary, 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 maintenance of fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the building 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 as an attractive nuisance or hazard to the public.

Dangerous equipment. *Dangerous equipment* includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants.

Dangerous structure. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, damage, unstable foundation or faulty construction is in a condition that partial or complete collapse is possible and is judged to be hazardous.

Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the structure contains a *dangerous condition* or the building official finds that such structure is dangerous due to the degree to which the structure is in disrepair, lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, lacks ventilation, illumination, heating, sanitary facilities or other essential equipment, or the location of the structure constitutes a hazard to the occupants of the structure or to the public.

CHAPTER B3 **PROCEDURES FOR CONDUCT OF APPEAL HEARING**

SECTION B301 **GENERAL**

B301.1 Hearing. The hearing for any appeal case brought to the board of appeals, shall be conducted in one of the following manners:

1. By the board of appeals;
2. By one or more members of the board designated by the board to serve as hearing examiners;
or
3. By one or more hearing examiners appointed by the board who are not members of the board.

B301.1.1 Authority. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board of appeals for decision.

B301.2 Record. A record of the entire proceedings related to an appeal hearing shall be made. The record shall be retained in the records of the board of appeals in a manner and length of time established by the board.

B301.3 Transcripts. At the request of any party a transcript shall be made of the proceedings. The requesting party shall be responsible for any and all costs of recording the proceeding and producing the

transcripts. If a transcript is produced, the transcript shall be made available to all parties upon request and upon payment of any required fee. Where required by written policy of the board, requests for transcripts shall be submitted to the jurisdiction. The jurisdiction is authorized to establish necessary fees, but in no event shall the fees be greater than the costs involved.

B301.4 Continuances. The board of appeals is authorized to grant continuances in the proceedings related to an appeal hearing for good cause shown. Where a hearing has been assigned to a hearing examiner, the examiner is authorized to grant such continuances provided the matter remains before the examiner.

B301.5 Oaths—certification. In any proceedings under this chapter, the board of appeals, or the hearing examiner has the authority to administer oaths and affirmations and to certify to official acts.

B301.6 Reasonable dispatch. The board of appeals and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

B301.7 Timeliness of process. When an appeal has been filed in accordance with Section B110.5, a hearing shall be scheduled within the time period required by Section B110.6.1. The board of appeals shall issue its final decision within 180 calendar days of the date when the appeal was filed. Where agreed to by all parties to the appeal, extensions in deadline for final action by the board are authorized if good cause is shown.

SECTION B302 **FORM OF NOTICE OF HEARING**

B302.1 General. The notice to appellant shall be substantially in the following form. The notice shall include the information specified below as well as additional information determined necessary to provide complete notice.

“You are hereby notified that a hearing will be held before [the board of appeals or name of hearing examiner] at [] on [] day of [], 20[], at the hour [], on the notice and order served on you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with [board of appeals or name of hearing examiner].”

SECTION B303 **SUBPOENAS**

B303.1 Filing of Affidavit. The board of appeals or hearing examiner is authorized to obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing on the request of a member of the board or on the written demand of any party to the appeal. The issuance and service of such subpoena shall be obtained on the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states 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.

B303.2 Cases referred to hearing examiner. In cases where a hearing is referred to a hearing examiner, all subpoenas shall be obtained through the examiner.

B303.3 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 on such person as provided for herein shall be guilty of a misdemeanor.

SECTION B304
CONDUCT OF HEARING

B304.1 Rules. The board of appeals shall regulate the course of the hearings, and require the presentation of evidence in such manner and order that is most beneficial to the board. To the extent not inconsistent with The Abatement Provision and to the extent it advances the purposes of The Abatement Provision, practice before the board of appeal shall be guided by prevailing laws and regulations.

B304.2 Oral evidence. Oral evidence shall be taken only on oath or affirmation.

B304.3 Hearsay evidence. Hearsay evidence is permissible for the purpose of supplementing or explaining 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.

B304.4 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 might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

B304.5 Exclusion of evidence. Irrelevant and unduly repetitious evidence shall be excluded.

B304.6 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; and
6. To be represented by anyone who is lawfully permitted to do so.

B304.7 Official notice. The official notice procedure shall be in accordance with Sections B304.7.1 through B304.7.4.

B304.7.1 What may be noticed. 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 this state or of official records of the board or departments and ordinances of the city or rules and regulations of the board.

B304.7.2 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.

B304.7.3 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 oral presentation of authority, the manner of such refutation to be determined by the board or hearing examiner.

B304.7.4 Inspection of the premises. The board of appeals or the hearing examiner is authorized to inspect any building or premises involved in the appeal during the course of the hearing, provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made,
2. The parties are given an opportunity to be present during the inspection, and
3. The board of appeals 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 B305
METHOD AND FORM OF DECISION

B305.1 Hearing before board of appeals. When a contested case is heard before the board of appeals, any member who did not hear the evidence or has not read the entire record of the proceedings shall not vote on or take part in the decision.

B305.2 Hearing before hearing examiner. If a contested case is heard by a hearing examiner alone, the examiner shall, within 30 days from the date the hearing is closed, submit a written report to the board of appeals. The 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 a form that it can be adopted by the board as its decision 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.

B305.3 Consideration of report by board of appeals —notice. The board of appeals shall fix the time, date and place to consider the hearing examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all parties.

B305.4 Exceptions to report. Not later than two days before the date set to consider the report, any party has the right to file written exceptions to any part or all of the hearing examiner's report and offer an alternative to the proposed decision together with written argument in support of such decision. With permission of the board of appeals, any party has the right to present oral argument to the board.

B305.5 Disposition by the board of appeals. The board of appeals shall take one of the following actions regarding the proposed decision presented by the hearings examiner:

1. Adopt the decision in its entirety;
2. Reject the decision in its entirety; or
3. Modify the proposed decision.

B305.6 Proposed decision not adopted. When the proposed decision is not adopted by the board of appeals as provided in Section B305.5, the board shall either:

1. Decide the case on the entire record before it, with or without taking additional evidence, or
2. Refer the case to the same or another hearing examiner to take additional evidence. Where the case is reassigned to a hearing examiner, the examiner shall prepare a report and proposed decision as provided in Section B305.2 after any additional evidence is submitted. Consideration of such proposed decision by the board shall comply with the provisions of this section.

B305.7 Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, the effective date of the decision, and those items that require compliance. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, and with a return receipt requested.

Appeal Application Form

Appellant Information:

Name: _____
Address: _____
Telephone Number: _____ Email Address: _____

Property Owner Information:

Name: _____
Address: _____
Telephone Number: _____ Email Address: _____

Order Under Appeal:

List date and details of order under appeal.

_____ Date of Order: _____

Description of Order:

Received from Municipality/Jurisdiction: _____

Name of Official issuing the order: _____

Property Description under APPEAL:

Name of Municipality/Jurisdiction: _____

Roll Number: _____

Legal Description: _____

Address: _____

Type of APPEAL:

Order for Demolition: _____

Order to Vacate Building: _____

Order to Repair Building: _____

Other: _____

Building Occupancy Type:

Examples: Residential - Single Family; Residential - Multi Family; Commercial; Duplex/ Fourplex; Row Housing; Condominium; Walkup Apartment; High-rise Apartment; Townhouse; Other

Reason for Appeal: *(must check one of the following)*. An application for appeal shall be based on _____1) a claim that the true intent of The Abatement Provisions or the rules legally adopted thereunder have been incorrectly interpreted, _____2) the provisions of The Abatement Provisions do not fully apply, or _____3) an equally good or better form of compliance is proposed.

Explain relief sought, why it is claimed that the protested order or action should be reversed, modified or otherwise set aside.

Signature of Appellant/Owner/Authorized representative

Date Appeal Filed/Accepted

Reason: The proposed code change would add a new Appendix B to the International Property Maintenance Code (IPMC) to provide an important tool for jurisdictions that need it, but not mandate the provisions for jurisdictions that might not need it. The new proposed Appendix B is titled Provisions for Abatement of Dangerous Buildings.

In 2010, the ICC Board of Directors established an Ad Hoc committee to draft provisions for the abatement of dangerous buildings. The initiative for the committee's work arose due to numerous requests from ICC members whose jurisdictions had formerly adopted the Uniform Code for Abatement of Dangerous Buildings (UCADB), published by the ICC Legacy organization ICBO. The concern was that as jurisdictions adopted ICC codes, this valuable tool for code enforcement officials, that had previously been available, was lost.

There are many jurisdictions where adoption of a full property maintenance code is simply politically untenable. For the code officials in those jurisdictions there remains a pressing need for the proposed document to provide legal authority and guidance to abate distinctly dangerous buildings and conditions. Many such jurisdictions are still using older versions of some abatement documents without good coordination with the adopted I-Codes.

The Ad Hoc committee reviewed and discussed several documents related to the abatement of dangerous buildings, including an internal draft document that had previously been developed by the ICC Hazard Abatement Ad Hoc Committee and the UCADB. The committee then decided to base its work on the UCADB's provisions but revise as needed and include provisions from other documents such as the Hazard Abatement committee work. The provisions were updated, streamlined and revised as needed to be consistent with current ICC practices and format.

This proposal would add a new Appendix B to the IPMC that would be suitable for adoption by jurisdictions that do not have other provisions for abatement of dangerous conditions in buildings and premises providing an important tool. The proposed appendix provides a means for enforcement, as well as procedures that can be used to conduct appeals. The proposal will not affect those jurisdictions that have no need for it

The ICC Ad Hoc Committee for Abatement of Dangerous Buildings consisted of the following members:

Chair Lynn Underwood, CBO, MCP, City of Norfolk, VA;
Vice Chair Steven Rocklin, R.A. Assistant Director, Regional Services, Albany, NY

Members:

James Doody, Consulting Engineer, Calgary, Alberta, Canada
Joe Ehrlich, Senior Building Inspector, St. Paul, MN
Steve Ikkanda, JAS Pacific, VP Research and Code Development, Alhambra, CA (partial attendance)
Wayne R. Jewell, CBO, Building Official, Southfield, MI (partial attendance)
Paul R Klein, CBO, CASp, Chief Building Official, Yuba City, CA (partial attendance)
Paul R. Lopes, Littleton, NH
John H. Mertens, Fire Protection Engineer, Phoenix, AZ
Jim Olk, Building Official, Farmers Branch, TX
Linda Pieczynski, Attorney at Law, Hinsdale, IL

Anne R. vonWeller, Public Services Deputy Director, Murray, UT
Hector Buitrago, Chief of Code Enforcement Bureau, Los Angeles, CA (partial attendance)

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

PM17-13

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

APPENDIX B (NEW)-G-UNDERWOOD

PM18 – 13

Appendix B (New)

Proponent: Rebecca Morley, representing National Center for Healthy Housing

Add new text as follows:

APPENDIX B **ENVIRONMENTAL SAFETY**

B101 **GENERAL**

B101.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for the environmental safety a premises.

B101.2 Responsibility. The owner of a premise shall maintain the premises in compliance with these requirements. A person shall not occupy as owner-occupant, permit another person to occupy, or allow the public to use any premises which does not comply with the requirements of this appendix. Occupants of a dwelling unit, rooming unit or housekeeping unit shall not cause an area or space that they occupy and control to violate the provisions of this appendix.

B101.3 Approved Testing Methods. The code official is authorized to require testing or inspection consistent with approved methods as evidence of compliance with this appendix. The code official shall accept results from a recognized agency regularly engaged in conducting tests or furnishing inspection services or from an individual licensed in accordance with the statutory requirements of federal, state, or jurisdiction laws to conduct the testing or inspection. The testing or inspection results shall be deemed sufficient to establish whether a premise is in compliance with the requirements of this appendix. The building owner shall pay the cost of testing or inspection.

B101.4 Vacating. When an area is required to be vacated by this chapter due to a hazardous condition, entry shall be prohibited except by persons performing or overseeing the removal of the hazard. The code official shall order the area to be vacated in accordance with Section 108 of this code.

B102 **ANIMAL WASTES**

B102.1 Exterior accumulations. Animal wastes shall be contained and disposed of in a safe and sanitary manner so as to control insects, vermin, odor and the spread of disease.

B102.2 Interior accumulation. Animal waste shall not be allowed to accumulate in any dwelling unit except in an approved device which is properly maintained to contain excrement and control odor.

B103 **HAZARDOUS BUILDING MATERIALS**

B103.1 Maintenance. Building materials containing hazardous substances shall be maintained intact and in such a manner as to prevent the hazardous substances from becoming airborne or ingestible. Substances when present above the following amounts are deemed hazardous:

Asbestos (including vermiculite) – materials containing 1% asbestos by weight or area.

Formaldehyde - materials containing 0.00016% formaldehyde by weight or area.

Lead based paint– 0.5% lead by weight; 1.0 milligrams of lead per square centimeter.

Lead-based paint hazards - dust on floors containing 40 micrograms of lead per square foot; dust on interior window sills containing 250 micrograms of lead per square foot; bare soil in children's play

areas containing 400 parts per million (ppm) of lead; bare soil in areas of the yard that are not children's play areas containing 1200 ppm average.

When another adopted standard conflicts with these allowable levels, the more restrictive shall apply.

B103.2 Remediation. When building materials containing hazardous substances are deteriorated or have released hazardous substances, the condition causing the building material to deteriorate or to release hazardous substances shall be corrected and the exposed area shall be cleared of the hazardous substances. The code official is authorized to prohibit occupancy of the affected space as provided by section 108 of this code until the contaminated area and the cause of the building material becoming deteriorated has been remediated or removed.

B104 **HAZARDOUS GASES**

B104.1 Allowable levels. Within a dwelling unit, the following gases shall not exceed these specified allowable levels:

Carbon monoxide-- 9 PPM averaged over 8 hours; 35 PPM averaged over 1 hour; and 200 PPM maximum concentration as measured in general indoor air not directly above a combustion source.
Formaldehyde-- 0.05 PPM based on a 60 minute sampling period.
Radon-- 4 picocuries of radon per liter of air in the lowest occupied level.

When another adopted standard conflicts with these allowable levels, the more restrictive shall apply.

B104.2 Mitigation. Gaseous hazardous substances determined by an approved testing method to exceed the levels provided in section B104.1 shall be mitigated. The code official is authorized to order the affected area to be vacated until testing by an approved testing method finds the area to be in compliance with section B104.1.

B105 **PESTICIDES**

B105.1 General. Pesticides shall be stored in the manner prescribed by the manufacturer and shall be applied only in areas and at concentrations which comply with the labeling of the manufacturer.

B105.2 Mitigation. When it is determined by an approved method that a pesticide has been applied in -a location or at a concentration contrary to manufacturer labeling, the code official is authorized to order the area affected by or containing such pesticide to be vacated until the hazard has been mitigated.

B105.3 Removal. If a pesticide is stored in a location that does not comply with manufacturer labeling, the code official is authorized to order the area containing such pesticide to be vacated until the pesticide has been properly stored or removed.

B106 **CHEMICAL CONTAMINANTS**

B106.1 Vacating. When determined by an approved testing method that a dwelling unit is contaminated by a chemical at a concentration and in such a condition as to be hazardous to human health after short term exposure, the code official is authorized to order the dwelling unit to be vacated and remain vacated until the hazard has been abated.

B106.2 Illegal Methamphetamine manufacturing sites. A dwelling unit declared by a law enforcement agency or health official to be a site of illegal Methamphetamine manufacture shall be vacated and shall not be occupied until certified by an approved testing method as safe from hazardous materials related to the Methamphetamine manufacturing process.

B107
BIOLOGICAL HAZARDS

B107.1 Waterborne organisms. When determined by an approved testing method that the domestic water supply of a dwelling unit is contaminated with toxin producing bacteria, human parasite, or other organism deemed by an approved testing method as dangerous to human health, the water supply shall be made safe. The code official is authorized to order the dwelling unit to be vacated until such time as the water supply is safe as determined by an approved testing method. The code official is authorized to permit use of a water purification system capable of removing organisms or use of an alternative water supply on a temporary basis provided the water so supplied is safe for drinking and bathing.

B107.2 Airborne organisms. Heating, air conditioning and ventilation systems shall be kept clean and maintained so as to prevent the growth of harmful organisms within the system.

B108
AIR-BORNE CONTAMINATES

B108.1 Air-borne contaminates. Spaces in which air borne contaminates are generated shall comply with the International Mechanical Code requirements for hazardous exhaust systems. Air-borne contaminates shall not be circulated between tenant spaces or dwelling units except where contaminates have been removed by properly installed and maintained equipment.

B109
SANITARY CLEANUP

B109.1 Sanitary cleanup. After an event such as sewage spill or flooding makes occupancy of a space unsafe or unhealthful due to sanitation hazards, the space shall not be occupied until the unsafe or unhealthful conditions are removed in accordance with this section.

B109. 2 Prescriptive methods. When the prescriptive methods contained in sections B109. 2.1 through B109. 2.2 are used, the hazard shall be deemed to have been abated.

B109. 2.1 Sewage spills. All water containing sewage and all sewage solids shall be removed and disposed of in a safe and sanitary manner. Every absorbent material in contact with sewage or water which contains sewage shall be removed. Every non-absorbent material in contact with sewage or water which contains sewage shall be cleaned with detergent and disinfected household bleach in water.

B109.2.2 Flood damage. Any material that has been damaged or weakened by water shall be removed. Material saturated by water, such as insulation or gypsum board, shall be removed. All surfaces that support mold growth which have come in contact with water shall be removed or thoroughly dried and treated with a fungicide. All materials and systems required by this code, the International Building Code or the International Residential Code shall be replaced or restored to a dry condition and capable of performing the intended purpose. When flood water is known to be contaminated with harmful chemical compounds, the contamination shall be removed and the area shall be tested and found safe by an approved testing method in addition to the other requirements of this section.

B110
FOOD STORAGE AND PREPARATION AREAS

B110.1 Responsibility. The occupant of each space with a food storage or preparation area shall be responsible to maintain that area in accordance with this section.

B110.2 Food preparation areas. Food preparation areas shall be maintained free of spoiled or rotting foodstuffs. There shall be no accumulated grease on surfaces in food preparation areas, including counters, walls, floors, ceilings, appliances and storage areas.

B110.3 Food storage. Food shall be stored in a clean and sanitary condition and be protected from insect or animal pests.

Reason: Numerous hazards to health are present in the home environment. The proposed appendix provides parameters for the code official to recognize and address hazards such as those described below.

1. Asbestos products were extensively used in building materials. They continue to be legal to sell and to use. Intact asbestos is not a hazard. It becomes a hazard when damaged or deteriorated and releases friable asbestos. See www.epa.gov/asbestos/pubs/ashome.html for details. The U.S. Environmental Protection Agency (EPA) and most states license asbestos inspectors.
2. Radon is the leading cause of lung cancer in people who have never smoked. U.S. Environmental Protection Agency (EPA) has established a recommended maximum exposure level of four picocuries of radon per liter of air in occupied areas. This level can be achieved through established technology in a cost effective manner. The radon controls also reduce moisture and soil gas intrusion. See www.epa.gov/radon/pubs/newconst.html. Two national organizations and some states certify radon professionals to measure radon levels in residences.
3. Lead can cause permanent damage to a child's brain that is manifested as lower IQ levels, learning disorders and violent behavior. In adults, it can cause hypertension. The levels for lead in dust on floor and window sills are expected result in less than 5% of the children younger than six years of age playing on the floor to be lead poisoned. The current EPA standards of 40 micrograms of lead per square foot on the floor and 100 micrograms of lead per square foot on an interior window sill at 40 CFR Part 745 Subpart D. These levels can result in 15 to 20% of the children playing on the floor to be lead poisoned. See Dixon SL, Gaitens JM, Jacobs DE et al. (2009) Exposure of U.S. children to residential dust lead, 1999-2004: II: The contribution of lead-contaminated dust to children's blood lead levels. *Environmental Health Perspectives* 117(3) at www.nchh.org/LinkClick.aspx?fileticket=4Q/PvfvDTIs=&tabid=165. EPA and many states certify lead risk assessors, lead inspectors and dust sampling technicians to take the dust samples and make the determination.
4. Drinking water contamination at levels that exceed the contaminant standards established by EPA are unhealthy and can be dangerous. See U.S EPA standard at 40 Code of Federal Regulations Part 141 or www.epa.gov/safewater/contaminants. EPA and many states certify drinking water testing laboratories.
5. Arsenic is a known carcinogen and can be toxic. When properly sealed, the health risk is relatively low. However, arsenic from splinters that penetrate the skin can be a serious health problem that can be avoided by repairing wood that shows evidence of splintering.

This is the latest in efforts over several years to add health-related requirements to the code. Because the proposal addresses basic hazards that injure health and threaten life that can be present anywhere in the dwelling, these standards involve more building components and systems covered by more than one section of the IPMC. The proposal clearly enumerates various health issues and describes minimum standards to enable the code official to have a more solid legal standing to address those issues. Although we have proposed it as an appendix, the material could also fit the code as a new Chapter 8.

Past comments concerned testing activities and concern about on what agency testing responsibility may fall. Here we propose that approved methods must be used when testing or inspections are required, and that the code official can order the property owner to pay for testing as needed. The code official is authorized to accept this documentation to establish compliance with other hazards where technical knowledge is required, much in the fashion an engineer's report would be accepted for a structural concern in a building. A clear basis for a decision strengthens the code official's position when challenged on appeal or in court.

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

PM18-13

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

APPENDIX B (NEW)-PM-MORLEY